

# FORSAKEN VOICES

**Desecration and Plunder in the  
Democratic Republic of the Congo**

2008

**1,200 PEOPLE  
DIE EACH DAY,**

and 2000 are raped in a month... yet the world  
allows it to go on. It is time for justice and peace  
in the Congo. These lives and their country have  
been raped and plundered for too long.

## The Democratic Republic of the Congo:

# A SNAPSHOT



Human Development Index	168 out of 177
Population, total (millions), 2007	62.6
Life expectancy at birth, annual estimates (years), 2007	47
Under-five mortality rate (%) 2005	20.5
HIV prevalence (% aged 15-49), 2007	1.5
Population undernourished (% of total population), 2002-04	74
Probability at birth of not surviving to age 40 (%), 2000-05	41.1
Adult illiteracy rate (% aged 15 and older), 1995-2005	32.8
Population not using an improved water source (%), 2004	54
Children underweight for age (% under age 5), 1996-2005	31
Public expenditure on health (% of GDP), 2004	1.1
Number of physicians per 100,000 people, 2000-04	11

Sources used this page: UNDP Human Development Report 2008, UNAIDS DRC Update 2008, and World Health Organisation 2008 statistics.

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ONE IN FIVE CHILDREN DIE BEFORE THEIR FIFTH BIRTHDAY IN THE DRC. THESE SCHOOLGIRLS NEAR MASISI IN NORTH KIVU PROVINCE HAVE SURVIVED BUT UNLESS THERE IS FIRM ACTION FROM THE INTERNATIONAL COMMUNITY THEIR FUTURE WILL BE UNCERTAIN.

# I. EXECUTIVE SUMMARY

The Democratic Republic of the Congo (DRC) is one of the richest countries in Africa in terms of its resources and natural abundance. The mineral assets are huge – the southern province of Katanga alone is estimated to have 34% of the world's known cobalt reserves and 10% of the world's copper<sup>1</sup>. This is matched by impressive agricultural lands and forests second only to the Amazon basin in size and timber reserves.

This potential wealth has been the scourge of the DRC since initial encounters with Europeans. In recent times it has fuelled a bitter and extended series of conflicts compounded by dictatorial government and entrenched corruption. The Second Congo War of 1998-2003 was the greatest of these wars, involving eight African nations and numerous armed groups. Despite the official cessation of combat, the people of the DRC have continued to endure war and human rights abuses, especially in the eastern provinces. All sides in the ongoing conflict are responsible for inflicting atrocities against civilians, including murder and the forced recruitment of child soldiers. With an ongoing culture of impunity, most perpetrators of these crimes remain free while their victims and their communities live with the horrific consequences.

The great losers continue to be civilians – particularly women and children. Rape and sexual violence is now an endemic problem of horrific proportions. In June 2008 over two thousand rapes were reported in the one province alone<sup>2</sup>. Armed men perpetuate the situation, with recruited child soldiers becoming inured to the shocking but everyday practice. Many children are raised by mothers whose pregnancy was the direct result of being raped. This extended cycle of abuse and violence imbues younger generations with an accustomed sensibility, meaning that without direct and drastic action the incidence of rape will continue to remain high, and both women and children will be continually subjugated to the tyranny of sexual violence. The devastating culture of acceptance and impunity must end. Those who inflict rape must be brought to justice.

The humanitarian situation in the DRC is appalling. More than 1,200 Congolese are estimated to be dying daily from conflict-related causes: preventable diseases, poverty, gender-based violence and other atrocities<sup>3</sup>. 3.8 million people died during the Second Congo War<sup>4</sup>, and 2.1 million excess deaths have occurred since<sup>5</sup>. An estimated 80 percent of the DRC population is now living below the poverty line, and more than 70% of people are undernourished<sup>6</sup>. Life expectancy is just 47 years<sup>7</sup>, with latest statistics suggesting that 20% of children do not live until the age of 5<sup>8</sup>. There are an estimated total of 1,250,000 internally displaced persons in the eastern provinces alone<sup>9</sup>. The time for action is now!

This briefing paper has been prepared by Caritas Australia to raise awareness about the ongoing crisis in the DRC. Caritas Australia has been working with local partner organisations in the Congo since 2000, supporting programs caring for victims of rape, and helping to reduce the spread of HIV/AIDS.

This paper gives an overview of the DRC's historical background, and outlines the recent developments that have led to mass killings, rape, torture and displacement. It examines the extent of the current crisis, and the continuing insecurity throughout the country that is hampering the international humanitarian community's ability to respond effectively to people's needs. The most prominent focus of the report is on sexual violence and its horrific consequences, featuring two case studies of rape victims recently interviewed by Caritas Australia in June 2008.

There must be immediate action to resolve the fundamental causes of the conflict and the continuing human rights abuses in the DRC. Caritas Australia calls upon the international community to establish an international commission of inquiry into the atrocities in the DRC. This process must be actively supported by neighbouring African countries and the African Union. The Australian government must invigorate its new commitment to Africa by immediately contributing \$20 million to development and humanitarian efforts in the DRC. Meanwhile the corporate sector must play a significant role in setting up a consultative and holistic scheme of accountability and transparency in regards to their investments and interests in the DRC.

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1 UNDP Human Development Report 2008, and the UNAIDS DRC Update 2008, p.13.

2 MONUC report, 29 July 2008, <http://www.monuc.org/News.aspx?newsId=17829>, viewed 15/8/08.

3 IRIN DRC Country Profile, <http://www.irinnews.org/country.aspx?CountryCode=CD&RegionCode=GL>, viewed 13/8/08.

4 Central Emergency Response Fund (CERF) DRC country profile, <http://ochaonline.un.org/Default.aspx?tabid=4758> viewed 20/8/08

5 International Rescue Committee, 2007: *Mortality in the Democratic Republic of the Congo*, [http://www.theirc.org/resources/2007/2006-7\\_congomortalitysurvey.pdf](http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf) p.ii.

6 UNDP Human Development Report 2007-08, p.254.

7 World Health Organisation (2008), WHO statistics.

8 UNDP Human Development Report 2007-08, p. 264.

9 OCHA *Population Movements in the Eastern DRC* report, 31 July 2008, p.2.

# II. RECOMMENDATIONS

**Governments, parliaments, international organisations and civic groups must in accordance with obligations under the UN Declaration on Human Rights and in support of UN Resolution 1304:**

- 1) commit to protect the people of the DRC and end the conflict, and**
- 2) end the culture of impunity in the DRC.**

**The international community including the United Nations and the African Union must:**

- Call upon the Security Council to establish an effective monitoring commission to assess the implementation of Resolution 1325 (2000) on Women, Peace and Security, in order to strengthen efforts to fight impunity for crimes of sexual violence.**
- Collaborate with the International Criminal Court to prosecute as a war crime the recruitment and use of children as soldiers on the territory of, and by nationals of, the DRC.
- Establish an international commission of inquiry headed by the African Union to ensure the Government of DRC takes the necessary steps to end human rights violations and bring the perpetrators to justice in accordance with their commitments under international law, particularly UN Resolution 1304.
- Publicly condemn the killing of civilians and other serious human rights violations perpetrated in eastern DRC.

**The Government of the DRC should:**

- Firmly establish the rule of law in the DRC in relation to human rights violations, and ensure the perpetrators of war crimes and human rights abuses are brought before an impartial commission of inquiry.**
- To sign into law and implement the UN Child Protection Code, prosecute perpetrators of human rights abuses against children, and demobilise all children in the ranks of state and non-state armed groups in the DRC.
- Ensure thorough investigation and prosecution of sexual violence against girls, including rape and prostitution, forced marriage, and discrimination against victims of sexual violence and their children.
- Ensure the DRC reaches full compliance of the Extractive Industries Transparency Initiative (EITI) by 9th March 2010, and subsequently work cooperatively with civil society to ensure EITI standards are adhered to.

**The Australian Government must:**

- Immediately contribute \$20 million in development assistance to the DRC in line with the Australian Government's renewed commitment to African humanitarian assistance and development.**
- Provide immediate technical support to the Government of DRC to fulfill the implementation of the Extractive Industry Transparency Initiative and required resources to ensure the EITI can be adhered to.
- Encourage the Congolese government, child protection agencies, and international donors to make demobilisation and reintegration of child soldiers, including girls associated with armed groups, a priority in eastern Congo's peace program.
- Ensure Australian resource companies operating in the DRC are accountable and transparent in their ventures.

# WORLDWIDE CORPORATE

## The corporate sector must:

- **Be open, transparent and accountable in regard to contracts and payments from and to all official and non-official actors in the DRC**
- Consult with civil society organisations to establish and maintain robust transparency and accountability standards in regards to investment in the DRC and dealings with DRC officials.
- Reject all improper approaches from officials or government members and actively advertise any corrupt overtures made.
- Engage in regular and long-term consultation with DRC communities to determine development needs, commit to long-term development partnerships, and commit to the training and employment of DRC citizens.



AN ESTIMATED 30,000 CHILD SOLDIERS FOUGHT IN THE DRC SINCE 1998, OFTEN AGAINST THEIR WILL. THE TRAUMA OF THEIR EXPERIENCE WILL NOT FADE UNLESS THEY RECEIVE HELP FROM THEIR GOVERNMENT AND THE INTERNATIONAL COMMUNITY (REUTERS, FINBAR O'REILLY, 2003)

# 1. INTRODUCTION

**“...ALL WE POOR PEOPLE CAN DO IS DIE...”**

- RESIDENT OF ITURI DISTRICT, ORIENTALE PROVINCE<sup>10</sup>

The appalling history of the Democratic Republic of the Congo (DRC) is one of the great tragedies of Africa and the world. It has been the scene of ongoing plunder, warfare, despotism and misery for the extent of its recorded history. Since European dominance and beyond the country has been nothing less than a violent kleptocracy, characterised by the opulence of a few at the expense of the many.

The natural resources and potential wealth of the DRC is vast, however it is now one of the world's most poverty-stricken nations. The United Nations Development Program (UNDP) ranks the DRC 168 out of 177 on the Human Development Index<sup>11</sup>, and life expectancy is amongst the world's lowest at 47 years<sup>12</sup>. Yet poverty does not begin to describe what the people of the DRC have endured. Their story is one of desecration and plunder. The DRC's people have been defiled by rape, violence, intimidation and subjugation, just as the country has been ruined by exploitation, dictatorial rule and war. The plunder of the past still happens today. Joseph Conrad's *Heart of Darkness* (1902) told of colonial brutality in the Congo. Not much has changed since Conrad's time, except the rise and fall of resource demand and the particular leaders who allowed the pillage and murder to continue while their wealth burgeoned.

The DRC's natural abundance has been a poisoned chalice for civilians in the country and a prime example of the so-called 'resource curse' afflicting many developing countries. Both foreign and internal powers, along with proxy agents and groups, have long sought to establish control over the nation's natural resources. Civil war, corruption, and a desiccated social infrastructure are the results. The people who should be the beneficiaries of the DRC's natural wealth are the same people who suffer in the wake of this struggle. It is estimated that during the Second Congo War in 1998 more than 3.8 million people have died<sup>13</sup>, many by non-direct causes such as preventable diseases, poverty and famine. 2.1 million excess deaths are estimated to have occurred since the end of the war<sup>14</sup>. Brokered peace deals between belligerent parties in 2002, late 2007 and early 2008 have not resulted in the cessation of violence or the halting of attacks on civilians<sup>15</sup>.

In 2007 fighting between Congolese armed forces and dissident troops and militias led to the displacement of over one million people<sup>16</sup>, many of them from North Kivu province in the restless eastern DRC. As these numbers continue to rise, thousands and thousands of civilians have been forced into refugee camps, living in squalid conditions with extremely poor security. Since peace accords in early 2008 over 150,000 Congolese have become internally displaced<sup>17</sup>. This trend towards upheaval and homelessness shows no signs of abating.

More than 30,000 children have been forced to become active child soldiers in the conflict<sup>18</sup>. While the rate of child recruitment has dropped the issue remains a problem, with some under-aged soldiers even being co-opted into the DRC military as part of militia reintegration schemes<sup>19</sup>. The long-term consequences of rehabilitating child soldiers will present a massive challenge for the DRC in the future.

Women and children face brutal sexual violence on a daily basis. The UN estimates that 2,000 women were raped in North Kivu province in June 2008 alone<sup>20</sup>. The repercussions of this terrible situation will be felt for years to come, with the psychological trauma, physical damage and the lasting effects of sexually transmitted disease and HIV/AIDS often lingering for victims' entire lives.

With successful elections held in 2006 the temptation is to regard the DRC as a country on the mend. The violence and desperation in the

10 Amnesty International (2003), *Democratic Republic of the Congo: Our Brothers Who Help Kill Us*, p.3.

11 UNDP Human Development Report 2007-08, p.246.

12 World Health Organisation (2008), WHO statistics.

13 Central Emergency Response Fund (CERF) DRC country profile, <http://ochaonline.un.org/Default.aspx?tabid=4758> viewed 20/8/08.

14 International Rescue Committee, 2007: *Mortality in the Democratic Republic of the Congo*, [http://www.theirc.org/resources/2007/2006-7\\_congomortalitysurvey.pdf](http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf) p.ii.

15 Integrated Regional Information Network (IRIN), 14 May 2008 <http://www.irinnews.org/Report.aspx?ReportId=78205> viewed 20/8/08

16 IRIN report, 14 February 2007 <http://www.irinnews.org/Report.aspx?ReportId=70175>

17 Human Rights Watch (HRW) report, 29 July 2008, [http://hrw.org/english/docs/2008/07/28/congo19486\\_txt.htm](http://hrw.org/english/docs/2008/07/28/congo19486_txt.htm) viewed 20/8/08

18 UNICEF Child Alert – Democratic Republic of the Congo report, July 2006, p.4.

19 IRIN report, 19 Feb 2007 <http://www.irinnews.org/report.aspx?reportid=70251> viewed 20/8/08.

20 MONUC report, 29 July 2008, <http://www.monuc.org/News.aspx?newsId=17829>, viewed 15/8/08.



eastern provinces indicates otherwise. The entire country is finely balanced. On one hand a steady and prosperous development emerging from more than a century of murder and misrule awaits the DRC. On the other hand a renewal of violence precipitated by complex ethnic, political and resource-driven factors could smash any hope for the future. The actions of the DRC's government and the international community will be decisive factors in determining whether the DRC's future is one of newfound hope or further deadly chaos.

The country's plight has also been greatly overlooked by much of the world, or overshadowed by other conflicts. Despite a massive UN presence and the dedicated work of many NGOs, the world has either stopped listening to the desperate voices of the DRC – or never heard them in the first place.



SHANTIES IN A CAMP FOR INTERNALLY DISPLACED PERSONS, 2005. THE MATERIALS USED TO BUILD SHELTERS ARE FLIMSAY AND THEIR ABILITY TO PROVIDE PROPER SHELTER IS DUBIOUS, YET THOUSANDS LIVE IN SUCH CONDITIONS.

**“THE ACTIONS OF THE DRC’S GOVERNMENT AND THE INTERNATIONAL COMMUNITY WILL BE DECISIVE FACTORS IN DETERMINING WHETHER THE DRC’S FUTURE IS ONE OF NEWFOUND HOPE OR FURTHER DEADLY CHAOS.”**

## 2. HISTORICAL BACKGROUND

The Democratic Republic of the Congo has a bitter history of despotic exploitation, at the hands of both Europeans and Congolese autocrats. The DRC of today was first known as the Congo Free State – a corporate entity owned solely by the Belgian King, Leopold II, from 1885 to 1908. The Belgian government subsequently assumed control and the country was renamed the Belgian Congo. The country's ivory and rubber supplies were plentiful and resulted in the considerable accrual of wealth for King Leopold and the Belgian state. Local people received little if any benefit or development. Their fate and that of the Belgians was a bloody contrast.

In 1960 the Belgians left abruptly as the forces of independence swept across Africa. Patrice Lumumba was elected as Prime Minister and Joseph Kasavubu elected as President of the new Republic of Congo. A political crisis soon developed between these two new leaders, with the international community taking interest within the context of Cold War politics. After Lumumba was assassinated in late 1960, a series of short lived governments struggled to maintain power in the face of external political machinations and the influence of the military, led by Joseph-Desire Mobutu. The situation was not resolved until 1965, when Mobutu ousted President Kasavubu and seized open control of the country with the military and foreign anti-Communist interests backing his claim to power.

Mobutu changed the name of the country to Zaire, and led the nation through a sustained period of institutionalised corruption, expropriating mineral resources to consolidate the power of his allies and himself<sup>21</sup>. Mobutu retained his position for 32 years through several sham elections, political repression and the use of brutal force<sup>22</sup>. Mobutu's international supporters made no significant attempts to redress the situation thanks to Cold War politics, with a prevalent fear of Soviet influence motivating support for a unified country whatever the cost<sup>23</sup>.

In 1994, the neighbouring country of Rwanda was the scene of the infamous genocide of the Tutsis at the hands of Hutu militias. The Rwandan ethnic strife had a massive impact on Zaire, particularly in the Kivu provinces in the country's east. A massive inflow of Hutu refugees poured into the country in fear of violent reprisals, leading to further upheaval. The Mobutu regime, already under pressure to reform, was toppled in May 1997 by a rebel movement backed by the Rwandan and Ugandan governments and fronted by Laurent Kabila.

When Mobutu was defeated there was hope for revival. Instead, the situation deteriorated. Kabila, after renaming the country the Democratic Republic of the Congo (DRC), began to rule as a dictator. Furthermore, Kabila's Rwandan and Ugandan patrons were unwilling to relinquish their influence, resulting in continuing conflict. The situation escalated into the Second Congo War, also widely known as the African World War. This war was fought officially between 1998 and 2003, and involved the military forces of more than 25 national armies and irregular militia forces. The Second Congo War has been described as the most deadly worldwide since World War II<sup>24</sup>.

The destruction had a ravaging impact on infrastructure, food distribution networks and health services. The scramble for the DRC's natural wealth that characterised the war led to a huge toll on the population, as national armies and state-sponsored militias intimidated and murdered in order to maintain control of local resources and cohorts of enslaved workers. Civilian labour was compelled not only to support illegitimate resource extraction but also the war effort of belligerent groups. Most horrifically, children were forced to become soldiers, and women and girls of all ages were enslaved for domestic work and sexual exploitation<sup>25</sup>.

In July 1999 the Lusaka ceasefire agreement was signed between Laurent Kabila's government and the governments of the various nations involved in the conflict. Although the ceasefire was ineffectual, the Lusaka agreement remains significant as it mandated the deployment of the United Nations peacekeeping force, MONUC.

In 2001 Laurent Kabila was assassinated, and his son, Joseph Kabila, was named head of state. In 2002, Joseph Kabila was successful in ratifying the Sun City, Pretoria, and Luanda Agreements. Together these accords enabled an official ceasefire between the DRC, Uganda and Rwanda, as well as the large Ugandan-backed militia, the MLC. The agreements led to a power-sharing transitional government in 2003, with Joseph Kabila as President, and various opposition and rebel representatives filling the four vice-presidential and cabinet roles.


21 International Crisis Group, Conflict History: DR Congo, [http://www.crisisgroup.org/home/index.cfm?action=conflict\\_search&l=1&t=1&c\\_country=37](http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=37), viewed 22/8/08.

22 CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>, viewed 22/8/08.

23 International Crisis Group, Conflict History: DR Congo.

24 International Rescue Committee, 2007: *Mortality in the Democratic Republic of the Congo*, [http://www.theirc.org/resources/2007/2006-7\\_congomortalitysurvey.pdf](http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf) p.ii.

25 Human Rights Watch (2002): *The War Within the War – Sexual Violence Against Women and Girls in the Democratic Republic of the Congo*, p. 61.



The United Nations peacekeeping force MONUC (French for *Mission de l' Organisation des Nations Unies en République démocratique du Congo*) was established in 2000 after the Lusaka agreement was signed in 1999. MONUC was substantially strengthened in 2003 following claims that the mission had insufficient mandate and resources to protect civilians<sup>26</sup>. Further uniformed troops, along with a strengthening of specialist civilian resources in areas of human rights, child protection and political affairs, bolstered the UN mission. MONUC is currently the largest and most expensive peace-keeping mission in operation worldwide, involving nearly 17,000 personnel.

A successful constitutional referendum was held in December 2005, and national elections for the Presidency and seats in the National Assembly followed in 2006. Joseph Kabila was returned as President and his *Parti du peuple pour la reconstruction et la démocratie* (People's Party for Reconstruction and Democracy, PPRD) became the largest party in the National Assembly.

Despite the achievement of the Pretoria, Luanda and Sun City agreements, and the subsequent elections, there has been little progress in establishing and advancing the rule of law, promoting justice, and entrenching respect for human rights. While noted improvements in security have been made the situation in the DRC's eastern provinces remains horrendous. In reality, war continues to this day despite the departure of most foreign troops. Many irregular military forces are still armed and fighting, with a confusing range of allegiances, supporters and agendas. Belligerents still wage war for local resources, crimes against humanity are rife, and a culture of impunity means little is done against perpetrators of murder, robbery and rape. For the civilians of the DRC, the war is far from over.

## 2.1 RECENT DEVELOPMENTS

Two significant agreements have emerged in recent times. In November 2007 the Nairobi Communiqué was signed between the governments of the DRC and Rwanda, with the aim of addressing the problem of the Democratic Forces for the Liberation of Rwanda (FDLR) – a Rwandan-Hutu armed force that fought predominantly on the side of Joseph Kabila's government in the 1998-2003 war. Although now alienated from the DRC government, the FDLR remains a significant irregular military force in North and South Kivu.

The Goma agreement of 23 January 2008 brought the DRC government and 22 armed groups together in a ceasefire agreement, with the support of the UN, EU, USA, and the African Union. Significantly, the Goma treaty commits the signatories to maintaining human rights and protecting civilians. The DRC government's strategy for peace in the country's east depends upon the successful implementation of the ceasefire and the preceding Nairobi agreement.

Unfortunately some significant issues were not addressed by the Goma agreement. Significantly, the Hutu FDLR militia are not addressed in the Goma agreement and were not part of the negotiations. It is uncertain whether or not the DRC's military will be capable of subduing this renegade force.

Unfortunately the ceasefire is demonstrably fragile. Between January and July 2008 over 200 violations of the ceasefire have been reported, resulting in a further 150,000 people forced into internal displacement<sup>27</sup>. Since January 2008, attacks against civilians have increased alarmingly, armed groups continue recruitment despite some moves towards surrender, sexual violence is still widely practiced, civilian and humanitarian traffic is frequently impeded and perpetrators of past atrocities have yet to be brought to justice<sup>28</sup>.

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26 Amnesty International (2003), *Democratic Republic of the Congo: Our Brothers Who Help Kill Us*, p.9.

27 Human Rights Watch (HRW) report, 29 July 2008, [http://hrw.org/english/docs/2008/07/28/congo19486\\_txt.htm](http://hrw.org/english/docs/2008/07/28/congo19486_txt.htm)

28 Congo Advocacy Coalition (CAC), 29 July 2008, <http://hrw.org/english/docs/2008/07/28/congo19484.htm>



## THE DRC: A CHRONOLOGY

<b>1885 – 1908:</b>	Congo Free State, governed as sole property of Belgian King Leopold II.
<b>1908 – 1960:</b>	The Belgian Congo. Belgian government administration.
<b>1960:</b>	Republic of Congo gains independence from Belgian colonial rule.
<b>1965:</b>	Mobutu seizes outright control and becomes dictator.
<b>1994:</b>	Rwandan Genocide. Hutu militias flee across border into Zaire.
<b>1997:</b>	First Congo War. Mobutu toppled. Laurent Kabila becomes President. Zaire renamed the Democratic Republic of the Congo.
<b>1998:</b>	Second Congo War, (The African World War), begins. Uganda and Rwanda invade. Other African nations intervene on both sides. Rebel groups established. Congolese military, foreign powers and proxy armed forces terrorise civilians, practice mass rape and extract resources illegally. Millions displaced and nearly 4 million killed during the war.
<b>1999:</b>	Lusaka agreement ratified.
<b>2000:</b>	UN peacekeeping force MONUC established in response to Lusaka agreement.
<b>2001:</b>	President Laurent Kabila assassinated. Joseph Kabila becomes President.
<b>2002:</b>	Sun City, Pretoria and Luanda Agreements ratified.
<b>2003:</b>	Official end of the Second Congo War. Many militias remain active and continue to practice human rights abuses and resource expropriation. Interim government installed.
<b>2005:</b>	Constitutional referendum held.
<b>2006:</b>	Presidential and National Assembly elections held – the first in forty years. Joseph Kabila retains Presidency.
<b>2007:</b>	Nairobi Communique ratified in November between Congolese and Rwandese governments, establishing common policy regarding the Democratic Forces for the Liberation of Rwanda (FDLR) militia.
<b>2008:</b>	Goma Agreement ratified in January, ceasefire declared between the DRC and numerous militias. FDLR not included in agreement. Violence and human rights abuses continue. Rape still perpetrated on mass scale. Hundreds of thousands remain internally displaced.



SCHOOLBOYS IN THE DRC. MORE THAN 32% OF THE DRC'S PEOPLE ARE ILLITERATE. WITHOUT INTERNATIONAL HELP MANY YOUNG BOYS AND GIRLS WILL NOT RECEIVE A PROPER EDUCATION, PUTTING THEM AT GREATER RISK OF FALLING VICTIM TO THE CYCLE OF VIOLENCE AND RAPE IN THE DRC.

# 3. THE CURRENT HUMANITARIAN CRISIS

An estimated 80 percent of the DRC population is now living below the poverty line, and more than 70% of people are undernourished<sup>29</sup>. More than 1,200 Congolese are estimated to be dying daily from conflict-related causes, preventable diseases, poverty, gender-based violence and other atrocities<sup>30</sup>.

The social and economic development statistics are sobering. Life expectancy is just 47 years<sup>31</sup>, with latest statistics suggesting that 20% of children do not live until the age of 5<sup>32</sup>. Half of those aged 6 to 11 years old do not attend school<sup>33</sup>.

It is estimated by the World Health Organisation that about 500,000 people were living with HIV/AIDS in 2007, representing 1.5% of the population. Approximately 34,000 deaths were caused by AIDS in the same year<sup>34</sup>. The burden on children left behind by HIV/AIDS deaths is immense, with an estimated 380,000 children orphaned by the pandemic<sup>35</sup>.

Health care infrastructure in the country is severely under-resourced. The majority of Congolese cannot afford healthcare and have limited access to basic treatment. Across the country, hospitals are in a state of decay and neglect. Doctors and nurses are rarely paid<sup>36</sup>. The vast majority of deaths in the DRC are caused by preventable infectious diseases, neonatal complications and malnutrition. Furthermore, 47% of recorded fatalities in the DRC are infants, who are particularly susceptible to these preventable causes<sup>37</sup>. Malaria is still acknowledged as the widest cause of death in the DRC<sup>38</sup>, accounting for approximately 35% of infant deaths and 26% of deaths overall<sup>39</sup>.

Transport infrastructure has been desperately neglected after thirty years of dictatorship and the subsequent hostilities. Food production is hampered, with the most fertile regions in the DRC's east yet to see an end to constant violence. As a result, acute malnutrition is at 16% in some parts of the country, and at least 71% of Congolese live in situations where food supply is uncertain or scarce<sup>40</sup>. Subsistence farming is highly dangerous if militias operate in local areas, however it is now the only way for many to obtain food.

## 3.1 INTERNALLY DISPLACED PERSONS

**"IT IS NEITHER NORMAL NOR ACCEPTABLE THAT  
IDPs HAVE TO LIVE THIS WAY"**

- JOHN HOLMES, UN'S EMERGENCY RELIEF COORDINATOR, 2007.

A total of 1.4 million people remained internally displaced in the DRC as of November 2007, with 500,000 people displaced in the East, particularly in North Kivu province<sup>41</sup>. 143,000 people were displaced in North Kivu between mid-September and mid-October 2007 alone<sup>42</sup>.

Since then the number of Internally Displaced Persons (IDPs) in North Kivu has risen dramatically despite the promise of the 2008 Goma

29 UNDP Human Development Report 2007-08, p.254.

30 IRIN DRC Country Profile, <http://www.irinnews.org/country.aspx?CountryCode=CD&RegionCode=GL>, viewed 13/8/08.

31 World Health Organisation (2008), WHO statistics.

32 *Ibid.* p. 264.

33 *Ibid.* p. 272.

34 UNAIDS Fact Sheet - Democratic Republic of the Congo Update, July 2008. pp 5-7.

35 UN Global Report on the AIDS Epidemic 2008, p. 218.

36 IRIN DRC Country Profile, viewed 13/8/08.

37 International Rescue Committee, 2007: *Mortality in the Democratic Republic of the Congo*, [http://www.theirc.org/resources/2007/2006-7\\_congomortalitysurvey.pdf](http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf) p.iii.

38 IRIN report, 28 April 2008, <http://www.irinnews.org/report.aspx?ReportId=77948>, viewed 13/8/08.

39 International Rescue Committee, 2007: *Mortality in the Democratic Republic of the Congo*, p.10. viewed 13/8/08.

40 IRIN DRC Country Profile, viewed 13/8/08

41 Internal Displacement Monitoring Centre (IDMC) (29 November 2007): *Democratic Republic of the Congo: Worsening humanitarian crisis as internal displacement escalates in the east*, p.8.

42 MONUC report, 19 October 2007, <http://www.monuc.org/News.aspx?newsId=15795>, viewed 14/8/08.



ceasefire agreement. 857,000 people are now displaced from their homes in the province<sup>43</sup>, with an estimated 1,250,000 IDPs in total in the North Kivu, South Kivu, and the Ituri district in the adjacent Orientale province. 65,400 of these IDPs are newly displaced from April to June 2008<sup>44</sup>. 40,000 people alone left their homes after fighting earlier this year<sup>45</sup> near Goma, North Kivu.

Internally Displaced Persons in North Kivu have been victims of grave human rights abuses committed by all the factions engaged in fighting and by other civilians. There has also been widespread looting and burning of IDP possessions, plundering of crops, illegal taxation, destruction of health care facilities and use of civilian facilities for military purposes<sup>46</sup>.

The conditions inside of the IDP camps are shocking. Lulu Mitshabu, Caritas Australia's DRC program officer, visited some of the camps near Goma in June 2008. She reports:

*"People face a lack of food and health care. Extreme violence, including rape, continues to cause misery and loss of life on an unprecedented scale. People suffer from malnutrition and diseases such as measles, diarrhea, cholera and meningitis. There have also been reported outbreaks of polio, Marburg disease and bubonic plague. The camps themselves are often in fields of rubble, and the IDPs live in hastily constructed straw huts, with little access to safe drinking water.*

*"The people unable to reach these camps often live with host communities or hide in forests in makeshift settlements that are deprived of the most basic services. These settlements also lack security and protection and are vulnerable to violence and attacks."*

In April to June 2008 approximately 65,000 people returned to their places of origin in South Kivu and the Ituri province<sup>47</sup> hoping to renew their lives or escape the drudgery of the camps. Meanwhile unrest in North Kivu has resulted in a constant and erratic pattern of movement by IDPs as they look for safe areas near their homes where they may sustain themselves without harassment. This "pendulum displacement" means returned IDP figures for North Kivu province are susceptible to sudden change and remain difficult to measure<sup>48</sup>.

Internally Displaced Persons confront dire situations when returning to their homes. Facilities like schools and medical centres are non-existent for most. Roads are difficult to traverse and dangerous to travel in many places. Potable water is not readily available. The demand for basic items like food, seeds, tools, clothes and straw for house construction is high, however supply is short. This makes the reconstruction of their lives a near-impossible task.



SCHOOLGIRLS IN THE DRC. GIRLS THIS AGE AND YOUNGER HAVE BEEN THE VICTIMS OF RAPE AND ATROCIOUS FORMS OF SEXUAL VIOLENCE. THE PHYSICAL AND PSYCHOLOGICAL SCARS OFTEN NEVER HEAL.



CHILDREN ON THE OUTSKIRTS OF A CAMP FOR INTERNALLY DISPLACED PERSONS NEAR GOMA, NORTH KIVU PROVINCE. THOUSANDS OF CHILDREN LIVE IN SQUALID CONDITIONS IN THESE CAMPS, WHERE DISEASE, MALNUTRITION, AND VIOLENCE ARE DAILY FACTS OF LIFE.

43 IRIN report, 30 June 2008, <http://www.irinnews.org/Report.aspx?ReportId=79013>, viewed 14/8/08.

44 OCHA *Population Movements in the Eastern DRC* report, 31 July 2008, p.2.

45 IRIN report, 6 August 2008, <http://www.irinnews.org/Report.aspx?ReportId=79657> viewed 20/8/08

46 IDMC (29 November 2007) *Democratic Republic of the Congo: Worsening humanitarian crisis as internal displacement escalates in the east*, p.8.

47 *Ibid.* p.2.

48 *Ibid.*, p.5.

# 4. RAPE AS A WEAPON

**"MY BODY HAS BECOME SAD. I HAVE NO HAPPINESS."**

- THIRTY-FIVE-YEAR-OLD DRC WOMAN, GANG RAPED BY SOLDIERS<sup>49</sup>.

## 4.1 TRADITIONAL GENDER ROLES

Even before the Second Congo War, women suffered economic, social, cultural and political discrimination. They were considered second class citizens, as the law and social norms defined the role of women and girls as subordinate to men. Despite being major contributors to household incomes and food supplies, women traditionally were obliged to conform to distinctly patriarchal family structures<sup>50</sup>.

Traditionally in the DRC, a woman's value is closely linked with virginity, marriage and the ability to bear children. The circumstances of individual women is often considered subordinate to the honour and status of husbands, families and the wider community. When a woman's situation transgresses boundaries of filial honour, husbands tend to be the final arbiters, deciding whether or not women are to be accepted and forgiven. Women can strive for forgiveness after undergoing rites of purification to appease the honour of husbands, often involving the offer of an object of material value. For many families, however, ownership and wealth is attributed solely to the male head of the household, meaning that many women have no immediate means to procure such offerings.

Such traditional female roles can result in a nightmarish existence for women and girls during times of war. Women who are raped find that their pain and anguish is considered negligible compared to the shame of their husbands, whose regard for rape often equates with adultery. Without unconditional acceptance and compassion, many women find their social worlds turned upside down – stigmatised by their community, rejected by husbands, and cut off from traditional family support. Rape is far more than a physical violation for many women in the DRC – it often leads to an utter collapse of life.



BASIRA (ON RIGHT) IN GOMA, NORTH KIVU PROVINCE (JUNE 2008)

### BASIRA'S STORY

Basira's story is tragic and cruel. Unfortunately, it is not uncommon. Many women in the DRC have endured similar ordeals, both at the hands of armed men inflicting terror, and the stigma of their own communities.

Basira was raped in 2003 by armed men who broke into her house in Masisi.

*"During the night," said Basira, "soldiers came into the house. They tied up my husband and then raped me. They made my husband watch while they raped me."*<sup>51</sup>

Like many women in the DRC, the extent of Basira's struggle only emerged after she was raped. Basira, like many others, was stigmatised by those around her, who regard being raped as an incredible shame on the husband, family and community.

Her husband offered no compassion. He was unwilling to be seen supporting a rape victim – an act that many others would regard as weak and inappropriate for the head of a household.

*"After being raped," she said, "I had problems with my husband. He said he could never have intercourse with me again because I had been raped. When he chased me from our home I decided to*

49 Human Rights Watch (2002): *The War Within the War – Sexual Violence Against Women and Girls in the Democratic Republic of the Congo*, p. 3.

50 Women for Women International, <http://www.womenforwomen.org/swcongo.htm>, viewed 14/8/08.

51 Case studies and victim's quotes are taken from interviews conducted in Goma, North Kivu province, DRC during June 2008 by Caritas Australia Africa Program Officer Lulu Mitshabu. The translation was provided by Caritas Goma worker Aimee Mwadi Kadi and transcribed by Caritas Australia.



*seek shelter with my family in Goma.”*

Basira’s only option was to travel the dangerous road to Goma alone, where her family accepted and sheltered her. Her worries did not diminish, as she had left her two daughters in Masisi. Her fear was that they would experience a similar ordeal. Thankfully her two daughters joined her, with her sons remaining with their father.

Initially Basira was reluctant to interact and talk with other women due to the psychological trauma and shame resulting from the sexual violence. She bore the burden of her trauma alone.

This only changed when she was introduced to Caritas Goma by Anasthasie, the community liaison. Thanks to Caritas Goma’s program she has met other women who have been the victims of sexual violence, and now has solidarity and support from women who have suffered similarly.

She was given a bucket to collect water and a micro-loan of forty dollars. With this money she was able to begin trading beans and other food to support herself and her two daughters. For the first time since leaving Masisi Basira was able to buy clothes for herself and be self-reliant.

Thanks to Caritas Goma she also has access to post-trauma counseling, however her pain has not yet abated.

*“We have lots of women who can never have relations with men again,” Basira told Caritas Australia, “it is a big problem now. I can never be close to a man again.”*

This is the aftermath of her horrendous experience, one that she shares with far too many women of all ages in the DRC.

## 4.2 A WAR ON WOMEN

### **“IN PARTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO... PREVALENCE OF RAPE IS BELIEVED TO BE THE HIGHEST IN THE WORLD”<sup>52</sup>**

The ongoing conflict in the DRC has a direct and horrifying consequence, called the “war within the war”<sup>53</sup> – that is, the deliberate and brutal targeting of women and girls, with rape and sexual violence used as weapons of terror and subjugation within the context of a wider conflict.

There is no doubt about the link between conflict in the DRC and the prevalence of rape and sexual violence. The chaos and uncertainty that comes with war is conducive to acts of sexual violence thanks to the collapse of law and the confusing nature of the conflict involving many official and irregular belligerent groups. Warfare also amplifies the inequality of male-female relations, thanks to the extreme vulnerability women are placed in<sup>54</sup>. As a consequence, there have been observed and documented instances of sharp rises in rape coinciding with the beginning and continuation of conflict in areas in the DRC’s eastern regions<sup>55</sup>.


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52 McCrummen (2007), quoted in *UNAIDS 2008 Report on the Global AIDS Epidemic*, p.72.

53 Human Rights Watch (2002): *The War Within the War*.

54 Réseau des Femmes pour un Développement Associatif (RFDA), Réseau des Femmes pour la Défense des Droits et la Paix (RFDP), International Alert, 2004: *Women’s Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of the Congo*, p. 45.

55 Human Rights Watch (2002): *The War Within the War*, pp.23-24, see also Medecins Sans Frontieres (2004), *I Have No Joy, No Peace Of Mind – Medical, Psychological and Socio-Economic Consequences of Sexual Violence in the Eastern DRC*, p.16.



Women in the DRC have been, and continue to be attacked sexually in a variety of scenarios by different perpetrators inflicting a plethora of ferocious and demeaning acts upon their victims. The motives of attackers can vary wildly. Rape is perpetuated by combatants in order to frighten populations, humiliate military opponents, intimidate female human rights campaigners, or settle scores between communities. Rape is regarded as a prize of conquest in warfare, or simply another way of venting the frustrations and tensions of soldiering<sup>56</sup>.

The Goma ceasefire has not halted conflict in the Kivu provinces, and concomitantly sexual violence is still inflicted on large parts of the population.

The reported incidence of sexual violence is hard to believe. In June 2008 over two thousand rapes were reported in the North Kivu province alone<sup>57</sup>. This only accounts for victims who have reported to hospitals or authorities. The actual figure is likely to be far greater, considering the shame and stigma associated with being raped in the DRC, the difficulty of accessing health facilities, and also the general impression held by many that rapists will not be punished<sup>58</sup>.

Thanks to the January 2008 Goma ceasefire and preceding treaties, as well as the work of the UN peacekeeping force, MONUC, militiamen are being demobilised, offered amnesty and slowly reintroduced into civilian life. Sadly the rampant sexual abuse at the hands of these men does not abate when they relinquish their weapons<sup>59</sup>. Nor does it end if militiamen are integrated into the standing DRC army, given the past and continued reports of FARDC troops raping and intimidating civilians. Acceptance of rape is widespread and there is no great evidence that the perpetrators will be subjected to legal proceedings<sup>60</sup>. Despite sexual violence being outlawed by the DRC government in 2006, there seems to be little will to prosecute offenders. A new initiative launched by FARDC commanders in Goma in August 2008 promising to crack down on rapists within the army's ranks is too short-lived thus far to assess, however the fact that 30% of rapes in the North Kivu province are attributed to the DRC military means that the challenge for the FARDC to reform is a monumental one<sup>61</sup>.

### 4.3 METHODS OF SEXUAL VIOLENCE

**"THE PERPETRATOR OF RAPE BEHAVES LIKE AN ANIMAL.  
THE AGGRESSOR IS TRANSFORMED INTO A  
BEAST WHICH ATTACKS THE PREY."**

- MAJ INNOCENT MAYEMBE, MILITARY TRIBUNAL JUDGE, ITURI DISTRICT, DRC.<sup>62</sup>

The methods of sexual violence vary. Frequently the attendant violence adds an extraordinarily sadistic dimension to an already cruel act. Four overarching trends in the methods of sexual violence have been identified – individual rape, gang rape, occasions where one person is forced to rape another, and rape involving physical objects<sup>63</sup>. Rape is also often accompanied by beatings, torture, and murder.

Gang rape is common, with seventy-five percent of victims in one area of North Kivu saying they were raped by more than one attacker. A similar number say they have been raped a number of times on a different occasion<sup>64</sup>. It is not unusual for victims to be raped or gang raped in front of witnesses, such as spouses or children<sup>65</sup>.

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56 RFDA, RFDP, International Alert, 2004: *Women's Bodies as a Battleground*, pp. 45-51.

57 MONUC report, 29 July 2008, <http://www.monuc.org/News.aspx?newsId=17829>, viewed 15/8/08.

58 IRIN report, 21 January 2008, <http://www.irinnews.org/Report.aspx?ReportId=76338>, viewed 15/8/08.

59 *Ibid.*

60 *Ibid.*

61 IRIN report, 12 August 2008, <http://www.monuc.org/News.aspx?newsId=17897>, viewed 15/8/08.

62 IRIN report, 21 January 2008, <http://www.irinnews.org/Report.aspx?ReportId=76338>, viewed 15/8/08.

63 RFDA, RFDP, International Alert, 2004: *Women's Bodies as a Battleground*, pp. 33-35.

64 Medecins Sans Frontieres (2004), *I Have No Joy, No Peace Of Mind – Medical, Psychological and Socio-Economic Consequences of Sexual Violence in the Eastern DRC*, p.16.

65 Amnesty International, (2004): *Democratic Republic of the Congo: Mass Rape – Time for Remedies*. <http://www.amnesty.org/en/library/info/AFR62/018/2004/en> viewed 15/8/08.



Other examples of sexual violence involve acts of extreme bodily assault, frequently involving beatings and threats with weapons. Sometimes the mutilation of genitals and breasts accompanies rape. Other rape instances involve the use of rifles, knives and other foreign objects as tools of penetration.

Sexual violence often also accompanies enslavement and forced labour. Slavery often goes hand-in-hand with rape<sup>66</sup>, with women and girls often forced to submit to extended periods of domestic servitude in militia camps and ongoing sexual abuse on a daily basis.

It is simply wrong to regard the atrocity of sexual violence as a side effect of conflict, or just more regrettable but unavoidable cases of collateral damage. The fact is that the use of rape as a weapon of war in the DRC is deliberate, widespread, and perpetuated by all armed groups.

#### **4.4 MEDICAL ISSUES AND HIV/AIDS**

Aside from the brutality of sexual violence, there are the ongoing medical and psychological costs that many victims never see the end of. Approximately ninety one percent of rape victims reported some kind of medical or reproductive problem as a result of being raped<sup>67</sup>. Problems arising after sexual violence can include miscarriages, prolapsed orifices, continued bleeding from the vagina, lumbago, and incontinence. The instance of pregnancy after rape is significant at around ten percent<sup>68</sup>.

A prevalent and insidious consequence of rape in the DRC is the spread of HIV/AIDS. This is highly dependent not only on sexual contact – consensual or not – but also the social attitudes and beliefs underpinning attitudes around HIV/AIDS.

The likelihood of viral transmission during sexual violence or rape is increased due to the fact that forced intercourse is often accompanied by injury and bleeding<sup>69</sup>. This is not helped by the level of HIV infection among military populations of the DRC – estimated in 2002 to be near sixty percent<sup>70</sup>.

Despite this, a great deal of infection goes unreported, for a number of reasons. Many rape victims do not seek medical treatment after their ordeals. This is often a result of access or funding – frequently victims cannot afford medical treatment, or simply cannot get to appropriate facilities due to physical pain, lack of help, or the danger involved in making the voyage through a war zone – a danger that often could involve further threat of sexual violence.

Transmission is also easy from mother to child when breastfeeding. Conversely, fear of transmitting the HIV virus to infants can lead to unwillingness to breastfeed, leading in turn to child malnutrition.

The issue of HIV/AIDS will be a long-term consequence for the Democratic Republic of the Congo. The ramifications will be felt throughout the society long after the guns are surrendered and peace is attained. HIV/AIDS ensures that the entire society will suffer as a consequence of the wholesale war on women.

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66 IRIN report, 18 March 2008, <http://www.irinnews.org/Report.aspx?ReportId=77340> viewed 20/8/08.

67 RFDA, RFDP, International Alert, 2004: *Women's Bodies as a Battleground*, p. 39.

68 *Ibid.*

69 MSF(2004), *I Have No Joy, No Peace Of Mind*, p.16.

70 Human Rights Watch (2002): *The War Within the War*. p.67.



ISABELLE (ON LEFT) AND JONATHAN IN GOMA, NORTH KIVU PROVINCE (JUNE 2008)

## ISABELLE'S STORY

Isabelle is fourteen years old. Like many women her age in the Democratic Republic of the Congo, Isabelle is a rape victim – and a mother.

Isabelle was attacked by two masked gunmen in 2007, when she was thirteen years old.

*“I went to Karaturini and met the soldiers,” said Isabelle. “They raped me and then stabbed me. They raped me in the early morning, as I was trying to fetch water.”*

Fetching water is a dangerous daily task for many Congolese women like Isabelle, who are preyed upon by militiamen and soldiers intent on terrorising civilians.

In the following days Isabelle became sick. She sought traditional healing treatment, which proved ineffectual. Her mother escorted her to a hospital in Goma, where Isabelle discovered she was pregnant as a result of being raped.

Isabelle's pregnancy was a difficult one. Her mother became ill and died before Isabelle gave birth. She gave birth prematurely to twin boys – only to have one die within days of being born.

Isabelle took her son Jonathan to live in Goma. She now lives there with her child, grandmother and younger brother, who depend upon her for survival.

*“My grandmother is very old,” said Isabelle. “It is Caritas Goma that has helped us to this day... before I had difficulty even getting soap. It is only because of Caritas Goma that I can care for this baby, and my grandmother too.”*

In hospital Isabelle was able to obtain counseling, medical help, and financial assistance.

Caritas Goma not only provided her with direct assistance but also assists in funding and supplying the hospital Isabelle sought treatment in.

Isabelle knows that thanks to being raped and having an illegitimate child, she has little prospect of marriage or obtaining a dowry. Despite this she hopes to be trained as a seamstress in order to make her own living. She hopes that with Caritas Goma's help she can gain adequate training and a sewing machine so she has the capacity to be independent and care for her child, brother and grandmother.

Without Caritas Goma's help it is uncertain if she will be able to achieve these goals, or even survive. Despite the dangerous uncertainty in her life, Isabelle is thankful.

*“God bless Caritas Goma” she said, “if my son and I are still alive it is only because of Caritas.”*

## CARITAS AND THE VICTIMS OF SEXUAL VIOLENCE

Caritas Australia has worked in partnership with Caritas Goma since 2000 and has supported initiatives of Caritas Congo since 2001. Together, they are implementing programs providing care for 600 victims of sexual violence based in Rutshuru, Masisi and Goma.

The main activities of these partnership programs are:

- Care for victims of sexual violence in four medical institutions;
- Care for pregnant women who are the victims of rape;
- Counseling service for rape victims;
- Counseling sessions before and after HIV tests;
- Transferal of all cases tested HIV-positive to a Caritas-supported specialised unit, which cares for AIDS patients in the diocese;
- Medical training for staff of the Maternal Charity Hospital;
- Provision of micro-loans and income generating activities for victims;
- Health care personnel trained to sensitise the local population;
- Counseling sessions to reconcile couples;
- Juridical support for victims of sexual violence.

The collaboration means that these women can obtain basic goods, medical and legal services, trauma counselling, and a micro-loans scheme to assist the women re-establish themselves and their livelihoods.

**"I HAVE SEEN MYSELF THE DIFFERENCE CARITAS IS MAKING FOR THESE WOMEN AND THEIR CHILDREN. I BELIEVE THESE PROGRAMS HAVE GIVEN THESE WOMEN SOME HOPE FOR THE FUTURE, WHICH IS BEST OF ALL."**

- LULU MITSHABU, CARITAS AUSTRALIA AFRICA PROGRAM OFFICER

# 5. A BLOODY BOUNTY: RICHES FEEDING WAR

## “WARS NEED MONEY.”

- GLOBALWITNESS.ORG

### 5.1 EXPLOITATION DURING THE SECOND CONGO WAR (1998-2003)

From the colonial era through to present times much of the misery and violence inflicted upon the people of the Democratic Republic of the Congo can be attributed to competing interests – many foreign – vying for the country’s resource wealth. During the Belgian colonial era it was ivory and then the lucrative rubber trade that brought exploitation. In latter years it is conflict over water, timber and mineral reserves, as well as competing political agendas of government forces, armed opposition factions and foreign troops that have been the driving forces behind the violence that has been called a war of partition and plunder<sup>71</sup>.

Despite the cessation of official warfare in 2003 the grab for resources and wealth continues to provide a foundation for armed groups to inflict horror upon the people of the DRC. At the heart of the conflict is a struggle for the DRC’s vast reserves of gold, diamonds, cobalt and coltan – an ore used in hi-tech electronics such as laptops and mobile phones. Multinational corporations are seen to play a key part in this struggle for resources and the subsequent human rights abuses<sup>72</sup>.

During the Second Congo War, the military forces of other African nations – notably Uganda, Rwanda and Zimbabwe, but also Burundi and Angola – occupied large parts of the DRC’s territory. The rhetoric surrounding the deployments offered various excuses, however the underlying motive was not hard to determine: the Second Congo War was a war for resources<sup>73</sup>. Rwanda<sup>74</sup> and Uganda<sup>75</sup> competed violently with each other and the DRC government for economic control of the country’s eastern provinces, while Zimbabwe’s military assistance to the Kabila regime was given in exchange for privileged access to mining and other natural reserves, often in collaboration with Congolese elites at the expense of public finances<sup>76</sup>.

The existence of various rebel groups originated in the scramble for the DRC’s wealth. The reason for Rwandan, Burundian and Ugandan armed intervention during the 1998-2003 war was ostensibly in support of these rebels: a spurious justification considering that many were established by the neighbouring African governments in question<sup>77</sup>.

The irregular fighting forces such as the *Rassemblement Congolais pour la Democratie* (the Congolese Rally for Democracy, or RCD, a Rwandan-backed militia) and the *Mouvement de Liberation du Congo* (Congo Liberation Movement, or MLC, a Ugandan-sponsored militia) were more useful as enforcers of economic, as well as territorial, dominance. Once treaties were signed and national armies compelled to leave the DRC, other less conspicuous methods of exerting economic control were relied upon<sup>78</sup>. Many of these “less conspicuous” armed groups still operate in the Eastern DRC today.

This situation led to the rise of criminal-militant networks, with links to arms smuggling enterprises, corrupt officialdom, the stripping of the DRC’s public assets and the deprivation of public funds<sup>79</sup>. International criminals, military strongmen, and the militia leaders who funneled

71 Nzongola-Ntalaja, Georges (2002): *The Congo from Leopold to Kabila: A People’s History* (London and New York: Zed Books).

72 See the Final 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, (16 October 2002), also Global Witness (2006): *Digging in Corruption – Fraud, Abuse and Exploitation in Katanga’s Copper and Cobalt Mines*.

73 Nzongola-Ntalaja, Georges (2006): *The International Dimensions of the Congo Crisis*, UNDP Oslo Centre of Governance, p.3.

74 Final 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, (16 October 2002), p.14.

75 *Ibid.*, p.19.

76 *Ibid.*, p.7.

77 Nzongola-Ntalaja, Georges (2006): *The International Dimensions of the Congo Crisis*, UNDP Oslo Centre of Governance, p. 2.

78 Final 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, (16 October 2002), p.5.

79 *Ibid.*, pp.6-7.



resources on their behalf did exceptionally well from this situation. Meanwhile the people of the DRC suffered under this many-faceted, violent kleptocracy.

The aftermath is still being felt in the DRC, especially in the eastern provinces: civilians continue to be terrorised, murdered and enslaved, militiamen inflict rampant atrocities, and the DRC still suffers the chronic problems of mass displacement of internal populations and the aftermath of literally thousands upon thousands of rape and sexual violence cases. What was the case in 2003 still applies half a decade later: militia groups have far too much to lose to simply disband, disarm and relinquish economic control over local resources<sup>80</sup>.

## 5.2 INVESTMENT COMPLICITY AND LACK OF TRANSPARENCY

The disastrous plundering of the DRC's natural resources has links that extend beyond the country's immediate African neighbourhood. Much of the day-to-day persecution and misery throughout and after the war was inflicted by national armies, including the DRC's military, and proxy militia groups. However it is simplistic to conclude that the issue does not go any further than the DRC and surrounding countries. The tacit support of the illicit mineral trade by Western and Asian companies is provided by their continued willingness to purchase such materials for international distribution, while foreign governments have not demonstrated a commitment to ensuring corporations adhere to standards of diligence when buying and brokering the DRC's resources on overseas markets<sup>81</sup>.

In some cases international mining companies with direct interests in the DRC engaged with groups known for human rights violations to ensure the security of their investments. In 2003, international mining corporations began to jostle for mining concessions offered by the post-war interim government. This occurred even though the interim government had virtually no control over many of the areas in question<sup>82</sup>.

One company to venture into contested territory was the global gold mining giant AngloGold Ashanti. The company ventured into the Ituri district of the Orientale province, establishing exploration projects near the town of Mongbwalu, an area under direct control of the Nationalist and Integrationist Front (FNI): a militia known to have committed grave human rights abuses in the area. Undeterred, AngloGold Ashanti representatives came to an agreement with the FNI, providing material support to the renegade armed group<sup>83</sup>. Incredibly this was not the first time the mining company had approached non-government forces in an attempt to secure their stake of DRC gold: they had attempted to strike a deal with the UPC (Union of Congolese Patriots) militia in 2002, while the war was still being waged and no credible government existed in the area<sup>84</sup>.

AngloGold Ashanti's collaboration with the FNI to secure their own profit-oriented goals worked in direct opposition to the interests of the interim DRC government and the UN peacekeeping efforts. As a result the FNI was bolstered and the war on civilians continued.

Collaboration with official government forces by mining companies also demonstrates the propensity of corporations to turn a blind eye towards abuses in favour of profiteering. Recently the Australian-Canadian Anvil Mining Company was mired in allegations of complicity with human rights abuses. The company's copper and silver mine at Dikulushi is approximately 50km from the township of Kilwa in the southern Katanga province. In 2004 a small band of rebels overtook Kilwa, only to be crushed within days by the DRC military, the FARDC. Anvil was drawn into the incident by allowing a plane and trucks owned and chartered by the company to transport FARDC troops to Kilwa. Between 70 and 100 civilians, many uninvolved in the petty uprising, were subsequently murdered by the FARDC<sup>85</sup>. Anvil was also reported by witnesses to have supplied food and money to FARDC troops, and Anvil trucks were seen transporting corpses<sup>86</sup>.

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80 *Ibid.*, p.5.

81 Garrett, Nicholas (2007): *The Extractive Industries Transparency Initiative and Artisanal (EITAI and Small Scale Mining (ASM)*, Extractive Industries Transparency Initiative, p.42

82 Human Rights Watch report, (2005): *The Curse of Gold: Democratic Republic of the Congo*, p.58.

83 *Ibid.*, p.65.

84 *Ibid.*, p.65-66.

85 MiningWatch Canada, 16 June 2005: *Anvil Mining and the Kilwa Massacre: Canadian Company Implicated?* [http://www.miningwatch.ca/index.php?/Anvil/Anvil\\_Mining\\_Kilwa](http://www.miningwatch.ca/index.php?/Anvil/Anvil_Mining_Kilwa) viewed 19/8/08.

86 Global Witness (2006): *Digging in Corruption – Fraud, Abuse and Exploitation in Katanga's Copper and Cobalt Mines*, p.39.



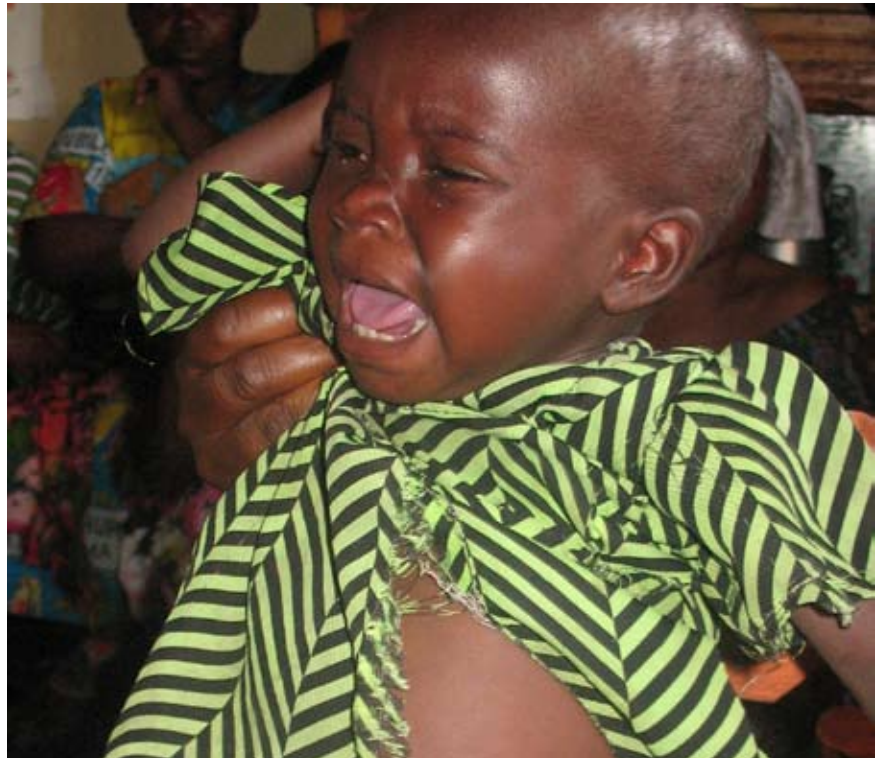
Anvil was subsequently exonerated by a trial condemned for its lack of transparency, numerous delays, intimidation of witnesses and the replacement of a prosecutor<sup>87</sup>. The company insists on its innocence and maintains that its provision of logistical support to the FARDC was simply a case of obeying the request of the legitimate government authorities in question. It is nonetheless fair to question Anvil's involvement given that by supporting government forces it assisted in the massacre of civilians in Kilwa. Anvil's moral priorities are also questionable – ongoing profit in a lucrative mineral-rich region, or the sanctity of innocent human life?

The formal mining sector is also prone to improper relations with political figures, with Anvil Mining also providing an example of this uncomfortable proximity. The company has been noted to have dealings with Katumba Mwanke, a former governor of Katanga province and advisor to President Kabila. The association between the company and Mwanke was extensive enough for Mwanke to be appointed to the board of Anvil's local subsidiary company from 2001 to 2004. Mwanke was also the owner of the administrative premises leased by Anvil<sup>88</sup>. Mwanke's record has been publicly tarnished, as he was one of numerous individuals recommended for travel bans and financial restrictions by the UN Panel of Experts on mineral exploitation in the DRC<sup>89</sup>.

The DRC has laudably become a candidate country under the Extractive Industries Transparency Code in February 2008 and has until 2010 to validate their candidacy<sup>90</sup>. Anvil states it is supportive of this process and maintains the company has an overall commitment to transparency and accountability. With this in mind, the Congolese people deserve thorough and open answers regarding what Anvil had to gain, what incentives were offered and what results were obtained from the company's association with Katumba Mwanke.



CONDITIONS INSIDE MAKESHIFT MEDICAL FACILITIES IN THE DRC. THERE ARE ONLY 11 DOCTORS FOR EVERY 100,000 PEOPLE IN THE DRC, AND SPENDING ON HEALTH REPRESENTS ONLY 1.1% OF THE COUNTRY'S GDP.



47% OF FATALITIES IN THE DRC ARE INFANTS. MOST CAUSES OF DEATH ARE PREVENTABLE, WITH MALARIA ACCOUNTING FOR 35% OF INFANT DEATHS. 380,000 CHILDREN IN THE DRC HAVE BEEN ORPHANED BY THE HIV/AIDS PANDEMIC.

87 African Association for the Defence of Human Rights (AADHR) et. al. (2007): *Kilwa Trial: A Denial of Justice*. Obtained from ReliefWeb: <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SHES-757SJ5?OpenDocument&rc=1&cc=cod> viewed 19/8/08.

88 *Ibid.*, p.42.

89 Final 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, (16 October 2002), Annexure 2.

90 Extractive Industries Transparency Website, <http://eitransparency.org/DR Congo> viewed 20/8/08.

## 6. CONCLUSION

Now is a pivotal time for the future of the Democratic Republic of the Congo. Promise has been shown after the elections of 2006, followed by ceasefires with eastern rebel groups in late 2007 and early 2008. For the first time the DRC has the potential to evolve into stable state, free of conflict and governed for the benefit of the citizenry, not an oligarchy.

This hope, however, cannot be overstated. Much remains to be done by both international actors and the new government of the DRC to make sure this glimmer of optimism is not squandered. There is still huge potential for the DRC to revert into the self-destructive cycles that defines the nation's history. The new government has not credibly acted against nepotism and corruption in its own ranks, nor has the kleptocratic instinct abated throughout officialdom. Revenue from the nation's resources are not collected and deployed for the benefit of the population as a whole. Basic services have yet to be adequately restored. Food insecurity is prevalent and massive parts of the population are homeless.

Most worryingly, conflict still continues in the East. North Kivu, South Kivu and the Ituri district are still the scenes of daily attacks, rapes, and murders. The renegade militias that have for many years been a major contributor towards instability have yet to be fully subdued or disarmed. The ability of the FARDC to protect civilians and combat militias is uncertain, as is its' commitment to restraining and punishing those within its own ranks responsible for human rights abuses.

Sexual violence still occurs on a mass scale and goes largely unpunished. The spread of HIV/AIDS is exacerbated by the huge problem of rape and sexual violence. There are as yet inadequate public resources to deal with these long-term problems, and whole swathes of the DRC's population will suffer if support is not provided for rape victims and those with HIV/AIDS.

While the situation is critical the main efforts from the international community come from non-government organisations like Caritas Australia, who provide partnership and support for local groups to help rehabilitate the DRC and its people. Governments must match the efforts of groups like Caritas if long-term peace and stability is to become viable in the DRC. Furthermore, the corporations poised to make huge profits from the DRC's resources must make a concerted, consistent and significant contribution to the future of the DRC that extends beyond their immediate operations.

"Twelve hundred people die each day, and two thousand are raped in a month," says Lulu Mitshabu, Caritas Australia Africa Program officer, "yet the world allows it to go on. It is time for justice and peace in the Congo. These lives and their country have been raped and plundered for too long."



CHILD SOLDIERS AWAIT INSTRUCTIONS NEAR BUNIA IN THE DRC. CHILD SOLDIERS FREQUENTLY WITNESS AND PARTICIPATE IN HUMAN RIGHTS VIOLATIONS, OFTEN AGAINST THEIR WILL. WHEN REPATRIATED INTO COMMUNITIES FORMER CHILD SOLDIERS ARE OFTEN SHUNNED AND DESPISED FOR THEIR PAST ROLES. (REUTERS, ANTONY NJUGUNA, 2003).



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