



# THE SECURITY SITUATION AFTER THE KAVUMU TRIAL

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## THE SECURITY SITUATION IN KAVUMU

*In February 2018, Genderforce<sup>1</sup>, completed a series of interviews and observations to assess the post-trial security situation in Kavumu, in eastern Democratic Republic of Congo (DRC). The analysis reveals gaps in the security sector's capabilities in Kavumu that allow for threats and violence to be commonplace. While particularly women and girls face the risk of displacement, abduction, as well as systematic Sexual and Gender-based Violence (SGBV), men and boys have also been targeted, especially human rights activists<sup>2</sup>.*

Kavumu is a city of about 50,000 inhabitants located 37 kilometres from Bukavu, the capital of South Kivu province, in eastern DRC. In 2012, a conflict escalated between Mr. Walter Muller and Mr Frédéric Batumike over Muller's farm. On 12 July 2012, Muller was assassinated, and later, 25 January 2013, Mr. Muhindo Kakony, who witnessed Muller's murder, was also assassinated.

Frédéric Batumike controls a militia to protect his lands called *Jeshi la Yesu* (Jesus' Army). To make their fighters strong and invulnerable, their spiritual adviser ordered the militia members to kidnap and rape girls between 10 and 12 years old. In total, since 2013, 48 girls have been raped in Kavumu. In a publication from 25 February 2016, Mr. Evariste Kasali, a human right activist monitoring Muller's case, described various crimes and threats perpetrated towards a series of identified victims. On 17 March 2016, Kasali was murdered. After his death, reports from human rights activists and journalists brought these atrocities to the attention of national and international actors, eventually leading up to the arrest warrant for Batumike.

Batumike was a South Kivu provincial Member of Parliament and acting provincial President of Convention des Congolais Unis (CCU).

Because of his political position, Batumike managed to evade capture for a long time before he was arrested in June of 2016 in Bukavu. The trial was organised in Kavumu, and on 13 December 2017, in a decision rendered by the South Kivu Military Court regarding the kidnapping and rape of 38 children, Batumike and eleven other persons were sentenced to life imprisonment for crimes against humanity, rape and murder. Although, Batumike's lawyers appealed and the trial may continue in higher courts in the coming months, this trial has been seen by many as a landmark case in the fight against SGBV.

However, the image and impact of this success story is fading as the situation on the ground deteriorates. In the aftermath of the trial, the local community has been deeply affected by widespread insecurity on the ground. Many survivors, their families, witnesses, and one major NGO are under constant threat by Batumike's supporters and militia members and are considering leaving Kavumu. Other NGO's said that they will be soon in a position of not operating. If no effective responses are developed, progress that has been made to date by convicting perpetrators of SGBV will be rapidly undone. In this sense, any progress in Kavumu risks being overshadowed by the deteriorating security situation on the ground, which will strongly affect not only the local community but also international activists and organisations that endorsed the process.

Systemic problems with the called upon security actors' inability to provide security in eastern DRC were previously identified by Genderforce in a 2015 study<sup>3</sup>. Today, as it has been observed during the

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<sup>1</sup> Genderforce is a global non-political, not for profit and non-religious women's security organization registered as an NGO in DRC. This assessment was conducted together with partnering local organisation Congo Men's Network (COMEN). For more information about both organisations, please see page 7.

<sup>2</sup> 11 cases against human rights activists recorded over the assessment and one directed at a local police commander.

<sup>3</sup> [http://www.genderforce.com/?page\\_id=4519](http://www.genderforce.com/?page_id=4519)

security assessment nothing has changed in this respect.

Most individuals and NGOs interviewed claimed they would feel safer, even stating they would be able to resume work, if a credible security organisation was present in the area. Therefore, a protection intervention to safeguard individuals, especially women rights defenders and activists, communities, and supporting NGOs must be launched. The window of opportunity is now, while the Kavumu trial perpetrators are in captivity, to establish and maintain a safe and secure environment, to rebuild and strengthen those affected, and to reform and equip local security sector actors to deal effectively with these and similar security threats in the future.

### THE ACTORS INVOLVED

The security assessment conducted by Genderforce identified between 250 to 300 individuals, ranging from survivors of sexual violence to legal workers in need of varying degrees of protective services. There are also three local and international NGOs that expressed an urgent need for protection – Coopera, Parents Pleurons Ensemble (PKK) and Nouvelle Dynamique de la Société Civile (NdSCI), being the first severally attacked in February 2018. These organisations lack security plans and risk mitigation strategies as well as security training and simple safety equipment that would allow them to decrease the current risks towards their personnel and assets.

The most critical gap identified by this assessment is that there are no dependable security sector actors that operate under a rule of law with capability to respond with either short-term interventions or longer-term stability operations. Neither national security actors, nor the international response in the form of the United Nations Mission for the Stabilization of the Democratic Republic of Congo (MONUSCO) are effectively discharging their mandate to protect civilians. The reasons for this are related to an absence of resources, guidance, skills to operationalise SGBV protection efforts and coordination problems.

### THE POLICE NATIONAL CONGOLESE (PNC)

The PNC is staffed by 47 police officers between two police stations in Kavumu, one in the centre near the airport and another in Karanda (four km north on the road to Katana). Outnumbered by Batumike's militia and other factions, these police stations struggle to provide adequate security to locals and are financially and logistically under-resourced.



*Figure 1: This is the main police station in Kavumu where only two police officers are permanently placed. In case of an attack or as a response to a distress call from the village there is no troops to intervene.*

### THE NATIONAL ARMY (FARDC)

The FARDC has only 82 soldiers in two small bases in the region. The absence of adequate numbers of trained personnel has resulted in reduced capacity to fight nearby armed groups as well as to deploy sufficient security forces to patrol other areas. Therefore, most of the army patrols in Kavumu are conducted alongside the main road and within only some parts of the village. This means the patrols are likely to provide enough visible presence in the area to deter criminal elements from conduct their activities.

It is important to emphasize that this assessment and other reports have confirmed that ties exist between Batumike's militia and the security forces present in the area.

### MONUSCO

There are also MONUSCO forces patrolling alongside the main road. They sometimes patrol on demand inside villages. MONUSCO's mandate is to



support survivors with protection. According to several sources interviewed, the organisation is hindered from doing so by bureaucratic regulations. Various interviewees in Kavumu had the impression that MONUSCO strives to protect people, but faces procedural issues, needing to wait for approvals and authorizations within the UN chain of command which limit its ability to respond quickly.

#### OTHER ORGANISATIONS

There are also many other small to mid-size actors involved in providing holistic assistance to survivors, including Trial International, Coopera, the Panzi Foundation, and Physicians for Human Rights. However, not all actors are active in support related to the trial process. According to victims and their relatives, especially Coopera plays a significant role in providing social and psychological support and sometimes judicial assistance.

#### OPPOSING FORCES AND BELLIGERENTS

Since 2012, Batumike's militia has launched many attacks in Kavumu and the surrounding area. This group is a structured military outfit comprised of approximately 470 men, well-equipped with rifles, grenades, mortars and machine guns purchased from elements of the FARDC and PNC. Their primary means of movement is by foot since other means of transport are restricted. Their main base is located on the farm claimed by Batumike, two kilometres from Kavumu centre.

Batumike's militia is now very active in the region and have been coercing individuals involved in the trial, including witnesses and human rights activists to be silent or to evacuate the area. Recently, the militia has resorted to violence, attacking houses that accommodate human right activists involved in the trial.

In addition, the militia has links with other rebel groups in the region. Among the closest are the *Raia*

*Mutomboki* ("angered citizens" in Kiswahili), an armed group of about 7,000 men in Southern and Northern Kivu. This group began operating in 2011 as a localized self-defence militia in response to a series of attacks perpetrated by the FDLR.

#### SECURITY INCIDENTS

The assessment conducted by Genderforce which was also based on reports from civil society organisations<sup>4</sup> demonstrate that since 2012 there has been a security crisis in the area which worsened during the trial and especially in the aftermath of Batumike's conviction. Security threats in Kavumu include: physical and psychological/emotional violence including murders, burglaries, rape and kidnapping within a lawless and highly unstable environment. Important to note is that the atrocities by Batumike's militia were not limited to or solely related to the trials, but have continued afterwards, including new unrelated victims.

Women and girls have been disproportionately affected by the various security incidents in Kavumu. This is evident from reports coming from the Panzi hospital where several rape survivors have been treated. One victim reported she has been under the protection of the hospital, but this did not prevent her from being threatened several times by armed men, especially at night.

In fact, during the trial, most interviewed survivors of SGBV in Kavumu faced constant and systematic threats and aggression to hinder their access to justice. One victim's mother reported that she was attacked by a group of women, that she believed were the wives of perpetrators, who threatened her family if she did not withdraw from being a trial witness. Another respondent stated that armed men has been intimidating her family since the start of the trial and creating tension in her immediate neighbourhood.

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<sup>4</sup> Coopera, interview report, February 2018; Trial International, interview report, February 2018; MONUSCO, weekly security meeting, February 2018; Panzi Foundation, interview report, February 2018.

There is also evidence that close associates of Batumike have located and harassed witnesses and victims' relatives. In a statement made by a victims' grand-mother, she detailed how she has been approached by armed men since the trial started and how these men are forcing her to stay silent.

These occurrences of intimidation and even threats of violence have led families to leave their homes to look for refuge. Forced relocation has been further exploited by Batumike's men, who are incentivising families to move out of the area. Since December 2017, five families have been reported missing. In addition, interviewed women frequently expressed that bad living conditions, stigmatisation, insecurity and trauma have resulted in many families' willingness to leave Kavumu. During a meeting on 18 January 2018, families of the Kavumu victims expressed their feeling of being abandoned, despite the number of organizations providing support during and after the trial. Since families are starting to disappear and the security situation on the ground is very volatile, there are considerable risks for more individuals to flee, fearing their safety.

Intimidation and threats also hinder the ability of NGOs and human rights activists to operate on the ground. In an interview conducted with Mr. Chrisostome, the chairperson of Nouvelle Dynamique de la Societe Civile (NDSC) in Bukavu, he claimed the lack of security in the area should be partly blamed for Kasali's murder in 2016. Genderforce's security assessment identified several additional civil society organisations have been targeted. For instance, one civil society coordinator working for Coopera was attacked in his house in November 2017 and was forced to escape to Uganda. On 13 February, Coopera was once again targeted by unidentified armed men. At the time of the assessment, Coopera was planning to evacuate the area due to these constant threats and fear of the staff's safety. According to Coopera's Country Director, the organisation might in that case keep a limited number of staff in place, if reliable security services are provided.

Colonel Bodeli, a PNC squadron commander in charge of the Kavumu investigation, has received threatening phone calls from Batumike's militia.

Later, he became a victim of an attack in Bukavu where someone threw stones at him.

## ASSESSMENT AND REMARKS

While attempts have been made to move the DRC away from its earned reputation as 'the rape capital of the world' for many years, there is no evidence of progress; rather there is evidence of regression. SGBV has long devastated the lives and livelihoods of millions of people in the DRC and threaten progress towards collective peace and security. Despite many activities to overcome this issue, including the adoption of a National Strategy on Gender-Based Violence in 2013, the prevalence of sexual violence remains to be a major cause of insecurity for the population in DRC. Gender is a central part of any peacebuilding initiative and the impact conflict has on men, women, boys and girls and the ways in which the symbolic structures of gender influence people, practice and policy make it necessary to ensure an integrated gender perspective in all analysis and response towards sustainable peace and decreased violence.

The investigation conducted by Genderforce revealed several crucial gaps within the national and international security capabilities and the narratives surrounding the Kavumu trial. As is evident from the security incidents reported during the security assessment in February, threats and violence are a common feature of Kavumu's society. In addition to that, most incidents go unreported because victims fear stigmatisation. The local community, especially survivors and their families, but also witnesses and human rights organization, are disrupted and deeply affected by this lack of security. Meanwhile, the security sector actors in the region are, as witnessed by many of our interviewees, unable to effectively discharge its mandate to protect civilians.

Therefore, there is a need to build the capacity of the dedicated resources of the PNC that are tasked to work against SGBV and violence against women. Since most of the interviewed individuals under threat claimed that they would only feel secure if a credible security organisation is present, the international community must dedicate resources to

strengthen such actors' capacity to anticipate and respond to security threats targeting the local population.

The volatility of the situation makes it necessary to conduct regular security assessments, shared between the involved actors, which will enable effective, coordinated prevention and protection activities. There is an immediate requirement for improved coordination of security efforts in providing capacity to NGOs, CSOs, and institutions, including human rights activists, assisting survivors with security regulations, protection mechanisms and prevention strategies. Moreover, there is the longer-term imperative to eradicate the corruption and lawlessness actively instigated by Batumike's militia and their ilk in the region.

At the time of producing this report, the current status of the Kavumu trials is that Batumike's lawyers have appealed and are striving to influence the judge to relocate the place of the trial from Kavumu to Kinshasa, where other tactics can be employed. Batumike's group is also looking for ways to destroy all evidence and target witnesses if the legal process proceeds, leading to the conclusion that the trial process is likely to be an extended process. Meanwhile, survivor support will decrease since most of the international NGOs are now withdrawing in fear of being targeted. Consequently, the insecurity for victims and individuals still present in Kavumu will escalate.

There window of opportunity is now for the international community to step in and provide concrete protection to vulnerable individuals, activists, NGOs and communities. If a safe and secure environment is not established and maintained, there will be no opportunity to rebuild and strengthen those affected while the perpetrators remain in captivity.

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## ABOUT GENDERFORCE

Genderforce is a global non-political, not for profit and non-religious women's security organization that has been registered as an NGO in DRC since January 2015. Its mission is three-fold:

- Prevent and combat the act and effect of Sexual and Gender Based Violence
- Create a world where women are protected from violence aimed at them and where the perpetrators of such violence are brought to justice and
- Empower women to participate and play a role through increased security and limitation of risks that leads to moderation and accelerated conflict resolution

The three mission statements will be implemented to achieve the organisation's vision, which is to help create a world where women and men are equal with zero SGBV. More specifically, Genderforce aims at: increasing the capabilities of local security forces and to positively influence local and international security actors including private security sector; providing additional security services for key individuals/groups (including but not limited to their families); and creating a positive local image and movement around protection of women, the fight against SGBV and deconstruction of notions of violent masculinities.

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