

Women's Bodies as a Battleground:

Sexual Violence Against
Women and Girls During the War in
the Democratic Republic of Congo

South Kivu (1996-2003)

Réseau des Femmes pour un Développement Associatif
Réseau des Femmes pour la Défense des Droits et la Paix
International Alert
2005

Réseau des Femmes pour un Développement Associatif (RFDA), Réseau des Femmes pour la Défense des Droits et la Paix (RFDP) and International Alert

The Réseau des Femmes pour un Développement Associatif and the Réseau des Femmes pour la Défense des Droits et la Paix are based in Uvira and Bukavu respectively in the Democratic Republic of Congo. Both organisations have developed programmes on the issue of sexual violence, which include lobbying activities and the provision of support to women and girls that have been victims of this violence. The two organisations are in the process of creating a database concerning violations of women's human rights. RFDA has opened several women's refuges in Uvira, while RFDP, which is a founder member of the Coalition Contre les Violences Sexuelles en RDC (Coalition Against Sexual Violence in the DRC) is involved in advocacy work targeting the United Nations, national institutions and local administrative authorities in order to ensure the protection of vulnerable civilian populations in South Kivu, and in particular the protection of women and their families. International Alert, a non-governmental organisation based in London, UK, works for the prevention and resolution of conflicts. It has been working in the Great Lakes region since 1995 and has established a programme there supporting women's organisations dedicated to building peace and promoting women's human rights.

Funders

We would like to thank the Department for International Development (DFID)'s Africa Great Lakes and Horn Department, Comic Relief and CORDAID for the financial support that they have given towards this report.

Women's Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo

South Kivu (1996-2003)

"They have destroyed our bodies and stripped us of our possessions."

(M.C., KASHEKE, KALEHE, SOUTH KIVU, DRC)

"The use of rape in conflict reflects the inequalities women face in their everyday lives in peacetime. Until governments live up to their obligations to ensure equality, and end discrimination against women, rape will continue to be a favourite weapon of the aggressor."

(AMNESTY INTERNATIONAL: HUMAN RIGHTS ARE WOMEN'S RIGHTS, LONDON, 1995)

This study was conducted and written by a team of consultants comprising:

Marie Claire Omanyondo Ohambe

Associate Professor

Institut Supérieur des Techniques Médicales

Section Sciences Infirmières

Kinshasa

Democratic Republic of Congo

Jean Berckmans Bahananga Muhigwa

Professor

Département de Biologie

Centre Universitaire de Bukavu

Bukavu

Democratic Republic of Congo

Barnabé Mulyumba Wa Mamba

Director

Institut Supérieur Pédagogique

Bukavu

Democratic Republic of Congo

Editing was by:

Martine René Galloy

International Consultant

Specialist in Gender, Conflict and Electoral Processes

Ndeye Sow

Senior Adviser

International Alert

Catherine Hall

Communications Officer

International Alert

Field data was collected by a team comprising:

Women from the Réseau des Femmes pour un Développement Associatif (RFDA), who carried out research in Uvira, the Ruzizi Plain, Mboko, Baraka, Fizi and Kazimia

1. Lucie Shondinda

2. Gégé Katana

3. Elise Nyandinda

4. Jeanne Lukesa

5. Judith Eca

6. Brigitte Kasongo

7. Marie-Jeanne Zagabe

Women from the Réseau des Femmes pour la Défense des Droits et la Paix (RFDP) who carried out research in Bukavu, Walungu, Kabare, Kalehe and Shabunda

1. Agathe Rwankuba

2. Noelle Ndagano

3. Rita Likirye

4. Venantie Bisimwa

5. Laititia Shindano

6. Jeanne Nkere

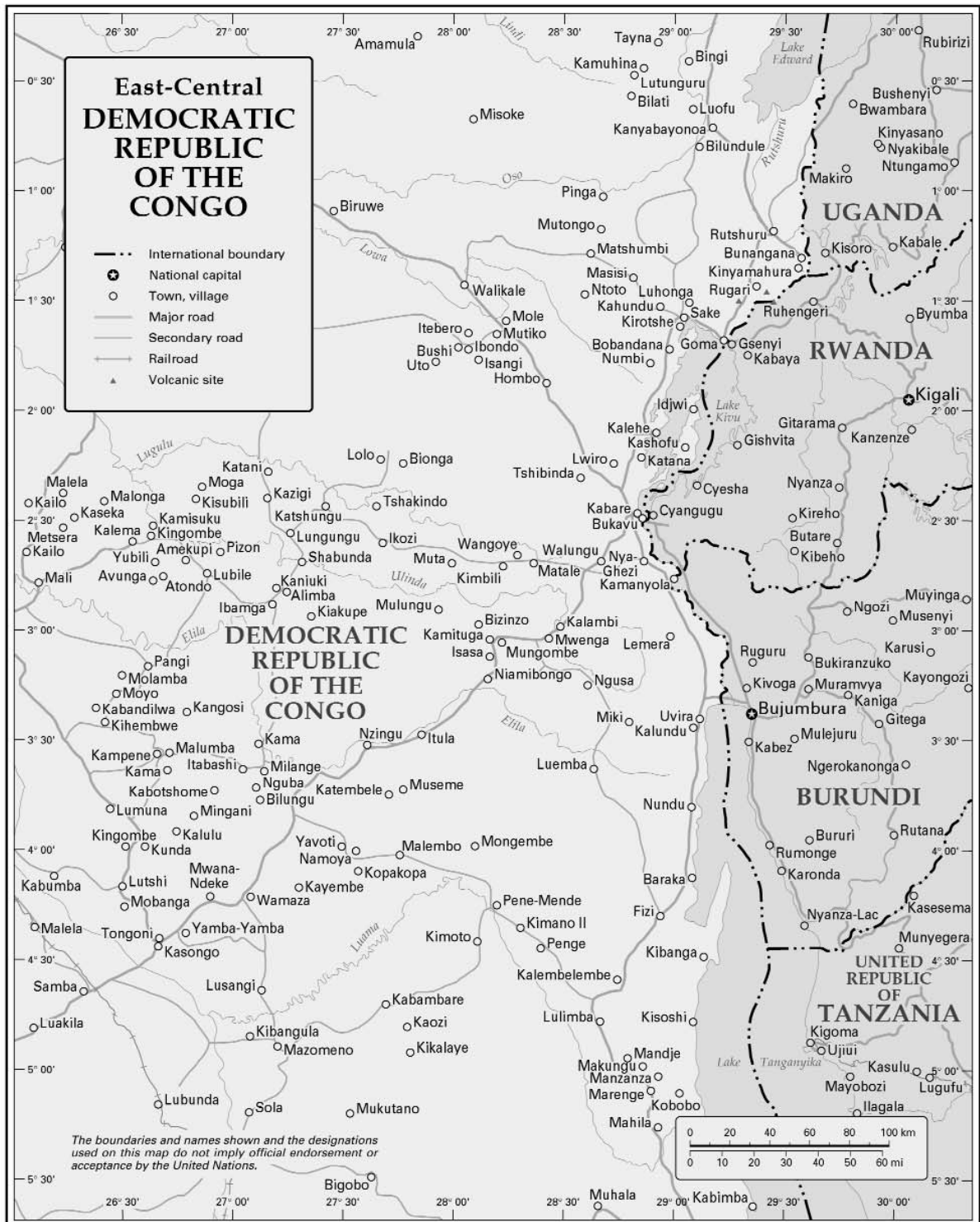
The research was coordinated by:

Annie Bukaraba

Coordinator

International Alert's Women's Peace Programme,

Eastern Democratic Republic of Congo



CONTENTS

| | |
|--|-----------|
| Figures, tables and graphs | 6 |
| Abbreviations and acronyms | 7 |
| Preface | 8 |
| Introduction | 11 |
| CHAPTER 1: Methodology | 13 |
| 1.1 Methodological approach | 13 |
| 1.2 Research questions | 13 |
| 1.3 Research objectives | 13 |
| 1.3.1 Overall objective | 13 |
| 1.3.2 Specific objectives | 13 |
| 1.4 The sample | 14 |
| 1.4.1 Selecting the sites for the research | 14 |
| 1.4.2 Selecting the interviewees | 14 |
| 1.4.2.1 Rape victims | 14 |
| 1.4.2.2 The military and Mai Mai rebels | 15 |
| 1.5 Data-collection techniques | 15 |
| 1.6 Ethical considerations | 15 |
| 1.7 System for analysing the data | 15 |
| CHAPTER 2: The Socio-Economic, Political and Military Context of South-Kivu | 16 |
| 2.1 South Kivu: an area of contrasts | 16 |
| 2.2 Administrative divisions of South Kivu | 16 |
| 2.3 The socio-economic consequences of the war in South Kivu | 17 |
| 2.4 The war in the areas selected for the survey | 18 |
| 2.4.1 An extremely militarised area | 18 |
| 2.4.1.1 The army of the Rassemblement Congolais pour la Démocratie (RCD-Goma) | 19 |
| 2.4.1.2 The Rwandan Patriotic Army (RPA) | 19 |
| 2.4.1.3 The Forces Armées Burundaises (FAB) | 20 |
| 2.4.1.4 The Mai Mai militias | 20 |
| 2.4.1.5 The Burundian Hutu militias – Forces de Défense de la Démocratie (FDD) and Forces Nationales de Libération (FNL) | 21 |
| 2.4.1.6 The Banyamulenge militias | 21 |
| 2.4.1.7 The Rwandan Hutu militias | 21 |
| 2.5 Some of the areas surveyed | 22 |
| 2.5.1 Uvira and Fizi Territories | 22 |
| 2.5.2 Moyens Plateaux | 22 |
| 2.5.3 Shabunda Territory | 23 |
| 2.5.4 Kalehe Territory | 23 |
| CHAPTER 3 : The Position of Women and Socio-Cultural Perceptions of Sexual Violence in South Kivu | 25 |
| 3.1 The position of women | 25 |
| 3.1.1 The feminisation of poverty | 25 |
| 3.1.2 Customs, practices and legislation that discriminate against women | 26 |
| 3.1.3 The lack of policies and mechanisms for the advancement of women | 27 |
| 3.2 The significance of rape in the traditional context of South Kivu | 27 |
| 3.3 In Burundi and Rwanda, acts of sexual violence are everyday events | 28 |

| | |
|--|----|
| CHAPTER 4: Socio-Demographic Characteristics of Interviewees | 29 |
| 4.1 Age | 29 |
| 4.2 Marital status | 30 |
| 4.3 Level of education | 30 |
| 4.4 Occupation | 31 |
| 4.5 Religious affiliation | 32 |
| 4.6 Ethnic origin | 32 |
| CHAPTER 5: Types of Rape and Sexual Violence | 33 |
| 5.1 Types of rape | 33 |
| 5.1.1 Individual rape | 33 |
| 5.1.2 Gang rape | 33 |
| 5.1.3 Forced rape between victims | 34 |
| 5.1.4 Rape involving the insertion of objects into the victim's genitals | 34 |
| 5.2 Planned rape | 35 |
| 5.3 Identity of the attackers | 36 |
| CHAPTER 6: The Consequences of Sexual Violence for Women and their Communities in South Kivu | 39 |
| 6.1 The consequences of sexual violence for the health of women in South Kivu | 39 |
| 6.1.1 Physical and reproductive health | 39 |
| 6.1.2 Psycho-social consequences of the rapes | 42 |
| 6.1.3 Socio-economic consequences of the rapes | 44 |
| CHAPTER 7: The Motives of Soldiers and Militiamen Involved in Rape and Sexual Violence | 45 |
| 7.1 The views and perceptions of the victims and of those members of armed groups who were interviewed | 45 |
| 7.1.1 The lack of organisational structure, training and discipline amongst the fighting forces | 45 |
| 7.1.2 Rape as a means of survival for armed forces | 46 |
| 7.1.3 Legitimising rape – a 'prize' for bravery and the ideal 'drug' to boost the troops' morale | 47 |
| 7.1.4 Using women's bodies to humiliate the enemy | 48 |
| 7.1.5 Rape as a deliberate method of exterminating the Congolese people | 48 |
| 7.1.6 Ritualising rape in order to either gain or neutralise magical powers | 49 |
| 7.1.7 Rape as a tool for political repression against human rights campaigners | 50 |
| 7.1.8 Score-settling between individuals or between communities | 50 |
| 7.1.9 Widespread banditry in the region – a fertile ground for rape and sexual violence | 50 |
| Conclusion | 51 |
| CHAPTER 8: Institutional Responses to Sexual Violence Against Women | 52 |
| 8.1 The powerlessness of local customary and administrative authorities | 52 |
| 8.2 Congolese law and the act of rape: the lack of a gender perspective | 52 |
| 8.3 International legal instruments ratified by the DRC | 54 |
| CHAPTER 9: Civil Society and Support for the Victims of Rape and Sexual Violence | 56 |
| 9.1 Organisations working to care for victims: "Unity is strength" | 56 |
| 9.2 Difficulties encountered by civil society | 59 |
| CONCLUSION | 60 |
| RECOMMENDATIONS | 63 |
| BIBLIOGRAPHY | 65 |
| APPENDIXES | 68 |

TABLES, FIGURES AND GRAPHS

1. TABLES

| | | |
|-----|---|----|
| 1: | Administrative divisions and basic economic activities of South Kivu | 17 |
| 2: | Identified by the organisation 'IFDAP: Initiatives des Femmes pour le Développement, l'Auto Promotion et la Paix/Women's initiatives for development, self-promotion and peace' | 22 |
| 3: | Distribution of interviewees by age | 29 |
| 4: | Distribution of interviewees by marital status | 30 |
| 5: | Distribution of interviewees by level of education | 30 |
| 6: | Distribution of interviewees by occupation | 31 |
| 7: | Distribution of interviewees by religion | 32 |
| 8: | Distribution of interviewees by ethnic group | 32 |
| 9: | Distribution of interviewees by number of attackers | 33 |
| 10: | Distribution of interviewees by place where attack occurred | 36 |
| 11: | Distribution of attackers by origins, according to opinions of interviewees | 37 |
| 12: | Health problems resulting from the rapes | 39 |

2. FIGURES

| | | |
|----|---|----|
| 1: | Location of areas where research took place | 14 |
| 2: | Images showing how victims live | 26 |

3. GRAPHS

| | | |
|----|--|----|
| 1: | Interviewees according to level of education | 31 |
| 2: | Medical problems diagnosed among 658 rape victims who were patients at the Saint Paul health centre in Uvira | 41 |

ABBREVIATIONS AND ACRONYMS

| | |
|-----------------|--|
| ABUBEF | Association Burundaise pour le Bien-Être Familial |
| ADIF | Association pour le Développement Intégral des Femmes |
| AFDL | Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre |
| AFIP | Action des Femmes pour les Initiatives de Paix |
| ALIR | Armée de Libération du Rwanda |
| ALUDROFE | Association de Lutte pour la Défense des Droits de la Femme et de l'Enfant |
| AMI | Agence Médicale Internationale |
| ANC | Armée Nationale Congolaise |
| CCVS | Coalition Contre les Violences Sexuelles |
| FAR | Forces Armées Rwandaises |
| FAP | Forces d'Auto-Défense Populaires |
| FDD | Forces de Défense de la Démocratie |
| FNL | Forces Nationales de Libération |
| IFDAP | Initiatives des Femmes pour le Développement, l'Auto-Promotion et la Paix |
| MSF | Médecins Sans Frontières |
| NGO | Non governmental organisation |
| PSVS | Programme de Secours aux Vulnérables et Sinistrés |
| RCD | Rassemblement Congolais pour la Démocratie |
| RFDA | Réseau des Femmes pour un Développement Associatif |
| RFDP | Réseau des Femmes pour la Défense des Droits et la Paix |
| RPA | Rwandan Patriotic Army |
| RPF | Rwandan Patriotic Front |
| SAF | Service des Activités Féminines |
| SOFAD | Solidarité des Femmes Activistes pour la Défense des Droits Humains |
| SOFIBEF | Solidarité des Femmes de Fizi pour le Bien-Être Familial |
| UEFA | Union pour l'Emancipation des Femmes Autochtones |

PREFACE

History has shown that there is a link between war and the control of women's sexuality and of their productive and reproductive capacities through rape, sexual harassment and prostitution.¹ This is particularly true of the war that has raged since 1996 in the east of the Democratic Republic of Congo (DRC), where sexual violence and abuse against women and girls has been, and continues to be, committed on a large scale. This report shows how women and girls have been exploited as producers and reproducers both in order to maintain the fighters and ensure their day-to-day survival as well as to provide them with sexual services.

Acts of sexual violence have been committed by combatants on all sides: fighters belonging to the Rassemblement Démocratique Congolais pour la Démocratie (RCD), soldiers of the Rwandan and Burundian national armies, Maï Maï and Interahamwe militias, and Burundian rebels of the Forces pour la Défense de la Démocratie (FDD) and the Front National pour la Libération (FNL). Despite the considerable progress made on the political front in the DRC since the end of 2002, with the ratification of various peace accords and the establishment of a transitional government in June 2003, political and administrative reunification has not been fully achieved. The security situation remains worrying in the east of the country, where acts of sexual violence are still taking place. There have been reports of many cases of rape following the brutal events that shook South Kivu in May–June 2004.

Since 2000, the UN Security Council has been paying particular attention to the situation of women and girls during armed conflicts. Thus Resolution 1325, adopted by the Security Council in October 2000 recognised the extent and gravity of sexual and sexist violence against women and girls, as well as the need to put in place prevention and protection mechanisms.² Moreover, the UN Secretary-General's two reports on 'Women, Peace and Security', which were published in October 2000 and October 2004 respectively,³ devote considerable space to the issue of sexual violence as a violation of the basic rights of women and girls during armed conflict. The Secretary-General calls for this to be taken into account in the planning and execution of all peacekeeping operations.⁴ The two reports also underline the need to take concrete measures to put an end to the impunity enjoyed by the perpetrators of sexual and sexist violence.

The African Union (AU), of which the DRC is a member has likewise turned its attention to the problem of sexual violence, one of the main features of the deadly conflicts that ravage the African continent. In Article 11 of the Protocol to the African Charter on Human and People's Rights Relating to the Rights of Women in Africa, the member states of the AU undertake to protect women during armed conflicts from all forms of sexual violence and exploitation and to ensure that such acts of violence are

¹ Lorentzen, L.A., and Turpin, J. (eds.), *The Women and War Reader*, New York University Press, New York, 1998.

² Resolution 1325 was adopted by the Security Council at its 4,213th session on 31 October 2000.

³ United Nations Security Council, *Report of the Secretary-General on Women, Peace and Security, 16 October 2002, S/2002/1154*, 2002. *Report of the Secretary-General on Women, Peace and Security, 13 October 2004, S/2004/814*, 2004.

⁴ United Nations Security Council, *Women, Peace and Security, 16 October 2002*, op. cit.

regarded as war crimes, crimes of genocide and crimes against humanity, and that the perpetrators of such crimes are brought to justice in the appropriate courts of law.⁵

However, although these efforts on the part of the international community are to be welcomed, it has to be said that they have failed to prevent acts of sexual violence, which continue on a massive scale in conflict zones. Impunity likewise remains a major problem, despite the advances represented by the creation of the International Criminal Court (ICC) and the prospect of the perpetrators of gender-based crimes during conflicts having to answer to this court for their acts. The DRC has adhered to the Rome Statute but the ICC can only take on cases regarding crimes committed prior to 1 July 2002. In the DRC, none of the fighting forces involved in the war has been made to face up to the atrocities committed against women, girls and the entire civilian population.

The women of South Kivu mobilised very early on to denounce the sexual violence and impunity and to fight for the recovery of the victims' rights. In the provincial capital Bukavu, the CCVS (Coalition Contre les Violences Sexuelles/Coalition Against Sexual Violence) was formed following a consultative meeting between several local women's organisations. The CCVS put forward to the Congolese legislative authorities proposals for reforming the national criminal law, with a view to redefining and reinforcing provisions against rape. However, these proposals went unheeded. Congolese women have also taken steps to provide concrete assistance to victims. For example, in the Uvira area, women's refuges ('Maison des Femmes') have been opened by women's organisations, offering a place of refuge and also material, psychological and medical support to women who have been raped. Thanks to this initiative, more and more victims are finding the courage to speak openly about the atrocities committed in their own areas, which makes it easier both to take care of them and to discover the scale of the problem.

This study was commissioned, with International Alert's support, by two women's organisations in South Kivu, Réseau des Femmes pour un Développement Associatif (RFDA), based in Uvira, and Réseau des Femmes pour la Défense des Droits et la Paix (RFDP), which has its headquarters in Bukavu. The women who were interviewed displayed great courage in recounting the many forms of violence and cruelty they had endured. We extend our warmest thanks to them .

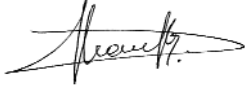
We are also deeply grateful to the organisations and centres supporting victims of rape and violence, who were not only kind enough to supply us with extremely useful documentation and raw data for our research, but also enabled us to make contact with the people we wished to interview. In particular we would like to mention: Centre Olame, Union pour l'Emancipation des Femmes Autochtones (UEFA), the Junior and Saint Paul medical centres, Vision Teqoa, the Lamera hospital at Panzi, Save Humanitarian, Arche de l'Alliance, Association de Lutte pour la Défense des Droits de la Femme et de l'Enfant (ALUDROFE), Solidarité des Femmes Activistes pour la Défense des Droits Humains (SOFAD), the Ordonnance Baraka dispensary, Solidarité des Femmes de Fizi pour le Bien-être Familial (SOFIBEF) and Programme de Secours aux Vulnérables et Sinistrés (PSVS).

The political and military authorities were contacted in the areas where we carried out our research, and they provided our investigators with information, and a degree of security or protection, for which we thank them. We should also mention the Maï Maï and other fighters who were interviewed, even if we did not obtain a great deal from these interviews.

We can never thank enough the consultants who agreed to carry out this research in a difficult security context. Finally, we are deeply grateful to all those who made a valuable contribution to this study, through their constructive comments when the results of the research were made public, at the Round Table held at the Restaurant Bodega in Bukavu on 28 November 2003 and at the panel discussions in New York during the 48th session of the UN Commission on the Status of Women, and in Washington at the Woodrow Wilson International Center for Scholars in March 2004. We

⁵ The Protocol Relating to Women's Rights was adopted by the 2nd ordinary session of the Conference of Heads of State and of the Government of the African Union, held at Maputo in Mozambique, July 2003.

would like to thank in particular Howard Wolpe, Director of the Africa Department of the Woodrow Wilson Center and former US Special Envoy to the Great Lakes region, who chaired the panel and presided over the debates held at that institution.



Jeanne d'Arc Chakupewa
Executive Secretary
Réseau des Femmes pour
un Développement
Associatif (RFDA)



Vénantie Bisimwa
Executive Secretary
Réseau des Femmes pour
la Défense des Droits et
la Paix (RFDP)



Ndeye Sow
Senior Advisor
International Alert

INTRODUCTION

The world today is experiencing a new type of armed conflict, different from the more traditional war between nations. These new conflicts are characterised by the 'privatisation' of violence⁶ and the use of private armies, community self-defence groups and paramilitary forces, but above all by ethnically-based militias – combatants who have no regard for international agreements and protocols, who attack civilians and take them hostage. These acts of violence, which are inflicted on entire populations very often include rape and other forms of sexual violence, both against women, and, increasingly, also against men.

In 1996, the Democratic Republic of the Congo (DRC) in the Great Lakes region of Africa experienced a first war. This was in part due to internal factors but the country had also been affected by the shockwaves of the conflicts in Rwanda and Burundi, which had a significant destabilising effect on eastern DRC. These conflicts represent a real challenge in geopolitical terms; they have altered the overall military picture in Africa and have made a deep impression on the rest of the world, both because of the complex and entangled nature of the various forces present in the territories affected, and the appalling number of civilian victims.

The province of South Kivu, the focus of this study, borders on both Rwanda and Burundi, and has therefore served as the point of entry for the foreign troops who have made their way across the province in all directions since 1996. Before then, in 1994, South Kivu had received more than 1.5 million Rwandan refugees, escorted there by French troops in 'Opération Turquoise' after the crushing defeat of the former Rwandan army. The military situation in this part of the DRC is extremely complex and this study briefly describes the various armed groups that are active in South Kivu, either on their own or in alliance with others, according to whatever is in their own interest at any one time.

Another characteristic of the armed conflicts in the DRC is the degree of cruelty and the scale of the rape and sexual violence committed against women, young girls and sometimes men. The scale of this violence, which some observers have called 'murderous madness',⁷ prompted RFDP and RFDA, with the support of International Alert, to examine the socio-cultural roots of this violence and the different forms that it takes. Some attention has been paid to these issues by other local and international organisations, but existing studies on sexual violence against women in South Kivu concentrate mainly on describing and condemning these inhumane acts, and on underlining the fact that they constitute a violation of women's human rights. However, no less important is the fact – observed and highlighted in other studies – that this type of violence is rarely an isolated phenomenon and that, on the contrary, there is a strong link between violence committed at individual, institutional and structural level.

This study is based on extensive data, obtained from detailed interviews with 492 rape victims and from the examination of files relating to 3,000 victims of rape and sexual violence kept by local organisations. Fifty members of the armed forces were interviewed, but their statements on the whole were rather vague and evasive compared with those of the victims.

⁶ Turshen, M., and Twagiramariya, C. (eds.), *Ce que font les femmes en temps de guerre: Genre et conflit en Afrique*, L'Harmattan, Paris, 2001.

⁷ Human Rights Watch, *La guerre dans la guerre - Violence sexuelle contre les femmes et les filles dans l'Est du Congo*, New York, 2002.

The aim of the study, which is divided into nine chapters, is to contribute to an understanding of sexual violence in South Kivu. Chapter 1 begins with a description of the methodology used. Chapter 2 looks at the socio-economic, political and military context of South Kivu, also showing how the violence is perceived from a socio-cultural standpoint; Chapter 3 discusses the position of women in South Kivu society and Chapter 4 sets out the socio-demographic characteristics of those interviewed. The study also examines the extent of the violence, the forms that it takes and its perpetrators as well as identifying the survival strategies deployed by victims and their communities. Chapter 5 sets out the various forms of rape committed and Chapter 6 describes not only the physical and psychological consequences for victims of rape and sexual violence, but also the social consequences of these acts. Chapter 7 scrutinises the motives for these violent acts both as perceived by the victims themselves, and also on the basis of the statements made by those few perpetrators who agreed to talk about them. The institutional response – ie, that of local and state authorities – is covered in Chapter 8, with a particular focus on how Congolese legislation deals with sexual violence, while Chapter 9 highlights the role of civil society, which takes care of victims in a variety of ways.

Recommendations are made on the basis of the research findings, with a view to raising awareness among all those – activists, researchers but above all decision-makers with a particular interest in the situation of victims of rape and sexual violence who are working to eliminate this crime against humanity.

1

Methodology

1.1 Methodological approach

This study is a retrospective investigation that describes and analyses the phenomenon of rape and other types of sexual abuse committed during the armed conflict in the province of South Kivu. The research was carried out between 15 September and 15 December 2003.

A participatory approach was adopted at the exploratory stage to identify and analyse the factors and motives that have driven the various combatants in the Democratic Republic of Congo (DRC) to commit acts of sexual violence against women and girls. The victims were, from the outset, placed at the heart of this research, and they were interviewed about the way in which *they* perceive and analyse their situation and the ways and means that they themselves would advocate for breaking free of it. Three data-collection techniques were used: one-to-one interviews, focus groups and a review of current literature. The use of these three methods in combination made it possible to outline the different aspects of the subject and to minimise any bias that might have been introduced by the use of one technique alone or by one particular investigator.

1.2 Research questions

With the above observations in mind, the following research questions were drawn up:

1. What forms of sexual violence have been committed against women and girls in South Kivu?
2. What are the direct and indirect consequences of these acts of violence?
3. Do the victims themselves, their community or support organisations use or suggest any specific means of helping the victims?
4. What is it that drives some members of armed groups involved in the conflict in DRC to commit acts of violence and sexual abuse against girls and women?
5. Are there any motivating factors of an ideological, political, psychological or socio-cultural nature at the core of the violence and sexual abuse perpetrated against women in South Kivu? If so, what are they?

1.3 Research objectives

1.3.1 Overall objective

To identify the factors and motives underlying the rape and sexual abuse in South Kivu with a view to, on the one hand, producing systematic documentation that could support a programme at local, national and international level campaigning against sexual violence against girls and women in the DRC in general and in South Kivu in particular and, on the other hand, developing new policies and strategies aimed at eradicating sexual violence and abuse in the DRC.

1.3.2 Specific objectives

1. To identify and analyse the events that directly and indirectly trigger incidents of rape and sexual abuse.

2. To identify and describe the types and forms of sexual violence and abuse committed against women and girls by members of armed groups.
3. To describe the consequences of sexual violence for women and their communities.
4. To identify the various means used by the victims, their community and support organisations to take care of the victims and restore their psycho-social equilibrium, and that of their families.
5. To describe and analyse the attitudes adopted towards the victims of rape and sexual abuse by their families and the community.

1.4 The sample

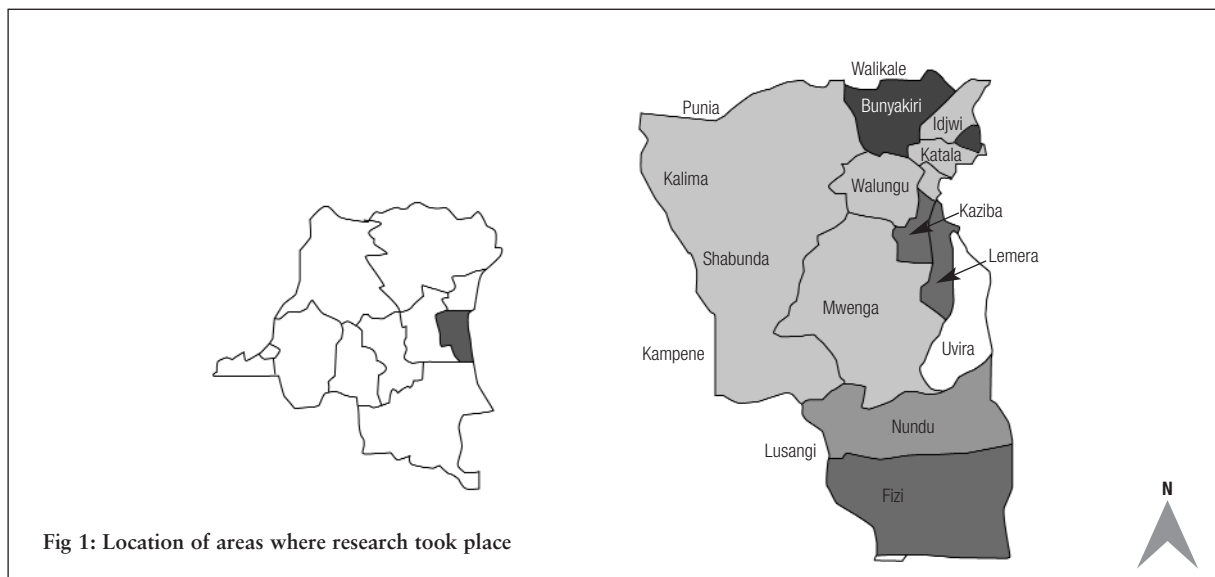
1.4.1 Selecting the sites for research

The selection of sites was based on the following criteria:

- accessibility for the investigators
- cultural characteristics
- high incidence of rape and sexual abuse

The following sites were chosen:

- in the southern part of South Kivu: Uvira, the Ruzizi plain, Mboko, Baraka, Fizi and Kazimia
- in the northern part of South Kivu: Bukavu, Walungu, Kabare, Kalehe and Shabunda.



1.4.2 Selecting the interviewees

1.4.2.1 Rape victims

The survey concentrated on 492 women and girls who had been subjected to rape. Both the network or 'snowball' sampling technique (see below), and the systematic sampling technique were used for identifying and selecting interviewees. This combination was adopted because rape victims do not reveal themselves easily, for various reasons, but mostly because of the fear of being stigmatised by their community and of the subsequent rejection that follows; or because of the fear of reprisals by the perpetrators.

The snowball technique involves identifying one or several rape victims and inviting them to take part in the survey. The investigators ask them if they know of any other people who have suffered the same fate and who would agree to talk about their experience. These people are then contacted. The operation is repeated until the desired sample size is reached. The investigators must systematically take into account

all cases of rape they come across. At each data-collection site, staff of local NGOs are asked to accompany the women to the place where the interviews or focus group meeting will take place.

1.4.2.2 The military and Maï Maï rebels

The sample also included Maï Maï rebels and soldiers. A total of 50 soldiers and two Maï Maï rebels took part in the survey.

1.5 Data-collection techniques

The two main techniques used to collect data were semi-structured individual interviews, using an outline questionnaire (see Appendix 1), and focus groups. The original version of the questionnaire was drawn up in French and translated into Kiswahili and Mashi.⁸ Two experts in these languages checked the accuracy and faithfulness of the translation. The examination of 3,000 files held in the archives of various local organisations helped with the analysis and validation of the information gathered directly from the victims themselves.

The victims were also interviewed through 23 focus groups, each made up of 12 participants. The advantage of the focus group method is that it allows the views and opinions of members of the group to be gathered quickly. On the other hand, it has the disadvantage that shy people do not feel sufficiently at their ease to express themselves and give their opinion in a group situation. Most of the discussions that took place within focus groups started off in a rather timid manner. However, as the debate continued, the participants began to relax and to express their viewpoint in an open and honest way.

1.6 Ethical considerations

The aims and significance of the study were explained to the participants before the interviews and focus groups took place. Given that the very fact of revealing the abuse they had endured could put the life of victims in danger, and because of the volatile situation in South Kivu, the possibility of bias in the study's findings was obviously increased. The principle of voluntary participation was therefore applied, and it was made clear at the start of each interview that anonymity and confidentiality were guaranteed. The informants were also told that a tape recorder would be used, so that their replies could be accurately recorded and then written down. The tapes were erased after the data had been analysed.

1.7 System for analysing the data

Replies were grouped into general themes and then the various categories identified. In the case of data obtained from focus groups, synthesis analysis was used for each group, followed by comparative analysis of the groups, in order to draw up general categories. The categories drawn from the individual interviews and focus groups were merged. A qualitative analysis of the data was then carried out.

The demographic data obtained from the interviews were recorded in Excel and a statistical analysis carried out with STATISTICA 5.2. Descriptive statistics were used for this purpose. The location of the sites and their description on paper were carried out using the Arcview programme. Information drawn from various documents belonging to victim-support organisations and centres was also statistically analysed. The description of the location and characteristics of the selected sites was made using Healthmap on WHO.³⁰

⁸ Local languages.

2 The Socio-Economic, Political and Military Context in South Kivu

2.1 South Kivu: an area of contrasts

The province of South Kivu, in the south-east of the former province of Kivu-Maniema has a population of 1,500,676 and covers an area of 64,915 km² which is just over one-quarter of the former Kivu-Maniema province (256,805 km²). It is divided into three demographic areas:

- an area of high-density population, comprising the territories of Idjwi, Kabare, Walungu and Uvira;
- an area of medium-density population, comprising the territories of Kalehe, Mwenga and Fizi;
- an area of low-density population, corresponding to the Shabunda Territory.

The landscapes and peoples of South Kivu are varied and there are striking contrasts between the types of terrain, soils, climate and flora as well as in the different ways of life between the highlands of the eastern part of the province and the territories close to Maniema (Mwenga, Shabunda), which mark the edge of the great Congo Basin. The fresh climate of the higher lands (18°C at Bukavu) is in marked contrast with the equatorial heat of the low-lying western lands (25°C at Kitutu). While the low-lying lands of Mwenga and Shabunda are covered in rainforest, the highlands in the east include a landscape of savannah and prairie, but they also have the Kahuzi-Biega forest, which is the source of the main rivers in Kivu-Maniema. By and large, the land in Kivu is relatively good, although soils of volcanic origin, which are exceptionally fertile, cover just 1% of the province.

The human population of the province is ethnically and culturally diverse. Numerically, the most important ethnic groups are the Shi and the Rega. Average population density is less than 10 inhabitants to the square kilometre. Districts with a density of over one hundred per square kilometre cover scarcely 4% of the province's land area. However, more than 50% of the population is concentrated on 9% of the land area (in Idjwi, Kabare, Walungu).

The people of South Kivu are mostly farmers and those who are of Rwandan descent raise livestock. There are differences in the ways that the various groups carry out everyday activities, such as trading, cultivating the soil and building rural dwellings.

2.2 Administrative divisions of South Kivu

The province is divided into eight territories and their basic economic activities are agriculture, raising livestock and fishing, as shown in the table on the next page.

| TERRITORY | LOCAL COMMUNITY | AREA (sq.km) | BASIC ECONOMIC ACTIVITIES |
|--------------------|------------------------|------------------------|----------------------------------|
| 1. FIZI | 1. Lulenge | 3248 km ² | Raising livestock |
| | 2. Mutambala | 1216 km ² | Fishing |
| | 3. Ngandja | 5074 km ² | Fishing |
| | 4. Tanganika | 1866 km ² | Fishing |
| 2. IDJWI | 1. Ntambuka | 126 km ² | Agriculture/fishing |
| | 2. Rubenga | 153 km ² | Agriculture/fishing |
| 3. KABARE | 1. Kabare | 554 km ² | Agriculture/raising livestock |
| | 2. Nindja | 923 km ² | Agriculture/raising livestock |
| 4. KALEHE | 1. Buhavu | 2892 km ² | Agriculture/raising livestock |
| | 2. Buloho | 1180 km ² | Agriculture/raising livestock |
| 5. MWENGA | 1. Basile | 2856 km ² | Agriculture |
| | 2. Burhinyi | 325 km ² | Agriculture/raising livestock |
| | 3. Itombwe | 3574 km ² | Agriculture/raising livestock |
| | 4. Luindi | 1180 km ² | Agriculture |
| | 5. Luhwindja | 195 km ² | Agriculture/raising livestock |
| | 6. Wamuzimu | 4176 km ² | Agriculture |
| 6. SHABUNDA | 1. Bakisi | 18,508 km ² | Agriculture/logging |
| | 2. Wakabongo | 6701 km ² | Agriculture/raising livestock |
| 7. UVIRA | 1. Bifulero | 1421 km ² | Agriculture/raising livestock |
| | 2. Bavira | 1335 km ² | Agriculture/raising livestock |
| | 3. Plaine Ruzizi | 644 km ² | Agriculture/raising livestock |
| 8. WALUNGU | 1. Ngweshe | 1599 km ² | Agriculture/raising livestock |
| | 2. Kaziba | 376 km ² | Agriculture/raising livestock |

Table 1 : Administrative divisions and basic economic activities of South Kivu

2.3 The socio-economic consequences of the war in South Kivu

The war, together with its inevitable corollary, systematic pillaging by the fighting forces, has destroyed South Kivu's economy and social infrastructure, which had already been badly affected by years of neglect and poor management under Mobutu's clientelist regime. The conflict has significantly impoverished the local people. In 2002, a manual worker earned about \$2 a day.⁹

The war has left no sector of the economy unscathed. In the primary sector, villages no longer produce enough food for self-sufficiency, so there is a chronic food shortage in the region. According to the UN Food and Agriculture Organization (FAO),¹⁰ 10–30% of the population of South Kivu suffer from severe malnutrition. This situation is caused by two factors. Firstly, the soil is exhausted through over-exploitation and, in some areas of high population density, especially the mountainous areas of South Kivu, it has to sustain too many people. Secondly, this food shortage has been exacerbated by strain on local communities caused by the huge influx of Rwandan refugees following the 1994 genocide and the unprecedented displacement of people fleeing the endless fighting between the various political factions. It is estimated that 60% of the population of South Kivu has been displaced since war broke out in 1996.¹¹

Moreover, livestock farming and fishing activities decreased significantly during the war because animals and equipment were plundered. Most of the region's cattle, which are particularly important on the Haut Plateaux of Itombwe and the Ruzizi plain, were stolen. Industrial poultry farming was entirely destroyed during the disturbances of October–November 1996.¹²

⁹ Médecins Sans Frontières (Holland), *The humanitarian situation in the Territories of Uvira, Nunduru and Fizi, South Kivu, Democratic Republic of the Congo. An Assessment Report*, Netherlands, September 2002, p.16.

¹⁰ Faily, D. de, 'L'économie du Sud-Kivu 1990-2000 : Mutations profondes cachées par une panne' in *L'Afrique des Grands Lacs, Annuaire 1999-2000*, eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2000, pp. 161-188.

¹¹ Médecins Sans Frontières (Holland), op.cit.

¹² Faily, D. de, op.cit.

Cultivation of cash crops such as coffee, tea, cotton and cinchona (used to produce quinine) suffered the same fate. The interruption of air traffic between the Kivus and Kinshasa effectively dealt a fatal blow to tea production: since the tea could no longer be sold, the plantations were abandoned. The same thing happened to coffee which, from 1998 onwards, no longer found buyers. A plant at the cotton ginneries at Uvira was subjected to widespread looting during the 1996 war bringing production to a halt.¹³

In the secondary and tertiary sectors, the few processing industries (brewing, sheet metal working) and practically all the numerous small and medium-sized enterprises (SMEs) have ceased to operate, or are only just managing to continue.¹⁴

Trade, which had sharply declined in volume as a result of the insecurity and road closures, nevertheless has now begun to steadily recover in certain areas of South Kivu. The opening of the road between Uvira and Baraka in 2000 contributed greatly to the resumption of trade in South Kivu.

The prominent role played by the Rwandan and Ugandan states in the pillaging of mineral resources that were sold to finance the war was the reason for the military control of mining areas and sites. The pillaging was organised by military-commercial networks controlled by individuals belonging to military, financial, political and commercial circles in Rwanda and Uganda.¹⁵ These networks made use of local structures which they themselves had set up and controlled. Many Congolese military leaders and militias, as well as the Rassemblement Congolais pour la Démocratie (RCD) were also involved in the exploitation of mineral resources, which provided them with revenue both for financing the war and for their personal gain.¹⁶

The war and the destruction of the economy has had extremely serious social and humanitarian consequences in the whole of South Kivu. Around 400,000 persons have been displaced all over South Kivu, with no possibility of access to humanitarian aid.¹⁷ The insecurity that rapidly took hold in all areas of the province has led to acts of violence – pillaging, killing, rape, setting fire to houses – indiscriminately perpetrated by members of the various armed groups involved in the conflict.

The road infrastructure and the health services, which had lacked state investment for decades have deteriorated markedly, although it should be noted that the particularly poor state of the road network in South Kivu dates from before the war. Eighty per cent of the main roads are either just tracks, or in a totally dilapidated state, which makes them in effect impassable. Only 13% of these roads can be used regularly by traffic. As for local roads, more than 85% of them were abandoned many years ago. A number of health centres have been looted and destroyed; the rest have insufficient qualified staff, or none at all. According to Médecins Sans Frontières (MSF) Holland, 96% of the population of South Kivu do not have access to primary health care in any case, because they cannot afford it.¹⁸

2.4 The war in the areas selected for the survey

2.4.1 An extremely militarised area

During the period under examination at least six or seven different armed forces were counted in eastern DRC. However, there were two main armies fighting each other: on the one side, the Rassemblement Congolais pour la Démocratie (RCD) army, supported by its Rwandan and Burundian allies, and on the other, the Maï Maï

¹³. Ibid.

¹⁴. Ibid.

¹⁵. United Nations Security Council, *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2001/357, 12 April 2001, p.59; see also Andre, C., 'Guerre et pillage en République Démocratique du Congo', in *L'Afrique des Grands Lacs, Annuaire 2000-2001*, eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2001, pp. 307- 332.

¹⁶. Vlassenroot, K., 'Violences et constitution des milices dans l'Est du Congo : le cas des Mayis Mayis', in *L'Afrique des Grands Lacs, Annuaire 1999-2000* eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2003, pp. 115-152.

¹⁷. Médecins Sans Frontières (Holland), op.cit.

¹⁸. Ibid.

militias, allied with the Rwandan and Burundian Hutu rebels. But the situation was made more complex by the volatile nature of the alliances between the various armed factions active on the ground; constantly changing according to the political context of the moment and to their own respective interests. In addition to this military action there was predatory economic activity, especially in mining and trade. All this helped to create an explosive situation in which the civilian populations were, effectively, taken hostage and there were massive violations of human rights, especially those of women. The main forces present on the ground were the following:

2.4.1.1 The army of the Rassemblement Congolais pour la Démocratie (RCD-Goma)

The RCD-Goma had its own army, l'Armée Nationale Congolaise (ANC), which was the main armed opposition to the regime in Kinshasa. This heterogeneous army was made up of soldiers from the remnants of Mobutu's army, 'Kadogos'¹⁹ of the Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL), who had taken part in the capture of Kinshasa in 1996, elements from Kasai, recruited under the patronage of Dr Adolphe Onusumba Yemba, former president of the RCD, Banyamulenge militias, who had fought in the ranks of the Rwandan Patriotic Front (RPF) in 1990, Congolese Hutus recruited in Rutshuru, and other Banyamulenge militias.²⁰ The RCD army numbered between 20,000 and 30,000 men.²¹

The RCD exercised political, administrative and military control in eastern DRC from 1998 to 2003, thanks to the active support of Rwanda. It justifies its existence by the need to protect the Congolese Tutsi population. It has long had very close links with the Banyamulenge community of South Kivu. However, disagreements between the rebel movement and part of that community triggered bloody fighting in the Minembwe region on the Haut Plateaux from February 2002 onwards.

The RCD joined the transitional government of national unity which was set up in Kinshasa in June 2003, following the signing of the Pretoria Accords.²² Having been originally a politico-military movement, the RCD transformed itself into a political party, whilst its army was to be integrated in the new national army. However, this integration has still not taken place, since the transitional government continues to be undermined and torn apart by internal power struggles and also is paralysed by mutual suspicion among its different components. The former RCD factions, and other armed groups that are part of the new government in fact retain their own military structures, under the aegis of the restructured national army.²³

Moreover, despite the official reunification of the country in June 2003, the transitional government has met with enormous difficulties in exercising its political, military and administrative authority throughout the country, especially in the provinces of South and North Kivu, where the RCD remains very influential.

2.4.1.2 The Rwandan Patriotic Army (RPA)²⁴

Until its official withdrawal from the east of the DRC in September–October 2002, the Rwandan army retained a strong presence there. It was obliged to withdraw its troops under pressure from the international community, notably the United States of America, but Rwanda nevertheless reorganised itself, restructuring the military arm of the RCD-Goma and creating a rapid intervention force which could be redeployed in eastern Congo if necessary.²⁵

Before their withdrawal, it was estimated that the Rwandan troops numbered between 25,000 and 35,000. Rwanda cites security considerations as the justification for its presence in the DRC; i.e. the need to protect its borders from Rwandan Hutu rebels operating in North and South Kivus under the banner of the Forces Démocratiques de Libération du Rwanda (FDLR), numbering between 15,000 and 20,000 men.²⁶

¹⁹. Child soldiers aged 10–15, recruited to fight in the ranks of the AFDL.

²⁰. International Crisis Group, *The Kivus: The forgotten crucible of the Congo conflict*, Africa Report No 56, Nairobi/Brussels, 24 January 2003, p.10.

²¹. Ibid.

²². The Pretoria Accords on a transitional government of national union were signed in December 2002. According to the terms of these accords, Joseph Kabila was to remain President of the Republic for a period of two years, to be followed by free elections. The agreement also provides for the nomination of four vice-presidents from rebel movements (MLC, RCD-Goma), the armed opposition and civil society, and for a government comprising 36 ministers and 25 vice/deputy ministers.

²³. International Crisis Group, *S'éloigner du gouffre au Congo*, Africa Report No 18, Kinshasa/ Nairobi/Brussels, 7 July 2004, p.3.

²⁴. The RPA was renamed Forces de Défense Rwandaise in July 2002.

²⁵. International Crisis Group, *The Kivus: the forgotten crucible*, op. cit., p.i.

²⁶. Ibid., p.3.

2.4.1.3 The Forces Armées Burundaises (FAB)

The Burundian army was present in the Fizi and Baraka regions before it officially withdrew from South Kivu in September 2002. Its presence in DRC was dictated by Burundi's concern to protect its borders from infiltration by the various rebel movements opposed to the government in Bujumbura, in particular the Forces de Défense pour la Démocratie (FDD) and the Forces Nationales de Libération (FNL). It was in this context that the Burundian army allied itself with the Rwandan army to fight against the FDD.

2.4.1.4 The Maï Maï militias

For many Congolese, the idea of Maï Maï is linked to a state of mind: the determination to take up arms against the presence and domination of foreigners on Congolese soil. The Maï Maï are regarded by a large proportion of the population as groups of resistance fighters opposing the occupation,²⁷ and some Maï Maï commanders do present themselves as symbols of Congolese resistance. In South Kivu, a large part of civil society, of the Catholic church and of the rural population back the Maï Maï struggle against the Rwandan occupation. The men at the head of the Maï Maï movement are almost always leaders of ethnic groups and their partisans are recruited mainly from their respective communities. This explains why one of their main objectives is to protect and defend the communities they come from. One of the cornerstones of the Maï Maï movements is, in a reflection of the 'Simba'²⁸ of the 'muléliste' rebellion of the 1960s, the use of magical-religious practices which basically consist of initiation and immunisation rites, and specific prohibitions. These practices have the dual function of protecting the combatants on the battlefield and enhancing discipline and the internal cohesion of the group.

Four Maï Maï movements are particularly active in South Kivu: the FAP²⁹ from Fizi, the FAP from Uvira, the Union des Forces pour la Libération du Congo from Walungu – more commonly known as Mudundu 40 – and the Division Spéciale Maï Maï from Kalehe.³⁰ These movements are made up mainly of peasants and young men who are unemployed and uneducated victims of social exclusion, living in extremely precarious conditions. For these men, therefore, to be involved in the rebellion is not only a means of fighting the occupying foreigner, but also and above all a "strategy for survival and self-defence against a political and social order which is predatory in its conduct".³¹

These movements are by their nature highly diversified and very unstable. Many of them were set up spontaneously around a leadership which had no previous political experience. The ups and downs, the risks inherent in fighting, the internal conflicts, the constant splits and regrouping that these movements experience mean that their structures and their methods are constantly called into question.³² This results in a lack of cohesion within the groups and in opportunism on the part of many Maï Maï fighters who, while presenting themselves as symbols of the resistance, kill, pillage, rape, seize local people's property, and engage in the illegal exploitation of resources.

The structural weakness of the Maï Maï militias also partly explains the volatile nature of the alliances which they forge with various other armed groups. The Maï Maï ran joint operations with the FDD and the Forces Démocratiques de la Libération du Rwanda (FDLR), who seemed to be their natural allies, against the RCD and the Rwandan and Burundian armies. However, in October 1999, the Maï Maï of Fizi formed an alliance with the Banyamulenge militias to attack positions of the FDD rebels at Nundu and at Bibokoboko.³³ Likewise, the Mudundu 40 group, based at Ngweshe, joined the RPA's military campaign against factions of the Armée de Libération du Rwanda (ALiR). In exchange, Mudundu 40

²⁷ Lubala Mugisho, E., 'L'émergence d'un phénomène résistant au Sud-Kivu (1996-2000)' in *L'Afrique des Grands Lacs, Annuaire 1999-2000* eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2000, pp.188-223.

²⁸ 'Lions' in Kiswahili: the name given to the 'muléliste' combatants.

²⁹ FAP: Forces d'Auto-Défense Populaires.

³⁰ Lubala Mugisho, E., op. cit., p.208.

³¹ Vlassenroot, K., op. cit.

³² Lubala Mugisho, E., op. cit.

³³ Ibid.

demanded that the Rwandan army withdrew from its region. The RCD on several occasions tried, unsuccessfully, to forge an alliance with the Mai Mai leader Padori, in order to conduct joint operations against the ALiR.³⁴ These alliances generally served to make the military and political situation on the ground extremely complex and volatile.

2.4.1.5 The Burundian Hutu militias: Forces de Défenses de la Démocratie (FDD) and Forces Nationales de Libération (FNL)

The FDD and FNL used eastern DRC as a home base from which to attack Burundi. The FDD made alliances with Mai Mai, Babembe and Bafulero groups of combatants. They also carried out particularly bloody attacks on the Haut Plateaux of Itombwe, where a large Banyamulenge community lives. The FNL also benefited from the military support of Mai Mai groups. The ceasefire agreements signed between Burundi's transitional government and the two rival branches of the CNDD-FDD³⁵ in November and December 2002 respectively, provided for the withdrawal of the FDD militias from Congolese territory. The FNL, for their part, remain active in South Kivu.³⁶

2.4.1.6 The Banyamulenge militia

Under the leadership of Major Masunzu, a former RCD army major, these militias fought for months on the Haut Plateaux of Minembwe against the forces of their old ally, the RCD. Masunzu's troops were joined in this fighting by Bafulero, Babembe and Bavira Mai Mai combatants.

2.4.1.7 The Rwandan Hutu militia

The Rwandan Hutu rebels present on Congolese territory have, since 2000, been grouped together in a politico-military formation called Forces Démocratiques de la Libération du Rwanda (FDLR), which numbers between 15,000 and 20,000 men. This rebel force is made up of three main groups: the ex-FAR and Interahamwe who took part in the genocide in Rwanda in 1994; the ex-FAR who did not take part in the genocide; and new, post-genocide recruits, who constitute the majority of the troops.³⁷

Since 1994, Congolese territory has been used as a home base for Rwandan Hutu militias in their war against the regime in Kigali. After the Hutu refugee camps in the east of the DRC were dismantled in 1996, almost 20,000 militiamen and soldiers of the former Forces Armées Rwandaises (FAR) formed the Armée de Libération du Rwanda (ALiR) and, starting from Kivu, infiltrated the north-west of Rwanda. Here, for two years they led an insurrection, which was eventually crushed by the RPA in mid-1998.³⁸

The Rwandan Hutu militias, better known in the region under the label of Interahamwe, were allied for several years with the Burundian FDD rebels. However, this alliance came to an end when the FDD laid down their arms after signing a ceasefire agreement with the Burundian government. The Hutu militias have committed widespread acts of violence in eastern DRC. In the course of the research for this study, they were identified as the armed group most actively engaged in acts of sexual violence and assaults against women in South Kivu.

³⁴ Vlassenroot, K., op. cit.

³⁵ In December 2002, President Buyoya of Burundi signed a ceasefire agreement with the Conseil National pour la Défense de la Démocratie, CNDD-FDD, which was the most important rebel movement in Burundi, led by Pierre Nkurunziza. In November of the same year, ceasefire agreements had already been concluded between the transitional government of Burundi and the rival CNDD-FDD group led by Jean Bosco Ndayikengurukiye. The two rebel movements joined the transitional government.

³⁶ The PALIPEHUTU-FNL, the oldest rebel movement in Burundi and the second most important after the CNDD-FDD, under the leadership of Agathon Rwaza refused to sign the ceasefire agreement and to join the transitional government. The less important rival faction of the PALIPEHUTU-FNL, led by Alain Mugabarabona, did join the government.

³⁷ International Crisis Group, *Les rebelles hutu rwandais au Congo. Pour une nouvelle approche du désarmement et de la réintégration*, Africa Report No. 63, Nairobi/Brussels, 23 May 2003.

³⁸ Ibid.

2.5 Some of the areas surveyed

2.5.1. Uvira and Fizi Territories

The adjacent Territories of Uvira and Fizi, in the south-east of South Kivu province, are bordered on the north by Walungu Territory, on the south by the provinces of Maniema and Katanga, on the west by Mwenga Territory, and on the east by Lake Tanganyika, which separates them from the neighbouring countries of Burundi and Tanzania.

Uvira, which covers 3,146 km², is inhabited mainly by Vira, Fulero, Banyamulenge and Barundi peoples, who make a living by fishing, farming, trade and rearing livestock. Fizi, covering 15,786 km² has 200,909 inhabitants, whose main activities are fishing and farming.

These two territories were severely affected by the two successive wars of 1996 and 1998, and by the on-going armed confrontation involving soldiers of the RCD and their Rwandan and Burundian allies, the Mai Mai and Banyamulenge fighters, the FDD of Burundi and the Interahamwe. The violent fighting between the troops of the Munyamulenge Major Patrick Masunzu and those of the RPA on the Haut Plateaux of Minembwe/Itombwe, from April 2002 onwards has resulted in an unprecedented humanitarian crisis. More than 40,000 people were displaced and more than a hundred villages abandoned by their inhabitants. The people living in villages on the Ruzizi plain in Uvira and in Fizi are regularly attacked by armed groups who murder, rape, take hostages, set fire to houses and plunder people's belongings.

Numerous incidents of rape and sexual abuse have taken place in these two territories. In Uvira Territory, for example, many women and girls were raped in October 2002 by RCD soldiers when they were chased by the FAP out of the town of Uvira and when they subsequently retook the town. In Fizi Territory, there was widespread rape committed by RCD soldiers, the FAP, the FDD and the Interahamwe.

Three local associations reported a total of 1,031 women having been raped in 2002: 403 in Uvira and 628 in Fizi.

In July 2003 alone, the 'Maison des Femmes'³⁹ in Uvira listed 837 victims in the Ruzizi plain area, Uvira-Centre and Mboko-Baraka.

| | Victims identified | Victims looked after | Victims given psycho-social support |
|---------------------|--------------------|----------------------|-------------------------------------|
| Ruzizi plain | 348 | 203 | 271 |
| Uvira-Centre | 156 | 154 | 112 |
| Mboko-Baraka | 333 | 149 | 200 |
| Total | 837 | 506 | 583 |

Table 2 : Victims in July 2003 identified by the organisation 'Initiatives des Femmes pour le Développement, l'Auto Promotion et la Paix' (IFDAP; 'Women's initiatives for development, self-promotion and peace')

2.5.2 The Moyens Plateaux

The Moyens Plateaux of Katobo, lying to the west of the Ruzizi plain and the town of Uvira, consist of eight districts – Lemera, Runingu, Kigoma, Kitundu, Muhungu, Kijaga, Kabindula and Katala – which are inhabited by a variety of ethnic groups, including in particular the Fulero, Vira, Nyindu, Bembe and Banyamulenge, who practise farming and livestock rearing.

³⁹ In the Uvira area, several women's refuges ('Maison des Femmes') have been opened by local women's associations to take in women and girls who have been subjected to rape and other types of sexual abuse, and to offer them medical, psychological and material support.

The combined effects of the war that broke out in Rwanda in the early 1990s and the successive conflicts of 1996 and 1998 in Congo helped to exacerbate the already latent ethnic and inter-communal conflicts in this area. The fact that numerous Banyamulenge joined the ranks of the RPA, which was regarded by the other ethnic groups as an army of aggression and occupation gave rise to sharp divisions among the communities and made the situation an explosive one. The Banyamulenge combatants were thus on the one side, while on the other the Bembe, Fulero and Vira enrolled in the Mai Mai militias. The situation became even more complex and volatile when alliances were formed between the Burundian FDD armed groups, the ex-FAR and the Interahamwe militia to oppose the RCD, the Rwandan army and the Banyamulenge. At the time of the second Congolese war in 1998, splits appeared within the Banyamulenge community. These divisions became clearer from 2002, when one part of the Banyamulenge continued fighting alongside the RCD and its Rwandan allies, while the other, under the command of Masunzu, allied itself with its former enemy the Mai Mai to oppose the allied RCD-RPA, which had become the common enemy.

This conflict situation in the Moyens Plateaux was to persist almost until the ceasefire accords of 2003. It was marked by massacres of the civilian population, pillaging, forced displacement of people and widespread rape and sexual violence against women and girls.

2.5.3 Shabunda Territory

Shabunda Territory is the largest in the DRC, covering 28,000 km². Situated in the great tropical rainforest, Shabunda is relatively cut off, with its roads impassable or unsafe, so the only link with other areas is by air. The distance between the main town of Shabunda and the provincial capital, Bukavu, is 340 km.

Two mutually hostile groups, the RCD and the Mai Mai indulged in a brutal war in this vast territory after the second Congolese war broke out in 1998. The confrontations intensified between February 1999 and September 2002. The RCD eventually took military control of the larger towns, and so the only way to get from Shabunda-Centre to Lulingu, stronghold of the Mai Mai leader Padiri, was by air.

The territory's socio-economic situation has deteriorated significantly since 1998, with disastrous consequences for people's health. When the RCD seized the main town of Shabunda in September 1998, aerial bombardments destroyed the town's main hospital as well as a large number of houses. What remained of the hospital was subsequently looted. Before the war the territory had 66 health centres. By 2001, only 34 remained operational – and these were out of stock of essential medicines. The other centres had been either destroyed in the fighting, or else looted. At the time when this survey was carried out, 66% of the children brought to these centres were suffering from severe malnutrition and 33% from moderate malnutrition. At least 1,060 children are treated in the centres for malnutrition every year. In 2003, there were only two doctors in post in the whole territory. The main causes of morbidity are malaria, acute respiratory infections, malnutrition, schistosomiasis, sexually transmitted diseases and HIV/AIDS, anaemia and tuberculosis.

As in many other areas, the war led to a massive exodus of the population. There has been widespread sexual violence against women. Many women had been engaged in productive activities in the fields or the forest at the time when they were raped, but now were just cultivating small patches of land around their homes in order to ensure their families' survival.

2.5.4 Kalehe Territory

Kalehe Territory remains extremely militarised. Numerous militias and armed groups have been fighting each other since the first war in 1996. The Haut Plateaux area of Kalehe consists of forests which stretch from Kalehe to Masisi. Its exceptionally abundant mineral resources and very fertile soil mean that it is highly coveted land. According to local people, Rwandan Hutu militias are the principal perpetrators of violence and abuse against them. They state that numerous Rwandan Hutus, and in particular soldiers of the ex-FAR moved into the territory after the Hutu refugee camps were closed by the Rwandan Patriotic Army in 1996.

The armed groups used intimidation against the local people, forcing them to move from their homes in order to seize possession of the mines. On 24 August 2003, the Congolese families living in the neighbourhood of the cassiterite mine commonly known as 'ku lijiwe' were evicted from their lands by Hutu Interahamwe militias. Likewise, some families saw their fields expropriated and then worked by these Hutu militias. In the village of Bushushu the expropriations and evictions were accompanied by pillaging, the rape of local women and abductions. The heavy military presence in Kalehe Territory eroded and undermined the power of the administrative authority and that of local traditional chiefs. All the lands of the 'Mwami'⁴⁰ also became occupied by Hutu fighters and refugees.

⁴⁰ Traditional chief.

3

The Position of Women and Socio-Cultural Perceptions of Sexual Violence in South Kivu

To understand why these acts of sexual violence are taking place, it is necessary to take into consideration the social situation and economic status of women in South Kivu. An awareness of the way social gender relations are perceived, and, above all, of men's attitudes to women's bodies in times of peace in South Kivu and in the neighbouring countries where some of the perpetrators of this violence come from makes it easier to understand how such atrocities could have occurred. This chapter therefore briefly analyses the position of women in South Kivu society, and the socio-cultural and economic context in which they live.

3.1. The position of women

The position of women in South Kivu is characterised in economic terms by the 'feminisation of poverty', exacerbated by the lack of any policies or mechanisms for women's advancement, and in socio-cultural terms by the persistence of customs, practices and legislation that discriminate against women. These factors make women vulnerable in a situation of armed conflict. Not only do they make gender-based violence more likely, but, in the eyes of the abusers at least, they even legitimise it.

3.1.1 The feminisation of poverty

When the war broke out in the DRC it was against a background in which the local population, and especially women had already been made vulnerable by the dysfunctional state structures and the lack of viable economic and social infrastructures caused by 30 years under the dictatorial regime of President Mobutu. For decades the salaries of civil servants and employees of state enterprises had often gone unpaid, and so local people had been obliged to take on responsibility, as far as they were able, for certain tasks that properly belonged to the state, such as the building of schools, payment of teachers' salaries, maintenance of roads and provision of medical services.

Against this background of generalised impoverishment, the burden of finding survival strategies has increasingly fallen on women, while the lack of economic and social development has meant the impoverishment of the female population, especially in rural and semi-urban areas. Women are the main driving force behind the subsistence economy of South Kivu, which, essentially, is based on farming and livestock. Some 80% of the province's population are engaged in agriculture, and 70% of these people are women. Women are also active in the informal sector, particularly in petty trade, sewing, dyeing, pottery and basketry. They are found as well on the fringes of the mining industry, where they are employed as exploited and underpaid labourers.

The war has had a devastating effect on women's economic and social activities. The already meagre resources and revenue of grassroots women's organisations, as well as their means of production, have been destroyed or looted. In addition to the volatile security situation, women also face basic structural problems that exacerbate their impoverishment. First of all, it is difficult for them to have access to land because of over-exploitation and over-population of fertile lands, and because of patriarchal traditions; on top of this, the economic infrastructure that would have enabled them to carry on productive activity has



Fig. 2: Images showing how victims live
 © International Alert/Jenny Matthews

been destroyed, or did not exist anyway. Moreover, the heavy taxes imposed during the period of administration by the *Rassemblement Démocratique Congolaise* (RCD), especially on economic activities, have helped to erode women's incomes in particular.

The war has produced a large number of widows and displaced women who have become heads of household without their having had any preparation for this role. They live below the poverty line and depend largely on food aid (when it is available) for their survival. There are high rates of HIV/AIDS, partly owing to the widespread incidence of rape committed against women by forces fighting on the ground.

War and poverty have also forced many women and girls into prostitution as a means of survival, and this makes them particularly vulnerable to sexual violence. This has been described as 'survival sex' and creates conditions "... in which abusive sexual relations are more widely accepted and where many men, both civilians and combatants, regard sex as a service that is easy to obtain by means of coercion".⁴¹ At the same time, domestic violence has increased, as a result of tension caused by the upsurge of unemployment among men, as well as fear and uncertainty regarding the country's political future. It should be noted that increase in levels of domestic violence in time of war is a widespread phenomenon, which has been corroborated by research carried out, notably in the former Yugoslavia, where incidents of sexual violence of unprecedented cruelty took place during the bloody conflict that ravaged that country.⁴²

3.1.2 Customs, practices and legislation that discriminate against women

Certain customs, practices and laws constitute an obstacle to women in getting access to property, education, modern technology and information. Women suffer from illiteracy or a poor education because in many families boys still get preference over girls when it comes to schooling. Moreover, a large number of girls from the most disadvantaged communities drop out of school because of marriage or early pregnancy. It is difficult for women to obtain access to means of production such as land, property or credit. Certain aspects of Congolese legislation still discriminate against women. For example, a married woman must obtain her husband's permission before undertaking certain initiatives such as opening a bank account or asking for credit. Traditionally, women cannot inherit from their fathers or from their husbands. In the rural areas, women produce and manage 75% of food production, process their produce

⁴¹ Human Rights Watch, *La guerre dans la guerre*, op. cit.

⁴² Lorentzen, L.A., Turpin, J., op. cit.

for family consumption, and sell 60% of their output at the local market, yet often they get nothing back from the proceeds, which tend to go directly into the pocket of their husbands.⁴³

Many ethnic groups retain the traditional practices that perpetuate the subservience of women by reducing them to the status of private property. Among the Bashi, Bavira, Fulero and Bembe peoples, the custom of levirate⁴⁴ remains very much alive even today, thus depriving women of the right to freely choose a new spouse. Among the Banyamulenge, women have long been regarded as the common property of the clan. The father-in-law, brother-in-law, and the husband of a married woman's sister-in-law all used to have the right, with her husband's knowledge, to have sexual relations with her. These practices were curtailed only slightly under the influence of Christianity and are still far from dying out. Some 'Bami'⁴⁵ used to claim *droit de seigneur* with any women or girls of the community who pleased them and who were therefore 'delivered' to their homes, either for a forced marriage or for sexual relations. Today, some Bamis from the Lega, Fulero, Bembe and Bashi ethnic groups continue these customs. Parents generally turn a blind eye to these practices, because of the prestige and advantages that links with the Bami can give them.

3.1.3 The lack of policies and mechanisms for women's advancement

The province of South Kivu has almost no mechanisms in place for the advancement of women. A national Ministry of Women's Affairs was created at the start of the 1980s, with a provincial branch at Bukavu, the provincial capital of South Kivu. However, many women's organisations viewed this ministry as merely a means of mobilising the female electorate in order to boost the power of President Mobutu. The funds allocated for women's advancement were cut when the ministry was replaced by a Ministry of Social Affairs and the Ministry of Women's Affairs became no more than a department of this new ministry.

The administration of the Rassemblement Démocratique Congolais (RDC), in power in South Kivu from 1998 to 2003, set up a Provincial Women's Council, although not until March 2001. This Council, which was separate from the Ministry of Social Affairs in Kinshasa, had no resources to enable it to devise and put in place any development projects for women. The various international instruments for women's advancement, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Beijing Platform have rarely been applied because of the lack of adequate funding. A survey carried out in 2001 by the DRC government and UNICEF across the whole of the Congo produced a damning assessment of the situation of women and children, revealing that it had deteriorated on almost all counts since 1995.

3.2 The significance of rape in the traditional context of South Kivu

Although rape has always existed in the traditional society of South Kivu, it has been regarded nevertheless as a deeply reprehensible act and an extreme humiliation for the victim and her family, especially her husband. Therefore, among the Fulero and Vira living around Lake Tanganyika and along the river Ruzizi, a woman who had been raped did not return home immediately. She would send a message to her husband to warn him of what had occurred. He would then arm himself with a spear and went in search of the rapist, whom he absolutely had to kill, to avenge the insult. As for the woman, she had to wash herself on the edge of the village to purify herself, and change her clothes before returning to the marital home. This deeply humiliating aspect of rape is still very much alive in South Kivu today. Women who have suffered rape feel this humiliation, as do their families and the whole community. In some villages, the men try to protect women from rape by accompanying them when they go to perform certain tasks away from their houses, such as drawing water from the well or gathering firewood in the forest. But most communities stigmatise women who have been raped and hold them equally responsible for the shame and humiliation that they have suffered. This is why many women victims of rape prefer to keep quiet about what has happened to them.

⁴³ International Monetary Fund, *Interim Poverty Reduction Strategy Paper*, Democratic Republic of the Congo, Kinshasa, March 2002, p.15.

⁴⁴ Whereby the brother-in-law of a widow 'inherits' her.

⁴⁵ Traditional chiefs.

3.3 In Burundi and Rwanda, acts of sexual violence are everyday events

Why do members of militia groups from neighbouring countries who are involved in the armed conflict in South Kivu systematically commit rape? Given that Rwandans and Burundians are among the armed forces involved in this war, it might be worth tracing the recent history of these two countries where the picture is also one of sexual violence and unequal gender relations.

In Rwanda, during the genocide of 1994 women were subjected to widespread sexual violence committed by Hutu militias, soldiers of the Rwandan army (Forces Armées Rwandaises – FAR) and by civilians. Members of militia groups and soldiers raped Tutsi women but also Hutu women, particularly educated women belonging to the intellectual elite.⁴⁶ Administrative, military and political officials and militia leaders encouraged and sometimes even directed, at local and national level, the murders and the sexual crimes. After the victory of the Rwandan Patriotic Front (RPF), the Tutsi soldiers of the Rwandan Patriotic Army (RPA) raped Hutu women with the aim of avenging the Tutsi women who had been raped by members of the Hutu militia.⁴⁷

Testimonies concur on the brutality with which these acts of violence were committed. Thousands of women were raped by one or several individuals, with objects such as sharpened sticks or rifle barrels, and subjected to sexual slavery. They were raped after being forced to watch the torture and murder of their families, as well as the ransacking of their houses. Many women were killed after being raped.

Similarly in Burundi, all the fighting forces, including the Burundian army, committed acts of sexual violence against women and girls from the most vulnerable and fragile social groups: the disaster-stricken, living either within communities or in displaced persons' camps, and widows. The newsletter *La Veilleuse*,⁴⁸ published in Bujumbura by the local women's association Dushirehamwe has highlighted the extent of rape in the country. According to this newsletter, not only has there been an extremely large number of rape cases, but the consequences of these acts still constitute one of the main problems facing rural women in Burundi. For fear of reprisals women dare not denounce the men who raped them.

Although sexual violence has worsened due to the war, all evidence suggests that it already existed, albeit on a smaller scale, in peacetime. In fact, in both countries, domestic violence has always been widespread. In the private sphere, many women are subjected to sexual, physical and psychological violence. In Burundi, it is often members of armed groups who are blamed for sexual violence, but according to *La Veilleuse*, they are not the only ones to commit these crimes. Incest is being committed within families, with fathers sexually abusing their daughters. There have also been reports of children, and even babies being raped by people employed in the home to look after them. The situation in Rwanda is the same: the rural areas have experienced a resurgence of domestic violence and of cases of rape committed against women and young girls following the war and the genocide. All these facts strongly attest to the correlation between the domestic violence that takes place within the privacy of the home, and the violence perpetrated against women in the public sphere by soldiers and members of militia groups during times of armed conflict.

⁴⁶ Turschen, M., Twagiramariya, C., op. cit.

⁴⁷ Ibid.

⁴⁸ Association Dushirehamwe, *La Veilleuse*, Bujumbura, 3 August 2003.

4

Socio-Demographic Characteristics of the Interviewees

This chapter sets out to examine the socio-demographic characteristics of the interviewees: their marital status, age, level of education, occupation, religion and ethnic group.

An analysis of the data shows that women who come from the most disadvantaged and vulnerable social groups are the main victims of rape and sexual violence perpetrated by armed groups in South Kivu.

4.1 Age

| Age range | No. (Total = 492) | % |
|-----------|-------------------|------|
| 10 - 14 | 14 | 2.8 |
| 15 - 19 | 59 | 12.0 |
| 20 - 24 | 66 | 13.4 |
| 25 - 29 | 71 | 14.4 |
| 30 - 34 | 73 | 14.8 |
| 35 - 39 | 53 | 10.8 |
| 40 - 44 | 48 | 9.8 |
| 45 - 49 | 50 | 10.2 |
| 50 - 54 | 33 | 6.7 |
| 55 - 59 | 3 | 0.6 |
| 60 - 64 | 18 | 3.7 |
| 65 - 69 | 2 | 0.4 |
| 70 + | 2 | 0.4 |
| Total | 492 | 100 |

Table 3: Distribution of interviewees by age.

The interviewees were aged between 12 and 70 years. The average age was 32 years and the median age is within the range 30-34, representing 14.8% of the interviewees. This distribution of the informants also shows that 14.4% of the victims were in the age range 25-29; 13.4% were aged 20-24; 12% aged 15-19, 10.8% 35-39 years, 10.2% 45-49 years. Women over 50 accounted for 11% of the total, and those under 15, 2.8%.

The data shows that women of all ages have been subjected to rape and sexual abuse. The main victims were women farmers and women of childbearing age, so the socio-economic consequences are disastrous on two counts. Firstly, women farmers are the main producers and the driving force behind the whole subsistence economy of the region – therefore attacks on them have led to a considerable reduction in their incomes and increased poverty within the community, and second, the victims who are of childbearing age have developed serious reproductive health problems.

4.2 Marital Status

| Marital state | No. (Total = 492) | % |
|----------------------|--------------------------|----------|
| Single | 87 | 17.7 |
| Married | 291 | 59.1 |
| Widowed | 91 | 18.5 |
| Divorced | 23 | 4.7 |
| Total | 492 | 100 |

Table 4: Distribution of interviewees by marital status

The sample included single, married, widowed and divorced women. The majority were married women, representing 59.1% of the sample, followed by widows (18.5%), single women (17.7%), and divorced women (4.7%).

The reasons for the predominance of married women in this area are the low rate of school enrolment in rural areas and the custom of early marriage for young girls. This is partly due to the Family Code which fixes the minimum age for marriage at 15 years for girls and 18 years for the boys. Given this situation, the main preoccupation of an uneducated girl is, from the age of 15 onwards, to get married and start her own home. The education of boys is given preference over that of girls, especially in poor families.

Another explanation for the predominance of married women in this area could be the constraints of marriage, which mean that a wife has to stay at her husband's side, whereas many unmarried girls had the opportunity to leave the rural areas to find refuge in urban centres long before the violence became rife.

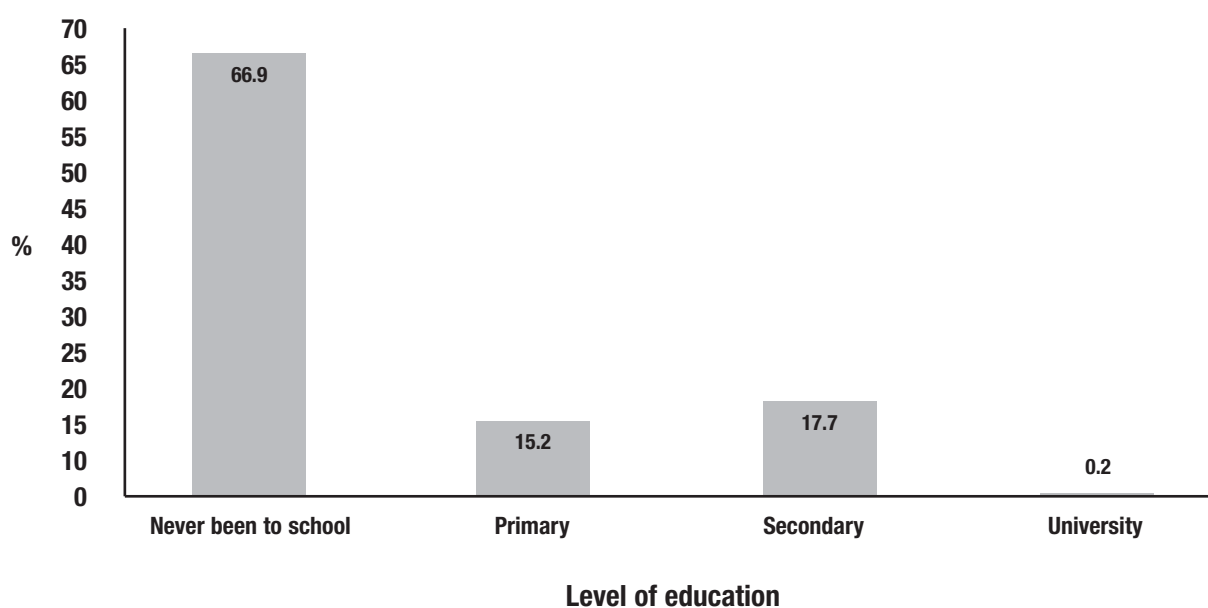
Almost all the widows in the sample said that their husbands had died during the past years of brutal conflict, leaving them completely responsible for their family. Among the single women, some of the rape victims were under 19 years of age, so they were still expecting to be married. Those who were past the traditional age of marriage felt themselves compelled to remain single, having been stigmatised and labelled as 'old maids'. Some had decided to give up the idea of marrying because of the disgust that they felt after the traumatic experience of rape and sexual abuse.

4.3 Educational level

| Level of education | No. (Total = 492) | % |
|---------------------------|--------------------------|----------|
| Never been to school | 329 | 66.9 |
| Primary | 75 | 15.2 |
| Secondary | 87 | 17.7 |
| University | 1 | 0.2 |
| Total | 492 | 100 |

Table 5: Distribution of interviewees by level of education

Graph 1: Interviewees according to level of education



The majority of women interviewed – 66.9% of the total – had never been to school. Those who had been to primary school represent 15.2% of the total sample, those who had had secondary education 17.7% and those who had been to university, 0.2%. Uneducated women and those who had been educated at primary level together make up 81.9% of the sample. This is not surprising, as girls living in rural areas in the DRC generally get very little education. According to national public health surveys carried out by UNICEF in 2001,⁴⁹ the illiteracy rate among Congolese women is 46%. The literacy rate is even lower in rural areas and the longer the distance from towns, the less schooling children have.

4.4 Occupation

| Occupation | No. (Total = 492) | % |
|------------|-------------------|------|
| Unemployed | 47 | 9.6 |
| Trader | 32 | 6.5 |
| Farmer | 374 | 76.0 |
| Student | 35 | 7.1 |
| Teacher | 3 | 0.6 |
| Labourer | 1 | 0.2 |
| Total | 492 | 100 |

Table 6 : Distribution of interviewees by occupation

Many of the women were farmers: they made up 76% of the sample. Unemployed women accounted for 9.6% and school pupils or students 7.1%. The victims of rape and sexual abuse in South Kivu are thus mainly farmers. In the rural areas, where 65% of the population live,⁵⁰ women's tasks include cultivating the fields (ploughing, hoeing and sowing), harvesting, gathering firewood for cooking and fetching water. Since most of these activities are carried out in relatively isolated places, the women are exposed to assaults of all kinds by the combatants who, when they are not looting houses, roam the fields in search of agricultural produce for their own consumption.

⁴⁹. UNICEF/MICS, 2001.

⁵⁰. Boute, J., and Moulin, L.S., *Perpectives régionales, 1975 – 1985 et 1984 – 1991*, Département du Plan, Kinshasha /Limete, 2003.

4.5 Religious affiliation

| Religion | No. (Total = 492) | % |
|------------------|-------------------|------|
| Catholic | 239 | 48.6 |
| Protestant | 213 | 43.3 |
| Kimbanguiste | 1 | 0.2 |
| Muslim | 15 | 3.0 |
| Religious sects* | 20 | 4.0 |
| No religion | 4 | 0.8 |
| Total | 492 | 100 |

Table 7: Distribution of interviewees by religion. *The religious sects include: Baha'i, Domineur, Maelo and Malkia

Of the women interviewed, 48.6% were Catholic, 43.3% Protestant. Catholicism is the dominant religion in South Kivu. Another 4% of the women belonged to various religious sects and 3% were Muslim.

4.6 Ethnic group

| Ethnic group | No. (Total = 492) | % |
|--------------|-------------------|------|
| Balinga | 1 | 0.2 |
| Bangubang | 3 | 0.6 |
| Bazoba | 1 | 0.2 |
| Babembe | 182 | 37.0 |
| Babuyu | 2 | 0.4 |
| Babwari | 6 | 1.2 |
| Bafulero | 40 | 8.1 |
| Bahavu | 45 | 9.1 |
| Bakusu | 1 | 0.2 |
| Baluba | 4 | 0.8 |
| Banyamulenge | 2 | 0.4 |
| Bashi | 131 | 26.6 |
| Banyindu | 1 | 0.2 |
| Balega | 61 | 12.4 |
| Batembo | 3 | 0.6 |
| Bavira | 8 | 1.6 |
| Bazimba | 1 | 0.2 |
| Total | 492 | 100 |

Table 8: Distribution of interviewees by ethnic group

The interviewees came from 18 different ethnic groups. The majority of the rape victims was Bembe, accounting for 37% of the sample. Given that the area inhabited by the Bembe people borders on Burundi, Bembe women are easy targets for the armed groups from that country. Next come Bashi women (26% of the sample), Balega (12.4%), Havu (9%) and Fulero (7.5%). These ethnic groups are the most numerous in South Kivu province. Kabare and Walungu Territories are inhabited exclusively by the Bashi people, who are also found in part of Mwenga Territory. These three territories, which are geographically close to Rwanda, were occupied at the start of the war by troops of the Rwandan Patriotic Army (RPA) and of the Rassemblement Congolais pour la Démocratie (RCD). Like Shabunda Territory, they are covered with forests that are particularly rich in flora, fauna and minerals, and are the hideouts of both Rwandan Hutu and Congolese armed groups. The proportion of women belonging to other ethnic groups is very small, ranging from 0.2–1.6% of the total sample.

5

Types of Rape and Sexual Violence

In this chapter we identify the different types of rape and sexual violence that were committed, according to the victims' own testimonies. We have classified them according to a series of criteria, such as the number of rapists per victim, the kind of place where the rape took place, how the rape was carried out, the ethnic identity of the perpetrator(s), and, finally, the type of torture inflicted on the victim. The chapter closes with the opinions of the victims on the ethnic identity of the rapists and on their state of mind when the attacks took place.

5.1 Types of rape

The rapes and sexual abuse were committed with unprecedented cruelty, the perpetrators having devised the most humiliating and degrading treatment they could inflict on their victims. A large number of rapes occurred in public places and in the presence of witnesses. Four types of rape have been identified: individual rape, gang rape, rape in which victims are forced to rape each other and rape involving objects being inserted into the victims' genitals. In many cases, the rape victims were tortured and others were murdered.

5.1.1 Individual rape

This is where a single perpetrator rapes a single victim. Of the 492 informants, 105, or 21.3%, had been subjected to this type of rape.

| Number of attackers | No. (Total = 492) | % |
|---------------------|-------------------|------|
| 1 | 105 | 21.3 |
| 2 | 142 | 28.9 |
| 3 | 107 | 21.7 |
| 4 | 49 | 9.9 |
| 5 | 46 | 9.3 |
| 6 | 23 | 4.7 |
| 7 | 8 | 1.6 |
| 8 | 4 | 0.8 |
| 10 | 2 | 0.4 |
| 14 | 1 | 0.2 |
| 15 | 3 | 0.6 |
| 18 | 1 | 0.2 |
| 20 | 1 | 0.2 |
| Total | | 100 |

Table 9: Distribution of interviewees by number of attackers

5.1.2 Gang rape

Table 9 indicates that 390, or 79% of the women interviewed had been raped by at least two attackers, either one after the other or simultaneously. The number of attackers ranged from 1 to 20, giving an average of 4.5 attackers per victim.

Thirty per cent of the victims of gang rape were raped by two attackers simultaneously. One of the interviewees gave the following testimony:

“I was in my field, busy cutting wood, when four armed men suddenly appeared at the other end of the field. They told me to undress and to volunteer myself to one of them. I refused. Then they took me, spreading my legs out and tying them, one to the bottom of a tree, the other to another tree trunk. They stuck my head between two sticks held diagonally, so that I couldn't sit up without strangling myself. I stayed in this position and one of the attackers penetrated me forcefully from behind in the vagina, and the other pushed his penis into my mouth, right into my throat... I was retrieved by some neighbours who had watched my ordeal from a distance. When they found me I had fainted and was covered in blood...”

Some women also said how, sometimes, during these gang rapes, after one man had finished raping the victim, the attackers would insert the end of a rifle, wrapped in a cloth soaked in water, into the woman's vagina, so as to 'clean' it ready for the next attacker.

5.1.3 Forced rape between victims

Often, after having committed gang rape, the attackers would force members of the same family to have incestuous sexual relations with each other: between mother and son, father and daughter, brother and sister, aunt and nephew. Families were also forced to watch the gang rape of one of their members, usually the mother or sisters. They were then made to dance naked, to applaud, and to sing obscene songs, while the rape was going on. Likewise, sons were forced to hold their mother or sister to prevent them struggling while they were being raped. Although this type of rape happened all over South Kivu, the largest number of testimonies came from Shabunda.

5.1.4 Rape involving the insertion of objects into the victim's genitals

Of the 492 informants, 61, or 12.4%, had experienced this atrocity. The objects mentioned as having been used were sticks, bottles, green bananas, pestles coated in chilli pepper and rifle barrels. One victim, interviewed in a local hospital, supplied the following testimony:

“A few moments after the Interahamwe arrived in the village I heard my neighbour screaming. I looked out of the window and I saw some men, all holding rifles. Immediately I wanted to run away and hide but three of them turned up at our house. My husband pretended to be asleep... They grabbed me roughly. One of them restrained me, while another took my pili pili⁵¹ pestle and pushed it several times into my vagina, as if he was pounding. This agony seemed to be a never-ending hell... then they suddenly left. For two weeks my vagina was discharging. I was operated on, you can see... [the women pulled up her gown]... I have to relieve myself into a bag tied to an opening in the side of my belly. They also killed my husband and my son.”

Another informant, beaten and raped by four FDD fighters one after the other said:

“... They took my bottle of water, which I'd put down beside me, and they pushed it into my vagina, ordering me to sit down. One of them held me down with all his weight, to make it easier to push the bottle in. I bled a lot, because my vagina was torn.”

A number of these rapes were accompanied by torture, especially if the victims resisted: 71.7% of the interviewees were tortured while the rape was being committed, especially when they put up a fight. They were

⁵¹ Chilli pepper in the local language.

beaten, wounded with machetes, or they had their genitals mutilated or burnt with drops of plastic melted by a flame. Some women, after they had been raped, were killed by a shot fired into their vaginas. One woman, whose 17-year-old daughter had been tortured to death in front of her, gave this horrific testimony:

"... my daughter refused to obey the order to get undressed. So they ordered her to choose between rape and death. She chose death. So they started to torture her, cutting off her breasts one at a time with a knife, then her ears and then they completely cut open her belly... after a time, my daughter breathed her last... I was powerless, I wasn't able to protect her. Since then I haven't been able to do anything, I'm ill, suffering extreme trauma."

Seventy per cent of the victims declared that their attackers were in a normal and lucid state of mind, even while meting out such cruel treatment. The other 30%, however, noted that their attackers displayed extreme nervousness and irrational behaviour, which made them think that they were acting under the influence of drugs. One victim declared:

"I was in the field and getting ready to go home when these men came out of their hiding place. They tied me to a tree trunk that was lying on the ground. They tied my legs, spread out, to two other tree trunks. All of them, one after the other, raped me. Then they took one of the unripe bananas that I had gathered and pushed it into my vagina, moving it about, several times, claiming that I had been acting like a whore but that I had rejected the advances of one of them. They mocked me in Kiswahili saying that four men were not enough for me, that I needed ten... The banana was the end of their raping... My attackers spoke Kinyarwanda very well among themselves. I was bathed in blood when my friends untied me. So far, I've had no medical treatment because it's very expensive. I still suffer bad pains low down in my abdomen. The leaders of those troops ought to take care of us."

These acts of sexual violence have left the victims with profound physical, psychological and emotional trauma. All of them said that the manner in which they had been assaulted and raped constituted the most degrading and humiliating experience they had ever lived through. They said that they had lost their dignity, their honour and their self-esteem. Their sense of self and their spiritual sensibilities had been seriously damaged. Several women interviewed in Kalehe said they felt profound regret at having had extra-marital sexual relations, which was contrary to their religious convictions. This trauma was exacerbated by the fact that many women who had been raped were stigmatised and ostracised by their spouse, family and community.

5.2 Planned rape

An analysis of the interviewees' replies indicates that most of the rapes and sexual abuse seem to have been planned in advance by the attackers: seventy per cent of the victims said that this was the case. For example, the rapes and looting committed by the Interahamwe around the Kahuzi-Biega National Park, at Kalehe and Izege in particular, from 2000 onwards seem to have been planned and co-ordinated. Rape and pillage nearly always went hand in hand. The attackers came with a specific aim in mind: to terrorise, loot, rape and then leave, taking with them the goods they had stolen (livestock, agricultural produce, kitchen utensils, farming implements, etc.). They picked out a number of villagers and forced them to carry the heavy items for them.

"They arrive in a band in the afternoon or after nightfall, overrunning the whole village, barging into the houses in small groups and terrorising the people... one lot rape the girls and women while the others pack up the goods to take away. And at the signal for departure, the attackers pick out from among the inhabitants the ones who are going to carry the booty. They leave the village straight away. That makes you think there has been a certain amount of planning behind it all."

Some of the women who had been kidnapped and kept as sex slaves and cooks in the attackers' camps had witnessed the men returning to the camp with goods stolen from the peasants, and getting permission from the leader, as a form of thanks, to invade a village for one or two hours and to rape the women, for 'relief'.

However, there were also incidents of unplanned rape, especially when the women found themselves, by chance, face-to-face with attackers – in the fields, in the woods, at a spring or at a remote spot or isolated house. This was what had happened to 30% of the informants.

Thirty-eight per cent of the women were raped in a public place and in the presence of witnesses who, in most cases, were close members of the family or of the woman's immediate circle. By contrast, 61.8% of the informants were raped in a place that was at a distance from the village, and without any witnesses. Most of them said that they did not dare tell their spouse and their family about what they had been subjected to, for fear of being rejected.

Table 9 shows the responses of the women interviewed as to whether the rape took place in public or in an out-of-the-way place.

| Type of place | No. (Total = 492) | % |
|---------------|-------------------|------|
| Public | 188 | 38.2 |
| Isolated | 304 | 61.8 |
| Total | 492 | 100 |

Table 10: Distribution of interviewees by place where attack occurred

It should be noted that in both cases, the great majority of the women interviewed had been subjected to gang rape.

5.3 Identity of the attackers

Trying to identify with any precision the perpetrators of the rapes and sexual violence is an impossible task. The identification in this research is based on information provided by the victims. In order to reduce the possibility of bias and to increase the degree of reliability of the replies, the victims were asked detailed questions that were formulated in a way that meant they had to explain how they had been able to positively recognise their attackers.

Ten per cent of the interviewees; those who had been kept prisoner, sometimes for long periods (several months or even years) in the fighting groups' camps, were able to accurately recognise the origins of their kidnappers. Other women who had been raped, and also the witnesses to the rapes were able to identify the perpetrators because they knew the armed groups that fought in that particular area. The attackers could also be recognised by the grievances that they expressed against the victims while abusing them. For example, if they accused the women of having collaborated with the Mai Mai, then the women realised that they were dealing with members of an opposing force, which in this case was the RCD, the RPA or sometimes even the FDD.

Some of the women said that the attackers' features and physical build, the language they spoke and the nuances of their accent provided the clue to their identity. However, it would be unwise to regard indications of this sort as totally reliable. The widely held view that Tutsis are tall and thin and Hutus short and stocky is in most cases erroneous. With regard to language, many Congolese speak Kinyarwanda or Kirundi, the national languages of Rwanda and Burundi respectively.

Nevertheless, language and accent are more reliable criteria for identification than physical appearance. Most of the attackers are soldiers belonging to the labouring and peasant classes, and would be unlikely

to lose their local accent. Moreover, the people who live in the areas near the border between South Kivu and Rwanda and Burundi are familiar with each other, not only because of the shared borders but also because of the longstanding hostility between them. They can therefore recognise each other relatively easily.

Drawing on this range of evidence, the research team was able to reduce the degree of bias in the replies and to draw up the table below, which it believes is a relatively accurate reflection of the truth. The table below sets out the identity of the attackers, according to the opinions of the victims.

| Attackers | No of Victims | % |
|---------------------------------|---------------|------|
| Interahamwe | 133 | 27.0 |
| FDD | 131 | 26.6 |
| RCD | 99 | 20.0 |
| Maï Maï | 79 | 16.0 |
| Unidentified uniformed fighters | 18 | 3.6 |
| Unknown | 15 | 3.4 |
| RPA | 9 | 1.8 |
| Banyamulenge militias | 7 | 1.4 |
| Thieves | 1 | 0.2 |
| Total | 492 | 100 |

Table 11: Distribution of attackers by origin, according to interviewees

It emerges from this table that 133 women and young girls, or 27% of the sample claim to have been raped by members of the Interahamwe; 131 others (26.6%) by FDD fighters; 106 (21%) by Banyamulenge militiamen or RCD combatants; 79 (16%) by Maï Maï militiamen; 18 (3.6%) by men in uniform, not otherwise identified; 15 (3.4%) by unknown men; and 9 (1.8%) by RPA soldiers.

A total of 33 women were not able to identify their attackers because, they said, of the trauma they had suffered, because of fear or because they were left unconscious by the rape. This was the case for some of the women who were raped when they were alone at a stream, in the fields or in the banana plantations.

“I was alone in the field. I saw five men in uniform come straight towards me, armed with rifles. They tied my legs apart, one attached to the bottom of a tree, the other to a tree trunk on the ground. They started to brutally rape me. I began to bleed and I fainted. The people from the village picked me up and took me back to the house. With all that, how could you expect me to identify my attackers?”

Many of the women interviewed said that the most brutal and degrading acts of sexual violence had been committed by members of foreign armed forces, especially the FDD, the Interahamwe and the RPA. According to them, these men raped their victims in a particularly cruel way, torturing them by, for example inserting objects into their genitals. However, they had also witnessed similar degrees of cruelty among Congolese fighters, in particular the Maï Maï militias stationed in the forests of Shabunda. These militiamen, not content with torturing their victims, also forced members of the same family to have incestuous sexual relations.

For the women, the rape and sexual violence perpetrated by the Maï Maï are all the more shocking and reprehensible because they represent a breach of the rules and prohibitions that traditionally regulate the behaviour of these militias. In fact, for Maï Maï militias, “the concept of ritual purity is of greatest importance, because it protects them during fighting, which ensures their victory over their enemies.”⁵² This purity is acquired in the course of a ritual ceremony that bestows energy, power and invulnerability on the militiamen. Retention of this ritual purity depends on observing certain norms and precepts during a war, and especially in relations with women. They are forbidden to eat food prepared by women, to

⁵² Vlassenroot, K., op. cit., p.139.

have sexual relations with women, including their own wives, or to be on a path that is used by women.⁵³ These rules apply equally to military activities. It is forbidden, for example, for militiamen to carry out military action against civilian populations and indeed they are under an obligation to sprinkle villages with water so as to protect the local communities.⁵⁴ Contravening these precepts meant the combatants lose their protection and invulnerability on the battlefield, and they have to undergo purification rites to recover them.

These military ethics have won the respect of the local population and generated sympathy towards the Mai Mai. This explains why, despite being responsible for violent acts, many Mai Mai militiamen continue to enjoy strong popular support and are regarded as patriots working for the liberation of the national territory. The violence is therefore attributed by the people to what they call the 'false' Mai Mai – that is, they say, impostors who assume the Mai Mai identity for criminal or political reasons: for example, the hordes of thieves who take advantage of the general lack of order to rob and rape, or enemy troops' agents and informers who deliberately terrorise the people, with the aim of discrediting the Mai Mai 'patriots'.

⁵³. Ibid.

⁵⁴. Ibid.

6 The Consequences of Sexual Violence on Women and their Communities in South Kivu

The findings in this chapter derive from individual discussions and also from the examination of reports from various health centres and local organisations that provide victims with medical or social care.

What emerges very clearly is that the sexual violence has severely harmed not only the victims themselves, but also their families and communities. The victims' physical and moral integrity has been badly damaged as has their dignity. Given the scale and nature of the sexual abuse, and the devastating consequences for the women and their communities, the DRC is faced with a serious public health problem. This violence has also contributed to the erosion of the economic and social fabric of rural communities and the impoverishment of the most disadvantaged social groups in South Kivu.

6.1 The consequences of sexual violence for the health of women in South Kivu

6.1.1 Physical and reproductive health

As Table 12 shows, the majority of victims – 91.5% of the sample – suffers from one or more rape-related physical or psychological problems.

| Affliction | No. (total = 492) | % |
|--|-------------------|------|
| Leucorrhoea | 420 | 85.4 |
| Dyspareunia | 421 | 85.6 |
| Asthenia | 340 | 69.1 |
| Amenorrhoea with no pregnancy | 50 | 10.2 |
| Vaginal discharge (blood) | 121 | 24.6 |
| Vaginal discharge (urine or faeces) | 200 | 40.7 |
| Dysuria | 322 | 65.4 |
| Pain in lower abdomen | 391 | 79.5 |
| Lumbago | 150 | 30.5 |
| Prolapsed uterus | 28 | 5.7 |
| Miscarriage following rape | 24 | 4.9 |
| Headaches | 180 | 36.6 |
| Insomnia and nightmares | 382 | 77.6 |
| Irregular periods | 321 | 65.2 |
| Various injuries caused by blows with machetes or sticks | 21 | 4.3 |
| Inflammation of the vulva | 112 | 22.8 |
| Vaginal tearing | 69 | 14.0 |
| Fear and shame | 450 | 91.5 |
| Phobia about soldiers | 89 | 18.1 |
| Dysmenorrhoea | 280 | 56.9 |
| Pregnancy following rape | 51 | 10.4 |
| Feelings of disgust around sex | 183 | 37.2 |
| None | 42 | 8.5 |

Table 12: Health problems resulting from the rapes

Most of the problems mentioned in Table 12 are damaging to women's reproductive health, and this is particularly significant as the majority of the women interviewed are of childbearing age. Leucorrhoea (heavy periods), for example, immediately suggests the presence of a sexually transmitted infection. Dysuria (difficult or painful urinating), pains in the lower abdomen, and irregular periods can also all be symptoms of vaginal infections. These medical conditions can lead to primary sterility in women who have never given birth, or secondary sterility in those who have already had at least one baby. This is because, if they do not receive appropriate treatment in time, the infection can travel up the vagina and uterus and infect and block the Fallopian tubes, thereby rendering fertilisation almost impossible and thus compromising the women's future childbearing prospects. The same is true for prolapse of the womb and for vaginal tearing, which requires surgical repair, especially in the case of women of childbearing age.

Urine and faeces flowing from the vagina are signs of vesico-vaginal and recto-vaginal fistulas, which also need surgical intervention. Women suffering from this have to wear sanitary towels constantly or in most cases, because of the poverty in which most of them live, just a piece of cloth, which they have to wash frequently. Women with vaginal fistulas often live apart from the rest of the community, because of the bad smells that they give off. One victim described the effects of this:

“Since I was raped, I've had water permanently running down between my legs. I have to wear a piece of cloth that I must wash five to seven times a day and this means having water and soap available. Sometimes when I am in company, I see the others get up one after the other, or else their mood changes suddenly, they cut short the conversation and leave as fast as they can. Then I realise that I've begun to give off... and I go home to wash myself and to shut myself up in my hut, to hide my shame.”

Most of the victims do not fully understand the extent or gravity of the health problems and complications that leucorrhoea and vaginal discharges can cause, and they try to conceal them from their husband and their family. This situation only serves to deepen their distress, because they need medical help and the moral support of those close to them.

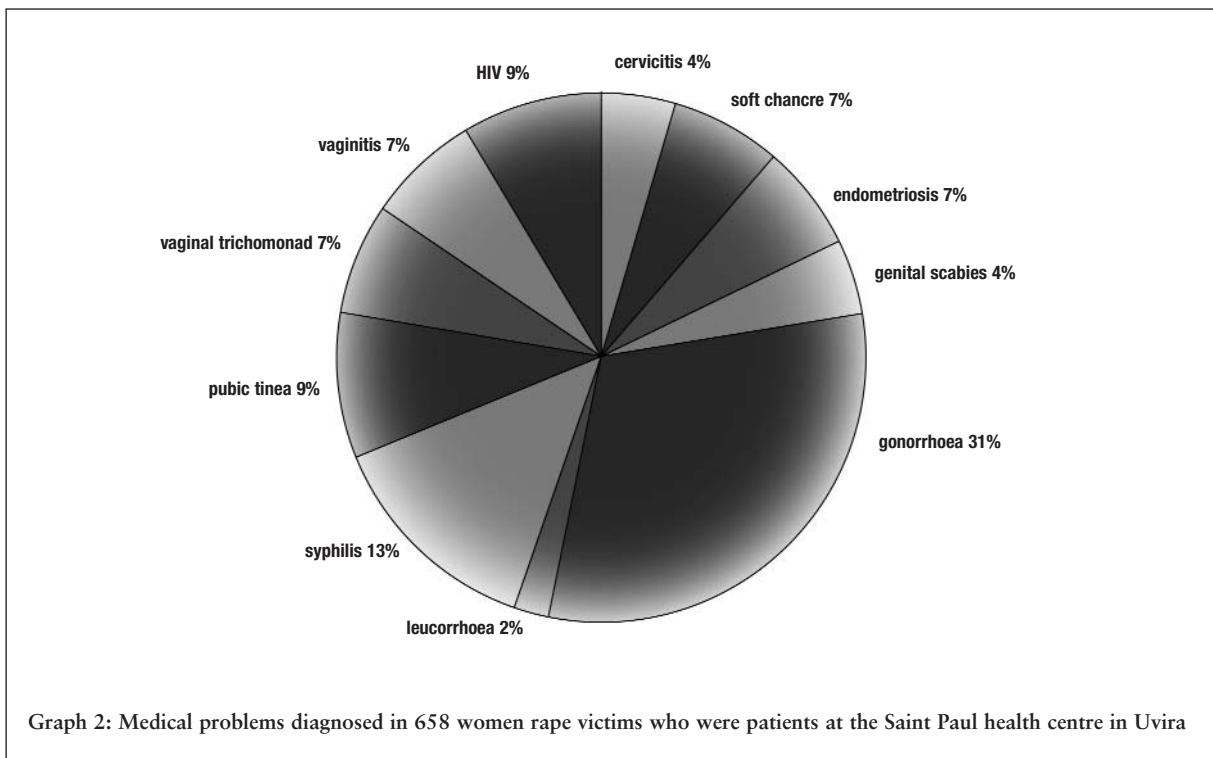
It has not been possible within the framework of this survey to determine the number of women in the sample who are infected with HIV/AIDS. However, it is estimated that nearly 60% of combatants involved in the war in the DRC are HIV-positive,⁵⁵ which means that there is a high risk of infection. It is known, moreover, that the risk of HIV/AIDS being transmitted during forced and violent sexual intercourse is much higher than in the case of consensual intercourse. Genital injuries, including tears and scratches to the vagina or to other organs, increase the probability of transmission if the attacker is HIV-positive. Also, the protective vaginal secretions that are present during normal sexual intercourse are absent in the case of rape. Girls who have not yet reached puberty run a high risk of HIV infection, in that they are more liable than older girls and adult women to suffer vaginal injuries during rape.

At the Saint Paul health centre in Uvira, the research team read the medical records of 658 women who had been raped between January 2002 and February 2003. On the basis of the results of clinical examination, 493 women received treatment. Of these, 121 failed to respond to the initial treatment, which meant they had to be given broad-spectrum antibiotics to deal with the infection.

Of the victims who were examined and treated at this health centre, the overwhelming majority presented with two or three sexually transmitted infections and these cases had to be treated with the use of several additional antibiotics. The main diseases found in these patients were gonorrhoea, primary syphilis, soft chancre, genital herpes, vaginal bubo, vaginal trichomonad, HIV/AIDS. The graph on the next page shows the percentage of women affected by these various diseases.⁵⁶

⁵⁵ Human Rights Watch, *La guerre dans la guerre*, op. cit., p.62.

⁵⁶ This figure was drawn on the basis of data obtained from an activity report of the Saint Paul centre in Uvira, covering the period from December 2002 to February 2003.



Nine per cent of the women who were tested for HIV/AIDS turned out to be HIV-positive. These results are probably not an accurate reflection of the real situation, given that techniques for taking blood samples in the rural areas are not entirely reliable, and that the tests were carried out on the patients only once, between December 2002 and February 2003. The incubation period for HIV can be as long as a year and therefore the test ought to be carried out several times, the last test taking place one year after the suspect sexual contact. It is only at that point that a reliable diagnosis can be made.

The majority of the rape victims – 70% of the women interviewed – had received no medical treatment at all. Some had decided not to go to a health centre, preferring not to reveal what had happened for fear of being stigmatised. Others could not get access to treatment, either because there was no health centre in their area, or if there was, because it was too far from where they lived. The roads were unsafe, and many women were unwilling to set out alone, for fear of being attacked and raped again. Some of the interviewees had been robbed and stripped of their belongings after being subjected to rape, and were totally without financial means and incapable of meeting any medical expenses, or of getting themselves to a specialised clinic in a town.

The destruction of much of the public health infrastructure poses many problems. A large number of hospitals and rural health centres have been completely looted and ransacked and have had to close. Medical staff have quit their jobs because of the lack of security, rapes, abductions and pillaging. In the most remote rural areas the lack of competent nursing staff means that victims have little chance of receiving proper medical care. The few health centres in the rural areas that are still functioning are not equipped to deal with the more complicated cases. In urban centres such as Bukavu the general hospital and the clinics are stretched beyond their capacity and are unable to properly deal with all the cases presented to them.

More than half of all the medical facilities in South Kivu suffer from a dire shortage of medicines, to the point that they are no longer able to give their patients even basic primary care. Shabunda, for example, has 66 health centres, of which only 34 are functioning – and this only since 2001. There are only two general practitioners in post for the whole area. The 34 functioning centres have experienced interruptions in the supply of essential medicines since the outbreak of the war. Only ten of them receive emergency medical support, from Médecins sans Frontières Holland.

A number of local organisations also look after victims of sexual violence and 18.6% of the women interviewed had benefited from their support. These associations arrange first aid for the the victims

before sending them to a dispensary. They provide clothes and soap for victims who have been stripped of their possessions, and offer shelter in refuges for women who find themselves homeless as a result of being stigmatised. They also organise monitoring visits for those women whom it has not been possible to accommodate in the refuges. Despite the excellent work that they do, these organisations, small in number, have neither sufficient financial means nor the appropriate expertise to give these patients the kind of treatment and special care they need.

In this situation, many of the women interviewed had no alternative but to look after themselves, within their very modest means. 13.4% of the informants had relied on self-medication with common basic medicines such as aspirin or bactrim. For 42% of them, living in remote rural communities, bathing and douching with the use of local medicinal plants helped to slightly ease the pain. In 91.6% of cases, the women simply washed themselves in plain tepid water.

Sometimes families gave moral support. This was the case for 32.5% of the victims, who were nevertheless urged by their families not to make public what had happened to them, to avoid being stigmatised by their friends or by the community as a whole. Of the women in the sample, 49.6% had been supported by their mothers, who gave them advice and supplied remedies to ease the pain. A small percentage of the women also received the support of their husbands: in 7.1% of the cases, the husbands took a close interest in the treatment their wives received and gave them moral support.

6.1.2 Psycho-social consequences of the rapes

Almost all (91%) of the interviewees claimed they were suffering from behavioural problems. The most frequently cited were latent fear and shame but they also mentioned self-loathing, excessive sweating, insomnia, nightmares, memory loss, aggression, anxiety, sense of dread, and withdrawal into themselves.

These are all symptomatic of the deep trauma that most of the informants were suffering. A substantial number of them were tormented by the fear of having contracted HIV/AIDS or other sexually transmitted diseases. Many of the women were suffering from dyspareunia (85.6%), feelings of disgust about sex, and libido problems (37.2%), or severe pain in the lower abdomen (79.4%) had found it difficult to have an untroubled sex life again. For them, sexual relations had become a real nightmare.

Many women blamed themselves for what happened to them. This feeling was made worse by their experience of being stigmatised and ostracised by their families and by their communities, who hold them responsible for the sexual violence they endured. This stigmatisation, together with the fear of contracting HIV was one of the main reasons why most of the victims' husbands had either shunned them or left them altogether. Some even demanded that their wives provide a medical certificate declaring that they were HIV-negative before starting to live together again. The screening test is expensive and the women, many of whom are extremely poor, usually cannot afford to have it done. This situation has led to numerous divorces. In Fizi and Uvira districts, for example, 26% of the married women who had been victims of rape had been abandoned by their husbands, most of whom had then remarried.

The problem is most acute for single girls and young women. Infection or even the suspicion of being HIV positive considerably reduces their chances of getting married. Given the health and socio-economic situation in DRC their chances of having children, or of having children with a life expectancy of more than five years, are also reduced. All this adds up to a grim picture for the women who are single and has a profound effect on their mental equilibrium – especially in a country like the DRC where encouraging a high birth rate remains deeply entrenched in its culture. Women who have suffered sexual violence and who as a result will not be able to fulfil the reproductive role that society assigns to them often find themselves judged for it.

The ostracism and stigmatisation are even worse when rape results in pregnancy. Women and girls who found themselves pregnant as a result of being raped represent 6% of the sample. They regard their unwanted pregnancies – together with HIV infection – as one of the most serious consequences of rape. On a psychological level, the child they are carrying is the living and permanent symbol of the rape they

were subjected to. This is an unbearable situation to be in, particularly since families and communities very often blame the women themselves for it. The pregnancies cause arguments between couples, and very few husbands accept children who are not theirs. One interviewee who was in this kind of situation declared:

“... the baby himself is innocent but my husband doesn't even want to touch him. He has told me to wean the baby as soon as possible and give him to my mother to look after, if I want to be forgiven. The presence of the child rekindles his anger and means his feelings cannot be healed...”

Divorce among these couples is common - 36%. The women's immediate family, their in-laws and the whole community regard these babies conceived through rape as an affront - a bad memory left by the attackers and above all as a future threat to the community, because, they say, these children resemble their fathers. One woman heard someone saying about her son:

“... it's a little snake in the grass, sooner or later it will bite...”

One girl from Shabunda who, together with her mother, had spent two years as a sex slave in a Mai Mai camp and had given birth to a child before being freed, said:

“... when we returned, we were well received by our family, but the neighbours sneered at us. The presence of this child in the family is not accepted. My uncles were talking among themselves saying that this is a Mai Mai child, unruly and brutal like its father. The child is almost naked, like the Mai Mai were at the start, when their movement was formed.”

These children are therefore subject to terrible social pressure. They are commonly referred to as “mutoto wa haramu,”⁵⁷ Interahamwe or Mai Mai – depending on which group the man or men who raped their mothers belonged to.

Women who are forced to divorce after being raped have little chance of remarrying. The same goes for unmarried girls, who not only lose their fiancés, if they have one, but also subsequently have enormous difficulty in finding another partner. Often the husbands' families adopt a very hard attitude towards their daughters-in-law or sisters-in-law who have been raped, particularly in cases where the husband was murdered during the attack. These women are then held responsible for the loss of a member of the family.

Many of the women who are raped end up losing all confidence and self-esteem. Some fall into prostitution. Others have broken away from their community to find refuge in places where they cannot be identified. In Bushwira and Kabare, for example, almost all the women who became pregnant as a result of rape had left home to lose themselves in the anonymity of urban centres such as Uvira, Bukavu or Goma.

Unfortunately, stigmatisation encourages a culture of silence. Women opt to conceal what has happened to them rather than face the censure of their family and community. Among Pygmy women, who were raped en masse around the area of the Kahuzi-Biega national park, only 36% dared to inform their spouses; 9% told no one about what had happened to them, and the others told only a member of their family: sister, mother, brother or father. Out of the husbands who were told, 47% reacted very badly, becoming suspicious of their wives and 26% showed compassion, supported their wives and shared their secret. At Fizi, 63% of the women interviewed had never told anybody.

Sexual violence perpetrated against women has led to dysfunction within the family unit, which in some cases is no longer in a position to play the role of guardian of moral and ethical values. Children and young people who witnessed the rape of their mother or sister, or who were forced to commit incest have

⁵⁷. Bastard in Kiswahili.

been left deeply traumatised by these experiences. It has been noted that many of them display an altered attitude towards family authority, ranging from lack of respect and intolerance to contempt and even blame for their parents for not having managed to prevent what happened.

6.1.3 Socio-economic consequences of the rapes

As mentioned above, the war and the sexual violence perpetrated against women has contributed in large measure to the erosion of the economic and social fabric of communities in South Kivu, because the victims are the active members of the female population and thus the main driving force behind the rural subsistence economy.

Eighty per cent of the population of the Kivus are engaged in agriculture and 70% of that group is women. They are essential workers, responsible for the upkeep and preservation of their communities, whose survival depends largely on their productive and reproductive capacities. As farmers, rural women provide for their families' everyday needs, and they sell their surplus produce to meet the families' other vital needs such as education, clothing, medical expenses and, when they are able, the purchase of tools for cultivating their fields. The tasks of drawing water and gathering firewood in the forest also fall to them. In addition, the women are active in the informal economy, through selling goods locally for everyday consumption, including basic essentials such as cassava, fish, vegetables, palm oil, salt, soap and charcoal.

Sexual violence has led to a lowering of women's productivity and therefore the impoverishment of communities. Physically and morally weakened, some victims can no longer work in the fields, or carry on their trading activities. In addition, rape is always accompanied by pillage, leaving the women completely stripped of the fruits of their labour and of their means of production – such as they were. Rapes that are committed against women farmers working in their fields are systematically followed by the pillaging of their crops and their farming implements. When the attacks take place in the victims' homes, their small livestock, poultry, kitchen utensils, money, clothing and provisions are all stolen. In Fizi, Shabunda and Walungu the family home is often burned down. When attacks occur on the roads, the perpetrators strip their victims of their money and sometimes their clothes. Given this situation, women traders are increasingly wary of venturing onto the roads or taking their produce to local markets for fear of being raped, robbed or killed. Many rural communities have therefore lost their main sources of supply and cases of severe malnutrition are increasing at a dangerous rate. In some communities, the women farmers have tried to get round the problem of insecurity by cultivating small plots around their homes, which enables them to continue growing vegetables and other basic items necessary for their families' survival.

Given this situation and the resulting precariousness of their lives, the fear of being stigmatised and the lack of any prospects for lasting peace in the short or medium term, many women who have endured sexual violence have opted to leave their communities, which are thus deprived of their essential social and economic driving force. The abduction of girls and young women and their confinement in the armed groups' camps also represents a loss of active members of society. In addition, many productive young men have either been killed in combat or forced to join rebel groups, which does not augur well for the socio-economic future of South Kivu.

7 The Motives of the Soldiers and Militiamen Involved in Rape and Sexual Violence

This chapter attempts to decode and gain an understanding of the reasons behind the sexual violence committed by members of the various armed forces involved in the war in the DRC. What drives them to indulge in these particularly barbaric acts of sexual violence and abuse against Congolese women and girls?

It is clear that these acts of violence are linked to the persistence of unequal gender relations and particularly to the way women's bodies are regarded. War exacerbates this inequality of power relations because the general security crisis places women in an even weaker and more vulnerable position. However, there are also other reasons, no less important, of a political, socio-economic and psychological nature. This chapter endeavours to identify and analyse these reasons, mainly on the basis of the data gathered from the 492 women and 50 RCD soldiers and Maï Maï militiamen who took part in the survey.

Given the small number of combatants interviewed, the authors took the decision to base their analysis on the perceptions, interpretation and understanding of the women interviewed regarding the sexual violence and torture they had experienced. The reasons for the violence are thus presented in this chapter from the viewpoint of the victims.

The few RCD soldiers and Maï Maï militiamen interviewed did provide some explanations regarding the motives of their respective armed forces. However, these piecemeal testimonies do not make the issue any more understandable in all its aspects and complexity. To have gained a real understanding it would have been necessary to interview members of all the principal armed groups active on Congolese soil – that is, as well as the Maï Maï and the RCD troops, the Interahamwe, FDD, FNL, Banyamulenge, the national armies of Rwanda and Burundi – and above all, representatives of the high command of these forces. Unfortunately, the research team's repeated attempts to contact all the parties involved were unsuccessful. This aspect of the research would be worth investigating further.

7.1 The viewpoint and perceptions of the victims and of those members of armed groups who were interviewed

The women's own interpretations, confirmed by the comments of the soldiers and Maï Maï fighters who were interviewed, demonstrate the multiplicity and diversity of the motives of those responsible for the rapes and sexual violence. It seems clear that a broad range of factors – political, ideological, psychological and socio-cultural – is at the root of these acts of extreme violence.

7.1.1 The lack of organisational structure, training and discipline among the fighting forces

Eighty-three per cent of the women interviewed gave structural reasons as one of the main factors behind the perpetration of sexual violence. In their opinion, these acts are a result of the disorganisation and predatory nature of most of the armies and militias active in South Kivu, as well as the lack of discipline among the combatants.

The armies and militias are made up mostly of young men, often with very little education or who are completely illiterate. Some were forcibly conscripted, whilst others took up arms by choice in a socio-economic situation marked by extreme poverty and an absence of alternative employment opportunities for young men in the whole of the sub-region. For these young men without work, the rifle becomes a means of getting an income, and of gaining social promotion and power. The armies of Burundi and Rwanda, despite being regular armies, also fit this picture to a certain extent, and they are unable to prevent their troops from committing sexual attacks against women.

The young militia recruits are initiated at the outset into violence and drug-taking through a ritual designed to strengthen their character and toughen them up. In Shabunda, for example, they are ordered to kill a member of their own family, generally their father or mother. They are also forced to take drugs. Indian hemp, which is grown in some parts of South Kivu, is available at prices ranging from 1–15 US dollars, and the combatants obtain this money by holding local people to ransom, often by setting up roadblocks and demanding payment from people before they will allow them to pass. The combatants live off the local people and they have to cope as best they can in terms of getting food, clothing and anything else they need for daily survival, because the majority do not get paid at all - or if they do, it is only very irregularly. Only soldiers of the RPA receive regular pay. In the absence of a proper command structure and rigorous training, these troops, who are often left to their own devices in the forest and in places a long way from army authorities, constitute a real threat to the civilian population. The RCD troops, notoriously undisciplined and rarely paid, display particularly predatory behaviour out in the field. One of the few RCD soldiers who agreed to talk to the data-collectors stated that:

“Militias rape and pillage because many of them are not properly organised. The fighters wait four months to get paid. They’ve got nothing to eat, they have to cope as best they can.”

But according to another soldier, who explained the reason for rapes as being the combatants’ need to satisfy their sexual urges, the combatants’ motivation is of a purely physiological nature.

“Our combatants don’t get paid. Therefore they can’t use prostitutes. If we politely ask women to come with us, they are not going to accept. So, we have to frighten them to make them obey us so we can get what we want.”

However, the RCD troops, have also committed human rights violations on a vast scale, which they said was because of the support that the local civilian population gave to Maï Maï fighters.

Of the women interviewed, 41% suggested that another reason for the sexual violence was the fighters’ need to satisfy their sexual urges. Most of these young men were married and had been separated from their wives and families for months, or even years. Some of the women interviewed in the Uvira region explained the situation in these terms: “They say that their wives have remained in Burundi while they are here, far away in the bush, so they are going to satisfy their needs with us.”

7.1.2 Rape as a means of survival for the armed forces

The combatants utilise the women’s productive and reproductive capacities as a means of ensuring their own day-to-day survival. Women are abducted and kept as slaves in the forces’ camps to provide sexual, domestic and agricultural services. As well as providing sex, they have to cook, wash and mend the men’s clothes, cultivate small patches of land in the forest, gather firewood, fetch water and carry weapons and ammunition or other items. Often, the combatants take the women’s clothes away from them so that they cannot run away. This happened to 10% of the women interviewed. Women can be confined in the camps for several months or even several years.

Rape is a means of obtaining access both to produce intended for the market and to the harvest, which is mainly controlled by the women, most of whom are farmers. In localities such as Bushushu, for example,

incidents of rape and pillage were particularly numerous in September 2002, and in January, February and June 2003 – which are periods of busy harvesting in the fields of coffee, cassava and bananas. At Bugobe, on the edge of the Kahuzi-Biega Forest Park, it was noted that a large number of rapes, accompanied by pillaging, were committed during the bean harvest in June 2003. Rapes also took place the day before major market days in the villages. The women were raped and then stripped of the produce that they had intended to sell at the market the next day.

The stolen produce is used for the combatants' own consumption, but it can also be sold. According to testimonies collected at Shabunda, the wives or concubines of the fighters are given the task of looking after the stolen goods and selling them in the markets at a high price. These women who follow their partners live in extremely precarious conditions and have to manage as best they can and by any means available, including encouraging their men to pillage, in order to feed their families.

“Prices have increased a lot. The soldiers become the suppliers of oil, flour and cassava which they take from our houses and our fields. Their women resell these products at Shabunda market and in various commercial centres in the District. These soldiers’ women encouraged the pillaging of clothes and foodstuffs. They’d arrived from Lubao in Katanga in a pitiful state. They wear or sell the clothes that their husbands have stolen from other women...”

A victim

Rape has also sometimes been accompanied by hostage-taking and demands for a ransom in order to obtain cash. In a number of cases women confined in the camps have been freed against the payment of a ransom by their family. Men, too, have been taken hostage for the purpose of obtaining money. The FDD, for example, have frequently kidnapped men and women travelling between Uvira and Bukavu across the Ruzizi plain. The sums demanded for freeing hostages are sometimes very high; the FDD have demanded as much as \$3,000 per victim. The Interahamwe, operating around the Kahuzi-Biega National Park, have also demanded the payment of ransom money by the families of people they have kidnapped.

Given this situation, it is clear that rape is no longer just an act of social violence, as it is commonly regarded, but it has also become an act of economic violence.

7.1.3 Legitimising rape: a ‘prize’ for bravery and the ideal ‘drug’ to boost the troops’ morale

It emerged from the interviews that those in charge of the soldiers gave their backing for and legitimised the perpetration of rape by authorising their troops to rape as a ‘reward’. A number of victims who had been kidnapped and confined in the camps talked about this.

“Often we saw the soldiers turning up with stolen goods and their boss, to reward them, allowed them two hours in which to go back to the village to rape, so as to satisfy their sexual needs.”

There are instances where the military leaders send their escorts to go and look for beautiful young women for them whom they will appropriate and use as they please. The victims are sent home after a certain time and replaced by new kidnap victims. Some of these women have even been raped along the way by the escorts, who told them that they were taking the opportunity to rape them quickly, because once they were back at the camp, they would become the exclusive property of the commander. When they conquer a town, the combatants always try to procure women for the duration of their stay there. Thus, in one example, when they arrived at Fizi, the military leaders ‘negotiated’ with the village chiefs for the latter to show them the women living alone, the unmarried mothers and the widows. At the end of their stay, the combatants went off, leaving behind them these women who were traumatised, sometimes pregnant, and denounced by their own community

7.1.4 Using women's bodies to humiliate the enemy

Women's bodies have been used as a battlefield by all of the forces, foreign as well as Congolese that are engaged in the war. The women are sexually abused, tortured, terrorised and humiliated because they symbolise their community. The men of the community are targeted through them and through their bodies. One woman heard her attacker say: "You look after the men who kill us, so you too are our enemy." The capture of a town after fighting between two opposing forces has almost always been followed by the rape of women assumed to belong to the defeated enemy group as a means of taking revenge. In October 2000, mass rape marked the recapture of Uvira by the RCD, after the Mai Mai had retreated from the town by night. In the same way, in December 2002 when the Mai Mai clashed with soldiers of the RCD who were occupying Katogota, they raped the women there on the assumption that they supported the RCD. At the time of the confrontations on the Ruzizi plain in June 2002 between the RCD-RPA coalition and that of the Mai Mai and Interahamwe, many women were raped on both sides. Rapes were also committed at Baraka after the occupation of this small town by the Burundian army in 2002. Unfortunately, there are many examples of this.

RCD soldiers who were interviewed confirmed this extension of fighting to women's bodies as a means of damaging the morale of the enemy troops and explained the logic behind it:

"The rapes took place because the Mai Mai wanted to terrorise our soldiers. By raping and torturing the women, cutting off their breasts or their heads... they could terrorise our soldiers who might be passing that way or else hear about these atrocities."

According to the same soldiers, sometimes women assumed to belong to their side are abducted and kept prisoner by the enemy as a means of obtaining information:

"It's ideological - they want to know what's happening in our ranks by making the women speak."

The reason for the foreign militias raping women, according to the combatants interviewed, was the desire to assert their superiority by 'marking the territory', so as to consolidate their presence on Congolese soil. Thus, according to an RCD soldier:

"The foreign militias, such as the FDD, FNL and Interahamwe are like mercenaries in a far-off land, where they have neither father nor aunt nor brother and they act without scruple. They also have to demonstrate that they control the area."

7.1.5 Rape as a deliberate method of exterminating the Congolese people

Of the women interviewed, 57.3% were firmly convinced that the extreme violence and cruelty shown towards them by members of the foreign fighting forces was proof that there was a plan to destroy and exterminate the Congolese people or in any case the communities that these women belonged to. For many of the women who hold this view, the theory of rape being just a means of satisfying sexual need does not stand up to analysis. As one informant said:

"They come to kill and destroy, because if it was only to satisfy their sexual urges, they would not set about raping 86-year-old women or children less than 11 years old. It means they are trying to harm and destroy."

Moreover, 19% of the victims think that Congo is coveted by its neighbours who are jealous, they say, of its immense wealth. This is how one group of women interviewed at Shabunda put it:

"They use torture to overcome and destroy us, because they are jealous of us. Ours is a big country with great wealth. They were chased out of their own country and

now they're living in the bush. They've brought a culture of violence with them – in their country, violence is a national sport.”

The victims believe there is a deliberate policy of spreading HIV/AIDS to as many women as possible so that they in turn will infect the men of their community. The rapes, in their opinion, are aimed at destroying women's identity by means of 'ethnic cleansing'. They assert that deliberately getting women pregnant so as to produce non-Congolese babies is a definite part of the plan.

7.1.6 Ritualising rape in order to either gain or neutralise magical powers

During wartime the relationship between magic and power is played out in the rape and sexual violence perpetrated against women. There is a widespread belief in the sub-region and more particularly among combatants, according to which the act of raping a woman of a particular category serves a double purpose because it confers magical powers and invincibility on the battlefield. Rape in this context becomes primarily a ritual. The target groups are young virgins, pregnant and breastfeeding women, and Pygmy women.

At Amba, a village to the south of the town of Uvira, 17 young girls were abducted from their school by about 30 Maï Maï. They were kept captive in the forest and their virginity taken by rape. The vaginal fluid was carefully collected in bowls and on handkerchiefs. At Mboko, Basmukuma and Babungwe a large number of girls aged between 12 and 18 years and women aged between 18 and 45 were raped because they were either virgins, pregnant or breastfeeding. Pygmy women were likewise raped en masse. One combatant declared to the Pygmy woman he was raping:

“You are our medicine and we are going to come and rape you whenever we want.”

Rape is also supposed to neutralise the 'magical powers' of elderly women who are the guardians of fetishes. According to a tradition that dates back to the Muléliste rebellion⁵⁸ in the early 1960s, elderly women were the possessors and guardians of fetishes that gave the Maï Maï fighters their power and invulnerability during fighting. During the Muléliste rebellion, most of the elderly women of Kindu and Kisangani were reputed to possess magical powers that enabled them to prepare and administer the 'dawa' and the 'mongana', which gave soldiers immunity against bullets.⁵⁹ The Simba fighters were therefore believed to be endowed with magical powers that enabled them to transform rifle bullets into water,⁶⁰ or to make themselves invisible on the battlefield. The 'dawa' therefore constituted “a set of magical-religious powers that conferred invulnerability, strength, protection and victory”.⁶¹ During an initiation ceremony, these elderly women sprinkled the new recruit with sacred water, scarified his forehead, and inserted special powders in a scratch made on his body. The 'dawa' had the dual objective of protecting the fighters, thus creating internal cohesion within the group, and convincing the enemy and local population of the Simba militias' immunity against bullets.⁶²

Present-day Maï Maï militias have taken up these beliefs and rituals. Following the example of the Simba fighters, they place great weight on the notion of 'purity', and practise an almost identical initiation ceremony, with the same objectives: to protect the combatant on the battle field and ensure internal cohesion within the militia groups. Again, it is elderly women, most often Bembe women from Fizi who are the guardians and administrators of the initiation rites, which include sprinkling the militiaman with sacred water and inserting a substance in an incision made on the back of the hand.⁶³

This role, as guardians of the initiation rites, largely explains the rape of elderly women by the military forces fighting against the Maï Maï, especially the RCD and the RPA. Raping women

⁵⁸ Also known as the Simba rebellion.

⁵⁹ Vlassenroot, K., op. cit.

⁶⁰ Willame, J. C., *L'Odyssée Kabila. Trajectoire pour un Congo nouveau*, Karthala, 1999.

⁶¹ Vlassenroot, K., op. cit.

⁶² Ibid.

⁶³ Ibid.

labelled as witches means taking away their magical powers, destroying their sacred nature by 'sully'ing them through the act of rape, thereby nullifying the power and invincibility of the Mai Mai. However, many women have been stigmatised simply because of their old age and wrongly accused of practising witchcraft on behalf of the Mai Mai. They have been raped and very often executed in a particularly brutal and cruel manner by the enemy forces. One of them declared:

"Because of my age, I was suspected of being a witch in the service of the Mai Mai. The RPA soldiers raped me, saying that they were doing this because they wanted to neutralise the magical powers of the Mai Mai."

However, it should be noted that many other elderly women have been savagely raped and murdered in South Kivu without having been accused of witchcraft. The rape of elderly women is a relatively widespread phenomenon during armed conflict. These women are often not very mobile, because of their age, and may live alone so are particularly vulnerable to being attacked by soldiers.⁶⁴

7.1.7 Rape as a tool for political repression against human rights campaigners

Women activists who mobilise within their communities to publicly condemn the rapes, sexual violence, abductions and forced confinement committed against women and girls are often, in their turn, abducted and raped. One of them, who was questioned by RCD security police and imprisoned for nine days was raped every night by each of the policemen on duty in turn.

7.1.8 Score-settling between individuals or between communities

The general climate of violence exacerbates the conflict and rape is used as a means of settling disputes between individuals and between communities. Thus men from the marginalised Banbouti Pygmy community sometimes pretend to be FDD rebels or Mai Mai fighters and pillage and rape women from the neighbouring communities as a way of avenging the contempt and lack of respect with which these communities treat them. Likewise, individuals can take advantage of the general lawlessness to attack women with whom they have quarrelled in the past. One interview said:

"I saw a Mai Mai that I'd known for a long time and who had asked me to marry him when I was still a girl. Now he asked me to leave my husband to go with him. I refused, and then he jumped on me and raped me."

7.1.9 Widespread banditry in the region – fertile ground for rape and sexual violence

The administrative neglect, absence of proper local administration, insecurity and general confusion provide fertile ground for organised crime. Hordes of thieves pretending to be FDD militias, Interahamwe, Mai Mai and other fighters take advantage of the situation to perpetrate all sorts of violent crimes, pillage and rape against the already poverty-stricken local people. Many of the thieves operate on the Ruzizi plain, where they pillage, in full daylight, the markets that are set up along the main road, or they steal cows which they then sell in the markets of Burundi. In Uvira, for example, some 'false' Mai Mai held families to ransom, threatening reprisals unless they each handed over the sum of \$50 as a contribution to the 'resistance' of the Congolese people that they said they represented and were defending against the foreign occupation. Acts such as these occur again and again, because the perpetrators are assured of total impunity due to the complete breakdown of administrative and institutional authority.

⁶³ Lorentzen, L.A., Turpin, J., op. cit.

Conclusion

The general climate of impunity has favoured the escalation of rape, which is no longer committed solely by members of the fighting forces but also by policemen, prison guards and individuals in positions of power. Civilians are also involved in rape, as indicated above. Eighty-four per cent of the victims said that they were absolutely certain they would have to continue to live in this state of terror until an end was brought to the perpetrators' impunity.

8

Institutional Responses to Sexual Violence Against Women

8.1 The powerlessness of local customary and administrative authorities

In this climate of general insecurity, the local customary and administrative authorities are as powerless in the face of combatants' acts of violence as the people they are supposed to protect, according to a number of victims who had reported the violence that had been perpetrated against them. This was certainly the case in Fizi, where 25% of the women who had been raped contacted the head of the neighbourhood, road, district or village where they lived. In the villages, victims went to the important elders. Generally speaking, the victims were disappointed with the apathy shown by the communal authorities, who themselves were powerless and terrorised by the presence of the soldiers. It is true that standing up to soldiers in this context requires considerable strength and the few who are courageous enough to do it expose themselves to considerable risk, even of death. For example, when, in May 2003, one of neighbourhood heads in the Mlenga district of Fizi dared to forbid soldiers from raping women, he had to flee the town, pursued by the soldiers.

Most of the authorities contacted during the survey said that the only thing they could do was to commiserate with the victims and recommend that they avoid isolated and dangerous spots. The more daring among them said they had taken due note of the complaints and promised to inform their superiors about them. But very often the customary chiefs simply tried to smooth things over, even going as far as to minimise the seriousness of the acts that had been perpetrated, as in the case of one chief who told a mother who had been raped:

“It was your children who did it, try to understand them”

Some head men have actively supported the women. They have acted as mediators to help divided families, advising the husbands to give moral support to their wives and not abandon them, and have also tried to provide moral and material support themselves, visiting the families concerned to express sympathy on behalf of the community, supplying traditional medicines to the victims and paying transport costs for those women who wanted to go to distant health centres for treatment or to leave their community where they felt disgraced and vilified. However, will the Congolese national institutions provide any legislation to deal with these sorts of attacks?

8.2 Congolese law and rape: the lack of a gender perspective

Gender-based violence, in particular rape and other types of sexual violence is dealt with in Congolese legislation, yet there have virtually never been any convictions for rape, while the fighting forces have been raping and pillaging for years without any concrete steps being taken to put an end to these attacks on the most basic of human rights. In South Kivu, the RCD authorities, backed by Rwanda, were in charge during the war years and they continue to exert considerable influence in the province. However, they have done almost nothing to protect women and girls from being raped by their own soldiers and by soldiers of enemy armies and militias.

The victims are generally wary of lodging a complaint, both for fear of reprisals and because they do not want to make public what has happened to them. In any case, the judiciary system as it operates in South Kivu deters them from reporting the attacks, because the victim has to pay in advance a sum equivalent to \$20 in order for the complaint to be admissible. Very few women living in the towns, and even fewer in the rural areas, could get hold of such a large sum, and even if they had the money, it would be required for the needs of their families. This situation was confirmed by an examination of the archives of the Public Prosecutor's Office in Bukavu, which showed that, of the 1,341 cases heard between 1997 and 2003, only 35 concerned sexual violence. Moreover, magistrates, who are often badly paid, if they are paid at all, have to work in very difficult conditions. But there is also the political problem of how the law is interpreted and a lack of a gender perspective within the law. Congolese legislation does not deal clearly with these two problems, and there is therefore a gap in the law, which explains the rare instances of convictions in the few cases of sexual violence that do come to court.

How is rape defined in Congolese law and what sanctions are incurred by convicted rapists? The Decree of 27 June 1960 and Edict No. 78-015 of 4 July 1978 relating to Article 170 of the Congolese Penal Code as amended on that day prohibits the offence of rape committed against women and provides for a sentence of 5–20 years' hard labour for anyone who has committed rape, either by means of violence or serious threats, or by trickery.

Congolese law defines rape as: "sexual union that a man imposes on a woman with the use of violence. In other words, the act in which a person of the male sex has relations with a person of the female sex against the will of the latter, whether the lack of consent results from physical or mental violence or from any other means of constraint or from her having been taken by surprise."⁶⁵

In this definition the act of rape can only be the insertion of the man's genital organ into the woman's genitalia and it is not rape if there is no coitus. Thus if rape is committed with the use of an object, in Congolese law it is not regarded as rape.

In fact, Congolese law⁶⁶ establishes a hierarchy of different types of rape, and differentiates between rape and indecent assault. Thus, the act of inserting into a woman's vagina a finger, stick or any other object against her will, or the act of breaking the hymen of a virgin by any other means than by inserting the male organ can be the subject of a prosecution either as an act of public outrage or as indecent assault. The same applies to homosexual acts.

Furthermore, if a man uses violence to force a woman to have sex via the anus or the mouth, this is also regarded as indecent assault and not rape, while the offence of rape exists only when there is sexual intercourse.⁶⁷ The victim of rape can only be a woman. Therefore, no homosexual or similar kind of act can be described as rape. This means that men cannot have the status of victim even though they, too, are being subjected in ever greater numbers to rape and sexual violence in situations of armed conflict in South Kivu.

According to Congolese law, rape can only be regarded as such if sexual union has been obtained with the use of violence. The notion of violence, which can be either physical or mental, likewise lends itself to a variety of interpretations. Physical violence, as considered here, is that which is directly deployed on the victim. Under Congolese penal law, if a man forcibly removes a woman's clothes, tears her clothes and underwear and knocks her to the ground, but the woman then yields to him voluntarily, there is no possibility of him being prosecuted for rape. With regard to psychological violence, this presupposes that the woman yielded only because of being in the grip of genuine fear of exposing herself, or her family, to significant and immediate harm. The same applies to a woman who yields only in order to save either her own life which is under threat from the attacker, or that of her parents, or that of her child, whom the attacker also threatens to kill.

⁶⁵ Likulia Bolongo, *Droit pénal Spécial Zaïrois*, T1, 2ème éd, 1985.

⁶⁶ Ibid.

⁶⁷ Ibid.

The age of the rape victim is also taken into account and the attack will be considered as rape for the sole fact of the carnal act having been committed with a girl who is, or appears to be, under 14 years old, because a girl younger than 14 is regarded as incapable of giving her free and voluntary consent. In fact, what matters is to protect children beyond the age of puberty.

The ultimate aim of the attack is also an issue for debate. The use of violence, threats or trickery is on its own sufficient grounds for presuming guilt. Aggravating circumstances can be used against the guilty person, according to the consequences of the act, such as the death of the victim, for which the sentence can be capital punishment or life imprisonment; serious deterioration in the victim's health, punishable by ten years' imprisonment; or miscarriage following the rape.

There are also aggravating circumstances that arise from the guilty person's status, if they have some influence over the rape victim, or are in a position of authority over them (teacher, government official, minister of religion, medical doctor), or if the perpetrator was assisted in the rape by one or more persons. All these provisions are certainly applicable to acts of violence committed in South Kivu.

Although Congolese law does not regard as rape such practices as the insertion of the penis into the victim's anus or mouth, nor homosexual acts carried out by force, this by no means lessens the seriousness of these practices in the eyes of the law. They constitute a serious violation of morals and render their perpetrators liable to punishment as severe as that for rape, ranging from five to twenty years in prison.

Congolese law thus contains an abundance of provisions regarding rape and sexual violence but, in addition to the fact that they are in need of substantial amendments, putting them into practice is still difficult. Moreover, contrary to the provisions of international law, Congolese legislation does not regard rape and sexual violence committed during periods of conflict as war crimes, and the relevant international legal instruments that have been ratified by the Congolese government have nevertheless still not been incorporated into the country's statute book or applied in practice.

8.3 International legal instruments ratified by the DRC

One of the most important international legal instruments is undoubtedly Article 3 common to the four Geneva Conventions of 12 August 1949, which stipulates:

*"In the case of armed conflict... ...occurring in the territory of one of the...
...Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum,
the following provisions:*

*(1) Persons taking no active part in the hostilities... ...shall in all circumstances be
treated humanely, without any... ...distinction founded on race... ...sex... ...or any
other similar criteria.*

*To this end, the following acts are and shall remain prohibited at any time and in any
place... ...:*

*(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel
treatment and torture;*

(b) Taking of hostages;

*(c) Outrages upon personal dignity, in particular humiliating and degrading
treatment..."⁶⁸*

Article 76 of the Protocol to the Geneva Conventions of 12 August 1949 states that:

*"Women shall be the object of special respect and shall be protected in particular against
rape, forced prostitution and any other form of indecent assault."⁶⁹*

⁶⁸ United Nations, *Geneva Conventions*, 12 August 1949.

⁶⁹ United Nations, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)*, 8 June 1977.

The DRC is signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted by the General Assembly of the United Nations in 1979, and which reinforces the Protocol to the Geneva Conventions of 12 August 1949, particularly through the General Recommendation of the Committee for the elimination of discrimination against women, which emphasises the articles in the Geneva Convention that oblige States to take appropriate measures to protect women against violence of all kinds.

The CEDAW goes even further in that it considers violence as it occurs in three different types of environment: violence within the family (conjugal violence; sexual abuse of daughters, against children; violence in connection with dowry; conjugal rape; female circumcision); violence within the community (rape, sexual abuse, sexual harassment at work, at school, procuring and forced prostitution), and violence perpetrated by or tolerated by the State.

The combined application of national and international legal instruments ought to be able to protect women and guarantee their physical and mental integrity. The countries involved in armed conflict in the Great Lakes sub-region of Africa should therefore regard as essential the task of ensuring that all these specific legal instruments are respected, publicised and applied as part of international humanitarian law on the protection of women.

Armed with the provisions of this international legal framework, local human rights organisations have begun to mobilise and very courageously denounce sexual violence against women, though their activities have been restricted by their lack of resources. Since 2002 their cause has also been adopted by international NGOs, which in turn condemn this violence in all its forms.

9

Civil Society and Support for the Victims of Rape and Sexual Violence

The disintegration of the state and the fact that it plays virtually no part in the day-to-day administration of society has encouraged the emergence, in South Kivu as in the rest of the DRC, of an extremely dynamic civil society. This takes the form of NGOs and associations set up to protect human rights and to work for peace, as well as women's groups. The massive scale on which sexual violence has taken place during the conflict in South Kivu has impelled a number of civil society actors to become involved in confronting this problem and, using what means they have, taking on the task of caring for the victims.

These associations are active in various fields: providing victims with health care, legal assistance, food, and psychological support, and organising political training designed to foster a culture of peace and to encourage people to claim their human rights and, more specifically, women's rights, without which there is no possibility of planning for the future.

In many cases these various activities are organised collectively through networks, created in order to achieve greater effectiveness. Likewise, local NGOs and associations work in conjunction with international NGOs and UN organisations. There have been a number of successes, but there are still challenges to be met, and structural and material problems in doing so.

9.1 Organisations working to care for victims: “Unity is strength”

- **RFDP - Le Réseau des Femmes pour la Défense des Droits et la Paix/Women's Network for the Defence of Rights and for Peace**

This network was set up by two women on their return from a workshop on conflict resolution at Entebbe in Uganda in 1999 at which they had represented the DRC. It brings together Congolese women from various groups of society who are involved either in a professional capacity or as volunteers in the promotion of women's rights and of peace, with the aim of contributing to the building of a just, equitable, harmonious and peaceful society.

It is concerned essentially with civic education designed to inform the women of South Kivu about their rights and organises workshops for exchanging views on women's rights, talks about the law, and human rights awareness-raising campaigns. It also takes part in radio programmes on these issues.

The network provides social and legal assistance through a system of fortnightly visits to women prisoners to check on the conditions in which they are being kept, the way they are being treated (meals, how they are guarded), and also on administrative matters such as whether the prisoners' files are in proper order, how far their cases have progressed, and the current legal status of their cases.

The RFDP is also active in condemning cases of violence and the violation of women's rights, and in conflict resolution. It monitors and documents cases of rights violations, using reports provided by witnesses and the victims themselves and by local partner organisations. They also visit the localities concerned.

- **RFDA - Le Réseau des Femmes pour un Développement Associatif/Women's Network for Community Development**

The RFDA is involved in training women in human rights issues through radio programmes, lectures on women's rights, and study days to discuss the concept of peaceful coexistence. The network is concerned with women who have been victims of violence: it identifies victims, trains social workers and provides social, medical and legal assistance. The network has been able to care for 800 victims of violence in its women's refuges. The network also provides men with information about women's rights.

The idea of setting up shelters for female victims of violence came from a group of women who were volunteer leaders in the network, after the Maï Maï recaptured Uvira and Fizi territories between 12-19 October 2002. This recapture was accompanied by many incidents of rape and pillage, killings and the widespread torching of houses. Against this backdrop, on 22 October, three women leaders met for an exchange of ideas on sexual violence against women, with a view to raising awareness of the situation and making an appeal to national and international opinion. Their project, named "SOS Femmes en Danger" (SOS Women in Danger), quickly attracted support from the Swiss government development agency and it also began useful collaboration with Burundian organisations, in particular the Association Burundaise pour le Bien-Etre Familial (ABUBEF) and the Maison des Femmes de Bujumbura. The aim of the project is to help women who have been subjected to sexual violence to recover their psychological equilibrium and, above all, to assist them to reintegrate into community life. The psycho-social care workers at the women's refuges accompany the victims to the CEPAC health centre in Kabulimbo. They make daily visits to the women's homes, check that they are taking their medicines, and offer advice to women who do not want to get treatment at the health centre.

The organisation's activities cover the territories of Uvira and Fizi. The Maison des Femmes de Congo has its headquarters in Uvira and runs women's refuges in the north of the area (Katogota, Luvungi, Sange, Kiliba), in the centre (Uvira) and the south (Kabimba, Makobola, Swima, Mboko-Nundu, Baraka, Kazimia, Mushimbake, Kalundja).

- **CCVS - Associations and groups belonging to the Coalition Contre les Violences Sexuelles/Coalition against Sexual Violence**

There are five associations in this network: Réseau des Femmes pour un Développement Associatif (RFDA), The Centre Olame, ADIF - Association pour le Développement Intégral des Femmes/Association for Women's Integral Development, UEFA - Union pour l'Emancipation des Femmes Autochtones/Union for the Emancipation of Indigenous Women and SAF - Service des Activités Féminines/Women's Activities Service.

The network's creation arose out of the need for organisations working in the field of human rights to have some kind of central structure that would facilitate dialogue between the various associations operating in the area of rape or sexual violence against women and other human rights violations in the DRC, in order to achieve a greater degree of respect, at both local and international level, for cultural diversity. The network was established in Bukavu following a seminar organised at Shekinah House between 30 September - 2 October 2002, by the Law Group in partnership with other local organisations. The aim is to lobby at both local and international level.

CCVS, which has its headquarters at Bukavu, responds to cases of sexual abuse that are linked with the war in the DRC. Inspired by a desire to rebuild national unity, the Coalition invites all groups and individuals who care about peace and who want to bring an end to gender-based violence to help create appropriate ways of providing the victims of sexual violence with comprehensive, systematic and effective assistance.

It organises weekly meetings and monthly discussions among member organisations, lobbying activities at local and international level, and awareness-raising campaigns on the extent and consequences of rape, appealing to international opinion in the cause of solidarity with the women of Africa and the whole world. The Coalition has also established contacts with combatants.

The work of CCVS has an impact at national level in that it collaborates with sister organisations in other provinces, especially Kinshasa, on lobbying and awareness-raising in the capital and on fundraising for its members' activities.

Finally, the Coalition has set up a provincial commission to campaign against sexual violence, with the aim of drawing together the various types of approach adopted by its member organisations, while keeping in mind the enormous needs that the victims have and taking care to ensure that the partners all work in a complementary manner. This Commission is divided into four sub-commissions: psycho-social, material/economic, medical and legal. The Lemera hospital in Panzi plays a key role in assisting thousands of victims of rape.

- **Arche de l'Alliance, Association de Lutte pour la Défense des Droits de la Femme et de l'Enfant/Organisation for the Defence of the Rights of Women and Children and Solidarité des Femmes Activistes pour la Défense des Droits Humains/Women Activists' Solidarity for the Defence of Human Rights**

These three associations, which work together in close collaboration have produced a number of radio programmes and organised awareness-raising campaigns on women's rights, with an emphasis on topics relating to sexual violence and discrimination against women.

The associations provide social assistance to the victims and play an important role in their medical care. In 2002 they financed medical treatment for 110 women in Fizi and Uvira. They also transferred 8 of the most severely affected women to Bujumbura (covering the costs of their transport) so they could get proper treatment.

Free legal assistance is also given to the families of girls and women who have been brave enough to report to the judicial authorities the fact that they have been raped. The three associations cover the legal costs of taking the cases to court.

- **SOFIBEF - La Solidarité des Femmes de Fizi pour le Bien-Être Familial/Fizi Women's Solidarity for Family Welfare**

SOFIBEF is a local organisation active in Fizi and Uvira territories. It was established in November 1994 to promote women's rights and runs a project researching the violence and assisting the victims. In August 2003 it identified 249 victims in Fizi.

The organisation's Service Défense de la Santé Mentale (DSM) provides a listening and counselling service for women who have been raped. Those who find the courage to denounce their attackers are assisted with preparing their case and are accompanied during the trial. Aware of the importance of the victims' returning to normal life again, SOFIBEF has made small loans to 20 of the most destitute women. It has also distributed mosquito nets to 30 victims in Baraka and Kazimia. Thanks to this assistance, a number of victims have, little by little, begun to overcome their trauma. They relearn to communicate and to take part in cultural activities organised by the local groups.

- **PSVS - Le Programme de Secours aux Vulnérables et Sinistrés/Emergency Programme for the Vulnerable and Victims of Disaster**

This programme, which started in 1998 in Uvira operates in the areas of Bifulero and Bavira in the Moyens Plateaux. Its activities range from the distribution of foodstuffs to families fostering abandoned children, to the conducting of inquiries into sexual violence against women, transferring serious cases to health centres with the medical support of the Agence Médicale Internationale (AMI). PSVS deplors the lack of attention paid to the Moyens Plateaux area; a province that, despite all the horrors it has undergone since the outbreak of war in 1998, has been neglected. Taking care of victims of sexual violence is an incredibly difficult task in this province, which is far away from any health centres.

PSVS intends to set up a women's refuge in the Moyens Plateaux, as the victims who come from this province are not accustomed to the hot climate of Uvira.

9.2 Difficulties encountered by civil society

The NGOs and local associations active in South Kivu encounter difficulties of a structural, social and financial nature.

Even before the conflicts started, administrative neglect meant that certain parts of South Kivu, such as Minembwe and the more remote areas of Fizi and Shabunda Territories were virtually cut off. Access to them is very difficult, with air travel the best means of transport but too expensive for most people. Meeting the needs of victims in remote rural areas therefore often proves to be impossible.

Moreover, continuing insecurity in the region due to the recurrent conflicts and militia groups' operations means all activities outside the towns are dangerous, so the NGOs and local associations often have to confine themselves to working with victims who have managed to get themselves to a town.

The burden of stigmatisation and social censure weighs heavily on women victims, who often choose to keep silent about what has happened to them for fear of being repudiated by their husbands or out of respect for the prohibitions of local customs, and thus they are deprived of the assistance that they so greatly need.

Taking care of victims of rape and sexual violence is an extremely demanding undertaking. Even though civil society can count on the voluntary work of individuals, it simply does not have the funds to enable it to help the women who have been raped and to provide for their needs and those of their families and communities.

CONCLUSION

What have we learned at the end of this survey carried out among 492 women victims of rape who were interviewed in the South Kivu districts of Fizi, Uvira, Walungu, Kabare, Kalehe and Shabunda?

Women from the most disadvantaged and vulnerable social groups have been the main victims of sexual violence and abuse committed by armed groups in South Kivu. The women worst affected are the main producers - particularly women farmers, who are responsible for practically all (76%) of the subsistence economy of the region - and of childbearing age, which means that the region's socio-economic and demographic future is jeopardised. The interviewees belong to 19 different ethnic groups. The Bembe share a frontier with Burundi, and so Bembe women made up the majority of rape victims because they are easy targets for armed groups from that country, such as the Forces pour la Défense de la Démocratie (FDD). Next came Bashi women (26.6%), Balega (12.4%), Bahavu (9.1%) and Bafulero (8.1%). These are the largest ethnic groups in South Kivu province.

Rape and sexual abuse, committed with unprecedented violence, include acts aimed at humiliating and degrading the victims. Most of the rapes were committed in public places and in the presence of witnesses. Four types of rape have been identified: individual rape, committed by one attacker on one victim – 21.3% of the interviewees had been subjected to this type of rape; gang rape, committed by at least two attackers on one victim, either one after the other, or simultaneously – this was experienced by 79% of the informants; gang rape where the attackers force members of the same family to have sexual relations with each other or to witness the gang rape of a member of the family, usually the mother or the sister, and rape with the insertion of objects such as sticks, bottles, green bananas, pestles smeared with chilli pepper and rifle barrels into the genitals of the victim. A number of these rapes were accompanied by torture, especially beatings, wounding with a machete, mutilation or burning of genitals, especially if the victim resisted. The majority (70%) of the attackers appeared to be in a lucid and normal state of mind at the time of the rape, while the other 30% displayed nervous and irrational behaviour.

Interahamwe (Hutu militias from Rwanda) make up the largest group of attackers. Most victims were able to identify the origin of their attackers on the basis of the grievances that the latter expressed while raping the victim, the language they spoke, particular words used, their accent, and their physical features and build. Thus 27% of victims said they had been raped by Interahamwe, 26.6% by FDD troops, 20% by RCD fighters and Banyamulenge militias, 16% by Mai Mai, 3% by unidentified men in uniform and 1.8% by RPA soldiers.

Most rapes are acts of social and economic violence and are often planned and organised in advance. In fact, rape and pillaging almost always go together, as illustrated by those perpetrated by the Interahamwe, especially around the National Park of Kahuzi-Biega, in Kalehe and Izege, from 2000 onwards. When the attackers leave they take with them goods stolen from the community (livestock, farm produce, kitchen utensils, farm implements etc.), sometimes picking out a number of villagers and forcing them to carry the stolen goods. The attackers also abduct young women, well aware of their productive and reproductive capacities and of the benefits they can get from them, taking them to serve as sex slaves in their camps: 10% of the interviewees had suffered this fate.

Given the extent, nature and devastating consequences of sexual violence on the victims and their communities, it represents a serious public health problem. The rapes have severely affected the physical and mental health of the victims, the majority (91.5%) of whom suffer from one or more problems such as vesico-vaginal or recto-vaginal fistulas, or prolapsed uterus, which require surgery; venereal diseases, which can lead to sterility if they are not treated appropriately and in good time, and above all HIV infection (as a large proportion of the fighting forces in South Kivu are HIV-positive). But 70% of the women interviewed had received no medical treatment after having been raped. Some of them had decided not to go to a health centre, so as not to reveal what had happened to them, for fear of the stigmatisation and ostracism that was bound to follow. In any case, access to care is almost impossible in a situation where the health care system has almost totally broken down: with no health centres at all or at any rate too far away from many people, looting then closure of numerous health care facilities in rural areas, departure of health personnel because of the insecurity, lack of appropriate equipment to treat the more complicated cases – and the majority of victims being too poor to get themselves to a specialised clinic in a town. Instead, they have had to rely on traditional medicine and medicinal plants.

Added to these troubles, the majority (91%) of victims suffer behavioural and psychological problems – constant fear, shame and self-loathing, sweating, insomnia, nightmares, memory loss, aggression – exacerbated by their experience of being ostracised and stigmatised, especially in the case of rapes resulting in pregnancy, which drives many victims to flee their community to lose themselves in the anonymity of large urban centres such as Bukavu or Goma.

Sexual violence contributes to the erosion of the economic and social foundations of the rural communities of South Kivu. Women and girls represent the main productive force in the rural economy. They are the backbone of small-scale local trading in products for everyday consumption and in essential goods, such as cassava, fish, vegetables, palm oil, salt and soap. Communities depend for their survival on the productive and reproductive work of women. War, sexual violence and the general situation of insecurity have driven many women away from their communities, which are thus left without their driving force. Girls and young women who are abducted and kept confined in the fighters' camps represent a loss to their communities in terms of workforce, especially when productive young men have been killed in the fighting, or forcibly conscripted into the rebellion. Women farmers who remain in their community can no longer cultivate their fields because their means of production, such as tools for tilling, were stolen from them, while they themselves have been weakened by illnesses resulting from the rapes. Women traders venture less and less on to the roads or to the local markets to sell their produce. This deprives numerous rural communities of one of their main sources of supply, leading to cases of severe malnutrition.

A tangled web of political, ideological, psychological and socio-cultural factors underlies these acts of extreme violence. This is borne out by the remarks made by women victims and by the few soldiers and militiamen who were interviewed. The women interpret the motivation of the fighting forces in various ways. Some of the interviewees believe the sexual violence is due to the absence in the armed groups of any organised structure and supervision and to the men's need to satisfy their sexual urges. Others see the acts of violence as a deliberate attempt to humiliate, through women's bodies, the Congolese people and the whole country, which, they say, is coveted by its neighbours for its vast wealth of resources. More than 50% of the victims are convinced that the neighbouring countries plan to destroy and exterminate the Congolese people. They also say that women's bodies are used as a battlefield by all the fighting forces, including the Congolese. Women are sexually abused because they symbolise their communities; it is through them and through their bodies that the men of the community are targeted. Also, rape is often ritualised, as a means of gaining magic powers or else neutralising them. According to beliefs held by many combatants, by raping young pygmy women and girls, or young virgins, they will be rendered invincible on the battlefield. Most of the elderly women who are raped, by the RCD and RPA in particular, are accused of being witches in the pay of the *Maï Maï*. The popular belief is that they are the guardians of fetishes which endow the *Maï Maï* with strength and invulnerability in the field. Raping these women causes the destruction of the power of the fetishes and therefore that of the *Maï Maï*.

The analysis of what drove the fighting forces to commit sexual violence also took into account the socio-cultural context and women's status in society in South Kivu and in the whole sub-region, because acts of sexual violence can be properly understood only in relation to existing social structures and practices. South Kivu, like the whole of the DRC and the sub-region, is a patriarchal and hierarchical society, where women still generally

occupy a subordinate position. Certain traditional and discriminatory practices in which women are regarded as private property, shared by the men of the clan, are still prevalent. These institutionalised practices partly explain some of the combatants' most extreme behaviour.

With regard to the institutional response to sexual violence committed against women, the victims have generally been disappointed. They are disappointed by the apathy of the local authorities, which themselves are out of their depth, powerless and terrorised by the presence of armed militias. They are also disappointed by Congolese law, which does include national-level provisions (although these require amendments) and which are not applied, for both structural and material reasons. Moreover, in contrast with international law, Congolese law does not regard rape and sexual violence committed during a time of conflict as being war crimes. The international legal instruments that have been ratified by the Congolese government have still not been incorporated and applied and a gender perspective is not taken into account.

Civil society is playing an important role. In this context of the disintegration of the state and its failure to take responsibility for the day-to-day care of victims of rape and sexual violence, civil society is showing courage in getting involved in this sphere. By making use of networking and the concept of working jointly for greater efficacy, civil society is active in essential areas such as providing food, health and legal assistance, and training in citizenship and in women's rights – despite the meagre resources at its disposal. It is supported in this by international NGOs. Its ultimate objective is to be in a position to lobby for wide-ranging action at both national and international level.

RECOMMENDATIONS

The atrocities committed against women and girls in South Kivu represent without question an unprecedented degree of barbarism and are both an insult and a challenge to human civilisation at the start of the third millennium. Everything possible must be done to ensure that they never happen again. The extent of the rapes and sexual violence against women in South Kivu is a direct result of the military and security situation in the Great Lakes region and the proliferation of foreign or national armed groups operating on the ground. Massive violations of human rights, war crimes and crimes against humanity have taken place. In view of this we recommend:

A. To the UN Security Council:

- To require the governments of countries that have attacked the DRC to make reparation for the various crimes committed, including rapes and sexual violence that women have been subjected to by compensating the victims through the government of the DRC;
- To consider creating appropriate structures with regard to the DRC, particularly an international structure on the model of the International Tribunal for Rwanda in order to eradicate the culture of impunity that exists in Congo and the Great Lakes region;
- To set up, as soon as possible, an independent international inquiry, with a view to establishing individual and collective responsibility with regard to sexual violence committed against women;
- To ensure that the restructuring and reintegration of the fighting forces into the new army is carried out in a rigorous and transparent manner, so as to promote a true national republican army in the DRC;
- To ensure that the process of disarmament, demobilisation and repatriation (DDR) takes place, adopting appropriate effective measures for the return of foreign militias to their country of origin, in compliance with Chapter 7 of the United Nations Charter.

B. To the international community:

- To ensure that the financial support given to the government of the DRC by the World Bank, the European Union and other international institutions takes into account the needs of Congolese women, especially rural women who constitute the most disadvantaged social group and the one most affected by the sexual violence perpetrated during the war;
- To give adequate support to local organisations that protect and promote women's rights so that sustainable projects can be established, since the construction of a state based on the rule of law requires that women's rights be promoted;

- To promote that state based on the rule of law by upholding good governance in the DRC and neighbouring countries;
- To require the governments of Rwanda and Burundi to compensate the victims of the atrocities committed by their militias and national armies.

C. To the government of the DRC:

- To take all possible action to compensate the women victims of sexual violence perpetrated by Congolese fighting forces, keeping in mind the fact that a number of those responsible for these crimes, rapes and sexual violence occupy posts in transitional institutions;
- To strengthen national legislation in respect of rape and sexual harassment by redefining the concept of rape and taking account of all types of rape and sexual abuse, their causes and consequences and a gender perspective;
- To incorporate into Congolese legislation the provisions of international law with respect to sexual violence;
- To give priority, in national reconstruction programmes, to the needs of rural women, especially those who have been the worst affected by the sexual violence committed during the war;
- To take urgent and effective administrative measures that will guarantee that all girls and women victims of sexual violence will be fully taken care of;
- To ensure that the national army is restructured as quickly as possible, so as to guarantee inviolability of the whole national territory;
- To compensate the victims of violence committed by the Congolese Maï Maï forces.

D. To the Bureau de Coordination de la Société Civile du Sud-Kivu (South Kivu Civil Society Co-ordination Office):

- To collaborate closely with national and international organisations that campaign against sexual violence against women and girls.

BIBLIOGRAPHY

African Union, *Protocol to the African Charter on Human and People's Rights Relating to the Rights of Women in Africa*, Maputo, 2003.

Amnesty International, *Human Rights are Women's Rights*, London, March 1995.

Andre, C., 'Guerre et pillage en République Démocratique du Congo', in *L'Afrique des Grands Lacs, Annuaire 2000-2001*, eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2001, pp. 307- 332.

Association Dushirehamwe, *La Veilleuse*, Bujumbura, 3 August 2003.

Boute, J., and Moulin, L.S., *Perpectives régionales, 1975 – 1985 et 1984 – 1991*, Département du Plan, Kinshasa /Limete, 2003.

Caritas Uvira, *Distribution des responsabilités en rapport avec le genre*, Uvira, 20-22 November 2000.

Cifende, M., *Impact socio-démographique de l'Insécurité à Kalehe sous les mouvements de «Libération» AFDL et RCD*, Master's degree thesis, Centre Universitaire de Bukavu, 2002.

Failly, D. de, 'L'économie du Sud- Kivu 1990-2000 : Mutations profondes cachées par une panne' in *L'Afrique des Grands Lacs, Annuaire 1999-2000*, eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2000, pp. 161-188.

Heusch, L. de, *Essais sur le symbolisme de l'inceste royal en Afrique*, ULB Institut de Sociologie Solvay, Brussels, 1958.

ECA-WIDNET, Centre des Femmes en Développement d'Afrique Orientale et Centrale, *Violence à l'égard des femmes : Manuel des animateurs*, Pauline Publications, Africa, 2002.

Fédération Internationale des Ligues des Droits de l'Homme (FIDH), *Les violences sexuelles lors du génocide rwandais et leurs conséquences*, La Lettre Hebdomadaire de la FIDH, Paris, 1997.

Callamard, A., *Méthodologie de recherche sexospécifique*, Centre International des Droits de la Personne et du Développement Démocratique, Québec, 1999.

Héritiers de la Justice, *Congo, terre d'impunité et d'arbitraire*, Bukavu, 2003.

Human Rights Watch:

- *Les civils pris pour cibles. Une guerre civile par personnes interposées au Burundi*, New York, 1998.

- *La guerre dans la guerre - Violence sexuelle contre les femmes et les filles dans l'Est du Congo*, New York, 2002.

International Crisis Group:

- *S'éloigner du gouffre au Congo*, Africa Report No 18, Kinshasa/ Nairobi/Brussels, 7 July 2004.
- *The Kivus: The forgotten crucible of the Congo conflict*, Africa Report No 56, Nairobi/Brussels, 24 January 2003.
- *Les rebelles hutu rwandais au Congo. Pour une nouvelle approche du désarmement et de la réintégration*, Africa Report No. 63, Nairobi/Brussels, 23 May 2003.

International Monetary Fund, *Interim Poverty Reduction Strategy Paper*, Democratic Republic of the Congo, Kinshasa, March 2002.

Likulia Bolongo, *Droit Pénal Spécial Zaïrois*, T1, 2ème éd, 1985.

Lorentzen, L.A., and Turpin, J. (eds.), *The Women and War Reader*, New York University Press, New York, 1998.

Lowie, R., *Histoire de l'ethnologie classique*, PBP, Paris, 1971.

Lubala Mugisho, E., 'L'émergence d'un phénomène résistant au Sud-Kivu (1996-2000)' in *L'Afrique des Grands Lacs, Annuaire 1999-2000* eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2000, pp.188-223.

Médecins Sans Frontières (Holland), *The humanitarian situation in the Territories of Uvira, Nundu and Fizi, South Kivu, Democratic Republic of the Congo. An Assessment Report*, Netherlands, September 2002.

Mercier, P., *Histoire de l'anthropologie*, P.U.F., Paris, 1966.

Ministère de la Santé Publique (DRC), *Etats des lieux de la santé*, Kinshasa, 1998.

Turshen, M., and Twagiramariya, C. (eds.), *Ce que font les femmes en temps de guerre: Genre et conflit en Afrique*, L'Harmattan, Paris, 2001.

United Nations:

- *Geneva Conventions*, 12 August 1949:
 - Convention I: For the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.*
 - Convention II: For the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.*
 - Convention III: Relative to the Treatment of Prisoners of War, Geneva.*
 - Convention IV: Relative to the Protection of Civilian Persons in Time of War, Geneva.*
- *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)*, 8 June 1977.
- *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979.

United Nations Security Council:

- *Resolution 1325 on Women, Peace and Security*, 2000.
- *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2001/357, 12 April 2001.
- *Report of the Secretary-General on Women, Peace and Security, 16 October 2002*, S/2002/1154, 2002.
- *Report of the Secretary-General on Women, Peace and Security, 13 October 2004*, S/2004/814, 2004.

Verhaegen, B., *Rébellion au Congo*, T.2, C.R.I.P. Bruxelles, IR.E.S. Kinshasa, 1969.

Vlassenroot, K., 'Violences et constitution des milices dans l'Est du Congo : le cas des Mayis Mayis', in *L'Afrique des Grands Lacs, Annuaire 1999-2000* eds. Marysse, S., and Reyntjens, F., Centre d'Etudes de la Région des Grands Lacs, L'Harmattan, Paris, 2003, pp. 115-152.

Willame, J. C., *L'Odyssée Kabila. Trajectoire pour un Congo nouveau*, Karthala, 1999.

APPENDIXES

1. Questionnaires used in the survey

1.1. Questionnaire for rape victims

A. General information

- A1. Age
- A2. Marital status
- A3. Level of education
- A4. Number of children
- A5. Ethnic group
- A6. Religion
- A7. Whether or not displaced
- A8. Occupation
- A9. Duration of rape
- A10. Whether or not the victim knew her attacker
- A11. Whether the rape was committed in seclusion or in public
- A12. Type of housing
- A13. Place of residence
- A14. Nationality/origin of rapist(s)

B. Causes of the rapes and sexual violence

- B1. In your opinion, which categories of girls and women are the most likely to be raped and sexually abused?
- B2. In your experience, which particular cultural practices encourage rape and sexual abuse?
- B3. In your opinion, what social group do women and girls who have been raped and sexually abused belong to?
- B4. In your community, is it generally the same individuals who commit rape?
- B5. What are the most usual circumstances (place, time of day) in which the attackers operate?
- B6. What was their state of mind when they committed the rape?
- B7. According to you, what drives them to rape and to torture their victims?
- B8. Are there any facts or events that show that the groups to which the perpetrators of rape and sexual violence belong encourage these practices?
- B9. What is the role and attitude of the women partners of the soldiers and militiamen with regard to the violence inflicted on other women?
- B10. According to you, why are there so many incidents of rape?
- B11. In what times of year has rape occurred most frequently? What in particular was happening during those periods?
- B12. Are there any indications that rapes are co-ordinated? If so, what?
- B13. Are there any prostitutes in the local community? Have they too been raped?
- B14. Have there been any incidents of rape and sexual violence committed against men? If so, how many? Which groups of attackers perpetrated these rapes?
- B15. How do you explain these incidents of rape and sexual violence committed against men?

C. How victims and their families perceive the rapes and the consequence of the rapes

- C1. What is your family's and your community's attitude towards you?
- C2. What is the attitude of your community towards children born as a result of rape?
- C3. What harm is caused by the attackers who commit these rapes?
- C4. What happens to women who report having been raped?
- C5. What are the consequences of rape and sexual violence for the victims' health?
- C6. What are the consequences for the victims' families?
- C7. Do rape victims suffer from any behavioural problems? If so, what kind?

D. Types of rape and the various groups involved

- D1. According to you, what different types of rape and sexual violence have been committed against women in South Kivu?
- D2. How many women and girls have been raped in your local community?
- D3. Which communities have been affected the most? Can you explain why?
- D4. Can you describe the way in which the rape was committed?
- D5. Do the military leaders of the various fighting forces use particular methods for obtaining women? If so, which ones?

E. How victims try to recover from their ordeal

- E1. What have you yourself done to recover from, or to alleviate, the distress that you have suffered?
- E2. What should support organisations do to give you better assistance?
- E3. Have your immediate circle, your family and community helped to reintegrate you socially? If so, what do they do, or what have they done for you?

1.2. Questionnaire for members of fighting forces

A. General information

- A1. Age
- A2. Marital status
- A3. Number of children
- A4. Religion
- A5. Rank
- A6. Length of service
- A7. Which army/armed group

B. Motives of armed forces

- B1. In your opinion, why has rape been committed on such a large scale?
- B2. Which categories of soldiers/militiamen are generally responsible for the rapes?
- B3. Among those soldiers who committed rape, are any of them carriers of the HIV virus or did any contract it following the rapes?
- B4. What drives members of the various armies involved in the war in the DRC to perpetrate acts of violence against girls and women?
- B5. Are these acts of violence motivated by political or ideological factors?
- B6. How many cases of rape have you heard about? Do you know who committed them?
- B7. What do you think should be done to put an end to the sexual violence and abuse?

2. Information from other sources

2.1. Records kept by centres providing assistance to victims, which included the following:

- No.
- Victim's civil status (name, age, marital state)
- Number of children
- District/locality/settlement
- Month/year when rape took place
- Number and category of rapists
- Rapists' origin/language spoken
- Statements made by rapists
- Any signs of abnormal mental state in rapists
- Description of how the rape was carried out
- Place where the rape was committed
- Immediate and subsequent consequences
- Consequences for victim's health
- Who was told about the rape
- Relations with husband following the rape
- Members of the community who treated victim with contempt
- Support received
- Source of information
- Comments

2.2. Records relating to sexually transmitted diseases

- No.
- Date
- Health centre
- Number of women treated
- Number of tests for HIV
- Number of HIV-positive results
- Number of vaginal smears taken
- Number of positive vaginal smears found
- Number of cytobacteriological tests
- Number of positive cytobacteriological results
- Number of patients not responding to first treatment
- Total.

2.3. Records regarding victims interviewed

- No.
- Marital status
- Level of education
- Number of children
- Ethnic origin
- Religion
- Occupation
- Place of residence and type of housing
- Whether or not displaced
- Date on which rape took place
- Whether the victim had ever previously seen or spoken to the rapist
- Place where the rape was committed (in seclusion/in public)
- Category/origin of the rapists

- Duration of rape
- Number of rapists
- Whether the victim was tortured

3. Preparatory stage before data collection began

- Data-collectors prepare the ground for research by gathering together the target groups who will provide information in each selected locality.
- Training the data-collectors on how to carry out the interviews:
 - Understanding the survey questionnaire
 - Methodology for extracting information from the files of health centres and women's refuges
 - Statement of ethical considerations and ground rules
 - Joint translating of questionnaire into the regional language Kiswahili and, as far as possible, into local languages
 - Studying methodology for creating focus groups
 - Studying methodology for leading focus groups and conducting individual interviews
 - How to collect and record information

4. Criteria for selecting data collectors

They should:

- be a member of a women's organisation
- be carrying out work on the ground on the issue of violence against women
- be keen to strengthen the research team's capacities
- be a woman (for ethical reasons, given the sensitive nature of the subject of the survey)

5. Organisations that provided reports and records of statements by victims

- ADIF: Association pour le Développement Intégral des Femmes
- AFIP: Action des Femmes pour les Initiatives de Paix
- ALUDROFE: Association de Lutte pour la Défense des Droits de la Femme et de l'Enfant
- Arche de l'Alliance
- Bureau central de la Zone de Santé (ZS) de Shabunda, 123
- Centres médicaux Junior et Saint Paul
- Centre Olamé
- Dispensaire Ordonnance Baraka
- Maison des Femmes
- PSVS: Programme de Secours aux Vulnérables et Sinistrés
- RFDA: Réseau des Femmes pour un Développement Associatif
- RFDP: Réseau des Femmes pour la Défense des Droits et la Paix
- SOFAD: Solidarité des Femmes Activistes pour la Défense des Droits Humains
- SOFIBEF: Solidarité des Femmes de Fizi pour le Bien-Etre Familial
- UEFA: Union pour l'Emancipation des Femmes Autochtones



Réseau des Femmes pour un Développement Associatif (RFDA)
Uvira
Sud-Kivu
Democratic Republic of Congo

B.P. 6768, Bujumbura 1

Email : rfda_uvira2@yahoo.fr
Tel : + 243 81 32 00 506



Réseau des Femmes pour la Défense des Droits et la Paix (RFDP)
Bukavu
Sud-Kivu
Democratic Republic of Congo

B.P. 925 Bukavu, RD Congo

E-mail : rfdp1999@yahoo.fr
Tel : + 250 98 66 97 71

INTERNATIONAL **A**LERT

International Alert
346 Clapham Road
London
SW9 9AP
UK

Email : general@international-alert.org
Tél : +44 (0) 20 7627 6800