

**MASS RAPE IN NORTH AND SOUTH KIVU PROVINCES FROM 1996-2001:  
UNDERSTANDING THE REASONS FOR ONGOING SEXUAL VIOLENCE  
AGAINST WOMEN IN THE DEMOCRATIC REPUBLIC OF CONGO  
CONFLICTS**

**BY**

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## **ABSTRACT**

This study investigates the factors behind the mass rape of women from 1996-2001 in North and South Kivu provinces during the 1996-2003 armed conflict in the Democratic Republic of Congo.

Atrocities against women have always been a significant concern in feminist agendas and discourses. In time of peace as in time of war, women remain at the center stage of male violence. The Democratic Republic of Congo conflicts are reported to have killed more people than in Iraq, Afghanistan and Darfur combined. Sexual violence against women in North and South Kivu, DRC is believed to be the worst in the world. Women in these two provinces were raped, forced into prostitution, mutilated, and to some extent, subjected to further inhumane acts such as shooting and the introduction of objects into their private parts. HIV and AIDS, and other sexual transmitted diseases constitute some of the extra diagnosis associated with the victims. Yet, to date, no one understands why these women continue to be raped on a daily basis.

The 1996-2003 Congo conflict has witnessed the involvement of several countries such as Angola, Burundi, Rwanda, Uganda, and Zimbabwe. Yet, none of these interventionist countries have ever condemned sexual atrocities committed against women in DRC, in general and in North and South Kivu, in particular. Despite having a democratically elected government and legitimate institutions such as courts of law and tribunals, crimes of this kind committed against women continue unabated.

The policies of militarism and wars either intended for regime change or in the pursuit of the world's resources have increased the threat of armed conflicts which expose women to rape. The continuation of sexual violence in these two provinces has led to the view by many media groups and humanitarian organizations that rape is used as a weapon of war. The Constitution of the DRC prior to the conflict was biased towards women. The post conflict Constitution approved in February 2006 is theoretically accommodating of gender-based discrimination. Nationally, impunity for rape perpetrators has become a norm. Internationally, rape has long been mischaracterized and diminished by military and political leaders which lead to the belief that

there is a strong undercurrent of patriarchal phenomenon involving many global institutions of power.

The implication of discriminating, gender-based provisions in the constitution and the failure to implement policies that empower women has most of the time strengthened the social construction of masculinity and its idolization which are perceived as the social roots of violence against women during wartime.

In many armed conflicts similar to that of the North and South Kivu, women have always been the victims. Yet, men involved in combat have often negotiated peace between themselves rather than justice for the victims. Justice for women in this part of the world remains elusive.

## DECLARATION


Submitted in partial fulfillment of the requirement for the degree

of ..... , in the Graduate Programme in

..... , University of KwaZulu-Natal,

South Africa.

I declare that this is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. I confirm that an external editor was used and that my Supervisor was informed of the identity and details of my editor. It is being submitted for the degree of ..... in the Faculty of Humanities, Development and Social Science, University of KwaZulu-Natal, South Africa. None of the present work has been submitted previously for any degree or examination in any other university.

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### **List of Abbreviations**

DRC:	Democratic Republic of Congo
UN:	United Nations
AFDL:	Alliance of Democratic Forces for Liberation
FAZ:	Zairean Armed Forces
RCD:	Congolese Rally for Democracy
RPA:	Rwandan Patriotic Army
MLC:	Congolese Movement for Liberation
SABC:	South African Broadcasting Corporation
USA:	United States of America
FDD:	Force for the Defense of Democracy
NGO:	Non-governmental Organization
SFVS:	Synergy of Women Victims of Sexual Violence
CEDAW:	Committee on the Elimination of Discrimination Against Women
HIV:	Human Immunodeficiency Virus
AIDS:	Acquired Immune Deficiency Syndrome
ANC:	African National Congress
MPs:	Members of Parliament
CAT:	Central African Time
MCPP:	Community Movement for Promotion and Prevention
GESOM:	Group of Assistance and Medical Care
CBCA:	Community of the Baptist Church in Central Africa
ACDS:	Congolese Association for Social Rights



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## **CHAPTER ONE**

### **1.1. Introduction**

This study explores the life experiences of women victims of mass rape in the North and South Kivu provinces during armed conflicts in the Democratic Republic of Congo during the period 1996 to 2001. These conflicts are divided into two time periods:

1. The conflict of 1996-1997 led by Laurent Kabila;
2. The conflict of 1998-2003 ignited by the anti-Kabila rebellion.

Although these conflicts ended theoretically in 2003 with the signing of a peace agreement at Sun City in South Africa, sexual violence against women in DRC continues to this day unabated. Although this study focuses on the 1996-2001 time-period, the plight of women in the DRC today remains a huge human rights challenge for the country.

### **1.2. BACKGROUND TO THE STUDY**

The mass rape of women in North and South Kivu provinces has been under the spotlight of the media, different non-governmental organizations and even Human Rights organizations, since the beginning of the armed conflicts in 1996. Among other atrocities, women in these two provinces have been subjected to physical violence such as rape, forced prostitution, mutilation, shooting and the introduction of objects into their private parts, and the cutting of breasts while still alive. All of these inhumane acts obviously resulted in trauma and despair (UN, 1990) [www.un.org](http://www.un.org). “[Women’s] bodies became firstly a symbolic, then a real battlefield where all kinds of violence were inflicted on them” (Kestic, 1994), (See Appendices No.1 and 2. Warning: these are very graphic photos). These atrocities largely commenced in the post 1994 Rwandan genocide era.

Clark provides an overview of the Congo conflict as follows:

By early 1996, the Alliance des Forces Démocratiques pour la Libération du Congo (Alliance of Democratic forces for the liberation of Congo – AFDL) led by Laurent Kabila, declared war on the already beleaguered Mobutu regime. Given its heavy Tutsi and Banyamulenge leadership, the AFDL attacked Hutu refugees both on the fringes of the Rwandan borders and deep in the then Zaire where they fled. Supported by Rwanda, Uganda, and Angola, the AFDL reached Kinshasa in 1997. (Clark, 2002: 46)

During this time intense fighting took place between the AFDL and the then Forces Armées Zairoises – FAZ (Zairean Armed Forces). At the same time, the Rwandan Patriotic Army – RPA – was chasing the *Interahamwe* militia who are reported to have participated in the 1994 Rwandan genocide. These conflicts are reported to have started in North and South Kivu, on the border of Rwanda and Burundi (See Appendices No.3, 4 and 5).

During these conflicts, little was reported about sexual violence against women. However, in a briefing paper, Human Rights Watch recalled that “since 1996, the DRC had experienced horrific armed conflict in which impunity for war crimes and crimes against humanity had been... the norm” (HRW, 2004) [www.hrw.org](http://www.hrw.org). It states further that “attacks against the civilian population, killings, and sexual violence against women and girls continued to be committed in the East” (ibid). In her 2000 report to the United Nation, the Special Rapporteur on sexual violence against women highlighted that:

No action was taken against the members of the RCD or the Rwandan Patriotic Army (RPA) who were responsible for torturing, beating, raping, or otherwise abusing the persons in the following cases from 2000. No further action was taken in the 2000 case in which there were numerous reports that the Congolese Rally for Democracy forces based in Goma, participating with or the support of the RPA, beat, tortured, and buried alive 15 women at Mwenga in December 1999...According to information received, domestic violence against women, including rape, is common, but there are no known government or NGO statistics on the extent of this violence. (E/CN.4/2008/75/Add.1, para193)

The 1996-1997 war was labeled the “Liberation War” since it was allegedly intended to topple the Mobutu regime of forty years duration. The International crisis group argues that in August 1998, after Laurent Kabila had turned to his Tutsi backers, Rwanda and

Uganda attacked the DRC (ICG, 2004) [www.crisisgroup.org](http://www.crisisgroup.org). Among other fighting factions, the anti-Kabila rebellion, consisting mainly of the RCD and the MLC, was largely the creation of the Ugandan and Rwandan governments whose hostility towards Kabila was fueled by a dubious notion of national interest (Afoaku cited in Clark, 2002: 109). This included “their security concerns as well as what was perceived as Kabila’s failure to take a principled stance on the Banyamulenge nationality question” (ibid).

The Congo conflicts attracted neighboring, continental and even international involvement. Angola, Namibia, and Zimbabwe were amongst those countries that backed the Kabila regime, while Burundi, Rwanda and Uganda supported the rebels. The Super powers operated largely in the background. South Africa intervened as a peace mediator. The Congo conflicts ended (at least on paper) in 2003 after a peace agreement was signed at Sun City in South Africa.

Laurent Kabila was assassinated on 16 January 2001 by a member of the presidential bodyguards and a few days later, army commander Joseph Kabila was announced as his father’s successor (Turner cited in Clark, 2002: 88). The consequences of this assassination triggered new conflicts which fuelled new crimes including the rape of women.

The conflicts of 1996-2003 resulted in massive suffering of the population including massacres and mass rape of women and girls. This occurred most notably in North and South Kivu. It was in these provinces that the Mai-Mai, Interahamwe and the Banyamulenge security forces were simultaneously conducting reigns of terror and brutal repression (S/2001/970, para 52). Furthermore, in Mboko-Swima and Fizi, Uvira (South Kivu), the RCD soldiers also engaged in the rape of women and young girls (S/2001/970, para 51).

Since that time, the North and South Kivu provinces have remained as the major focal areas of sexual violence against women. The perpetrators include men in uniform (rebel groups and regular forces), members of the community, as well as the United Nations’

peacekeepers whose mandate is to protect the unarmed civilian population (Africa Confidential, 2008) [www.africa-confidential.com](http://www.africa-confidential.com). Perpetrators of these crimes still seem to be walking tall with impunity even today where peace seems to prevail.

Despite the integration of all combatant groups into a unified army, with of course the exception of the notorious warlord General Laurent Nkunda, women in North and South Kivu are still fleeing for cover. It is alleged that they continue to be raped on a daily basis even by members of the United Nations' missions as reported by SABC News International, (2008) and Dymond, (2008) [www.sciaf.org.uk](http://www.sciaf.org.uk). In October 2004, Amnesty International accounted for 40,000 cases of rape which had been reported over the previous six years, the majority of which occurred in South Kivu. According to Rath Tiare (2003) "this is an incomplete account considering that some of the victims did not survive"[www.womensenews.org](http://www.womensenews.org). Some did not even report their ordeal, fearing ostracisation and rejection by their partners whilst others feared being killed in those cases where the person accused was a man in uniform.

What is intriguing about these reports is that none of the countries involved has ever openly condemned these unprecedented acts of violence against women in the Congo in general and in the Kivu in particular. Nor is the Congolese government itself taking much of an initiative to bring to book those from its own integrated army involved in the sexual atrocities. Seven years after the conflicts are over, mass rape continues in North and South Kivu and the government is doing little to bring the perpetrators to justice.

This lack of condemnation and the delay to bring to justice those involved in the continued rape of women is perceived by ordinary citizens, the media, as well as local and international non-governmental organizations as totally unacceptable.

### **1.3. RATIONALE**

#### **1. War and Patriarchy**

Women in North and South Kivu are not that different from other women in traditional patriarchal societies. In times of armed conflicts women are raped, killed and subjected to humiliating social subordination by men. But even when armed conflict is absent, women are subject to subordination. In patriarchal societies, “when no war has been declared, and life goes on in a state of everyday hostilities, women are beaten and raped by men to whom they are close” (MacKinnon, 2006: 180). Thus, study of rape in Congo is potentially of simultaneous use to a general analysis of gender violence in both war and peace times, depending on the society.

#### **2. Data**

There is no precise data of how many women have been raped in Congo during the time period under study. Access to the victims is difficult considering the pathetic infrastructure available in the country at the present time. Even if accessed, many victims do not report the crime committed against them. The conflicts have uprooted many families and communities and destroyed their livelihood. What is also disturbing is the fact that non-victims may lie about their life experience in order to access favors and care from service providers. Thus, it can be said that there remains a desperate need for valid documentation of the numbers of rape survivors and their stories.

#### **3. Rape as a weapon of war**

The continuation of mass rape in North and South Kivu provinces by members of the army as well as members of the rebel groups has led to the view by many humanitarian organizations and media groups, amongst others, that “rape is used as a weapon of war” (Amnesty International, 2003: [web.amnesty.org](http://web.amnesty.org) ; Rath, 2003: [www.womensenews.org](http://www.womensenews.org); De Gucht, 2008: [www.congovision.com](http://www.congovision.com)). Along side these views exists a convincing

indication that many factors may have contributed to the mass rape of women from 1996 to 2001 and its continuation even today. My aim in pursuing research for this current thesis was to investigate these different factors and to understand their causality.

#### **4. Silence as a strategy of survival**

It remains a puzzle to an uninformed audience in particular and to every Congolese who survived the five year conflicts, why women are still raped on a wide scale while the perpetrators (known to many) are not punished. Although many women victims have courageously come forward and reported their ordeal despite threats of being persecuted by their aggressors, even where peace seems to have prevailed, many more victims still find it difficult to come forward. With regard to situations similar to the DRC puzzle, Narayan posits that some victims of sexual violence struggle to speak out in the belief that doing so would be subscribing to an “alien atmosphere of ‘foreign’ ideas” and that choosing silence is an “embodiment of cultural and traditional values of being a good wife and mother” (Narayan, 1997: 6). This study will thus seek to investigate whether some victims have indeed chosen to subscribe to silence as a form of survival.

#### **5. Victimhood**

In an attempt to unpack this notion further, this study will also be informed by Lois Pineau’s debate on how rape survivors become victims. Lois Pineau (1989) discusses how misconceptions surrounding rape gain the status of ‘reasonableness’ and ultimately lead to making women vulnerable to victimization.

### **1. 4. RESEARCH AIMS AND OBJECTIVES**

This study investigates:

1. Factors that may have contributed to the mass rape of women.



2. Elements from the victims' experiences and other respondents that may lead to a better understanding of possible social, political and even economic factors behind the mass rape of women in North and South Kivu.
3. How rape victims and women's rights' organizations have responded to and/ or survived this human rights' violation.

## **1. 5. RESEARCH QUESTIONS**

The various factors that may have contributed to the mass rape of women in North and South Kivu were explored. The key questions included:

1. Why were the North and South Kivu provinces largely the sole scenes of mass rape of women in the DRC from 1996-2001 and why do similar violations continue?
2. What (has) caused the lack of an effective response by the DRC government with regards to the prevention of mass rape?
3. What were/are the provisions of the legal system and the Constitution of the DRC with regard to gender-based violence?
4. Have there been any new and sustainable strategies put forward by the DRC government to prevent mass rape and other sexual violence against women in the future?

## **1. 6. RESEARCH HYPOTHESES**

This study is informed by three socio-political interplays that the Congo armed conflicts embody:

### **1. Rape as weapon of war.**

In these conflicts, rape has been used as a weapon of war. This has been expressed and confirmed by Amnesty International, 2003; Rath, 2003; SABC News, 19 November 2007 as well as SABC AFRICA News, 20 November 2007.

## **2. Governments' failure to condemn.**

States do not fully commit to condemning rape in conflict situations. Supporting this assertion Kgosano writes that:

South Africa and the USA have locked horns at the United Nations over a General Assembly resolution that seeks to condemn rape. The US is accusing South Africa of opposing a resolution condemning rapes committed by military and governments (in armed conflicts) for political purposes (Kgosano, 2007: 17)

Kgosano further writes: “(we) think there is a real difference between governments that fail to prevent rape, and governments that promote it”. (ibid)

## **3. Why North and South Kivu?**

The two Kivu provinces (North and South) neighboring Rwanda, Uganda and Burundi were to a large extent the only battle ground where the mass rape of women occurred from 1996-2001, and have persisted up the time of writing this dissertation.

Given its aims and objectives, this study has used the following hypotheses:

1. The mass rape of women is a calculated tactic in the pursuit (by various interest groups) of the mineral resources of North and South Kivu;
2. The denial of justice for women of North and South Kivu is a patriarchal phenomenon involving gender and power.

The importance of this study is that it seeks to understand the social, political and even possible economic factors behind the mass rape of women in the Kivu provinces and aims to contribute (from the study's findings and recommendation) to policies on the prevention of similar future gender-based violence in the DRC.

This study consists of five chapters. Chapter One highlights the background of the study. Chapter Two is a literature review. Chapter Three provides the methodology. Chapter

Four examines qualitative findings related to widespread rape of women in North and South Kivu from 1996-2001 and Chapter Five lays out the conclusion.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2. 1. Introduction**

This literature review has five objectives. Firstly, it aims to provide selected definitions of rape. Secondly, it gives a documented historical overview of the connectedness between the conflicts in the region and the mass rape of women in the Kivu provinces. Thirdly, it explores selected relevant international and national legal protections against gender-based violence. Fourthly, it lays out some selected feminist theories of mass rape. Lastly, it provides concluding remarks on this form of sexual violence.

Two interconnected themes will be explored:

1. The theory that mass rape is a military policy of war, intended to terrorize women, disperse their communities, and in this case with the ultimate intention of accessing the mineral wealth of the area.
2. The idea that males have more rights than women, especially the victors of the war who are entitled to the women from the losing side as their due “spoils of war”.

#### **2. 2. Definition**

A number of definitions of rape are useful to this study.

In the context of feminist discourse, MacKinnon argues that: “in the male system, rape of women [is] an act by which some men (are) against other men..., in other words, it may

be a sign and a form of expression to men, a way men communicate with another, but to women it is real violence.” (MacKinnon, 2006: 171)

Contextualizing rape in peace time, Cowling cited in Mukamana (2004: 8) defines rape as an act of vaginal, oral or anal contact involving force or threat of injury, or when the victim is asleep, unconscious, severely drugged or psychologically helpless.

According to Gottschall, rape in war, like rape in peace, is identified not as a crime of sexual passion but as a crime motivated by the desire of man to exert dominance over a woman (Gottschall, 2004)

Hayden (2000), however, defines mass rape as a social action, not simply an individual one but a coordination of large numbers of rapists.

All these definitions of rape need to be considered and included in any study of rape, and I have drawn upon them for purposes of this dissertation.

## **2. 3. HISTORICAL OVERVIEW OF THE VIOLENCE**

### **2.3.1 Broad History**

Providing some historical facts about the region, Nzongola-Ntalaja writes that prior to these DRC conflicts, “the construction of ethnic identity in Rwanda and Burundi (previously referred to as Ruanda – Urundi) by the colonial masters, fuelled conflicts between Hutu and Tutsi in these countries” (Nzongola-Ntalaja, 2002: 216). The aftermath of these conflicts caused mass movement of the Tutsi population into North and South Kivu provinces, fleeing the Hutu uprising of 1959 in Rwanda which resulted in the overthrow of the Tutsi monarchy and the transfer of political power from one ethnic group to the other (ibid, 220-221).

Some reports e.g. Amnesty International, (2003) and the International Criminal Court report (2004: [www.icc-cpi.int](http://www.icc-cpi.int)) note that policies of militarism and wars either intended for regime change or in the pursuit of the world's resources (ICG, 2007), have led states and international corporations to interfere with the political and economic management of a targeted country. This involvement often culminated in civil armed conflicts; with men involved in warfare calculations while women struggle for survival and reconstruction in vulnerable circumstances that may expose them to rape. In the case of the DRC and more especially the North and South Kivu provinces which have among other minerals, immense deposits of coltan, (a mineral used in microchips and cellular phones), this argument is certainly valid.

Longman (cited in Clark, 2002: 136) argues that Laurent Kabila's AFDL succeeded in its advance across the Congo in the 1996-97 war, by giving concessions of Congo minerals to international corporations (ibid). Strong evidence suggests that Rwanda has also profited substantially- and still is- from its involvement in the Congo and together with Uganda has become a transit point for diamonds and other minerals extracted from the Congo (ibid). The economic profit as a motive for the ongoing conflict can thus, not be ignored.

The culture of violence and even the roots of mass rape in North and South Kivu can be traced to a period preceding the 1996-2001 war. The colonial period is of essential importance to understanding the deep legacy behind these conflicts. Supporting this assertion, Mamdani reveals that the organization of two different authorities in Central African countries (Burundi, Rwanda and Zaire) by the colonial power, with each (authority) ruling through a different regime, one being the civic and the other ethnic, was most likely a major root of the conflicts in these countries (Mamdani, 1999: [www.muse.jhu.edu](http://www.muse.jhu.edu)). According to Mamdani (ibid), the local state came to be organized as a Native Authority, overseeing the implementation of customary law. Mamdani (ibid) stresses further that this implementation did not lead to the creation of a single customary law and a single customary regime ruling all natives. Instead, the colonial power claimed

that each ethnic group had its own distinctive custom. As a result, he says, civic power was racialized while native power was ethnicized (Mamdani, 2001: 100-102)

Mamdani (1999) notes that the system of indirect rule, which was superbly mastered by the colonial powers, gave citizenship to people based on their ethnic affiliation, their membership to a particular Native Authority from which they accessed economic and political rights. Their citizenship was not based on their sense of Nation-hood or belonging to a certain Nation-State.

The reality in these countries, Mamdani (ibid) concludes, remains that the acquisition of full social or economic rights such as land and even political rights such as citizenship derives not from the civic rights but from the Native Authority.

In the case of the DRC and more especially the North and South Kivu provinces, Mamdani notes that what holds the Congo together, is not so much the civic power in Kinshasa... within which the Banyamulenge (for example) are identified, but the hundreds of Native Authorities that control the bulk of the population in the name of enforcing 'custom' (Mamdani, 1999). Mamdani's insights are thus crucial for an understanding of the pervasive historical rationale behind the continued ethnic-based conflict in the entire Great Lakes Region.

### **2.3.2 The current situation in DRC.**

During the five year Congo conflicts (1996-2001) women were not only systematically raped but were also subjected to forced prostitution, unwanted pregnancies and mutilation. They also faced inhumane acts such as shootings and the introduction of objects in their private parts. Despite the integration of all combatant groups (regular forces and rebels) into the unifying army and the general election thereafter in 2006, the North and South Kivu provinces remain the scene of the mass rape of women (International Criminal Court Report, 2004).

The perpetrators of these crimes are still walking free and going unpunished. The elected government of “national unity” has been accused of doing little to implement policies that will accommodate the rights of the victims of rape in particular and the emancipation of women in the Democratic Republic of Congo in general. The International Tribunal for the DRC considers prosecuting the perpetrators of crimes committed only from July 1, 2002 (ibid) while similar crimes committed between 1996 and 2001 and which continue even today are not part of the discussion. Ironically, the International Criminal Court has recently arrested four suspects related to these crimes: Jean-Pierre Bemba, Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui. A warrant of arrest of Jean-Bosco Ntaganda has also been issued. What is also intriguing in these cases is that the first suspect is implicated in crimes committed outside North and South Kivu where his armed group (MLC) is reported to have committed crimes including the rape of women (HRW, 1997). The four last suspects are implicated in the crimes supposedly committed in the Ituri province.

### **Second-Class Citizenship and Sexuality**

The society in Congo at large and in the North and South Kivu in particular, considers women as second-class citizens and the ‘other’. During peace time, for example, during the Mobutu regime and even today, it is common custom for women to perform a sexual-like dance commonly known as ‘*sakayonsa*’ to praise their male leaders during selected national holidays (such as Independence Day). In Kinshasa - *les Pleureuses*<sup>1</sup> - women are often hired to mourn for a deceased even though the latter is not related to them. Even in an ordinary Congolese man’s eyes one still has to explore whether a woman represents a partner, an object for sexual purpose or even a victim of gender discrimination. In Congolese every day life, some proverbs have even emerged to discriminate against women. Some proverbs provided by the SFVS (2006: 12) are as follows:

- *La femme ne grandit jamais* (A woman has never grown up);
- *Partager avec une femme, c’est partager avec une sorcière* (Sharing with a woman is sharing with a witch);

---

<sup>1</sup> Mourners in French

- *N'ait jamais confiance dans la femme* (Do not ever have trust in a woman);
- *Quel conseil peut-on attendre d'une femme?* (What kind of advice can you expect from a woman?).

The SFVS (2006: 9) went even deeper to look into the traditional consideration of a woman in the Congolese society and provided the following assessment:

### **1. Unmarried woman**

She is an object of criticism in her surrounding and she is being attributed names such as *ATULA* (a *Lingala* name meaning a woman who was not able to get a husband) when she has reached an advanced age. Single mothers are subject to scandal and humiliation. An unmarried woman, despite her moral values and her position in the society, she is only consulted when one needs to exploit her intellectual as well as economic capacity. This is an assumption that parents nurture their daughters to be married rather than their own development. Unlike an unmarried man, all these attributes are scarce.

### **2. Married woman**

She is elevated to a higher social dignity than an unmarried woman... However, she is overloaded with household activities such as looking after children, the washing, cooking for the entire family, and doing some small business for the survival of the family. She is the first to wake up but the last to sleep. The society uses her, exploits her and then she is rejected by the same society thereafter.

### **3. Widow**

At the death of her husband, the family in-law rushes to all the wealth left by the deceased and leaving behind the children under her responsibility. She will not be entitled to the wealth she even contributed unto. Even her own first born who will only be considered as his father's heir at his adult age, would chase her from the house and make it his own (ibid: 10)

A widower who is opposed to or resists this practice finds herself exposed to retaliations such as the deprivation of custody of her own children, the obligation to reimburse the dowry with immediate effect, and to quit the house without claiming any rights whatsoever (ibid: 11)

Such disregard for women in patriarchal societies like the DRC was of great concern for the Committee on the Elimination of Discrimination against Women (CEDAW). It stressed that:



The strong persistence of patriarchal attitudes is deeply rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory towards women... The preservation of negative cultural practices and traditional attitudes serves to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights. (CEDAW, 2006)

Women's sexual vulnerability is thus perceived to promote male domination and simultaneously their own oppression by men through rape. Brownmiller (1975: 13-14) argues that "rape is biological only in the sense that an accident of biology (male size and strength and the nature of the human sex organ) gives males 'structural capacity' to rape and females the 'structural vulnerability' to be raped." It is thus not a biological fact of life that women should be raped, but rather it is a social construct of patriarchal power relations, made possible by biological facts of the human physique

### **Male sex: the Spear of the Nation**

Such disregard for women's suffering and the continuing rape cases have been defined by scholars studying rape in conflict as a condition whereby "the penis is the spear of the Nation." This 'spear' relates to what Cameron and Frazer cited in (Carter and Weaver, 2003: 36) suggests, "help to produce women's fears of victimization, thereby encouraging them to feel a sense of diminished power in relation to men". They also stress that if women remain fearful of physical violence from men, they are likely to demand wide-ranging changes to gendered power relations (ibid). This status quo relates to the "traditional patriarchal stereotype embodying the traditional roles of woman as mother, wife, nurturer and also a virgin... (that) metamorphoses into a whore and a sinner" (Waller and Rycenga, 2000: 29). Women are thus condemned to pay the ultimate price for their "sinful embodiment" (ibid). Similarities can be drawn between these references and the DRC mass rape victims.

Ehrlich (2001) maintains that in a society already devastated by war, it is unthinkable to allocate the space for gender justice to a woman who is already perceived as a low-level citizen. It is thus impossible to recognize a gender-specific crime committed against them

during and after armed conflicts. Therefore, it remains uncertain whether these DRC women victims will ever witness a true and democratic society, when the “spear of the nation” continues to act unconstitutionally and with impunity (Cameron and Frazer, 1994)

### **HIV and Aids: the victims’ second wound**

The issue of HIV and AIDS as well as other sexually transmitted diseases, cannot be ignored in any study of war and gender based violence as they are inextricably linked. The report of the Joint UN Programme on AIDS (UNAIDS) at the 2002 AIDS’ conference noted that there was strong evidence that war was a factor in the rapid spread of the virus. The consequences of war included the collapse of health and education services, and dramatically increased instances of rape and prostitution which only fuelled the pandemic. This report further notes that throughout the world, military personnel (alleged perpetrators of rape in the DRC) are among the most susceptible populations to HIV and Aids.

Relating this report to the North and South Kivu provinces during the 1996-2001 conflicts, Braeckman recalls that Rwandan and Ugandan troops have on several occasions taken reprisals against local people (women and men), leaving thousands dead in Kasika, Makobola, Walungu and Kamituga (South Kivu) and that there have been numerous reports of rapes by men involved in fighting, many of whom were HIV positive (Braeckman, 1999) [www.monedediplo.com](http://www.monedediplo.com)

Although HIV/AIDS remains a reality even in peace time in this millennium, the North and South Kivu, represent a case of grave concern. Highlighting the issue of health with a specific focus on HIV/AIDS in these two provinces, the 2001 United Nations report states that:

Recent Government statistics indicate that 2 million people are infected with the AIDS virus, twice as many as in 1999. The eastern provinces have the highest rates, with the number of people infected having increased fivefold (from 4 to 22 per cent) over the past two years in towns such as Goma, Bukavu... (S/2001/572, para 47)

Added to trauma and despair resulting from their rape experience during these conflicts, many raped women victims who were mutilated and shot in their private parts have often been diagnosed with fistulas. For these victims, their capacity for reproduction has been destroyed. Similarly, those living with HIV/AIDS as a legacy of rape during these conflicts see their lives shattered. Apart from these inhumane acts against them, many other victims (predominantly women) have been deliberately displaced from their land and forced to adapt to a hostile livelihood in refugee camps. Leaning and Gingerich (2005) argue that militaristic tactics like these are an effective tool to create a sense of fear in the civilian population and restrict their freedom of movement and economic activity.

They further note that these very tactics encourage flight which facilitates the capture of land and the killing of male civilians who are left more vulnerable to attacks when fleeing; they demoralize the population and reduce their will to resist and prolong their forced exit from land; they tear apart the society by breaking family and community bonds (ibid).

Such prolonged and widespread tactics deserve to belong to the label of war crime and crime against humanity or simply “femicide”. War crime and crime against humanity in this study refer, amongst other crimes, to causing mass killings, acts to prevent birth, serious bodily or mental harm, deliberately inflicting of pain and hardship on the other group - consisting mainly of women and girls - conditions of life calculated to bring about its physical destruction in whole or in part, deliberate displacement of a group from land. All of these factors have prevailed in the North and South Kivu area since 1996. To label this conflict as “femicide”, is thus to be honest about its brutality, intensity and enormity of destruction towards women and girls. There is no glossing over the harsh reality. Crime against women and girls has been perpetrated since 1996 in North and South Kivu provinces. It continues up until today.

Although this research does not intend to investigate these factors in depth it is mentioned here to highlight the extent of the DRC rape victim's vulnerability and the importance of this study.

## **2.4. INTERNATIONAL AND NATIONAL LEGAL PROTECTIONS AGAINST GENDER BASED VIOLENCE**

### **2.4.1. International legal protections**

“Rape - like murder, extermination, enslavement, deportation, imprisonment, torture, persecution on political, racial and religious grounds and other inhumane acts – is a crime against humanity” (HRW, 1996: 32). Crimes against humanity arise when such serious crimes... are committed on a mass scale against civilians (ibid). This is precisely what occurred in North and South Kivu.

With reference to the Rwandan and Yugoslavian civil wars, Human Rights Watch states that:

Sexual violence against women and girls in situations of conflicts or systematic persecution constitutes a clear breach of international law. Under international law, perpetrators of sexual violence can be held accountable for rape as a war crime, as a crime against humanity, or as an act of genocide, if their actions meet the definitional element of each. Yet, although rape and other forms of sexual violence have long been used as weapons of the conflict, they have seldom been denounced or punished. (ibid)

Human Rights Watch further states that:

According to the United Nations' Special Rapporteur on violence against women, (rape) remains the least condemned war crime; throughout history, the rape of hundreds of thousands of women and children in all regions of the world has been a bitter reality. Rape has long been mischaracterized and diminished by military and political leaders as a private crime or the unfortunate behavior of a renegade soldier... (ibid)

Allen (1996: 192) concurs that the law has helped to perpetuate this mischaracterization of gender violence. However, despite its misinterpretation by the law, Mukamana (2004: 12) says that rape, like military violence is a crime in perpetuity against survivors, their families, and communities who endure the repercussions indefinitely. In this regard, I argue that any crime, gender biased or not, as the case might be, requires the full might of the law. If not, why should we need the laws without justice?

Worldwide, atrocities against women have always been of a significant concern to feminist agendas and discourses. In time of peace as in time of war, women remain at the center stage of male domination. But there is a lack of documentation and analysis of this domination. Writing on war and gender, Goldstein (2003) says oftentimes basic questions about when and where collective rape occurred and what factors contributed to the crime remain unanswered. Similarly, Geen (2006) in her doctoral study observed that rape has garnered considerable worldwide attention in recent years but that systematic documentation and empirical research are still lacking.

#### **2.4.2. National legal protections**

The Constitution of the Democratic Republic of Congo, prior to the 1996-2003 conflicts, was gender biased. Politically, the Committee on the Elimination of Discrimination against Women (CEDAW) observed that the discriminatory provisions in the Family Code, the Penal Code, and the Labour Code remained an area of concern (E/CN.4/2003/75/43). Economic disparities between women and men represented another area of concern in the implementation of gender based provisions.

In patriarchal societies like the DRC in general and the North and South Kivu in particular, women do not have adequate economic resources to survive. Their subordination to men is a by-product of their economic deficiency and the fact that men own all economic opportunities (including their women). This subordination of women finds its expression in the fact that some women victims choose not to come forward and report their ordeal. For traditional women, to report a crime committed by men against

them, is to have subscribed to an “alien atmosphere of ‘foreign’ ideas” (Narayan, 1997: 6).

It is thus believed that choosing silence is an “embodiment of cultural and traditional values of being a good wife and mother” (ibid). In its study on gender based violence in conflict zones like that of the North and South Kivu, IRIN (2004) states that rape is sometimes seen as a stigma, degrading not only to the victim, but also to his or her entire family or community. It states further that in such cases, the focus is usually on concealing the assault, rather than bringing the culprits to justice (ibid). “In a bizarre twist, [the sufferer] changes from a victim into a guilty party, responsible for bringing dishonor upon her community”...a fear of subsequent rejection by society may lead the victim to simply not report the crime (ibid). This is precisely the scenario that is played out repeatedly in North and South Kivu.

The post conflict Constitution of the DRC (approved in February 2006) is theoretically more accommodating to gender based discrimination. In this regard, the government official gazette, *Journal Officiel* (2006: 13-14) provides that:

*Article 14: Les pouvoirs publics veillent à l'élimination de toute forme de discrimination à l'égard de la femme et assurent la protection et la promotion de ses droits...* (The power of the State undertakes the elimination of all forms of discriminations against women and ensures the protection and the promotion of their rights...)

*Article 15: Les pouvoirs publics veillent à l'élimination des violences sexuelles. Sans préjudices des traits et accords internationaux, toute violence sexuelle sur toute personne, dans l'intention de destabiliser, de disloquer une famille et faire disparaître tout un peuple est érigée en crime contre l'humanité par la loi.* (The power of the State undertakes the elimination of sexual violence against women. Without prejudice of treaties and international agreements, all sexual violence perpetrated against each individual, intended at destabilizing, dislocating a family and cleansing a nation, constitutes a crime against humanity by the law.)

Yet, seven years after the war is allegedly over, the mass rape of women continues in North and South Kivu provinces. Despite having an elected government and legal institutions such as the courts of law and tribunals, crimes committed against women remain unpunished. Even where peace seems to have prevailed, impunity has become the

norm. In North and South Kivu where social life is militarized, IRIN notes with horror that, when sexual violence is a planned part of the military campaign, it is unlikely that those authorities will prosecute their own troops which they themselves enjoined to commit sexual violence in the first place (IRIN, 2004) [www.irinnews.org](http://www.irinnews.org)

Similarly and simultaneously in neighboring Rwanda, perpetrators of these crimes during the 1994 genocide were brought to justice. Contrary to the case of the Democratic Republic of Congo in general and the North and South Kivu in particular, IRIN (2004) documented a case whereby a local court judge confirmed, on condition of anonymity, that virtually all cases of sexual violence are dropped when the accused bribes a judge and court officials.

It is imperative to note that some of the UN peacekeepers have also been involved (SABC News International, 2008 and Dymond, 2008). However, since certain individuals are statutorily immune to legal action, they cannot be prosecuted by local authorities (IRIN, 2004). Referring to Amnesty International's 'Stop violence against women campaign', IRIN stresses that in many countries, the laws are inadequate, the police force is uninterested and the criminal justice system is remote, expensive and biased against women (ibid).

With a weak and corrupt legal system where the "spear of the nation" is the sole custodian of all rights and justice including women's rights, it seems highly unlikely that women victims of gender violence will ever witness true justice. Montague (2002) also emphasized that the DRC government is unlikely to overcome its inability to implement policies that discourage gender based violence. The language of the Security Council is clear in its intent to condemn the illegal and violent activity of the eastern DRC but does little to address western investments as a motivating factor for continued violence in the region (ibid). Therefore, in a country where women are continuously raped, forced into unwanted pregnancies, sex slavery and mutilation on a day-to-day basis, how is it possible that women will even begin the process of coping with the post-traumatic stress of their respective ordeals?

The necessary psychic healing of women in the DRC seems remote and unimaginable in a post conflict State characterized by impunity and lack of justice. Perpetrators roam free, haunting their victims with their very presence, and reminding them of their vulnerability and lack of rights on a daily basis.

## **2.5. FEMINIST THEORIES**

### **2.5.1. Feminist Theory of Mass Rape**

The Feminist Theory of Rape views the entire global system as being patriarchal and oppressive to women. In particular, imperialism, both in its historical and current forms, has increased the threat of violence against women and their community. It has also undermined the culture of peace aimed at, among other things, “eliminating all forms of discrimination against women through their empowerment and equal representation at all levels of decision-making” (UN Resolution, A/RES/243). This theory also considers mass rape to be a common but not universal occurrence in ethnic and nationalist conflicts (Hayden, 2000).

Women of the North and South Kivu provinces experience a militarized social life and are already cast as second-class citizens and “others.” In such a context, it is conceivable that men may quite literally wish to prove that the penis is the spear of the nation. Women’s sexuality is perceived as being the route to male domination over women. This argument is also supported by Brownmiller. She argues that rape is biological only in the sense that an accident of biology (male size and strength and the nature of human sex organs) gave males the “structural capacity” to rape and females the “structural vulnerability” to be raped (Brownmiller, 1975: 13-14).

She emphasizes that rape is about power, not biological necessity. It is a social construct with clearly defined goals. Gottschall warns that a biological determinist theory generates the expectation that virtually wherever we find hostile soldiers in the midst of civilians



(identified with the enemy) there will be high rates of rape (Gottschall, 2004). Feminist theorists are thus opposed to biological theories of rape.

Indeed, far from being a biological reality, rape, according to this current author, is a tactic of war.

Despite being oppressed and sexually abused by their male partners in the frontline, women remain the pillars of their family and the entire community. Thus, an attack against them is a calculated tactic of “war against people” (MacKinnon, 2006: 169)

The feminist theory of mass rape purports that mass rape is societal action, involving the coordination of a large number of rapists (Hayden, 2000). MacKinnon argues that in the male system, rape of women becomes an act by which some men (are) against other men..., in other words, it may be a sign and form of expression to men, a way men communicate with others, but to women it is a real violation (MacKinnon, 2006: 171)

### **2.5.2. RAPE AND WAR THESES**

Rape and war theses have been utilized in an attempt to explain and understand mass rape in DRC. Seifert (1992) suggests that the best analytical approach for explaining rape in war is deep-rooted in historical-cultural issues rather than merely psychological ones. She then provides the following list of analytical categories:

#### **♀ Thesis 1: Rules of War**

Rape forms part of the “rules of war” that must be understood as a right mainly conceded to the victor. Seifert (ibid) looks back at the history of Bosnia to further explain this – and suggests there is evidence that rape was and still is one of the rules of the game granted to the victor during campaigns of conquest or in the immediate post-war period.

In her doctoral thesis, Henri (2005: 66) writes that in December 2000 a *Women's International War Crimes Tribunal on Japan's Military Sexual Slavery* was held in order to hear the experiences of the former "comfort women" who were sexually abused by the Japanese military. She says that while witnesses provided evidence of sexual atrocities that occurred in Nanking, no rape victims were called to testify (ibid). This very game does not only intend to silence women and take their suffering for granted, but it also portrays the rape of women as the unfortunate misbehavior of individual soldiers. Such propaganda both in the military and International Law tends to undermine the sufferings and pains these women endured at the hands of their aggressors and relegates the credibility of their rape experience to rumors rather than real facts. This gendered propaganda finds its meaning in Brownmiller's remark that "the crime that is by reputation 'the easiest to charge and the hardest to prove' has traditionally been the easiest to disprove as well." (Brownmiller, 1975: 47)

## ♀ Thesis 2: Male Communication

In military conflicts the abuse of women is part of male communication. Seifert (1992) argues that rape committed in war can be regarded as the ultimate symbolic humiliation of the male enemy. This analytical element is also confirmed by research conducted in the former Yugoslavia by Maria Olujic (1995). She writes that acts of rape in this context not only attack women; they also humiliate the husbands, brothers, fathers, and sons of the victims because they demonstrate the men's inability to protect their women (ibid).

Mukamana (2004: 17) documented that during the 1994 Rwandan genocide, "Tutsi women were also targeted because they were seen as more beautiful, desirable and more special sexually than Hutu women..."

The idea that these women were targeted because they were somehow desirable or beautiful fits in peacetime narrative. During wartime it has been thoroughly documented worldwide that old women, young girls, children and men considered beautiful or ugly are all raped. Mukamana's approach to the rape of "beautiful" Tutsi women during the

genocide in Rwanda contradicts Gottschall's view that men during wartime do rape because "they are the victors... They rape because they want to take out on someone else the humiliation they suffered in the war" (Gottschal, 2004). Moreover, it seeks to back the biologic theory of those who maintain that "the motive of wartime rape is the sexual desire of individual fighters" (ibid). From the perspective of this current author, the rape of Tutsi women during the genocide in Rwanda was part of a wide-spread smear campaign of revenge against the ethnic Tutsi by the Hutu.

Such 'strategic' rape that is intended to diminish the resistance, humiliate or emasculate enemy soldiers has however proved counter-productive in neighboring Rwanda during the 1994 Rwandan genocide. Mukamana documented that during the genocide there, ninety percent of Tutsi women were raped (Mukamana, 2004: 2). Despite the sexual violence leveled upon Tutsi women and girls by the *Interahamwe* militiamen, this strategy did not in fact hinder the advance of the Rwandan Patriotic Front (RPF) - predominantly Tutsi. Despite the rape of the majority of women, the Tutsi-led RPF was not intimidated. Rather its resolve to win was strengthened. It conquered over the *Interahamwe* and continues to remain in power up until today.

### ♀ **Thesis 3: Construction of Masculinity**

Rape is also a result of the construction of masculinity that armies offer their soldiers, and the idolization of masculinity. It involves a confirmation and strengthening of masculinity. The construction of masculinity and its confirmation has its roots in every day social life. In their research conducted in Sub-Saharan Africa, Baker and Ricardo (2005: 5) write that the chief mandate or social requirement for achieving manhood in Africa -for being a man – is achieving some level of financial independence, employment or income, and subsequently starting a family. Also quoting Wood and Jewkes, Baker and Ricardo (2005: 22) argue that some young men may view violence against women as a socially sanctioned extension of male authority. Society generally places the means of violence, such as military training and weapons, in the hands of men while promoting a

direct link between being a “real man” with the practice of dominance and violence (Eli Mechanic, 2004)

The role of culture and tradition is evident in the Congo, where custom and tradition dictate that young men who are circumcised be considered as men who are entitled to sexual relations. In many places uncircumcised men are not awarded the same respect nor are they actually regarded as having achieved manhood. Baker and Ricardo (2005: 25) point out that at a basic level, boys involved in the most brutal of armed insurgencies become “big men” by being in control of a given setting and being able to exert violence on those around them. Young men who become combatants in these settings are often bombarded – both before becoming combatants and after – with violent images of manhood, whether in the form of *Rambo* films, gangsta rap, or the idolization of “big men” such as Charles Taylor (ibid). As a result the rape of women by these “newly empowered young men” becomes a confirmation of their newly acquired male status.

This social construction of masculinity has tragic consequences for young soldiers when they return to normal civilian life. They fear that they are no longer men. A study conducted in 1998 by The Center for the Study of Violence and Reconciliation in South Africa highlights this tragedy, showing that “those who participated in the front lines with the African National Congress (ANC) in South Africa perceive themselves as relegated to second-class status once returned to civilian life” (SCVR, 1998). A similar study by Peters, Richards and Vlassenroot (2003) also asserts that “such men believe that having wielded power in settings of war and that they are thus reluctant to return to normal life - where they perceive themselves to be subordinate again”.

This problem is of significance to the Congo conflict, for it may be argued that some soldiers do not want peace and will continue to fight in order to carry guns and to pursue behaviors that are equated with ‘being men’, even if peace has been agreed upon.

#### ♀ Thesis 4: Cultural hatred of Women

Orgies of rape originate in a culturally ingrained hatred of women that is acted out in extreme situations. This thesis advances the idea that rape remains an extreme act of male violence against women which would not be possible without general feelings of hostility towards women. According to Seifert, the 'enemy' concept, however, is problematic in this context as enemies usually know that they are enemies to each other. Women do not normally expect to be attacked on a massive scale. Seifert invites us to face the fact that in our societies there is a varying degree of hatred towards women smoldering beneath a brittle surface. Making reference to Dworkin's views, she says these feelings of hatred and contempt manifest themselves already in the socially accepted pornography that celebrates the physical violence of men against women in peace time (Dworkin, 1981). Evidently, many men and many women come to regard these hate-filled images as "normal". She says further that it is against this background that war becomes "an exploration where fantasies of destruction reflexively directed against women are encouraged and acted out" (ibid).

Citing Stigmayer (1994: 84), Gottschall encapsulates the essence of this fourth thesis. He argues brilliantly that:

A rape is an aggressive and humiliating act, as even a soldier knows, or at least suspects. He rapes because he wants to engage in violence. He rapes because he wants to demonstrate his power. He rapes because he is the victor. He rapes because the woman is the enemy's woman, and he wants to humiliate and annihilate the enemy. He rapes because the woman is herself the enemy whom he wishes to humiliate and annihilate. He rapes because he despises women. He rapes to prove his virility. He rapes because the acquisition of the female body means a piece of territory conquered. He rapes to take out on someone else the humiliation he suffered in the war. He rapes because it is really only some "fun" with the guys. He rapes because war, a man's business, has awakened his aggressiveness, and he directs it at those who play a subordinate role in the world of war.

(Gottschall, 2004)

Women in North and South Kivu provinces were raped by men in uniform as well as by members of their communities. Some victims were even raped in front of their husbands and children while others were forced to have sex with their own male children in front of a crowd. Pornography-style brutality against women came to be perceived as a 'normal' practice since women could not defend themselves and therefore became the prey of anyone. Rape is degrading not only to the victims but also to the entire family and community members. Community members showed delinquent behavior by engaging in rape themselves. These pornography-style atrocities against women were also witnessed during the rape of Muslim and Croat women during the war in Bosnia and Herzegovina as well as during the 1994 Rwandan genocide. A similar situation was also witnessed during the Second World War where Jewish women were raped by the Nazi mob. When the Russians passed through Germany, Russian soldiers are reported to have raped German women in what came to be viewed as revenge rape. Back in 1914, for example, Henri notes that "German troops systematically raped Belgian women in an attempt to lure the British and Americans into war" (Henri, 2005: 67). Similarly, "during the occupation of China by Japanese troops, the systematic rape of Chinese women took place" (Ibid).

All communities in Congo hold marriage in the highest of regard. Thus, one of the highest tragedies of the consequence of war has meant that these sacred values have been perverted. People from North and South Kivu are conservative in their socio-cultural values. They are also the custodians of religious values. To them, sex is sacred. Sex exposure is a taboo. When in the city a marriage needs the blessing of a religious authority, whilst it is common practice in rural areas that this ceremony be sanctioned by a traditional ritual as a symbol of recognition and unification between the families of the groom and the bride. Any other form of partnership between a man and a woman contrary to these two is considered by the community to be a cursed union. For example, an unmarried woman who spends a night in a bachelor's room is outright stereotyped and, to some extent, she is considered to be a prostitute. Of course, for a man, this behavior is tolerated by the community and is viewed by his family as a sign of mature manhood. In some other cases, a young man can force a girl into sex and force her to

sleep over, and then the two families may later anticipate their marriage in an attempt to conceal the shame it has caused to the entire community. The contradictory interpretations of male versus female sexuality, during peace time in the Congo, severely diminish women's rights to respect and equal status, thus in some ways paving the way for the brutality that has occurred during periods of war.

Rozée argues that, through the masking effect of social norms that tend to institutionalize rape within various social customs or rituals, rape is not a forbidden behavior (Rozée, 1993). She also stresses that “the presence of both normative (condoned) and nonnormative (uncondoned) rapes in the majority of societies illustrates that rape is regulated rather than prohibited” (ibid). Even at the United Nations, countries such as South Africa and the United States of America (countries with strong and democratic constitutions) find the question of rape a contentious issue. The failure to condemn perpetrators leads one to suspect that there is a strong undercurrent of patriarchal belief, underpinning many global institutions of power.

It is unacceptable, as noted by Lois Pineau that rape (though a sexual crime) is understood in patriarchal terms and that many are prepared to engage in a ‘language’ that undermines and devalues the plight of the victims (Pineau, 1989). Concurring with this notion, Moffet (2006) says such patriarchal language further victimizes rape victims. She bemoans the fact that women are regulated by rape and damns it as the most intimate form of violence.

Despite the prohibition of rape in national as well as in international jurisdictions, this crime against women victims remains the least dealt with and the most marginalized. This also draws the gap between rape as a serious crime and its prosecution.

According to Henri, the “link between denialism of justice and lack of conceptual formulation of sexual crimes may be attributed to the ‘invisible’ physical and psychological wounds inflicted by the acts of rape, assisted in historically diminishing the gravity of sexual crimes, especially in comparison to more “visible” crimes such as

murder” (2005: 69). The 1994 Rwanda genocide narrative supports this view. The most publicized version of this crime against the victims in the international media, human rights organizations and even by the Rwandan authorities themselves seems to be limited to the mass murder of the more than eight hundred thousands people. The imbalance between the “mediatization” of the rape of women during this onslaught and the extent of trauma as a result of both the mass murder and the mass rape, and the murder itself, is very significant.

### **2.5.3. CONCLUSION**

The intention of this literature review was to explore the interconnection between the mass rape of women in North and South Kivu and relevant theories of rape. The theory that explains mass rape as a systematic warfare tactic aimed at deliberately displacing the entire community in order to easily access mineral resources in these provinces is perhaps the most relevant to this current study. Despite the lack of material evidence prior to this research to demonstrate this, a general **knowledge of the Congolese** community and the place of women in society, enables one to accept the validity of this theory. It is clearly evident that there was premeditated planning in the rape of women in these provinces during that time.

The low-level of atrocities perpetrated against women in other provinces during the same period, also adds to support the idea that the mass rape was a calculated tactic of warfare.

The continuation of the conflict in these two provinces even after the assassination of Laurent Kabila in 2001 whose “failure to take a principled stance on the Banyamulenge nationality question” (Clark: 2002: 46), as advanced by his former Tutsi backers, remains to be fully explained. The serious flaws in international and national laws, with regard to gender-based crimes and their prosecution, have resulted in a serious lack of condemnation and justice. In DRC for example, many authorities in Kinshasa (predominantly men) were part of the fighting force in the 1996-2001 conflicts. Yet, in occupied North and South Kivu provinces, the military authorities are reluctant to



prosecute their own troops that they enjoined to commit rape. This is explained by the fear these authorities have of becoming prime witnesses to having been the masterminds of these crimes against women. It is also important to note that the immunity of some authorities while in power and more particularly the immunity to prosecute the UN peacekeepers involved in atrocities against women in a local court of law, is of grave local concern. These are, to some extent, some of the dynamics that help to explain the denial of justice for women victims. This also explains why in the post-conflict situation men choose peace rather than justice for the victims who are predominantly women. It has been argued that throughout history, men always start war. War started by men creates victims who are predominantly women. When war is over, men forgive themselves and sign for peace between them since justice for the victims would jeopardize the peace of men.

The theory explaining mass rape in wartime and its relationship to the imposition of imperialist policies of militarism and wars is, indeed also appropriate to this study. Interestingly however, this literature review has revealed that theories which postulate sexual violence against women as a tactic of warfare, intended to emasculate and to hinder the advance of the enemy fighters have proven to be of little use when applied to the case of neighboring Rwanda.

The social construction of masculinity and its idolization in armed conflicts can be drawn upon to shed light on some of the causal social roots of sexual violence against women in wartime.

It should be noted that this review did not cover two important topics related to the rape of women in Congo and the HIV/AIDS pandemic. These topics include the following:

1. Why are HIV- positive personnel used in armed conflicts?
2. What will be the long-term consequences of HIV/AIDS upon the lives of the entire community, in post-conflict North and South Kivu?

To adequately answer these questions would require an entirely new research project, and is thus beyond the scope of this current dissertation.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1. Introduction**

This research investigates the mass rape of women in North and South Kivu provinces during the 1996-2001 conflicts in DRC using qualitative methods including in-depth interviews and participant observation as the major tools for data gathering.

The aims and objectives of this study was to explore the myriad reasons for the mass rape of women and girls based on the life experiences of the victims themselves, accounts from the non-governmental organizations and different national officials related to this topic.

This chapter comprises the following sections. Section one is an Introduction. Section two discusses the research methodology. Section three describes the data collection process. Section four presents ethical issues related to the research. Section five provides a discussion of the limitations of this research. Section six presents the method of analysis. Section seven is a conclusion.

#### **3.2. RESEARCH METHODOLOGY**

The research method used in this study is qualitative. Letherby argues that a method is a technique, a tool for doing research, for gathering evidence, for collecting data (Letherby, 2003: 5). The chosen theories and qualitative method of investigation are relevant and appropriate for this research because the victims' lived experience of mass rape in North

and South Kivu provinces and their continuation require a narrative methodology. This methodology was approached from a gender based violence perspective.

The in-depth interviews as well as structured interviews consisted of both closed and open-ended questions. The languages used during the face-to-face interviews with the participants were French and Swahili (Appendix No. 6). These two languages were used in collecting data because most of the participants speak them. In this study the participants included the following; the survivors of rape, the policy makers, the National Minister of Gender and Family Affairs, the opposition (formerly the armed group who has become part of the unified government) and the representatives of women's rights associations.

While interviews with the policy makers, the opposition as well as the minister of Gender and Family Affairs occurred at their places of work in Kinshasa, rape survivor observation and the interviews with them took place at places of safety where they were being looked after in Goma and Bukavu. The aim of embarking upon participant observation was mainly to explore the survivors' ability to cope with their day-to-day trauma and to attempt to assess the emotional impact that war had on the study participants. Kirsch emphasizes that if scholars ignore the emotional dimension of their work, they are likely to ignore important aspects of people's lived experiences and miss crucial elements in their interpretation of data (Kirsch, 1999: 3-4).

### **3.2.1. SAMPLING METHOD**

The collection of data was conducted in three different sites namely: Kinshasa (Capital City); Goma (North Kivu) and Bukavu (South Kivu). Even though these three urban geographic areas were the main data collection sites, the researcher purposely visited 4 rural areas as well. This included Shasha and Sake in North Kivu as well as Uvira and Baraka in South Kivu. The main purpose for these visits was to observe day-to-day routines and the contributions that women make to their respective local communities.

Rape survivors who consented to share their lived experience, policy makers who were available as well as politicians, who were available, were interviewed. Structured interviews using closed and open-ended questions were utilized. The selection of informants was based on the intent to use a purposive and judgmental sampling method as propounded by Babbie and Muton (1998: 166). This sampling method is declared the most appropriate in cases where the researcher knows the population, some of its elements, and the nature of the research and its aims. Thus, by nature of being a DRC citizen and mostly being interested in issues of violence against women, the researcher was well positioned to use this kind of sampling technique.

### **3.2.2 FIELD WORK**

This research was conducted in three different towns of the DRC namely: Kinshasa, Goma, and Bukavu. The first phase of collecting primary data took place in Kinshasa. The aim was to interview the policy makers as well as the politicians (the Minister of Gender and Family Affairs as well as the opposition). The second phase of data collection occurred in Goma and Bukavu, where the aim was to interview women rape survivors.

#### **3.2.2.1. Kinshasa**

In Kinshasa, interviews were conducted at three different levels. Firstly, data collection took place at the *Palais du Peuple* (House of Parliament). Secondly, an interview with the opposition (formerly armed group) occurred at the Headquarter of the *Rassemblement Congolais pour la Démocratie-RCD* (Congolese Rally for Democracy). Thirdly, data was collected at the office in the Ministry of Gender and Family Affairs currently referred to as the Ministry of Gender, Women, and Children's Affairs.

### **3.2.2.1. A. Policy Makers**

In an attempt to meet with my respondents (Parliamentarians), I was firstly introduced to the available policy makers by one Member of Parliament from South Kivu province to whom I explained the purpose of my research. This was the initial contact because they were involved in parliamentary sessions. Due to their busy time schedule, an appointment for another meeting was arranged. After a week long attempt to interview them proved unsuccessful for the same reason, I then decided to distribute a questionnaire to the next available MPs. Out of the 10 questionnaires distributed, only 5 were returned duly completed. Out of the 6 women (from the Gender portfolio) targeted, only 1 responded to the questionnaire. Out of the 10 policy makers from the parliamentary commission on Social and Cultural Affairs (a Gender portfolio), only 2 agreed to a face-to-face interview. This interview took place on 15 June 2008. It lasted 1 hour 13 minutes. For the 10 Members of Parliament targeted, 7 of them were thus interviewed.

### **3.2.2.1. B. The Opposition**

In an attempt to interview the opposition, the first step included a telephonic appointment which was approved. A face-to-face interview took place at the office chosen by the respondent who was also a Member of Parliament from the opposition political party. The interview was conducted on 25 June 2008 and lasted one hour and three minutes.

### **3.2.2.1. C. The Government**

The government is herein referred to as the Ministry of Gender, Women, and Children's Affairs. Although an arrangement has been made prior to meeting with the Minister, many appointments for an interview schedule made at her office proved counterproductive. This counter productivity, I was told, occurred due to the many conferences she had to attend. Therefore, I decided to secure an appointment to interview the Director General (a man) in the Minister's office. This interview took place on June

20, 2008 at 6: 14 PM (CAT). It lasted thirty minutes and fifty eight seconds due to time constraint.

### **3.2.2.2. Goma**

My field work in Goma was conducted in three steps. Firstly, a telephonic call was made for an appointment with the officials of the “*Synergie des Femmes Victimes des Violences Sexuelles*” (SFVS) - Synergy of women victims of sexual violence. The next step, was the meeting itself. During this encounter, I explained the aim and objectives of my research and I was given permission to interview the victims.

After two days of face-to-face interviews participant observation was conducted. Interviews with the rape survivors took place at the *Groupe d'Entraide et de Soins Médicaux* (GESOM) – a facility where some victims of sexual violence are taken care of in terms of medical, social and psychological assistance under the supervision and financial support of SFVS. These interviews were conducted on July 3, 2008 where 4 victims participated. Each interview lasted approximately thirteen minutes.

A separate interview with Lyn Lusi (Managing Director of HEAL AFRICA) – another center that provides medical and psychological care to the victims of sexual violence - was also arranged. Although the time allocated to this interview was very limited due to her work schedule, she was able to respond to my questions. This interview took place in her office, on July 2, 2008 and lasted nine minutes and forty eight seconds.

### **3.2.2.3. Bukavu**

Interviews in Bukavu were conducted in two different centers. Firstly, interviews took place at the *Mouvement Communautaire pour la Promotion et la Prévention* – MCPP (Community Movement for Promotion and Prevention). Five survivors were interviewed under the supervision of a medical practitioner (a man) and social worker (a woman). These interviews took place on July 5, 2008. Each interview with the survivors took an average of forty one minutes. Secondly, an appointment to interview victims at Panzi Hospital was arranged. Authorization to meet with the victims was granted by the

Financial Coordinator who is also a second in-charge of the hospital. Interviews in this facility were conducted on July 7, 2008. Due to a time constraint allocated to these interviews and an overflow at this hospital of casualties from the frontline (in rural areas), as well as the generally tense atmosphere that the researcher experienced as part of the interviews with the women survivors, only two victims were interviewed. Throughout the interviews I was assisted in this process by a resident hospital psychologist (in charge of psycho-social intervention). Each interview took an average of forty three minutes.

This selection of respondents was intended at targeting “those informants who would yield a balanced picture of the situation under study... in a manner that ensures comparability” according to Babbie and Mouton (1998: 100)

### **3.3. DATA COLLECTION**

The collection of data was divided into two parts. Firstly, primary data that involves face-to-face interviews with participants (structured and non-structured interviews as well as participant observation) were conducted. Secondly, secondary data collection included the use of books from library source, journals, newspapers, and the Internet.

#### **3.3.1. Primary Data Collection**

The collection of primary data was organized as follows:

- In-depth interviews consisting of closed and open-ended questions;
- Participant observation particularly with the women survivors of rape and simple observation in rural areas

##### **3.3.1.1. In-Depth Interviews**

During this process, I used face-to-face interviews consisting of open-ended and closed questions (Appendix 6). This direct interaction between the researcher and the research subject was a valuable tool that provided a flow of reliable data from the respondent’s perception of events. For the victims of sexual violence, this encounter provides a

memorable time to express their lived experience. However, this interaction sometimes proves unfruitful in cases where there is a lack of trust between the two sides. The result may culminate in the subject providing answers that intend to satisfy the researcher rather than give any accurate insight. Nevertheless, a face-to-face interview still represents an advantage as the researcher has the opportunity to rectify some misunderstandings that may occur during the process.

Another consideration is that there is often an expectation of possible resentment by a respondent who is languishing in a war torn environment and living under deplorable human conditions, being interviewed by someone who has left that country and now residing in a peaceful and prosperous country. However, I attempted to address this emotion by explaining my interest in addressing the plight of women victims. Trust was also manifested by the fact that most of the respondents and I share the same geographic origin. In my view, this contributed to the respondent's perception that we all share the same victim-hood which, in turn, I hoped assisted in building trust.

### **3.3.2. Participant Observation**

Since my research focused on the lived experiences of the victims of sexual violence, my observations were mainly intended to better understand the psychological effects that rape brought about into their day-to-day lives. Through victims' consent to participate in this research, I was able to be part of the setting. On the one hand, this setting allowed me to participate through watching, reading the mood of the victims and taking mental notes of the entire psychological pattern without recording. On the other hand, my participation was made possible through the recording of the flow of information from the victims without interruption. This process was also an opportunity to cover the gap between structured and unstructured interviews, open-ended and closed questions.

This careful watching and reading of the psychological effect before and during the interview process proved to be extremely important since the emotional aspects of the victims' lived experiences were crucial elements in the interpretation of data.



The Congo conflict represents many dynamics which need to be taken into consideration in the contribution of knowledge and the formulation of recommendations. The ethnographic paradigm in this country and more especially in North and South Kivu is one that needs a strong leadership and a problem-solving ability. The DRC is one of the very few countries in Africa with more than four hundred ethnic groups. Additional to that diversity pattern, there is also the Hutu and Tutsi ethnic grouping phenomenon in North and South Kivu which the history of the African Great Lakes locates in Rwanda and Burundi. During my interviews and the participant observation process, I came across a particular linguistic pattern. This is the *Kinyarwanda* language which is officially spoken in Rwanda and also among some ethnic groups (Hutu and Tutsi) in North and South Kivu and which makes these two provinces a more complex, multicultural, and multiethnic. My ability to understand and speak this particular language built a kind of social cohesion between these particular ethnic groups and myself. This “cohesion” allowed these victims to be more open to me and also confident with regard to the flow of information they provided. This “social cohesion” dynamic helped to ensure greater accuracy of the information provided by the research participants.

### **3.3.3. Simple Observation**

Despite the security threat that these two provinces (North and South Kivu) represent, I was able to make an unscheduled visit to four rural areas. These were Shasha and Sake in North Kivu, and Uvira and Baraka in South Kivu respectively (Appendix 4). The aim of these random visits was to observe the life experiences of women as they undergo their daily routines in order to have a clear understanding of their day-to-day contributions in their respective communities. This simple observation took place in two different areas that reflected the common livelihoods of these two provinces. My first area was the farms (Shasha and Sake) which provide the main source of income for an ordinary citizen. The second area was the open markets (Uvira and Baraka) where the majority of products

(fresh produce as well as fish and meat which is the main food consumed in these areas) are displayed and sold.

My main reason to target these two activities – the farming and selling – is that they represent the main activities for survival for the majority of the local population in these two provinces. Other activities generating income for the local population such as services and the foreign private sectors can only be found in limited humanitarian non-governmental organizations. The main governmental job creation sector is the army.

While observation at Shasha and *Sake* took one day due the continued fighting between the regular army and Laurent Nkunda's rebels in the remote villages, that of Uvira and Baraka lasted five days due to the long distance separating the two areas and the deplorable state of the road.

These simple observations were mainly focused on gaining insights and acknowledge into gendered division of labour within the two economic activities.

### **3.4. ETHICAL ISSUES**

Ethical issues are very important in a feminist research and especially when dealing with sensitive cases such as rape as it is the case in this study. Letherby notes that “researchers are not the only people involved in research and respondents are also likely to have an emotional and political involvement with the research” (Letherby, 2003: 68). For this reason, it is very important for a male researcher like me to be considerate when dealing with issues involving women. Since “feminists insist that it is not possible for researchers to be completely detached from their work: emotional involvement cannot be controlled by mere effort of will and this subjective in research should be acknowledge, even welcome” (ibid), arrangement to be assisted by women's representatives was made. Pre-arranged agreements prior to conducting these interviews with the victims, the victims' consent to participate in this research were facilitated through the women's organizations. At the selected sites the latter informed me that interviews could be conducted according

to plan. However, given the sensitivity of the topic and since the victims' intimate sexual experiences formed a critical dimension in this study, I explained to them the aims and objectives of this research. I also ensured them that their identities would not be exposed. In addition, I also told the respondents that they reserved the right not to respond or even to withdraw before or during the interview process. This process also applied to other respondents in Kinshasa. Participants in Kinshasa as well as victims in Goma and Bukavu who were consented to share their stories were interviewed. Women's organisations representatives who assisted in the victims' interviews were on alert to immediately take responsibility for the victims in case of any breakdown or adverse reactions. All these women agreed to assist. They were well skilled in trauma counseling. In both towns (Goma and Bukavu) where interviews with the victims were conducted, there exist well resourced internationally funded trauma crisis clinics that are accessible to a wider public.

### **3. 5. DATA ANALYSIS**

Data were analyzed thematically according to issues at hand and according to the qualitative data collected from the respondents.

### **3.6. LIMITATIONS OF METHODS EMPLOYED IN THIS STUDY**

Due to the timeframes, expected length of a short dissertation, as well as financial implications of travel, accommodation and other expenditures associated with this research, there was a plan to interview twenty five respondents only. It comprised of ten respondents who were policy makers of the gender portfolio based in Kinshasa; two women representatives and ten victims who consented to share their life experience (in Goma and Bukavu); a Minister of Gender, Women and Children's Affairs in Kinshasa (one woman) and two politicians from the opposition (formerly the armed group) in Kinshasa.

Although I was ensured prior to conducting this research that selected respondents would be available to participate, I was only able to secure a more limited sample. This

comprised of six parliamentarians; one politician from the opposition; one Director General (a man) in the office of the Ministry of Gender, Women, and Children's Affairs. This decrease in number is solely attributed to the time constraint that these respondents reportedly encountered in their day-to-day schedules.

Interestingly, there was an unexpected increase in the number of rape survivors and women's association representatives who were willing to participate in the study. While ten survivors were expected to take part in this study, eleven were interviewed. Instead of the two women's association expected to take part in this research, three responded positively.

## **CHAPTER FOUR**

### **QUALITATIVE FINDINGS AND DISCUSSION**

#### **4.1. Introduction**

This chapter focuses on data presentation and analysis wherein findings are discussed. The victims' stories form a crucial part of this section. In this chapter, I will examine the qualitative findings related to the mass rape of women in North and South Kivu provinces from 1996 to 2001 and those that still occur today.

These rape crimes against women (as well as men) have been systematically carried out against women from the young age of two months to the old age of eighty years. They were also carried out by different foreign interventionist forces either backing the government or the rebel groups; the pro-government militias as well as the members of the community.

This chapter is comprised of six main sections. Section one is the Introduction. Section two explores the victims' stories. Section three highlights the contribution of different officials (parliamentarians and politicians). Section four provides the contributions of different women's NGOs in the lives of the victims. Section five focuses on the findings related to the gender representation in livelihood activities and the contributions of women at home. Section six is a Conclusion.

## **4.2. VICTIMS' STORIES**

### **4.2.1 The rape timeframe in the Congo conflict**

These stories narrate the journey that women victims of rape went through during the 1996-2001 conflict. This rape experience ranges from a one-man perpetrator to a multiple one. It includes heinous crimes such as the act of introducing objects into private parts, and other humiliating acts against women. Even though little is being said about the rape of women during what has been labeled as the "Liberation war" of 1996 to 1997, the following victim's quote illustrates clearly that these crimes took place since the very early days of this conflict.

(Smile... Silence) I was going to look after my farm when the *Interahamwe* came and raped me. (Silence...) These people rape anyone they find in their way. They don't choose. They just raped since the conflict broke out (Victim No. 2 in Goma, July 3, 2008).

While war scholars and western journalists were praising the success of the military offensive of the AFDL on the ground in the ousting of the Mobutu regime, in 1999 however, only three years after the beginning of the offensive in South Kivu, Panzi Hospital in Bukavu had recorded forty three cases of sexual violence as the outcome of atrocities of this conflict (*Le Courrier du Kivu*, 2007: 12-13).

During an interview with *Le Courrier du Kivu*, Doctor Denis Mukwege, the Managing Director and founder of Panzi Hospital in Bukavu (South Kivu) stated the following:

- These cases of sexual violence were almost treated clandestinely without making noise of the trauma embedded in the victim's bodies and in their psyche. In 2002, we have received a patient from Baraka in the southern part of South Kivu province. Her story was more than heinous. It was a drop of water that made the container to overflow. In fact, a girl was coming from the farm with her aunt. At a river, they were intercepted by soldiers. They – soldiers – forced these women to carry them on their back in order to help them cross the river. In helping the last soldier, the latter had forced the girl to have sex with him: the act had been consumed. As if the act (itself) was not enough, all the other six soldiers had their turn with the girl, one after another. The last one had committed an inhumane act as he had set the barrel of his gun in the girl's private part and opened fire which had caused the blast of her genital, rectum, bladder, and the back side of her buttocks. This patient had been evacuated from Baraka to Panzi Hospital by the ICRC...Our patient had to undergo six surgical interventions before she be transferred to Addis-Ababa for the rest of her medical attention. Since that time, we started to denounce the kind of acts soldiers were committing against women and girls that we were receiving at hospital for attention (*Le Courrier du Kivu*, 2007: 11).

Already in 2001, the rate exceeded a hundred marks (132) with twenty eight cases of fistulas (ibid). The number of those who succumbed due to the atrocities inflicted on them or due to the shame associated with these acts is uncounted for. The signing of many different peace agreements between the elected government and different fighting factions did not stop the rape of women in these provinces. Even though this research focuses on the 1996-2001 time period, sexual crime committed against women remains an ongoing phenomenon.

#### **4.2.2. Rape by men in uniform**

The following testimonies highlight the involvement of both the Banyamulenge forces and the *Interahamwe* militiamen in these crimes.

It was 6 pm on April 4; it was the day when I was married. I did not have children with my husband yet. They came and entered the room in which we were my husband and I. They took us outside of the house. They were five of them wearing torn clothes and carrying bags at their back containing cooking pots and gallons and grenades. They forced me to carry their belongings. They tied my husband up with his own long sleeve shirt and after that they beheaded him with their *panga*. Then, they took me to the forest and raped me. This usually happen firstly with the Banyamulenge killing people inside the church by shooting them in the heads...thereafter came the *Interahamwe* who also cut people into pieces and rape women because they say that they had their own houses and

cars and now they are living in the bush. They tell us that they lost their wives and children. They tell us also that they must rape women and do whatever they want. This shows us that in the Congo we are suffering from something we don't know about. (Victim No. 1 in Goma, July 3, 2008)

The story of this victim does not only explain the ordeal that she went through during the conflict but it also displays the combination of the cultural hatred of women and one of the rules of war that take place during armed conflicts as propounded by Seifert (1992) [www.wilpf.int.ch](http://www.wilpf.int.ch). These rapes were also carried out by government soldiers. The Banyamulenge name appears most often because many media sources as well as the non-governmental organizations refer to the 1996-1997 conflict as the Banyamulenge's war to overthrow the Mobutu regime. Although the 1997-2003 conflict was ignited by the anti-Kabila movement, it has been reported by many media groups as predominantly Tutsi Banyamulenge.

#### **4.2.3. Rape within ethnic connotation**

Although the killings and the rapes of women in these provinces have been described by many human rights organization and different media groups, including the majority of the victims themselves as not being ethnically motivated, however, some incidents had proved them otherwise. The following victim's quote illustrates an incident where ethnic hatred is involved:

First of all, the problem was involving a civilian with whom we lived in the neighborhood. It is all about the money that went missing. I and those who lost the money were neighbors. We all got arrested and locked up. The civilian called us and told us that he was a Human Rights employee. The police commander took me and left me under their responsibility. They were four of them. When they finished interrogating me, they forced me to sign an already written document. I told them that I cannot sign a document that I did not read because I know how to read. I asked them to show me the document but they refused and they kept insisting that I must sign it. Then they told me that "today, you will know why a White man has never lived in Kimbi - Lulenge". I asked them what does that mean. They told me "today; you will know that we are the Mai-Mai." They went inside the house and came out with a gun... They were now four men beating me and keep on telling me that if I do not sign the document, they are going to kill me... When I saw the gun, I decided to sign the document. He then told his friends to go because "as she has signed, we now know how we will get the money from this

AMI (NGO)". (Silence...). It was raining abundantly after the three went away. That remaining one told me "you know there is a gun in this house. At this very moment, go into my room." He was a medical doctor; a truly medical doctor. He was the Director of Kimbi – Lulenge Health Sector. He told me "if you do not have sex with me, I am going to kill you." As I saw the gun coming out I started shivering. I told him that I am not ready to die for something that I have. I told him if it is this one, take it but do not kill me. He retained me from 6 pm until 10 pm then he got out of me... The policeman then said "because I did not have any good outcome concerning the money, I give to all of you a temporary freedom." Then changed his mind and said "if we give a temporary freedom to this *Shi* from Bukavu to go to her relatives, she will escape and we will not recover the money." Thereafter, he also took me to his house... He told me "if you do not become my wife, I will kill you tonight and throw you in the street and no one will open a case against me." Then, I realized that there in Hewa Bora, it is a zone where they have no respect for anyone and there is no human rights. They only consider you as a relative to them if you speak the same language. But for us who come from this side (Bukavu), they do not see us as human beings. To him, I did not have a choice either. I stayed for two days in his house... (Victim No. 1. Bukavu, July 7, 2008)

A similar incident occurred at Kiwanja in Rutshuru (North Kivu). A telephonic interview I conducted on January 14, 2009 with one of the officials of the CBCA – *Communauté des Eglises Baptistes en Afrique Centrale*- (Community of the Baptist Church in Central Africa) concerning the massacre of some hundred seventy six to two hundred fourteen people in this area in November 4-5, 2008 by Laurent Nkunda's rebels (who are predominantly Tutsi while the victims are mainly Hutu) reveals this to be true. The Nande ethnic group was also among the victims.

The aim of this interview was to find out if these massacres were associated with rape of women and to confirm a possible ethnic dimension in the various rape cases in these two provinces. This report was also compiled by the Human Rights Watch.

During these massacres, it appears that only these two ethnic groups were targeted as the report does not mention any other ethnic group as being victims. The respondents revealed that, while the massacres of Hutu and Nande men were taking place, the rape of nineteen Hutu and ten Nande women was also taking place concurrently before they were massacred. These incidents were also confirmed by the *Synergie des Femmes Victimes des Violences Sexuelle* (Synergy of Women Victims of Sexual Violence) in another



telephonic interview from Goma on the same day. The church official said that this report was not a final one since the excavation of the bodies and the investigation was ongoing.

On the one hand, Mamdani (2001: 235) states that since the 1959 Revolution (in Rwanda), and especially since the 1972 massacre in Burundi, the Tutsi of South Kivu (herein referred to as Banyamulenge) had made great attempts to distance themselves from the explosive world of Hutu and Tutsi in Rwanda and Burundi, instead seeking to define their place in the ethnic kaleidoscope called Congo. On the other hand, many scholars and specialists of the African Great Lakes assert that the sociopolitical dimension in Rwanda as it appears in Burundi as well is that when one ethnic group ascends to power, the other must prepare itself to flee.

Not surprisingly, on the one hand, the old-era ethnic conflict between the Hutu and Tutsi back in Rwanda with its replicate in North and South Kivu since the 1994 genocide in Rwanda may justify it. On the other hand, the conflict of citizenship between the Tutsi of South Kivu who, prior to this conflict, were denied citizenship and the Hutu (of Rwandan descent) in North Kivu who were considered as indigenous, may explain these massacres accompanied by the rape of Hutu (and Nande) women at Kiwanja in Rutshuru where the ethnic Hutu are the majority.

The New African (2000); Ruzibaza (2004); Ngwanda (2004: 61-62) and Human Rights Watch cited in Mukamana (2004: 15) believe that the commission of rape by the ex-Far, the Interahamwe militias and their Burundian ethnic Hutu FDD accomplices in targeting the ethnic Tutsi women (in North and South Kivu) may have been fueled by the anti-Tutsi sentiments ignited by the assassination of both the Rwandan Hutu president Habyarimana and the Hutu Burundian president Cyprien Ntaryamira during the shooting down of their jet in April 1994.

Venantie Bisimwa, a coordinator of the *Réseau des Femmes pour la Défense des Droits et la Paix* (Women's Network for the Defense of Rights and Peace) in Bukavu, cited in ACDS (2004), documented that the RCD military forces backed by Rwanda, the

Rwandan defense forces and the Hutu militias commonly known as the Interahamwe were the main perpetrators in these rapes of women.

According to their respondents, the majority of the victims assume that “the neighbors of the Congo were involved in a conspiracy to cleanse the Congolese population through the spread of HIV and Aids and the birth of non-Congolese children” (ACDS, 2004). The research, according to Bisimwa, found that the perpetrators were targeting more importantly “women farmers who are the main contributors in the livelihood economy in the region... and women of the age to procreate” (Bisimwa cited in ACDS, 2004).

#### **2.4.4. Rape by members of the community**

As it was the case for men in uniform as well as some members of the UN peacekeeping mission personnel, many members of the Congolese community in these provinces were also involved in the rape of women. These crimes occurred in different settings and what appears to be different motives altogether.

Some observers believe that the pornographic aspect of these rapes triggered the widespread occurrence. In the context of feminist discourse, women pornography is about objectifying and framing women. This pornographic style is about an explicit display of women sex to the wider public in order to humiliate them and at the same time to attract the attention of whoever would join them in the act. According to some respondents during their testimony to different women’s organizations, even the younger males who did not yet have access to women for sexual purposes have found it an opportunity to relieve them sexually and to make it a life style. This revelation corroborates the following story.

In these provinces, women’s sex is considered as sacred according to customs and traditions. As a matter of fact, you can even find males in their adult age who have never experienced a sexual relationship with a woman. They can only have sex after marriage. It is also a fact that in order to tie a knot, there are many conditions whereby wealth plays a major role. One needs to have many cows, goats and so forth. This is in opposition with the reality in neighboring provinces

like *Oriental* and *Maniema*, for example, where sex is practiced at an early age. (Respondent No. 6 in Kinshasa, June 25, 2008)

Some families were subjected to extreme humiliation when a mother was being raped in front of her children. It has been also documented that on many occasions, boys could be instructed by men in uniform to rape their own sisters while the older boys were taking to their mothers. The few lucky fathers to survive were also forced to rape their own daughters and so on.

Another aspect that triggered the widespread use of sexual violence against women is the gang-rape phenomenon. It has also been documented that these atrocities were carried out most of the time by numerous perpetrators and were, to some extent, accompanied by the insertion of objects such as knives, sticks, empty bottles or even by shootings into their private parts.

In another occurrence in 2002, one victim survivor told Robert Walker, a BBC News reporter, the following testimony:

I told them I was sick and on my way to get medical treatment because I had been raped... They threw me on the road and raped me again. Since then, I am extremely ill but there is nowhere I can get treatment (BBC News Report, 2002) [www.bbc.co.uk](http://www.bbc.co.uk).

Despite these acts being humiliating to the family and the entire community, some victims were welcome back home and taken care of by partners or members of the community:

(Silence...) I was welcome by the community members because they understood that this situation was normal. They always comforted me and kept on loving me. (Victim No. 3 in Bukavu, July 5, 2008)

I went to the farm and it is where I was raped. I was raped by many men. After they finished, I came back home and I started to feel painful in my belly. At home, I told my relatives that I was raped and that I am feeling painful in my belly. After telling them, they took me to hospital. (Victim No. 2 in Bukavu, July 7, 2008).

However, a far worse situation existed for those who were ostracized and rejected by their partners or community members as this victim's quote refers to:

After being raped, the community members in the neighborhood humiliated me. They kept on saying that "a prisoner has become every soldier's wife. She is a bitch. Everyone will pull her and sleep with her." They started to label me as HIV positive because I had sex with every man. (Victim No. 1 in Bukavu, July 7, 2008)

This kind of humiliation towards the victims shattered the many women's human dignity, the last remaining possession. However, not all was lost for them. The spiritual and religious values that they identify themselves with and the Divine Being were for some the only remaining thing which could only be stolen from them at death. This spiritual belief assumes that human justice for these victims is a nightmare since the perpetrators and most of the judges would of course be men. For these victims, their only justice they expect is the heavenly one which is not corrupt.

#### **4.2.5.. Victims' perceptions of the justice system**

The justice system before conflict was indeed very corrupt. During this conflict though, justice for the many victims was mostly non-existent. The BBC News (2004) quoting the US-based Human Rights Watch had said that "although more rape victims have gone to court, the government has not done enough to ensure prosecutions."

Although there were some mixed feelings with regard to the arrest of the perpetrators of these crimes, there were also some contradictions amongst the respondents' views.

The government is taking these cases very seriously... Some have been arrested since the government had amended the law. Those convicted are jailed for twenty years. But before the twenty years of detention are served, the perpetrators make an arrangement with the officials and they are freed. (Victim No. 4 in Goma, July 3, 2008)

There in our areas, the government is not serious enough to follow up these cases (Victim No. 5 in Bukavu, July 5, 2008).

The government is not doing anything to arrest them

(Victim No. 3 in Bukavu, July 5, 2008).

These mixed perceptions may be explained by the fact that some victims chose to conceal their ordeal in fear of facing their aggressors and therefore relying solely on hearsay about the arrest. Some others did not even bother to confront their assailants following a disappointing judgment over previous victims.

This exploration of different testimonies of women victims' journey through rape provides evidence that during the 1996-2001 conflict, women in North and South Kivu were indeed raped and subjected to humiliating acts. These accounts support the many reports by international media groups, and local and international non-governmental organizations that women have been raped on a wide scale in these two provinces since 1996. It also highlights some indications that women were targeted because of their ethnic grouping even though these cases do not represent a generalized trend. Justice for the victims in these provinces remains of great concern partly due to the militarization of everyday social life, and partly because even where peace has prevailed justice remains gendered and also biased against women.

### **4.3. THE OFFICIALS CONTRIBUTIONS**

#### **4.3.1. POWER DYNAMICS**

Amongst other contributing factors in the mass rape of women in these provinces is the government officials' inability to implement provisions that protect women. Gender-based imbalances in social life as well as in law have been documented. Prior to the conflict, the Congolese Constitution was discriminative towards women. The Family Code as well as the Penal Code was not accommodating. Thus, such constitutional laws did not allow women to enjoy full rights and to achieve emancipation on the same level as that of their male counterparts.

In 2006, prior to the amendment of the Constitution, the Committee on the Elimination of all forms of Discrimination against Women (CEDAW), was concerned with what it called the “persistence of prejudices and stereotypes with respect to the role of women in society and of the idea of male superiority” (CEDAW, 2006). Among other concerns the Committee insisted on:

1. The state of the judicial system and the fact that, although women’s access to justice is provided for by the Law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as illiteracy, legal cost, lack of information on their rights and lack of assistance in pursuing their rights.
2. The continuing occurrence of rapes and other forms of sexual violence against women and the ingrained culture of impunity for such crimes, which constitute grave and systematic violations of women’s human rights. The insufficient efforts to conduct thorough investigations, the absence of protection measures for witnesses, victims and victim’s families, the lack of information and data regarding cases and the lack of appropriate medical care, including rehabilitation measures, for the victims.
3. The precarious situation of women in rural areas, who often lack access to decision-making, adequate health services, education, clean water and sanitation service, and justice, and who have suffered during the period of the conflict as well as the lack of an integrated rural development policy.
4. The legislative provisions that continue to discriminate against women, including the Family Code, the Labor Code and the Penal Code, as well as about the ambiguities in existing laws such as those on sexual harassment and the election law, which prevent the realization of rights intended by the law for women.

The conflicts and their aftermaths shed a harsh light on what needed to be improved, but during this time life was orchestrated by the sound of the guns. The justice system came to be associated with the male victor who, at the same time, became the custodian of all rights including the right to rape women.

Interviews revealed conflicting views between the opposition (formerly armed groups) and the ruling majority parties in relation to the justice system during these conflicts. However, most of these views tended to confirm the fact that the legal system was inadequate in the provision of gender sensitive guidelines. Indeed, some of the quotes confirm the gender based injustice that this legal system embodies:

The Penal Code as well as the Family Code stigmatize sexual violence (against women) and have put in place repressive measures against the perpetrators of these crimes. Even though some delinquents in the army were involved in these crimes at narrow scale, the Congolese army has always punished and sentenced the perpetrators (Respondent No. 1 in Kinshasa, June 13, 2008).

This system operated in a total inability in its power to implement the provisions that discourage sexual violence as well gender based discrimination. The central government did not have full control over these two provinces. Therefore, it did not have the available means to prosecute the perpetrators. Since the rebel groups had no other main objective except that of overthrowing the regime they were fighting against, they did not bother either about the law or the human rights. Thus, they encouraged gender based violence (Respondent No. 4 in Kinshasa, June 19, 2008).

Yes, indeed, there was an improvement with regard to ending sexual violence against women. We are now at the International Community level. This community did effectively contribute to end this violence. Rape has become almost an international crime. We have instructed all the jurisdictions. A rape case has a more particular speed than any other case. But, (break...) there is a need to spread awareness campaigns. (Break...) There is a problem of awareness (break...). There is (break...), there is absence of the State in some areas... There is a total absence of the State in those areas. In order to put an end to this, there is the need of the State's presence (Respondent No. 6 in Kinshasa, June 25, 2008).

All these different respondents' perceptions suggested that there was a great need to review the Constitution and to make it more effective.

On February 18, 2006 the new Constitution was approved and promulgated. The provisions therein were signed into Law. This Constitution was greeted with cheers even though there were numerous reports that civil society was not consulted.

### **4.3.2. THE STRENGTHS AND WEAKNESSES OF THE POST-CONFLICT CONSTITUTION**

#### **4.3.2.1. THE STRENGTHS**

While the two Kivu provinces were under the total control of different rebel groups, the rest of the country and more particularly Kinshasa, the capital city, was under pressure to come out with a post-conflict constitution. This is not only a way to correct the previous provisions in response to gender based realities but to also allow them to be effective in space and in time. In space, they needn't be discrimination against women from the rural areas in favor of women in towns. In time, the new laws must also be effective both in wartime as well as in peacetime.

The post-conflict Constitution amended in 2006 has come out with provisions that suggest at least the political will to promote the rights of women and their emancipation.

The following quotes illustrate these strengths.

The Article 14, section. 3 of the Constitution provide that the State has the obligation to take appropriate measures to eliminate all forms of violence against women in public as well as in private sphere. Article 15 provides also that the State is entitled to enforce the Law aimed to eliminate sexual violence. The Constitution defines even that rape as crime against humanity (Respondent No.2 in Kinshasa, June 14, 2008)

We have amended the Law that condemns sexual violence. If there is no Law, on which basis then the State will have to condemn an accused suspect if not through the Law? There is the Law, we have to promulgate it; we have to implement it; and there is the need to conduct an awareness campaign towards the local population (Respondent No. 3 in Kinshasa, June 20, 2008)

Very recently, there have been numerous reports that the judiciary will be restructured. The increase in the number of tribunals and courts of justice as well as the training of judges and prosecutors will hopefully be part of that process.

#### **4.3.2.2. THE WEAKNESSES**

Although these provisions meet women's human rights' standards according to international norms, their implementation remains largely a myth. Already in 2007, one



year after the promulgation of these laws by the President of the Republic, impunity was still in practice. A 2007 Monuc report cited in FIDH (2008) says that:

Other factors that seriously impede the fight against impunity are the many cases of interference in the administration of justice by senior FARDC officers who put pressure on Military Prosecutors to release or grant bail to FARDC elements accused of serious crimes or who categorically refuse to transfer soldiers, accused of committing serious crimes/human rights violations, to military justice.

This mismanagement of the judicial system sends a signal to gender justice aspirants that justice for women appears not to be an actual priority for the government. In theory, the post-conflict Constitution enshrines provisions that are not gender-biased in Law. In practice, women's rights can be said to be exercised by the left hand and oppressed by the right hand.

Although there can be implementation of the provisions the slow access of women in decision-making positions and more specifically in the implementation of programs for women remains another area of great concern. The post-conflict DRC's National Assembly where many decisions are approved is constituted of five hundred strong members. The number of women in this Assembly is only forty nine. The Senate with its one hundred and eight members has only seven women. With a total of eleven provinces, the DRC does not have even a single woman governor. When it comes to ministerial departments, the DRC is one of the few countries in the world with more than forty ministries. Almost ninety per cent of the ministers are men. This is a clear indication that the patriarchal political hierarchy is far from ready to allow women in the decision-making positions and to involve them in the process of nation-building.

According to a Congolese national who sought asylum in South Africa, and who is himself a descendant of one of the matrilineal groups, some of the tribes such as the Bambala and the Bangongo in the Bandundu province which maintain a matrilineal descent system do not even allow women in any role in decision-making. In these particular tribes children born as a result of a union between a man and woman belong to their mother. However, major decisions in the family are not made by the mother.

Instead, it all comes to her brother who is also a man to decide on behalf of his sister in terms of taking care of his sister's children. This care includes decisions about education, health and so forth. His decisions are even extended when it comes to marriage and other family matters. In addition, at the death of her husband, the husband's family will automatically take charge of all the wealth left by a woman's late husband with a possible threat of being dismissed from the house. Briefly, in DRC, in traditional practice as well as in modern democratic life, women's power and authority in the home and in society in general, remains extremely limited.

#### **4.4. THE CONTRIBUTION OF WOMEN'S LOCAL ORGANIZATIONS**

Shortly after the 1996-1997 conflict, there were many local human rights' organizations mushrooming across the North and South Kivu provinces. Many others opened doors later 2001 and beyond. Although men were part of those who contributed to denouncing rape through media coverage during this conflict, women's human rights organizations were more vocal because they included victims themselves. Their commitment to care for the victims of rape meant that they were fully aware that something sinister was underway against them and that they needed to be in charge of themselves and their entire community.

Among those that contributed immensely in addressing the ordeal of women in these two provinces and which participated in the collection of data for this research are:

1. The Synergy of Women for the Victims of Sexual violence – SFVS in Goma
2. Heal Africa - in Goma.
3. The 8<sup>th</sup> Community of the Pentecost's Churches in Central Africa – Panzi Hospital in Bukavu.
4. The Community movement for the Promotion and Prevention – MCPP in Bukavu.

Assistance and services these organizations provide range from advocacy, medical care, psychosocial and socio-economic care. All of these services are rendered free of charge

to the victims of rape by these well funded organizations. It is only in extreme circumstances where medical care is charged at a minimal level in order to generate income that will allow poorly funded organizations to continue operating.

#### **4.4.1. ADVOCACY**

Amongst the many services and assistance provided by these women human rights' organizations, advocacy appears to be one of the most important. According to Masika, the SFVS's Coordinator, advocacy is the major need because several cases of rape have been addressed. This is not simply because of a deliberate interference from high ranking officials in the army but also because impunity has become a norm in the DRC.

Genuine advocacy, according to Masika, consists of the following features: a denunciation and identification of the perpetrators; follow up of rape cases to courts, and contact with witnesses. In a 2007 annual report the SFVS stated that it had succeeded in filing seventeen cases of rape with the courts of justice for that year alone. This figure is very significant considering the amount of threat these organizations and their representatives face as well as the deplorable state of the judicial infrastructures. It is imperative to note that this interference also includes the high rate of corruption among these officials and the lack of service delivery caused by the involvement of some of their colleagues in these crimes. On many occasions after denunciation some of the perpetrators were arrested and then released. Rape survivors who attempted to report their grievances to the authorities found themselves hunted down by the same assailants in an attempt to silence them.

#### **4.4.2. MEDICAL CARE**

The condition of the health infrastructure before the conflict in the DRC and more specifically in North and South Kivu was deplorable. The aftermaths of this conflict exacerbated this condition and put the life of the survivors of rape in total despair.

However, local women's human rights' organizations and international non-governmental organizations swiftly came to fill this gap in terms of medicines, surgical instruments, medical personnel as well as allocation of funds. In terms of medical care, this assistance consists of primary health care, reparation of fistulas, assisted abortion as well as delivery of babies.

#### **4.4.3. PSYCHOSOCIAL CARE**

This assistance comprises counseling, family mediation as well as social reintegration. The aim of this assistance is to cover the gap between the posttraumatic manifestations of the victim's adaptation into her post-conflict life. Psychosocial care includes hearings and victims' orientation; victims follow up as well as group therapy sessions.

According to the SFVS's Coordinator, counseling is aimed at bringing the victims of sexual violence to accept their situation and to live positively with the consequences associated with rape. These consequences consist of ostracisation by the community or partners, social isolation, unwanted pregnancies, sexual transmitted diseases and HIV/AIDS, fistulas and abortions. She stressed further that family mediation consisted of accompanying women victims in their hard work to protect and to bring back their lost status including marriage, family ties, work and honor.

#### **4.4.4. SOCIO-ECONOMIC CARE**

It is a global phenomenon that women and girls are raped during armed conflicts. To some extent, they are also dispossessed of their belongings. They are denied the right to return to their homes because of the constructed shame they brought to their families and the entire community. In North and South Kivu, these women did not escape this reality. In order to respond to their socio-economic difficulties, these human rights' organizations had set up projects that enable the victims to be self sufficient through sustainable community development programs. Some of the projects include the following:

- Reinstatement of girl victims into schools,

- Training in various sectors,
- Micro- loans, and
- Community works.

According to one of the organization's reports, some women victims were even given fishing nets to help them catch fish which they could sell at the market. Fishing has long been identified with men in these two provinces so this is a refreshing change in the status quo. Others were given a piece of land to farm or a number of livestock to generate income in order to start a new life; this socio-economic care played a major role not only as a response to a social and economic need. It also played a significant role as a form of group therapy. According to SFVS socio-economic programs aimed to create an environment where isolated victims could exchange their traumatic lived experience. They also stress that such mechanisms empower women victims who previously thought that their rape experience had put an end to their life. Instead, the victims find satisfaction in these activities as they produce and enjoy the fruits of their own work (ibid). But SFVS warns that this enjoyment and satisfaction will not be manifested in those cases where victims are not able to transcend their past and move beyond the post-traumatic memories.

#### **4.5. BEHAVIOURS OF NGOs IN RESPONSE TO THE VICTIMS RESCUE MISSION**

While some local women's human rights' organizations were well funded by foreign donors, many others remained under-funded. Some of the many reasons behind the lack of funding include the failure of some NGOs to meet the basic requirements to attract funds from donors and the limited level of education of women in these two provinces. Furthermore, many donors may also appear to be more interested in funding armed groups who, in return, will provide them with mineral resources. However, this claim although logically acceptable in the North and South Kivu context during this conflict cannot be generalized since many NGOs benefited substantially from foreign donors.

It is worth noting that these NGOs' strategies are similar to those of the armed groups. They have conventionally set up geographic territories within which each one operates without the interference of the others. In Bukavu for example, Panzi Hospital which is a referral hospital, operates in and around the Bukavu city perimeters. It also assists patients coming from as far as North Katanga and Maniema provinces. But in terms of assisting women victims of rape out of its conventional geographic perimeter, this has to be done "only in case the victim cannot be assisted at home" (Le Courrier du Kivu, 2007: 13). And of course, this operation has to be carried out by a mobile rescue team such as an ambulance. This claim was also confirmed by a psychologist in Bukavu who did not want to be identified. He also said that at some stage, there was a conflict of interference between AMI (an international non-governmental organization) operating in the Baraka perimeter and his NGO's mobile rescue team when it wanted to assist a victim of rape in this area.

The MCPP which also has its Head Office in Bukavu city operates in and around Bukavu. Its conventional territorial operation includes Lugushwa situated in the Mwenga rural territory (South Kivu) at approximately 270 kilometers from Bukavu. Its conventional operation sites includes Mapale, Kakangala, Kolo/G8, Kilunga, Myassa, Projet, Byalala, Katanga, Kigumo, Mulamba, Makalanga, Mabondo, G3, Mukemenge, Katanga/Ziko, Kansinini, Mutunga, Kabikokole and Carriere A (MCPP, 2007)

Although these NGOs achieve a great deal in terms of assisting victims of rape, such operational strategies and the conventional occupation of territories simulate the armed groups. These strategies are perceived as confirming their presence in these areas and as proving to their donors that they are carrying out their mission according to their expectations. This is the way armed groups organize themselves in order to secure the flow of funds and ammunitions from individuals and multinationals interested in war business. Although these strategies may be helpful to these NGOs in terms of accumulating funds, they still infringe upon the rights of women victims of rape to access an emergency considering the deterioration of their health care.

Due to this behavior on the part of NGO's, some victims of rape are expected to pay for their medical care if they do not qualify for a "rape victim assistance scheme". Many rape victims, more especially in Bukavu revealed that they were asked to pay the bills of their medical attention in cases where they approached medical facilities without being accompanied by a rescue team. This kind of assistance is considered by some NGOs as falling under an ordinary patient's assistance although the latter may claim to have been raped. To any human rights' activist, especially when considering the extent of rape in these provinces during the armed conflict, this behavior comes across as totally unacceptable, inhumane and discriminating.

## **5. GENDER REPRESENTATION IN THE LIVELIHOOD ACTIVITIES AND THE CONTRIBUTION OF WOMEN AT HOME**

### **5.1. WOMEN**

Women's lives in present-day DRC (and specifically in North and South Kivu) are miserable. Feminists believe that women's suffering originates from the public/private boundary and their status as women, mothers and nurtures. Marxist feminist approach for example, maintains that women's responsibilities in the household (bearing and raising children) are part of the inequality between men and women and therefore the origin of women oppression. In hospital for example, when a husband is sick, you will always find his wife next to him and taking care. She will feed him and to some extent, she will even wash him after he has passed his urine on himself. But it is unlikely to see a husband doing such a thing to his sick wife. In North and South Kivu, agriculture is the main source of livelihood. Women in these provinces are the first to wake up in the morning to prepare their children for school. They are also the last to sleep after pleasing their men in bed. In the morning, they have to go farming and when they come back, they must cook for the entire family. At night, before they sleep these women must make sure that everything is in place for the next day's routine. While in bed, any discomfort or lack of interest is interpreted by their husband as a sign of having had an extra-marital sexual relationship. This life is an every day routine.

It has been documented that women are the majority of the world's poor. The 1996 International Labour report provides that "women make up seventy percent of the world's poor and sixty five percent of the world's illiterate" (ILO, 1996) [www.ilo.org](http://www.ilo.org). On any given day, it is likely that women find themselves working for an average of eighteen hours. This hardship is one of the major factors that contribute to the lack of education of women and girls. For them, public holidays do not exist. Paradoxically, housewives are vindicated if they fall sick as a result of their extreme burden. To some extent, their husband's families may conspire to bring in other wives to replace them since their sickness is perceived as a sign of weakness to perform household duties.

## **5.2. GIRLS**

Girls do not escape this reality which is part of the legacy they inherit from their mothers. When their mothers are away they look after their siblings and prepare light food for the younger ones while their brothers are at school. These girls do not have time to listen to the news in order to know what is happening in the country and even around the world. Home is the only sphere within which they belong and where they are trained to familiarize themselves with different duties they are associated with and which will become theirs when they become mothers. Only a very few lucky girls are sent to school. When they return, they have to assist their mothers in different chores. This includes the collection of firewood, the making of fire, washing the plates as well as entertaining the hungry children before the food is ready. This cyclic hard life of both women and girls is mostly witnessed in rural areas where culture and tradition reveal its strength and tenacity.

However, even in towns, patriarchy dictates that girls must emulate their mothers from whom they inherit the legacy of being wives and mothers. Education is limited and access to information is not their priority. This limitation signals that their place is in the private sphere rather than in the public one.



### 5.3. MEN

In towns as well as in rural areas men are the heads of the family. Their indisputable role is that of the protector. Although the role of the provider may be disputable given the circumstances and the locations (town versus rural), men are associated with both, anyway.

In rural areas, for example, men mostly assign themselves to the cutting of trees on the farm, hunting, and fishing. This assignment confirms their role as family providers. Fewer are those kind men who can help their wives in their household duties. This limitation may, to some extent, be attributed to the perception that men who are willing to help are stereotyped by the community and perceived as bewitched by their wives. Gaining momentum, this perception discourages men to help in this area. Those who persist in their cultural manhood spend the rest of the day discussing beautiful and ugly women, potential seasons for food abundance or scarcity in the community; places for good and bad wine in the neighborhood; model boys or wicked men, and even witchcraft. This is called “men’s discussion” since gossip is associated with women.

In town, though, depending on the level of education and available resources, men are assigned to a higher position of decision-making. Although with equal levels of education and the position assigned to them compared to that of women, their remuneration is likely to be higher than that of their female counterparts. At home, men have access to information while women are busy with household duties. Even for the uneducated ones, access to a radio receiver or television set allows them to listen to the news or watch soccer matches. This permanent access to information contributes positively to the empowerment of men in the community and, to some extent, the reduction of illiteracy among men.

#### **5.4. BOYS**

Like girls and their mothers, boys must be prepared to fit in their fathers' shoes in order to become men. In rural areas, the grown up boys accompany their fathers to the farm or into the bush to hunt. When they return, they are assigned to the work associated with men including disciplining the younger ones and girls who are reluctant to help their mothers. These boys, whenever the circumstances may allow, may be instructed by their fathers to discipline women who are even older than them. From a gender perspective, this is not only in the name of bringing women into submission towards men in the community but also to strengthen the masculinity of these men to be.

In towns, however, boys are often considered as a prime priority when it comes to available opportunities such as education and recreational facilities. This choice of boys rather than girls is associated with the perception that these men to be are more mature and responsible enough to be in charge of their respective families when their fathers have passed on.

#### **5.5. CONCLUSION**

From Shasha to Sake (North Kivu) as well as Uvira and Baraka (South Kivu), the work of women remains the same. Their lives have changed little through time. Before the conflict, apart from their household duties, women were also producers of children. Some of their other routine occupations in the streets include the selling of green bananas, fresh fish, banana beer; planting and producing palm oil. With all that the conflict has brought, the lives of these women have not improved at all. Instead, women have become more miserable. Van den Oever-Pereira (1985) also supports these findings. She says that the division of labor between men and women in the agricultural sector is exactly the same as ever (ibid). These duties add far more burdens onto women than to men.

## CHAPTER FIVE

### CONCLUSION

Rape committed in isolation or on a wide scale, in peace time or during war time is a crime against the victim and, therefore, punishable by the law. However, justice for women raped during armed conflict is a painfully slow process worldwide, despite these inhumane acts being filed as crimes against humanity. During and after armed conflicts, the interference of the military as well as the political authorities in rape cases has always resulted in the impunity of the perpetrators. This women's human rights violation has a gender bias connotation strengthened by a patriarchal global system.

This research had three main objectives. Firstly, it attempted to understand the factors that have contributed to the mass rape of women. For example, using the theories that explain mass rape as a systematic warfare tactic, this research attempted to shed light on whether the rape of women in the DRC was in some ways a result of a calculated strategy to deliberately displace them and their entire community in order to access mineral resources of the North and South Kivu provinces more easily. Secondly, the research tried to evaluate the victims' experience together with other respondents in order to better understand the possible social, political and economic factors behind the mass rape of women in these provinces. The denial of justice for women and impunity (perceived as a way of giving rights to the victors of the war) were two of the major themes that re-occurred in women's experiential testimonies. Thirdly, the research focused on the contribution of women's organizations in the lives of the rape survivors as well as the contribution of women in general livelihood activities in the DRC.

This study represents an attempt to contribute to existing knowledge in several ways. Its particular importance draws upon the fact that these two provinces have enormous deposits of natural resources that can attract armed conflicts. The region has also had a long history of imposition of imperialist policies of militarism and wars that have

contributed to the on-going threats of violence against women and their entire communities. These persistent threats have undermined peace and security forcing civilian populations to flee their homes and livelihoods, leaving their lands vacant and available to anyone to occupy it and loot the resources. The research sought to also contribute to a better understanding of the actual life experiences of the rape victims during and after their ordeals. The rape of women during the 1994 genocide in Rwanda where, for example, mineral resources are scarce, was limited in time. In comparison to the North and South Kivu where natural resources are abundant, the rape of women remains unabated and the conflict continues even today.

These facts have been thoroughly investigated by the United Nations. The key findings have revealed that the natural resources of these two provinces contributed immensely to the funding of different rebel groups. The 2002 report of the United Nations' panel of experts revealed that many individuals, politicians and international corporations were involved in the illegal trade of natural resources in these two provinces. On Rwanda-controlled areas, the report states that:

...For example, the Panel is in possession of a letter, dated 26 May 2000, from Jean-Pierre Ondekane, First Vice-President and Chief of the Military High Command for the RDC-Goma, urging all army units to maintain good relations "with our Intrerahamwe and Mayi-Mayi", and further, "if necessary to let them exploit the sub-soil for their survival" (S/2002/1146, para 66)

#### On Government-controlled areas

The elite network of Congolese and Zimbabwean political, military and commercial interests seek to maintain its grip on the main mineral resources – diamonds, cobalt, copper, germanium... (Ibid, para. 22)

This network benefits from instability in the DRC. Its representatives in the Kinshasa Government and the Zimbabwe Defense Force have fuelled instability by supporting armed groups opposing Rwanda and Burundi (Ibid, para. 23).

The report concluded that:

The role of the private sector in the exploitation of natural resources and the continuation of the war has been vital. A number of companies have been involved and have fuelled the war directly, trading arms for mineral resources, which are used to purchase weapons. Others have facilitated access to financial resources, which are used to purchase weapons. Companies trading minerals, which the panel considered to be 'the engine of conflict in the DRC, have prepared the field for illegal mining activities in the country' (S/2001/357)

That the mass rape of women was part of very calculated tactics in the pursuit (by interest groups) of mineral resources in North and South Kivu is a possibility that cannot be ignored.

The insights gained from documented materials and the findings from the respondents of this current study have further highlighted the importance of this research. The implication of discriminating, gender-based provisions in the constitution and the failure to implement policies that empower women, were also among the root contributing factors. Armed conflicts and their aftermath contributed enormously to strengthen the social construction of masculinity and its idolization which are the social roots of violence against women during wartime. Numerous reports by different international media groups, local and International non-governmental organizations including even the victims themselves state that impunity had become the norm. The majority of the perpetrators are still walking free. The interference of senior military officials and politicians in these cases involving rebel fighters, regular armed forces, the United Nations' peacekeepers as well as the members of the community have been documented. Such interference is perceived as a way to silence the victims. Brownmiller suggests that:

All rape is an exercise of power, but some rapists have an edge that is more than physical. They operate within an institutionalized setting that works to their advantage and in which a victim has a little chance to redress her grievance. Rape in slavery and rape in wartime are two such examples (Brownmiller, 1975: 256)

Often, such interference has diverted, delayed or denied justice for women victims. Similar delays (or no justice at all) have also been witnessed in many parts of the world such as in Sierra Leone, Bosnia-Herzegovina; Kosovo, Liberia; Darfur and Nanking where similar acts of violence against women have occurred.

Grave problems with impunity persist in virtually every conflict-affected setting around the globe. International tribunals can only prosecute a fraction of cases, and many national governments do not have resources or the commitment to pursue the perpetrators of sexual crimes against women. IRIN (2005)

The denial of justice for women survivors of rape in North and South Kivu would appear to be symptomatic of a patriarchal global phenomenon involving gender and power differentials.

The findings of this research are consistent with many local and international media groups' reports such as *Le Courier du Kivu* (2007), SABC (2008), Africa Confidential (2008) as well as local and international non-governmental organizations such as HRW (2004), Amnesty International (2003, 2004) and UN (1999, 2001, 2003).

In retrospect I have identified three major limitations of this current study. The first was the sampling method. In order to capture what I considered as being useful information I used purposive and judgmental sampling. In choosing the respondents with this method, the possibility of missing useful data arose due to the exclusion of other respondents. The second limitation was the sample size. By choosing this size, any claim that these respondents were representative may be inaccurate and misleading considering the projected statistics of rape survivors in these two provinces. As a result, these findings may not be generalized since I did not use a probability sampling with a greater number of participants. This limitation concerns me as a researcher and as a Congolese national originally from one of these two provinces. These limitations may therefore represent a kind of bias. However, I attempted to minimize this limitation. Firstly, I included respondents from different tribes and provinces in the DRC. Secondly, the respondents included people from different backgrounds including politicians, human rights' activists,

farmers and victims. This choice of respondents may not be adequate but I found it acceptable since it enabled me to somewhat overcome my personal bias. By involving all these people related to the issues of human rights, politics and the victims themselves, I can say that my findings are relevant, fair, and an accurate reflection of the views and experiences of the people concerned.

The mass rape of women from 1996-2001 in North and South Kivu in the DRC finds its explanation in a global dimension of a historical culture of military policy of wars. Referring to the nineteenth century British India these realities remain of actuality even in present time.

Though sexual encounters between indigenous women and foreign colonizing men was by no means new, the expanded presence of British men by this vast soldiery certainly increased such connection, more especially since the mode of masculinity in the armed forces depended so heavily upon proof of heterosexual prowess (Levine, 1996) [www.jstor.org](http://www.jstor.org).

In India as in Congo or as in Bosnia, the atrocities inflicted on women were motivated by the desire of men to exert dominance over them (Gottschall, 2004). This desire has been shown through an analytical approach of rape and war theses as propounded by Seifert (1992). However, the causality of these crimes against women is, I believe, well explained by the feminist theory of rape which views it as being rooted within an entire global system of patriarchy which is the overall source of men's oppression over women.

The findings from this study can be used to call for a holistic approach to conflict management in North and South Kivu provinces. This includes local, national as well as international initiatives in the pursuit of justice for women victims of rape which needs to form the cornerstone of sustainable peace-building, reconstruction, and avoidance of conflict and its aftermath in the future.

Without such initiatives in the pursuit of justice, there will be little to ensure that these heinous crimes are not repeated again, and again.

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## Appendix 1.

After being raped this woman was then shot in her private part.



***Violée, elle a fini par recevoir des balles dans son vagin (PHOTO APEMA)***

Violée, cette jeune fille a fini par recevoir des balles dans son vagin. Voilà le travail de RDC-Goma et les rwandais.

Violée, cette jeune fille a fini par recevoir des balles dans son vagin

## Appendix 2.

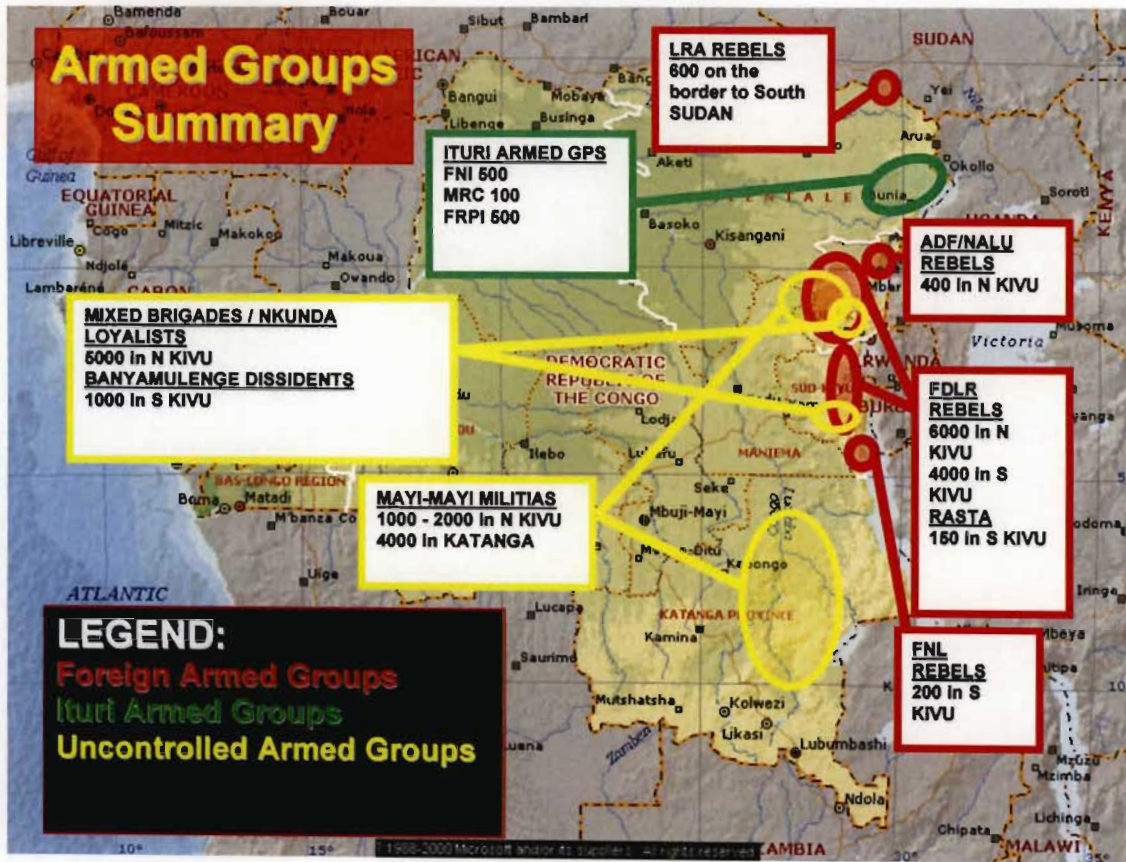
This woman had her private part removed while alive by the Ugandan soldiers.



Violée, cette jeune fille a fini par recevoir des balles dans son vagin

Violée, cette jeune fille a fini par recevoir des balles dans son vagin

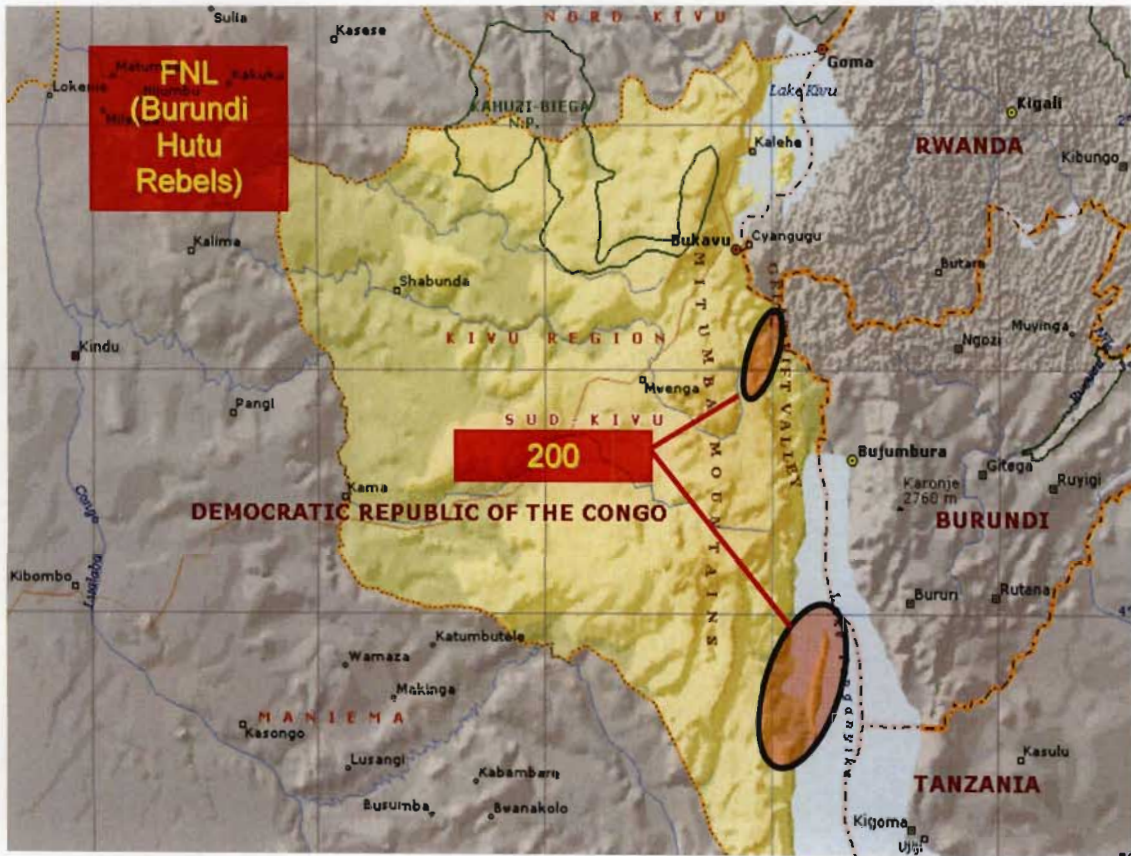
Appendix 3.



Appendix 4.



## Appendix 5



## Appendix 6.

### QUESTIONS<sup>1</sup> (RA PE SURVIVORS)

#### A. Interview Details

1. Authorizing Officer (Name & Surname): .....
2. Position: .....
3. Date: .....
4. Place: .....
5. Time: .....
6. Facilitator (s): .....
7. Mood of the victim prior to interview (If applicable): .....
8. Researcher: .....

#### B Biographic Details

1. Codename: .....
2. Gender: .....
3. Age: .....
4. Ethnic group: .....
5. Number of children prior to crime: .....
6. Date of crime: .....
7. Marital status: .....
8. Address/Origin: .....

#### C. Related Questions:

1. Can you spell out what has been your immediate reaction after being a victim of sexual violence/ *Unaweza kunieleza namna gani njo ulijisikia baada yaw ewe kubakwa ao kukamatwa kwa ngugu?*
2. According to your own experience, what was the immediate reaction of your partner/husband after he/she knew that you were a victim of rape?/ *Kufuatana na mambo yenye ilikufikia weye binafsi, mme/mke wako alipokea namna gani habari hii ya kubakwa ao kukamatwa kwa nguvu?*
3. What was the reaction of the other members of your community after they knew that you were a victim of rape?/ *Ndugu, jamaa ao marafiki walikupokea namna gani baada ya kusikia kama ulibakwa ao kukamatwa kwa nguvu?*
4. Do you think that in these conflicts men were also raped?/ *Unaweza kunielezea kama katika iyi vita na wanaume nao walikuwa wanabakwa ao kukamatwa kwa nguvu?*
5. If yes, why do you think men were also raped?/ *Kama ni kweli, unafikiri nikwanni njo maana walikua wanabakwa ao kuwashika kwanguvu?*

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<sup>1</sup> Insights will be drawn from women's organizations as well – in particular those assisting with interviews.

6. In your own experience, do you think this mass rape was ethnically motivated?*/Kufuatana na haya mambo yote ambayo yalifanyika ukiyaona, unafikiria yakua ilikua inafanyika kikabila?*
7. If yes, what is the ethnic group the most likely affected?*/Kama ni kweli, kabila gani haswa ndio inayo kabiliwa?*
8. If yes, what is the ethnic group the most likely to commit these crimes?*/Kama ni kweli, ni kabila gani haswa ndio inayo zidi kubaka ao kukamata kwa nguvu?*
9. What do you think are the likely factors that contributed to these crimes?*/Unafikiri kama nikitu gani haswa ndio kinatuma ao kuchangia kwa huyu ubakaji lutendeka?*
10. Can you state the reaction of the local authorities when a case of rape is brought before them?*/Unaweza kunielezea kama ulisha kuona ao kusikia mtu akishtakiwa alibaka ao akishika kwa nguvu anafungwa?*

What are likely to be your recommendations to other women and the government */Ni ushauri ao maombi yako gani kwa wengine wanawake ao kwa*

## QUESTIONNAIRE/Members of Parliament

### A. Interview Details

1. Date: .....
2. Place/Lieu: .....
3. Time/Heure: .....
4. Position/Titre: .....
5. Political Party/Partie Politique: .....
6. Facilitator/Facilitateur: .....
7. Province of Origin/Province d'Origine: .....
8. Researcher/Chercheur: .....

### B. Related Questions

1. According to your own understanding, why do think the North and South Kivu provinces were the only scene of mass rape of women from 1996-2001?/*Selon votre propre constat, pouvez-vous expliquer pourquoi les Nord et Sud Kivu étaient le seul théâtre des viols en masse des femmes entre 1996 et 2001?*
2. What are likely to be the factors that contributed and still contributing to the continuation of sexual violence against women in North and South Kivu provinces/*D'après votre analyse, quels étaient les facteurs qui ont contribué à la continuation des viols des femmes au Nord et Sud Kivu?*
3. As a policy maker, what were, according to you, the dynamics that influenced the lack of effective response in the prevention of mass rape of women in North and South Kivu provinces/*En votre qualité de Représentant du Peuple, quels étaient, selon vous, les dynamiques qui auraient contribué au manque d'une réponse appropriée à la prévention des viols en masse des femmes aux Nord et Sud Kivu?*
4. As a policy maker, what did the legal system and the Constitution of the DRC from 1996-2001 provide in relation to Gender-Based violence/*En votre qualité de Représentant du Peuple et/ou Juriste, comment opérait le système legal de 1996-2001 vis-à-vis des violences à caractère sexiste?*
5. What was lacking in the provision for an effective response to the prevention of mass rape in North and South Kivu provinces/*Partant des Lois, y a-t-il eu des lacunes qui auraient dû contribuer à la prévention des viols des femmes en général? Si oui, lesquelles?*
6. In terms of the provisions, what has been done to effectively respond to the prevention of Gender Based violence and more especially the ongoing mass rape



of women in North and South Kivu provinces/*Partant des Lois en vigueur, qu'est ce que le gouvernement a déjà fait pour la prevention des violence a caractère sexiste et plus particulièrement les viols en masse coninuelles des femmes an Nord et Sud Kivu?*

7. What does the post-conflicts Constitution provide in terms of Gender Based violence and more especially rape in the future/*Qu'est ce que la Constitution de l'après-conflits prévoit pour les violences a caractère sexiste et plus particulièrement les viols dans l'avenir?*
8. In your own view, do you think these provisions are strong enough to stop sexual violence against women? If not, what are likely to be your recommendations/*Est ce que les présentes Lois s'avèrent efficaces pour arrêter les viols contre les femmes? Si non, que préconisez-vous?*
9. In your own view of the facts, can you state that this mass rape of women ere ethnically motivated? If yes, which ethnic group was likely the most affected/*D'après votre proper constat des faits, pouvez-vous dire que ces viols étaient a caractère ethnique? Si oui, quelle était l'ethnie la plus affectée?*
10. Which was likely the ethnic group of the perpetrator/*Quel semblait être l'ethnie du violeur?*