

# 3. Current state of security/insecurity in Ituri, North Kivu and South Kivu

## 3.1 Overview

The level of human security in Ituri, North and South Kivu improved marginally in 2010 and 2011 compared to the period of 2008 to 2009. Nonetheless, there were variations in conditions of security between communities. In addition, recorded levels of violence and human rights abuse were exceedingly high, especially rape, assault, murder, looting and abduction. The main perpetrators are members of armed groups and militias, as well as FARDC soldiers.

An assortment of armed groups, both foreign and Congolese, continued to operate within many of the eastern provinces, targeting civilian communities and FARDC soldiers. The most prominent armed groups in 2011 were: the FDLR; the Ugandan ADF-NALU; *Mai-Mai Yakutumba*; *Mai-Mai Sheka*; *Alliance pour un Congo libre et souverain* (APCLS); *Front Patriotique pour la Libération du Congo* (FPLC), *Front populaire pour la justice au Congo* (FPJC); *Front de résistance patriotique de l'Ituri* (FRPI) and the Lord's Resistance Army (LRA). These armed groups were deeply immersed in the mining sector, and pursued a wide range of criminal activities, such as: the smuggling of valuable mineral resources and drugs; cattle rustling; ambushing of vehicles; extortion; and piracy (on Lake Tanganyika). During 2010 and the first half of 2011, the DDRRR process was linked to FARDC and MONUSCO military operations, reportedly contributing to the weakening of a number of armed groups.

Elements within the FARDC have been implicated in illicit mineral trade as a result of their occupation of strategic mining areas. Evidence also exists of in-

formal sector miners being subject to human rights abuses by members of the armed forces. For example, in September 2010, DRC President Joseph Kabila publicly condemned the *Mafioso* activities by some members of FARDC, and the Minister of Mines referred to “the manifest involvement of certain local, provincial, and national authorities, both civilian and military, in the illegal exploitation and illicit trade of mineral substances”.<sup>22</sup>

A FARDC military reform and reconfiguration is in the process of being implemented, with the strategic objective of stabilising and reducing the levels of violence in the eastern provinces of DRC. Ironically, the manner in which the process has been implemented has been a cause of insecurity in these regions. That is, in 2011, military contingents were withdrawn from key areas, leaving communities vulnerable to attacks from armed groups. In addition, some former members of armed groups, dissatisfied with conditions and benefits within FARDC, deserted the government military. Some individuals reportedly rejoined armed groups, or established new ones.

## 3.2 Human rights abuses

The eastern DRC has become notorious for widespread sexual abuse in recent years, particularly mass rape. Such human rights abuses have been prevalent in the DRC for decades, but there was a significant escalation from the mid-1990s. By all accounts rape has

<sup>22</sup> UN Security Council, Letter dated 26 October 2010 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004), New York, UN.

been used as an expression of dominance, conquest, punishment and terror. Some armed groups and elements with the government armed forces have been implicated in mass rapes, and in some instances, the dynamics and inadequacies of the FARDC integration process may have contributed to such incidents.

It has been alleged that until recently, FARDC soldiers have been able to commit sexual abuse with relative impunity, as senior commanders have often not taken disciplinary actions against soldiers who commit such crimes. Added to this, the incapacitated system of military justice has resulted in only a handful of soldiers being prosecuted for rape and sexual abuse. According to Human Rights Watch, FARDC soldiers are “the single largest group of perpetrators” of human rights abuse in North and South Kivu.<sup>23</sup>

In June 2011, a FARDC colonel, Kifaru Niragiye and contingent of about 150 soldiers deserted from FARDC and reportedly raped 100 women and girls and looted villages close to Fizi in South Kivu. The group had previously been part of an armed group, the *Patriotes Résistants Congolais* (PARECO). Niragiye had allegedly absconded as a result of being demoted following his completion of FARDC integration training course. This group had a history of such violence, as in February 2011 nine of Niragiye’s men were convicted of ‘crimes against humanity’ for raping 60 women in Fizi a month earlier.<sup>24</sup> There were similar incidents in Kasongo-Lunda region between April and September 2011, where a FARDC officer and demobilised soldiers allegedly raped and tortured 82 women in more than 20 villages.<sup>25</sup>

Another mass rape, in addition to other gross human rights abuses, took place in Walikale territory (North Kivu) in 2011. Eighty individuals were raped or sexually abused, allegedly by members of *Mai-Mai Sheka* and the *Alliance pour un Congo libre et souverain* (AP-CLS). The previous year, 387 non-combatants were reportedly raped in the same area, including women, men, girls and boys in coordinated operation by various armed groups, notably *Mai-Mai Sheka* and the FDLR.<sup>26</sup>

Other forms of human rights abuse were prevalent throughout the eastern DRC. According to Amnesty International’s 2011 Annual Report, armed groups, such as the LRA, FDLR and *Mai-Mai Sheka* were implicated in unlawful killings, abductions and looting

of civilian communities.<sup>27</sup> Many armed groups have used, and continue to use human rights abuse as a means of revenge. In 2009, for example, in response to a FARDC/Rwandan armed forces/MONUSCO military operations (operations *Umoja Wetu* and *Kimia II*), the FDLR attacked and killed more than 700 civilians in North and South Kivu as retribution. Many were murdered with machetes and hoes, while others were shot or burned. During these two operations FARDC soldiers were implicated in various human rights abuses against civilians.<sup>28</sup>

### 3.3 Military reform

From 2010, a military reform plan (brought about through new defence legislation) re-engineered the structures and chains of command within FARDC. The central objective of this process was to dissolve parallel command systems and allegiances that had emerged through the incorporation into the FARDC.<sup>29</sup> This resulted in many of its forces that had been deployed in volatile areas being recalled to urban centres for the restructuring process. The objective of the plan was to address many of the institutional flaws through rearranging the organisational and territorial chains of command, as well as the provision of training.<sup>30</sup>

The main unintended consequence of this reform endeavour was that those armed groups that had been restricted by the presence and actions of the govern-

23 Human Rights Watch, *Soldiers who rape, commanders who condone*, New York: Human Rights Watch, 16 July 2009.

24 Amnesty International, *New mass rapes in DRC are result of horrific failure of justice*, 23 June 2011, <http://www.amnesty.org/en/news-and-updates/new-mass-rapes-drc-are-result-horrific-failure-justice-2011-06-23>.

25 UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/656, 24 October 2011, paragraph 43.

26 MONUSCO and UN Human Rights Office of the High Commissioner, Final report of the fact-finding missions of the UN Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of arms groups along the Kibua-Mpofi Axis in Walikale Territory, North Kivu, from 30 July to 2 August 2010, July 2011.

27 Amnesty International, *Democratic Republic of the Congo, Annual report 2011, the state of the world’s human rights*, London, Amnesty International, 2011.

28 Human Rights Watch, *You will be punished*, New York, Human Rights Watch, December 13, 2009.

29 UN Security Council, Interim report of the UN Group of Experts on the DRC, UN document S/2011/345, 12 May 2011, paragraph 50.

30 UN Security Council, Thirty-first report of the Secretary-General on the UN mission in the DRC, UN document S/2010/164, 30 March 2010, paragraph 41.

ment soldiers, were then better placed to flex their military muscles. Consequently, some armed groups intensified their recruitment and operations, such as the FDLR<sup>31</sup>, *Mai-Mai Yakutumba* and the Burundian armed group, the FNL, while others, like the Ugandan ADF-NALU consolidated and/or expanded their spheres of control. The security sector reform process also negatively reverberated throughout the DDR and DRRR processes, hampering progress.<sup>32</sup>

The FARDC organisational changes lead to a reconfiguration and realignment of relationships of influence and power within the government armed forces. This had two critical consequences. Firstly, it contributed to a significant number of desertions and incidents of insubordination by former armed group combatants in both North and South Kivu. Examples included: the *Patriotes résistants congolais*, the *Congrès national pour la défense du peuple* and the *Forces républicaines fédéralistes*. Some of these individuals, or groups of individuals subsequently preyed on various civilian communities.<sup>33</sup> Secondly, there have been allegations that some senior FARDC officers who had been outmanoeuvred in the FARDC reconfiguration were covertly collaborating with, and manipulating, Mai Mai groups to engage in destabilising activities against the FARDC.

### 3.4 Armed groups

As indicated above, armed/militia groups, both foreign and Congolese, have continued to be entities of insecurity in North Kivu, South Kivu and Ituri. The DRC government, along with MONUSCO, has adopted a dual strategy in an attempt to contain and reduce the threats posed by armed groups. Firstly, ‘sensitisation’ campaigns have been launched, where rebel group leaders and the rank-and-file have been encouraged to be either incorporated into the FARDC or to undergo DDR (if Congolese), and demobilisation and repatriation (if from a foreign armed group). Secondly, intensive military campaigns against some of the more destabilising groups, at times in partnership with the Rwandan and Ugandan militaries, have been undertaken. The approaches appear to have been mutually reinforcing, as in some circumstances, the military campaigns have motivated armed groups to integrate into the FARDC or demobilise.

The size and reach of the armed groups have varied considerably, ranging from small ragtag militias based within a village, to well-armed rebel troops operat-

ing across multiple provinces. The membership, and even the existence, of a number of the groups have been characteristically fluid. That is, some groups or components of groups have opted for incorporation into FARDC, but then have had a change of heart and absconded. The original group has then either been re-established or an entirely new group (with a new name) constituted. In some circumstances, leadership conflicts have led to groups fragmenting into sub-groups, as was the case with the RCD. Many of the armed groups have recruited members, voluntarily and forcefully. These dynamics have made the tasks of monitoring and responding to armed groups in the eastern DRC particularly challenging. Figure 1 lists the principal armed groups (Congolese and foreign) that have been active in the eastern DRC in 2010 and 2011.

These armed groups have been able to sustain themselves by three main sources: (i) extracting resources and income through the control of mining operations, as well as transport links from the mining areas to urban centres; (ii) engaging in illicit activities, such as smuggling, looting and extortion; and (iii) sourcing external funding (remittances from diasporas and state sponsorship). Some recent examples are outlined below.

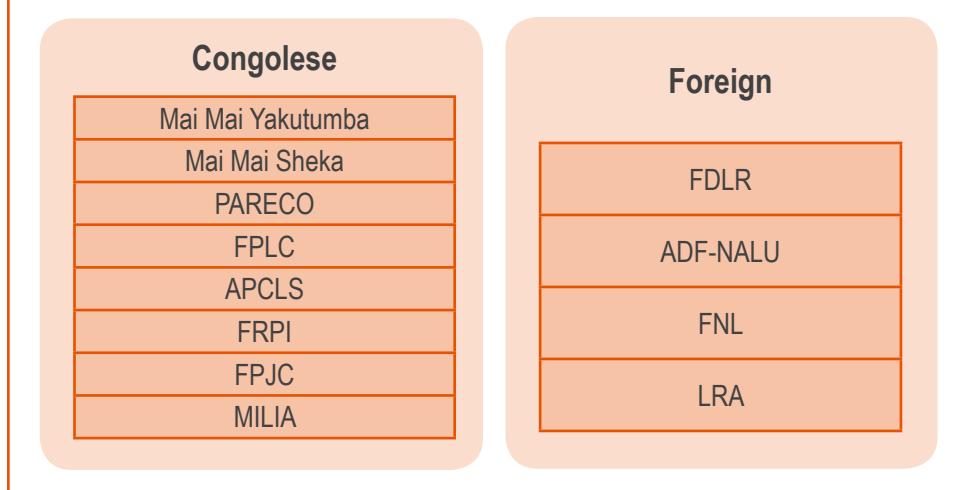
The *Mai Mai Yakutumba* has financed its operations through: extortion/theft in mining areas; the smuggling of minerals, such as gold, copper and cassiterite; ambushing of vehicles on the Misiri-Uvira axis; abducting Congolese officials; cattle raiding; and piracy on Lake Tanganyika. The ADF-NALU has reportedly used taxation of natural resources, such as gold and timber as a means to generate income. The FDLR, apart from exploiting the trade in minerals (75% of its income), has penetrated the timber, charcoal and cannabis sectors. Some foreign armed groups, particularly the ADF-NALU and the FDLR, acquired funding from diasporas, but in the case of the FDLR the arrest

<sup>31</sup> According to the May 2011 interim report of the UN Security Council Group of Experts on the DRC, a FDLR contingent launched an assault on a FARDC training base in Luberizi in January 2011, and seized six heavy machine guns and eight grenade launchers in the process.

<sup>32</sup> UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/656, 24 October 2011, paragraph 14.

<sup>33</sup> UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/656, 24 October 2011, paragraphs 14, 16 and 17.

**Figure 1: Key active armed groups in the eastern DRC**



of key members of the FDLR leadership in Germany and France in 2009 and 2010, curtailed this income stream.<sup>34</sup>

When required, both foreign and domestic armed groups have established alliances amongst themselves, and in some circumstances, with FARDC elements. For example, the FDLR has regularly formed alliances with Congolese armed groups in its military campaign against FARDC. However, reprisal attacks have often occurred if one of the FDLR alliance partners defects to the FARDC.

Throughout 2010 and 2011 FARDC undertook military operations against FDLR (the most prominent armed group in the eastern DRC), the ADF-NALU, and the FNL and a number of other Congolese armed groups. MONUSCO provided military support to some of the operations, and the Ugandan People's Defence Force (UPDF) was prominent against the LRA in Orientale province.<sup>35</sup>

In an attempt to reduce the exploitation of mining areas by armed groups and criminal entities (along with other motivations), the DRC government placed a temporary ban on artisanal mining in North Kivu, South Kivu and Maniema for the period 11 September 2010 to 10 March 2011. According to the UN Group of Experts, despite the mining suspension, artisanal mining continued in some areas, but the production and trade in cassiterite, coltan and wolframite was reduced.<sup>36</sup>

Internationally, there have been efforts to restrict the illicit trade in DRC minerals through supply-chain due diligence, and certifying minerals from demilitarised areas. Examples include: the Organisation for Economic Cooperation and Development (OECD) due diligence guidance for responsible supply chains of minerals from conflict-affected and high-risk areas; and Section 1502, Dodd-Frank Wall Street Reform and Consumer

Protection Act (United States - April 2011). Some of the practical measures have included the tagging of certain minerals.

Some Congolese armed groups perceived the November 2011 elections to be a legitimisation opportunity. For example, the leader of the *Mai Mai Sheka* indicated that he would run for office, and registered his candidacy for the national legislative elections.<sup>37</sup> However, his name was withdrawn from the electoral list following a public outcry.

<sup>34</sup> UN Security Council, Interim report of the UN Group of Experts on the DRC, UN document S/2011/345, 12 May 2011; MUNUSCO and UN Human Rights Office of the High Commissioner, Final report of the fact-finding missions of the UN Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of arms groups along the Kibua-Mpofi Axis in Walikale Territory, North Kivu, from 30 July to 2 August 2010, July 2011; UN Security Council, Letter dated 26 October 2010 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004), New York, UN; IRIN, DRC: Who's who among armed groups in the east, 15 June 2010, <http://www.irinnews.org/report.aspx?reportid=89494>.

<sup>35</sup> UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/20, 17 January 2011, paragraphs 17 and 18; UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/656, 24 October 2011, paragraphs 21-23.

<sup>36</sup> UN Security Council, Interim report of the UN Group of Experts on the DRC, UN document S/2011/345, 12 May 2011, paragraph 67.

<sup>37</sup> UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/656, 24 October 2011, paragraph 15.

### 3.5 Security climate in Ituri

Compared to the 2002-2004 period, the current security climate in Ituri is stable, but fragile. FARDC, with the support of MONUSCO, undertook numerous operations against the resident armed groups, the FPJC and the FRPI, and reportedly weakened the military capabilities of both groups.<sup>38</sup> The UN Secretary-General has expressed concern over the delayed implementation of the *Désarmement et Réinsertion Communautaire Ituri programme*, in that five years after the initiation of the programme, 8,000 demobilised ex-combatants were still awaiting reintegration assistance. He warned that this state of affairs “could swell the ranks of residual armed groups”<sup>39</sup>

Despite these concerns, the security situation in Bunia was relatively peaceful at the time of the research. According to Bideko Murhabazi Juvenal, the Bunia police chief:

“When I arrived here 16 months ago, armed crime was a serious problem. After 6pm, no one was moving and there was always shooting at night. There were ten armed robberies a night. Now it’s more like one every three months... Much of this criminality was coming from ex-combatants, though there was also involvement of the FARDC and even police officers. But in collaboration with MONUSCO, we have controlled the situation, largely through extensive patrolling, and at

this stage I would say Bunia is the most secure town in eastern DRC, particularly when compared to Goma.... I will not pretend there is no banditry. The criminals have been weakened but not defeated, and they have not surrendered their arms. They still use their weapons, but to threaten, not to shoot. These days you hardly hear any shooting.”<sup>40</sup>

Other interviewees confirmed the police chief’s thesis, noting that armed criminality had greatly declined since 2009. There was a similar situation in Mongbwalu, where representatives of an artisanal mining association reported:

“People do fight sometimes but they don’t use arms for their fights. We don’t have a problem of armed criminality. In Bunia we hear that there is this problem, but not here in Mongbwalu.”<sup>41</sup>

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38 UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/20, 17 January 2011, paragraphs 17 and 18; UN Security Council, Report of the Secretary-General on the UN Organisation stabilisation mission in the DRC, UN document S/2011/656, 24 October 2011, paragraphs 21-23.

39 UN Security Council, Thirty-first report of the Secretary-General on the UN mission in the DRC, UN document S/2010/164, March 2010, paragraph 24.

40 Interview with Bideko Murhabazi Juvenal, *inspecteur principal, commandant district de l’Ituri*, Police Nationale Congolais, Bunia, 1 April 2011.

41 Interview with Isiadore Tamile, administrative secretary, and Ucima Sylva, vice-president of *Association des Orpailleurs pour le Développement et la Reconstruction de Paix en Ituri* (AODERPI), *op cit.*