

DR Congo: Hold Army Commanders Responsible for Rapes

Government Should Enforce Its 'Zero-Tolerance' Policy on Sexual Violence

July 16, 2009

(Brussels) - The government of the Democratic Republic of Congo should urgently investigate and prosecute senior army officials allegedly involved or complicit in rampant sexual crimes against women and girls, as part of its efforts to combat sexual violence, Human Rights Watch said in a report released today. Human Rights Watch also called for a series of other actions to prevent sexual violence during conflict in Congo.

The 56-page report, "Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo," documents persistent sexual violence by the army, and the limited impact of government and donor efforts to address the problem. The report looks closely at the conduct of the army's 14th brigade as an example of the wider problem of sexual violence by soldiers. The brigade has been implicated in many acts of sexual violence in North and South Kivu provinces, often in the context of massive looting and other attacks on civilians. Despite ample information about the situation, military, political, and judicial authorities have failed to take decisive action to prevent rape.

"We have seen progress in the prosecution of ordinary soldiers for sexual violence," said Juliane Kippenberg, Africa researcher for Human Rights Watch's Children's Rights Division. "But senior army officers continue to be untouched. Their own crimes and their command responsibility for the crimes of their soldiers must be investigated and held to account."

During 2008, the United Nations registered 7,703 cases of sexual violence by the army, rebels, and other actors in the Kivus, in eastern Congo where the army has been fighting various rebel groups. The majority of the victims were girls. Military courts in Kivu convicted 27 soldiers of crimes of sexual violence during 2008. In March 2009, 11 soldiers were convicted on charges of rape as a crime against humanity in Walikale, North Kivu.

But the most senior officer convicted of crimes of sexual violence in the region was a captain - no colonel or general has been prosecuted for rape, and no officer has been prosecuted for committing or condoning sexual violence under his command. On May 7, 2009, Congolese military justice officials arrested Colonel Ndayanbaje Kipanga, accused of raping four girls in Rutshuru, North Kivu. While this could have been a landmark case in holding high-level commanders to account for rape, Colonel Kipanga escaped two days after his arrest due to lax detention procedures.

To end sexual violence by the army, the government should create a vetting mechanism to remove abusive officers from the army,



Soldiers from the Congolese government army, Forces Armées de la République Démocratique du Congo (FARDC), are silhouetted as they stand guard in Mushake village, 40 km west of Goma.

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Juliane Kippenberg, Africa researcher for
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Division

establish a strict chain of command, improve living conditions and salaries for soldiers, and strengthen the military justice system, Human Rights Watch said.

Human Rights Watch also called on the government to consider establishing a "mixed chamber," staffed by Congolese and international judges and prosecutors, to help overcome the weaknesses of the country's justice system. The special chamber would operate within existing national courts and prosecute military and civilian leaders for war crimes and crimes against humanity, including sexual crimes, beyond the few cases that will be tried by the International Criminal Court. President Joseph Kabila, in a meeting with Human Rights Watch on July 2, proposed the idea of a mixed court with a similar mandate.

Sexual violence by the army is widespread despite efforts by the Congolese government and international community to end it. President Kabila's wife, Olive Lemba Kabila, in 2007 opened a nationwide campaign against sexual violence. In early July 2009, the government publicly recognized that a policy of "zero tolerance" to human rights violations by the army has become necessary following intense criticism by international groups, including Human Rights Watch. The Congolese army sent out instructions to all troops that protecting the population is their duty, and warning that rape and other crimes against civilians will be punished.

"Zero tolerance for rape is a noble aim, but it's meaningless if the government doesn't prosecute commanders most responsible for rape," Kippenberg said. "The Congolese government, the UN, and others have done a lot to support the victims of sexual violence, but less to end the permissive atmosphere that causes it."

In March 2009, the UN Mission in Congo (MONUC) developed a comprehensive strategy to combat sexual violence, which the government endorsed. As part of the UN efforts, Security Council members, during their visit to Congo on May 18 and 19, handed President Kabila a list of five senior army officers accused of rape and asked the president to take action. To date, none have been arrested.

The United Nations, the European Union, and other donors have provided assistance to Congo for military reform, including army training on international humanitarian law and help with improving the command structure. They also provide crucial support to the country's justice institutions, including the military justice system.

"Reforming the security sector, in particular the army, is a top priority for international donors, but reforms so far have achieved shockingly little in reducing sexual violence against women and girls," said Kippenberg. "Both the Congolese government and its international partners need to turn their good intentions on ending rape into concrete actions that bring results."

The Security Council plans to hold an open debate in August 2009 on how to carry out Resolution 1820 on sexual violence in conflict, adopted in June 2008. The resolution spells out concrete obligations of individual countries and UN entities to prevent and punish sexual violence when it is used as a weapon of war.

Human Rights Watch called upon the Security Council to use Resolution 1820 to initiate tough measures against governments and armed groups that commit sexual violence in Congo and elsewhere. These should include funding benchmarks, measures such as travel bans against responsible individuals, sanctions, and refusing UN cooperation with abusive parties. Human Rights Watch also called for the creation of a special envoy or representative on women, peace, and security to serve as a high-level advocate and coordinator for these efforts.

Background

UN agencies estimate that 65 percent of the victims of sexual violence in 2008 were children, the majority adolescent girls. Girls who are

raped may suffer especially serious injuries, have difficulty finding a partner, drop out of school, be rejected by their families, or have to raise a child born from rape.

Sexual violence has been widespread and systematic in Congo over the last 15 years, with over a dozen armed groups using rape to terrorize, punish, and control civilians. The Congolese army, because of its sheer size and geographical spread across the country, is the single largest perpetrator of sexual violence. Since January 2009, when the army began a campaign against the Democratic Forces for the Liberation of Rwanda (FDLR) - a Rwandan Hutu armed group - rape cases have doubled or tripled in North and South Kivu provinces of eastern Congo, according to information collected by Human Rights Watch. Perpetrators of sexual violence include the Congolese army, the FDLR, and Congolese rebel groups.

Witness Accounts

"I was just coming back from the river to fetch water.... Two soldiers came up to me and told me that if I refuse to sleep with them, they will kill me. They beat me and ripped my clothes. One of the soldiers raped me... My parents spoke to a commander and he said that his soldiers do not rape, and that I am lying. I recognized the two soldiers, and I know that one of them is called Edouard."

- 15-year-old girl, Minova, South Kivu, March 2009

"I had gone to the fields to find potatoes. I was returning to the house. Then I saw soldiers coming toward me. They asked what I was doing in the fields. They said I could choose: give them food or become their wife. I said to take the food. They refused and took [raped] me, then they took the food anyway. They were two soldiers of the 14th brigade, with purple epaulettes and a solid color uniform. When the rape happened, there had been fighting and insecurity. The 14th brigade had fought CNDP [National Congress for the Defense of the People] that same day."

- 18-year-old woman, Sake, North Kivu, March 2009 (17 years old at the time of the rape)

"We were three young women and we were on our way to Cirunga.... They [the soldiers] raped us and dragged us to their camp, which was not far away. I stayed there for one month, under constant supervision.... There was no conversation between us, he had sex with me at any moment, when he felt like it, and with a lot of violence. I spent my days crying. I begged God to free me from this hell."

- 23-year-old woman, Kabare, South Kivu, April 2009

"One evening some soldiers came to attack us. This was in February or March 2008. They said they would kill our father. The soldiers were angry with my dad because he had stopped them from cutting down an avocado tree [as firewood].... We stayed in the living room. Two soldiers raped my bigger sister. When he had finished, he injured her with a knife at the eye, and he did the same with my brother.... Then they left. My mother brews beer and they took the money she had earned from that."

- 13-year-old girl, Kabare, South Kivu, April 2009

"I was on my way back from Bagira. I met a group of girls and we walked together. We encountered a group of soldiers. It was around 6:30 p.m. and dark. Those who had the strength ran away. The soldiers caught two girls and raped them. They were about 14 or 15 years old. I fled and heard the screams of the girls. People made loud noise so the soldiers ran

away. The girls cried all the way home. There have been no judicial investigations."

- Teacher, Kabare, South Kivu, April 2009

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