



SECURITY COUNCIL REPORT UPDATE REPORT



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DEMOCRATIC REPUBLIC OF THE CONGO

Expected Council Action

A briefing on recent developments in the DRC is expected on 7 September. Assistant Secretary-General Atul Khare and the Secretary-General's Special Representative on Sexual Violence in Conflict, Margot Wallström, will participate in a formal Council meeting and brief on the mass rapes perpetrated in eastern DRC from 30 July to 2 August. Khare was dispatched to the DRC in late August to determine the sequence of events and to assess what more could be done to ensure more effective protection of civilians. Wallström's role is to coordinate the UN response and follow-up on the incident. Closed consultations are expected following the briefing.

Key Recent Developments

Between 30 July and 2 August between 200 and 400 armed men, allegedly from the Rwandan Hutu rebel group the *Forces démocratiques de libération du Rwanda* (FDLR) and from the Mai Mai tribal militia, raided some 13 villages along a 21 kilometre stretch of road in the North Kivu province's Banamukira territory and committed mass rape. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of 30 August 242 rape survivors had been treated. The age of the victims varies between 16 and 75 years although victims under the age of 16 seem likely. Some victims were reportedly raped by two to six men at a time. One of the affected villages was reportedly 30 kilometres from a UN Stabilisation Mission in the DRC (MONUSCO) forward operating base in Kibua where 80 military personnel are stationed.

On 10 August OCHA released a report which stated that from 30 July to 1 August, the NGO International Medical Corps had identified 25 persons who were allegedly raped by FDLR rebels and the Mai Mai in the village of Luvungi and its surroundings. IMC members reportedly had briefed OCHA officials on 6 August after they had returned from Luvungi.

On 23 August the Secretary-General's spokesperson spoke in New York about the incident. According to the spokesperson, a UN joint human rights team had verified allegations of the rape of a least 154 women by the FDLR and Mai Mai combatants in the village of Bunangiri. The spokesperson said victims were receiving medical care and had also been provided with psychosocial care. The FDLR attackers had blocked the road and prevented the villagers from reaching the nearest communication point.

On 24 August a statement was released on behalf of Secretary-General Ban Ki-moon expressing his outrage at the incident. Ban reiterated his call on all armed groups in the DRC to lay down their weapons and join the peace process. He called on the government to investigate the incident and bring to justice the perpetrators of the crimes. The Secretary-General requested his Special Representative for Sexual Violence in Conflict, Margot Wallström, to lead the UN response and follow-up this incident and Assistant Secretary-General Atul Khare was immediately dispatched to the DRC to work with the Secretary-General's Special Representative and MONUSCO's head, Roger Meece, to investigate the incident.

On 25 August Meece participated in a media briefing. Meece said that on 31 July, MONUSCO had received information of rebel movements in the area, but there had been no suggestion of an attack. On 1

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August MONUSCO learned further of Mai Mai rebel movements in the area. On 2 August a MONUSCO patrol in the area stopped in Luvungi village, where rapes had taken place, however, Meece said villagers did not report any of the events that had taken place in the days preceding the patrol. Meece said MONUSCO first received reports of the rapes on 12 August, and a Joint Protection Team was sent to the area on 13 August.

In his remarks on 25 August during a Security Council meeting, Secretary-General Ban Ki-moon also spoke on the mass rapes in eastern DRC. He said he had called on the DRC authorities to investigate the incident and bring the perpetrators to justice. He also said he was compelled to ask what more could be done to protect civilians. He requested that members of the Council consider what more could be done—in the DRC and elsewhere—to ensure the successful protection of civilians in the context of peacekeeping operations.

On 26 August the Director of Africa II Division of the Department of Peacekeeping Operations, Raisedon Zenenga, briefed Council members on the incident in closed consultations. Zenenga said the UN did not have reporting about the atrocities in the days during and immediately after the incident. After receiving more specific information on 12 August, MONUSCO had dispatched a Joint Protection Team to the area from 13-18 August. Once the information from this mission was consolidated it was transmitted to the UN headquarters in New York. Zenenga reportedly acknowledged that communications both on the ground and within the UN system had failed in this instance. In a press statement (SC/10016) following the meeting the Security Council members expressed their outrage at the mass rape. The Council called upon the government to swiftly investigate the attacks and ensure that the perpetrators are brought to justice. The Council demanded that all possible steps should be taken to prevent such outrages in the future.

In a briefing to the press on 31 August, Wallström said she had only learned of the mass rapes over 21-22 August through emerging media reports. Wallström said it seemed that in this case systematic rape was planned and therefore preventable. The perpetrators must be held accountable. She wanted to send a clear message to leaders of the groups involved that acts of widespread and systematic sexual violence can constitute war crimes and crimes against humanity and that crimes of this calibre attract command responsibility on the part of leaders who fail to prevent or punish the violations by their subordinates even if the leaders were not involved themselves. Sexual violence was an element in the charges of all the cases now before the International Criminal Court (ICC). She wanted to see more sexual violence cases brought to international tribunals and hoped the ICC would look into this case. A monitoring and reporting mechanism was needed for sexual violence in conflict like the Security Council's monitoring and reporting mechanism on children and armed conflict. It was not in place yet.

Wallström said the incident had raised expectations that UN peacekeepers would do more to prevent sexual violence but that this would be a challenge in the DRC where the government was asking the UN to scale down its operations. But actually the UN's response capacity needed to be improved. More must be done to implement the joint government-UN comprehensive strategy on combating sexual violence. Peacekeepers must be prepared to respond to sexual violence cases and early warning systems must be institutionalised. The implementation in 2010 of the UN Analytical Inventory of Peacekeeping Practice Addressing Conflict-Related Sexual Violence was hoped to build the skill and the will of peacekeepers to respond.

On 30 August Meece announced MONUSCO had launched a review of their actions and procedures to assess what they could have done better and faster to protect and assist the victims.

Key Issues

A key issue is who perpetrated the violence and why, and how the perpetrators can be brought to justice. A related issue is what the DRC authorities are doing in response to this incident.

A second issue is whether MONUSCO's performance can be faulted and in particular how information regarding the incident was communicated in the field and then between the field and UN headquarters, including the apparent failure to alert the office of the Special Representative for the Secretary-General on Sexual Violence in Conflict. A related issue is the delay in informing the Security Council of the incident.

A third issue is what systems and procedures could be improved to ensure the better protection of civilians given the current resources available to MONUSCO.

A fourth issue seems to be the slow performance by Walström and her office in getting up to speed.

An issue for the Council is whether it has been sufficiently proactive in utilising all the tools available to it to address the situation in the DRC in general and sexual violence there in particular.

Options

An immediate option for the Council is a statement addressing all these issues.

A second option is a clear signal to both the DRC and Meece that while UN focus in the DRC is transitioning towards peace consolidation, the Council expects MONUSCO to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate.

Other options include:

- requesting an urgent preliminary investigation by the UN's Joint Human Rights Office in the DRC;
- requesting the Force Commander and commanders of main troop and police-contributing countries to meet with Council members urgently to assess the conditions on the ground in eastern DRC and hear Council concerns about the need to enhance MONUSCO's performance;
- requesting a review of how MONUSCO can better communicate with outlying villages and including specific steps which can immediately be taken by missions to enhance such communication; and
- designating FDLR members for targeted sanctions in line with resolution 1807 of 31 March 2008 which added committing sexual violence in the DRC as a criterium for individually targeted sanctions.

Council Dynamics

Council members seem to be united in a sense of outrage at the fact that the atrocities occurred. Some members are also very disappointed at the way the Council learned of the incident. Council members are waiting for Khare's return from the DRC and the 7 September briefing before finalising their positions on how to take this issue forward.

UN Documents

Security Council Resolutions
<ul style="list-style-type: none">• S/RES/1925 (28 May 2010) extended the mandate of MONUC until 30 June 2010 and decided that from 1 July 2010, MONUC shall bear the title of the UN Organization Stabilization Mission in the DRC (MONUSCO) and that MONUSCO shall be deployed until 30 June 2011.• S/RES/1896 (30 November 2009) extended the DRC sanctions and the mandate of the Group of Experts to 30 November 2010.
Latest Presidential Statements
<ul style="list-style-type: none">• S/PRST/2009/24 (5 August 2009) was on UN peacekeeping operations.• S/PRST/2008/48 (22 December 2008) welcomed regional efforts to address the security threat posed by the LRA.
Latest Secretary-General's Report
<ul style="list-style-type: none">• S/2010/164 (30 March 2010)
Press Statements
<ul style="list-style-type: none">• SC/10016 (26 August 2010) was a Security Council press statement expressing their outrage at the mass rape in eastern DRC.• SC/10010 (18 August) was a Security Council press statement condemning the attacks on peacekeepers in Kirumba, which resulted in the death of three Indian soldiers.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission
Roger Meece (US)

MONUSCO Force Commander
Lieutenant General Chander Prakash (India)
Size, Composition and Cost of Mission
<i>Strength as of 31 July 2010:</i> 17,745 troops, 716 military observers, 1,224 police, 982 international civilian personnel, 2,787 local civilian staff and 589 UN volunteers <i>Approved budget (1 July 2010-30 June 2011):</i> \$1,369 million
Duration
30 November 1999 to present; mandate expires on 30 June 2011

Useful Additional Source

Addressing Conflict-Related Sexual Violence, An Analytical Inventory of Peacekeeping Practice, United Nations, June 2010

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