

Congo Advocacy Coalition

Update on Protection of Civilians in Eastern Congo's Peace Process

On January 23, 2008, the Congolese government signed a ceasefire agreement with 22 armed groups in Goma, North Kivu, facilitated by the European Union, the United States, the African Union and the United Nations (see below). The agreement followed the November 2007 Nairobi Communiqué between the governments of Congo and Rwanda meant to address the problem of the Democratic Forces for the Liberation of Rwanda (FDLR), a Rwandan armed group whose combatants have also attacked Congolese civilians.

The two agreements, together with recommendations from the Conference on Peace, Security and Development in North and South Kivu organized by the government in January 2008, form the basis of the Congolese government's peace program for eastern Congo, known as the Amani Program, led by the national coordinator Abbé Apollinaire Malu Malu. The agreements provided an important foundation for peace. The signatories agreed to a ceasefire and committed to protect civilians and respect international humanitarian and human rights law.

In July 2008, a group of local and international non-governmental organizations established the Congo Advocacy Coalition to track progress on these commitments and focus attention on areas where improvements are urgently needed. Specifically the coalition decided to track six key commitments related to protection of civilians. These include:

- Ending attacks against civilians and their property
- Ending further displacement and encouraging the return of displaced persons and refugees
- Disarming armed groups, ending further recruitment and demobilizing child soldiers
- Removing barriers on roads and assuring freedom of movement
- Facilitating humanitarian access
- Ensuring accountability for those accused of serious human rights abuses

1. Ending attacks against civilians and their property

Attacks against civilians and their property occurred at an alarming rate in the six months following the signing of the various peace agreements. Assessments conducted by different organizations in eastern Congo indicated that the civilian population continues to experience widespread attacks, sexual violence, looting, and forced labor.

More than 200 civilians were killed in indiscriminate firing by armed groups or as a result of summary executions in North Kivu, particularly in Masisi and western Rutshuru territories.

Sexual violence against women and girls has continued at its previous horrifying rate since the peace agreement was signed. Women and girls were raped by combatants of all armed groups and soldiers of the Congolese army, as well as by civilians. Over 2,200 cases were registered in June 2008 in the province of North Kivu. One community in Rutshuru reported over 150 cases of rape in April alone.

2. Ending further displacement and encouraging the return of displaced persons and refugees

Fighting and targeted attacks on civilians led to the displacement of nearly 100,000 civilians in North Kivu since January 2008 with another 50,000 displaced in South Kivu. The UN estimates a total of 1.1 million people are currently displaced in both provinces, including those who fled previous fighting. Nearly half of the

newly displaced people in North Kivu fled from the Bukombo administrative area in Rutshuru. New displacements have also been registered in Masisi and southern Lubero territory, all areas that have been subject to fighting.

Many displaced people expressed a desire to return to their villages if security permitted, but very few have been able to do so. Those who have returned often spend the night in the forests surrounding their villages as a protective measure. Some returned only temporarily, fleeing again days or weeks later.

There has been little return of refugees from Rwanda, Uganda or Burundi into North and South Kivu. The Congolese government and the Office of the UN High Commissioner for Refugees (UNHCR) have not yet signed tripartite agreements with Rwanda, Uganda, or Burundi to facilitate the return of Congolese refugees from these countries. In July a working group was created to put in place the tripartite agreement with Rwanda and plan returns when the security situation permits.

3. Disarming armed groups, ending recruitment and demobilizing child soldiers

Recruitment of combatants, both voluntary and forced, amongst a range of armed groups in North and South Kivu, continued despite the ceasefire and intensified during the past three months. Some of these groups were largely dormant before the peace talks. Former demobilized soldiers and combatants have been targeted for re-recruitment, raising concerns about the effectiveness and sustainability of previous demobilization programs.

While there are no reports of large-scale recruitment of children since the signing of the Goma agreement, sporadic recruitment by some armed groups has continued. Moreover, there has been limited progress on the demobilization of the estimated 2,500-3,000 children who remain in the ranks of armed groups and in some units of the Congolese army. Child protection agencies began screening troops for children in mid-April, but their activities stalled due to coordination issues between UN agencies, and only restarted in early July. Following two joint missions, a total of 47 children were separated from armed groups. Outside of these missions, at least a further 507 children have been demobilized since January. In June, the government launched a national program of “zero tolerance” for the recruitment and use of children by armed groups and committed to taking further action on demobilizing all associated children.

Despite ongoing recruitment, 1,200 combatants in North Kivu responded to the call to lay down their weapons. From January to May 2008, according to officials in Goma, 282 CNDP combatants, 800 Mai Mai and PARECO combatants, and 156 Congolese combatants from the FDLR surrendered. Some were sent to army retraining (known as brassage) centers, but others, such as 334 Mai Mai Mongol combatants in the town of Bambu, were left for months without any assistance. Programs to assist demobilized combatants are not fully operational, contributing to serious delays in demobilizing combatants. A number who surrendered were sent to the military intelligence prison in Goma rather than being directed to demobilization programs. Many were detained for months without charge and were subjected to cruel and degrading treatment; a number were tortured.

Efforts have continued to encourage the remaining 6,000 FDLR combatants in eastern Congo to disarm and return to Rwanda. Since January, 301 FDLR combatants were demobilized. After talks with the Congolese government in Kisangani in late June, the FDLR splinter-faction, Rally for Unity and Democracy (RUD), agreed to demobilize 400 troops and repatriate to Rwanda, with the option of temporary relocation for some combatants within Congo.

4. Removing barriers on roads and assuring freedom of movement

Civilians are not allowed to move freely and often encounter improvised road blocks erected by armed groups or the Congolese army where they are subject to various forms of extortion. Civilians are forced to pay money or a percentage of their produce, sometimes called “taxes”, either at such road blocks, when they go to the market, or as they return to their fields. Army soldiers and armed groups also confiscate electoral cards

(which also serve as identity cards in Congo), and demand money in exchange for the return of the card.

5. Facilitating humanitarian access

At least 36 attacks on humanitarian workers were recorded in North Kivu since the signing of the Goma agreement, the majority being ambushes at gunpoint on main and remote roads. A total of 15 humanitarian workers were injured in these attacks. Two humanitarian staff were caught in the crossfire and wounded by bullets when an armed group attacked the Kinyandonyi displacement camp in Rutshuru territory. Humanitarian activity is temporarily suspended in certain areas following a number of attacks.

Despite the ongoing clashes some previously inaccessible areas are now receiving emergency assistance. However, other areas remain inaccessible, particularly around front lines and buffer zones. The picture is not a static one and generally the degree of accessibility changes according to the level of military or criminal activity which flares up along ever shifting axes.

Since mid-June access from Goma to Masisi town is severely hampered following several armed robberies of humanitarian staff on the main road. An estimated 186,000 people in Masisi are not currently receiving assistance, including 33,000 displaced persons in camps and thousands others who have sought refuge in host families.

In Rutshuru territory, several enclaves within the Bwito area, west of Nyanzale, are particularly unsafe and problematic to access. The civilian population there is often too scared to sleep in their villages and instead hide in the surrounding forests at night.

6. Ensuring accountability for those accused of serious human rights abuses

Impunity for human rights abuses is widespread in eastern Congo. Since January only a small number of perpetrators have been arrested for crimes of sexual violence and only a small number of Congolese soldiers and policemen have been tried and prosecuted for their crimes. Many women do not seek justice for the crimes they have suffered because they are afraid that the perpetrators will target them again should they escape from prison. Those who live in remote areas frequently have no access to judicial services.

No high ranking officials have been held to account for the serious crimes they or soldiers under their command have committed.

Recommendations

The Congo Advocacy Coalition makes the following recommendations to the parties to the peace agreements, the international facilitators, coordinators of the peace process and international donors:

1. The international facilitators should urge the parties to the various peace agreements, both publicly and privately, to strictly adhere to their obligations to protect civilians and respect international human rights law. State publicly that those responsible for human rights abuses will be held to account.
2. The international facilitators, in consultation with the Amani Program coordinator Abbé Apollinaire Malu Malu, should appoint a high level independent Special Advisor on Human Rights for eastern Congo to focus attention and ensure action on protecting civilians at risk, including particularly women and girls threatened by sexual violence. International donors should support such an appointment politically and financially.
3. International donors need to back mediation efforts with funding for programs that help to consolidate the peace, such as disarmament, demobilization and reintegration programs that help combatants find sustainable alternatives to violence.
4. Ensure the participation of women and displaced persons in the Amani program so they may contribute to and influence decisions affecting their lives.

5. The Congolese government and international donors should provide technical and financial assistance to the Governance Observatory and the Local Reconciliation Observatory, established by the Amani program to help address the root causes of the conflict through a focus on peace building, reconciliation and land tenure issues.
6. Amani Program coordinators should improve communication on the peace process and the Amani program to affected communities and ensure that this communication is transparent and objective.
7. The international community should encourage MONUC to deploy troops to areas of high risk for civilians and provide a secure environment for humanitarian assistance.
8. MONUC and the Congolese army should prioritize protection of civilians and minimize further displacement of populations in any future military operations.

Parties to the Goma peace agreement include: the Congolese government, CNDP, PARECO/FAP, Mai Mai Kasindien, Mai Mai Kifuafua, Mai Mai Vurundu, Mai Mai Mongol, UJPS, Mai Mai Rwenzori, Simba, FRF, Group Yakutumba, Groupe Zabuloni, Mai Mai Kirikicho, PARECO/SK, Raia Mutomboki, Mai Mai Ny'kiriba, Mai Mai Kapopo, Mai Mai Mahoro, Mai Mai Shikito, Mudundu 40, Simba Mai Mai, and Mai Mai Shabunda.

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