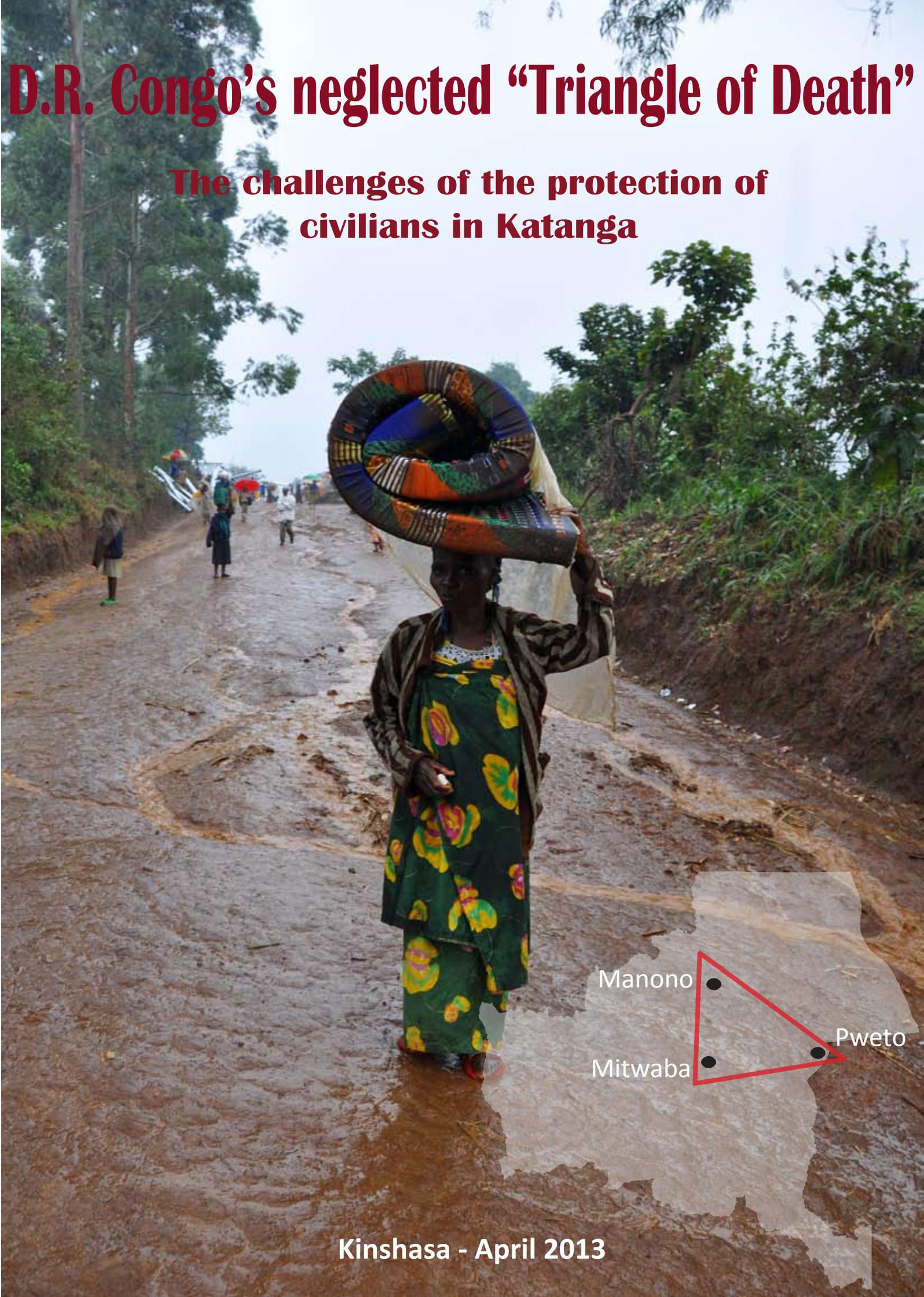


D.R. Congo's neglected "Triangle of Death"

The challenges of the protection of
civilians in Katanga



Manono

Mitwaba

Pweto

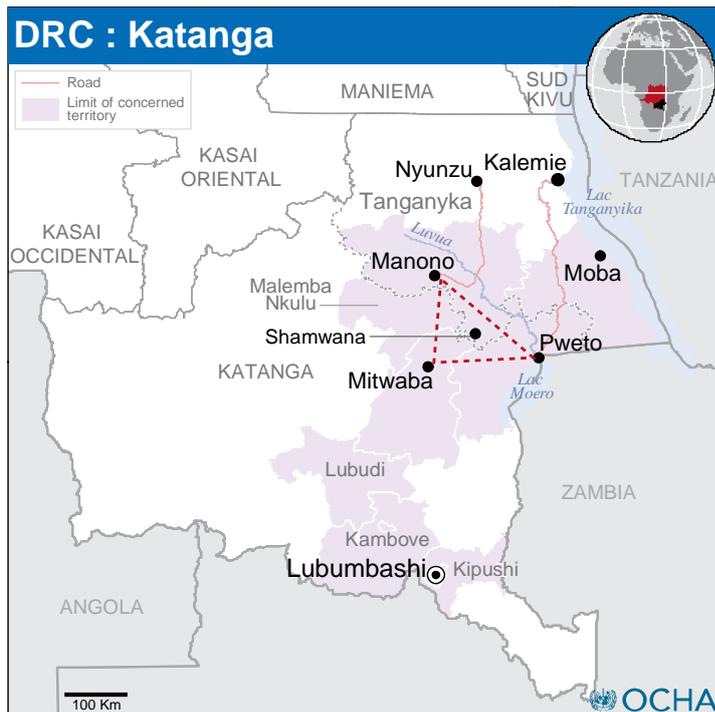
Kinshasa - April 2013

DR Congo's neglected "Triangle of Death"

A protection report prepared by the UN Office for the Coordination of Humanitarian Affairs on behalf of the protection cluster in the Democratic Republic of Congo. 10 April, 2013

General Context/Background:

The situation in central Katanga has been unstable since the escape from prison of the Mayi-Mayi¹ commander known as Gédéon Mtanga in September 2011. Gédéon had led a group of Mayi-Mayifighters between 2002-2007 who were known for their brutality and their attacks against the



civilian population. Returning to his former fiefdom in the area between Mitwaba and Manono, he has re-mobilised many of his former fighters and forcibly recruited a large number of children. In this second round of fighting the attacks have mostly targeted villages in the so-called "triangle of death" in the Manono, Mitwaba and Pweto Territories, but the violence has also engulfed the previously stable Malemba-Nkulu, Lubudi and Kambove Territories. The capacity of the Armed Forces of the Democratic Republic of the Congo (FARDC) and UN Peacekeepers (MONUSCO) to secure these areas remains limited. Moreover, contacts with Mayi-Mayi groups are difficult as a result of their lack of a clear hierarchy.

While Gedeon and his fighters along with the newly created Mayi-Mayi Kata-Katanga -who claim to be fighting for the independence of

Katanga (their name means "to cut off Katanga") are the main drivers of the instability, the national army has also been implicated in a large number of violations against civilians. While some FARDC attacks can be seen as "collateral damage" in their attempts to combat Mayi-Mayi groups, reports of indiscriminate firing against civilians, rapes, looting and torching of houses demonstrates that some elements of the army constitute a danger to the civilian population. According to humanitarian actors working on the ground, a common pattern observed is that the population that did not flee during or after a Mayi-Mayi attack will most certainly flee as the FARDC attempts to re-establish authority as they are afraid of being perceived as supporters of the Mayi-Mayi and targeted accordingly².

It should be noted that given Katanga's prominent position in the Congolese economy as a mine rich region, and politically as the province from which the President originates, the authorities at both national and provincial level have been slow to recognise the current emergency situation. Continued efforts by humanitarian actors to advocate for a MONUSCO deployment to Mitwaba throughout 2012 did not materialize due to the limited capacity of MONUSCO, and- equally important-the resistance from national authorities. There are 70 UN Blue Helmets stationed in Moba and Manono in an area that has, 304 500 internally displaced persons (IDPs). The total deployment in Katanga was reduced

¹The name *Mayi-Mayi* means water in Lingala and is commonly known to come from the belief amongst their fighters that water will make them invincible. The first references to these groups are from the uprising against the government after the assassination of Patrice Lumumba in 1961. Crisis Group, 2006, Katanga: The Congo's Forgotten Crisis <http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/103-katanga-the-congos-forgotten-crisis.aspx>

² This pattern is consistent with that documented by Oxfam in their report *Commodities of war* (2012) <http://www.oxfam.org/en/policy/commodities-war-drc> which states that civilians are most vulnerable in situations where there is a changing power dynamic between the FARDC and armed groups.

from 750 to 450, after the revision of MONUSCO's mandate in 2010. The majority of the forces are concentrated in the northern areas surrounding Lake Tanganyika.

Protection of civilians:

A number of serious human rights violations and breaches of International Humanitarian Law (IHL) have been reported throughout 2012, and in the first months of 2013. Mayi-Mayi fighters are accused of killings, abductions, sexual violence, and forced recruitments, notably of children, and pillaging and destruction of property. The allegations of massive child recruitment were substantiated in the recent surrender of Mayi-Mayi combatants in Lubumbashi on 23rd March where out of 242 fighters that surrendered, 70 were identified as children³.

The allegations against FARDC include extrajudicial executions, torture or cruel and inhuman treatment, sexual violence, extortions, and destruction of property. Some of these violations were allegedly perpetrated against civilians in reprisal of their supposed collaboration with Mayi-Mayi. The most serious allegations that have been presented occurred after an attack by the Mayi-Mayi on Shamwana village (located in the centre of "the triangle", 150 kms south-east of Manono) in Manono Territory on 29 February 2012, where 50 women and 20 girls were allegedly separated from their families for two days by FARDC soldiers and repeatedly raped⁴. Furthermore, from 6 to 7 March 2012 seven women were allegedly raped by FARDC elements while patrolling the Shamwana -Kankole axis⁵. At the time of these violations the INGOs based in the area had been evacuated and the only access to the area was by helicopter to Manono and then 170 km by car in an area that was deemed highly insecure. This, combined with a lack of capacity, resulted in a delay of almost two months before an inter-agency mission was able to access the area, and attempt to verify the allegations. By that time, all those living in the villages within a 47-kilometer radius of Shamwana had fled, and the team was unable to locate witnesses. One of the survivors though had reportedly sought medical assistance.⁶

With the conflict spreading to central and south Katanga, MONUSCO's presence is largely insufficient to address protection problems. Without increased presence to improve the protection situation, such abuses will continue, and may even increase, as will further displacements.

Demobilisation efforts:

As has been observed in other conflict areas in the DRC, there is a complete lack of resources and capacity to conduct efficient Disarmament, Demobilisation and Reintegration (DDR) programs. There are no credible estimations of the actual numbers of Mayi-Mayi Gédéon and Mayi-Mayi Kata-Katanga fighters currently operating in Katanga. Apart from the recent March incident, only one other major incident of Mayi-Mayi fighters wanting to surrender was registered in 2012. Several hundred fighters allegedly gathered in Mitwaba territory in September 2012 and expressed their willingness to lay down their arms. A MONUSCO-DDRRR mission was sent to Mitwaba towards the end of October, but in the time it took to organise the mission, the Mayi-Mayi combatants had returned to the bush⁷.

Humanitarian Consequences and Response:

In terms of humanitarian consequences, 2012 saw an alarming spike in the number of internally displaced persons (IDPs). An increase of 452 per cent was registered from the end of 2011 until March 2013⁸ and the current situation is that 353 931 persons are estimated to be displaced throughout the province. While the initial number was mainly comprised of the displaced in the Tanganyika District, the increase has almost exclusively come from the Manono, Mitwaba and Pweto territories. Initially the area around Mitwaba hosted the highest numbers of IDPs, but towards the end of 2012 and in the beginning of 2013 the tendency of both Mayi-Mayi activities accompanied by displacement has moved westwards. According to the latest estimates the highest numbers of IDPs were registered in Pweto Territory.

³ According to Child Protection MONUSCO, 40 were identified in Lubumbashi and another 30 were identified after having been held for a week in the military prison N'dolo in Kinshasa.

⁴ As presented in the Inter Agency evaluation from 19-24 April 2012. Participants in the evaluation were FAO, UNHCR, WFP, WHO, UNICEF, MONUSCO (JHRO, CAS, PIO, Security) and several NGOs (MDA, CRS, RAF and Caritas/Manono).

⁵ JHRO/MONUSCO report, 02 May 2012

⁶ Ibid

⁷ Information on the mission on 18.10.2012 presented by MONUSCO in the Humanitarian Advocacy Group (HAG) on 19.10.12. Information on the result of the mission provided by OCHA staff in Katanga.

⁸ Numbers are estimated by the Comités de Mouvement de Population (CMP) which gather numbers from humanitarian actors working in the affected areas. The number registered in December 2011 was 64 082.

In recognition of the growing humanitarian needs in Katanga, the CERF⁹ Underfunded financing mechanism allocated USD 12 million to be shared between South Kivu and Katanga in August 2012. While the majority of the funds went towards nutrition programmes and a logistics project to rehabilitate the road between Manono and Nuynzu, funds were also allocated to strengthen access to basic health services and to ensure a holistic treatment for survivors of sexual violence¹⁰. In March 2013, a response plan for humanitarian assistance in Pweto has received \$2,5 million from the Common Humanitarian Fund for health, food distribution and non-food items and emergency shelter.

Needs are however enormous both among IDPs and the host population. Many IDPs have become more vulnerable due to repeated displacements, often across vast distances. Registration and profiling activities should be extended in order to identify individual needs and adapt the humanitarian response. While needs have been identified across all sectors, the main protection gaps are:

- **Protection Monitoring:** There is a need for more precise information, collected by trained monitors on the protection situation in order to analyse protection risks, and assist and guide evidence-based action to improve the physical safety and ensure the full respect of the rights of IDPs. Protection monitoring is essential to inform the planning and implementation of specific protection interventions, including referring individual cases identified to specialized agencies, interventions on behalf of individuals with specific needs, advocacy activities, and the reinforcement of the responsibility of national authorities and non-State actors to protect these populations. Protection monitoring can also have an important moderating effect on armed actors.
- **Prevention and Response to survivors of Sexual Violence:** An indication of the needs was documented through the recent profiling in Pweto centre in March 2013 where 305 survivors of sexual violence were identified, the majority of whom had received no medical assistance¹¹. There is need to establish adequate protection, care, treatment and support to SGBV survivors. This should include access to health care, psychological support, legal counselling rehabilitation and compensation for GBV survivors, particularly in Pweto, Moba and Malemba-Nkulu where no such services exist. There is need to strengthen the work of existing actors in the other affected areas. SGBV allegations need to be thoroughly and effectively investigated, and those responsible should be prosecuted.
- **Prevention and support to children associated with armed groups:** There is a need to establish activities to prevent separation and/or recruitment of children as well as release and reintegration in Moba and Pweto. A prevention strategy should be developed in consultation with children, families and communities to respond to the causes of recruitment. Organizations specializing in child protection activities should increase the focus on programs and advocacy initiatives aiming to prevent recruitment, and to strengthen the knowledge and respect by FARDC and armed groups on the rights of the child and their obligations under international law.

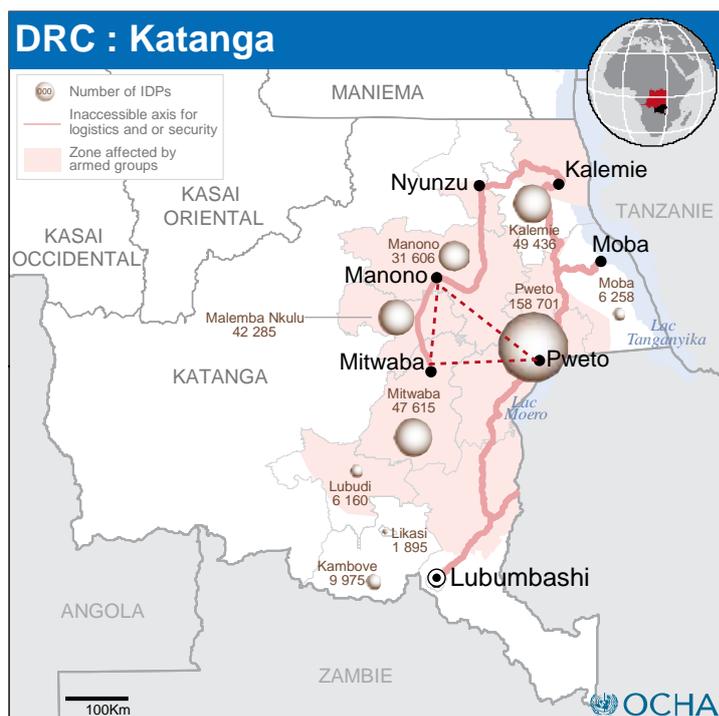
Humanitarian Access:

Access for protection actors is complicated by threats from armed groups and, in some instances, a tense working relationship with local authorities. Early December 2012, an international NGO pulled out of Shamwana as members of Mayi-Mayi Kata-Katanga had ordered NGO members to join their movement. In the beginning of February 2013, two NGO staff working on protection monitoring had to be evacuated from Manono as they had reported corpses in the Luvua River and were receiving threats from the local authorities. The Joint Human Rights Office, operating under the MONUSCO mission, confirms that human rights investigators are often prevented from accessing sites to conduct evaluations and are forced to make use of military escorts to ensure their protection.

⁹ Central Emergency Response Fund (CERF) is a common humanitarian fund managed by the Emergency Relief Coordinator (ERC)/OCHA.

¹⁰ \$200,000 allocated to WHO to strengthen access to basic health services and \$650,000 to UNFPA to strengthen reproductive and other health services, amongst them a holistic treatment of survivors of sexual violence.

¹¹ UNHCR, Report from the registration/profiling of IDPs in Pweto centre and Mwashu, 10-30 March 2013. Amongst the 305 survivors of sexual violence were also 20 who suffered from fistula, and they had also not received any assistance.



While NGOs can, and do, move without armed escorts in the majority of “the triangle”, relying on a strategy of acceptance, UN agencies are obliged to travel with armed escorts on all the main routes within the triangle. The most critical area is considered to be the area between Mitwaba and Manono and generally the areas outside of Mitwaba. The villages surrounding the larger towns of Manono and Pweto are also out of reach for UN agencies without military escort, and the capacity of the MONUSCO mission to provide such escorts is very limited. While there is some contact between NGOs and the Mayi-Mayi groups at the operational level, there have been no negotiations for humanitarian access with the hierarchy of the Mayi-Mayi Gédéon or Kata-Katanga. Humanitarian actors should increase engagement with civil society, for instance such as the church which

has representatives in all small villages who can be drawn upon for information collection and the establishment of contacts¹².

The access situation is further complicated by the vast areas affected and the poor conditions of the roads in several of the main routes, as shown in the map. For example, in order to reach Pweto, a mission would have to be sent from Lubumbashi as the road between Kalemie and Pweto is not passable. In order to reach Pweto from Lubumbashi they would have to cross into Zambia and the journey takes two full days one way. With only a handful of NGOs having permanent presence within the triangle, this limits not only the ability to provide timely assistance, but also any potential “protection by presence”.

Future Scenario:

With Katanga playing out as an imperfect mirror of developments in the Kivus, the coming months will largely ebb and flow depending on the situation in those two eastern provinces and the government’s willingness to invest in the province’s peace and security. The recent event of Mayi-Mayi combatants entering Lubumbashi has increased the visibility of the conflict on the national level, but more engagement in addressing the root causes of the conflict at provincial and local level will be necessary in order to stabilise the situation. Given the duration of the current conflict situation, and the lack of capacity so far to secure areas for return, humanitarian actors do not expect to see any improvements in terms of displacement numbers or humanitarian needs in the coming months.

Recommendations from the Protection Cluster in the DRC:

For the Government of the DRC:

- 1) ***The Government of the DRC bears the primary responsibility for ensuring protection for its population. In the current situation in Katanga this can be achieved through:***
 - ***Ensuring that its armed forces understand and respect their obligation to conduct operations in a manner which respects the human rights of the civilian population and in accordance with international humanitarian law***

¹²This would have to be done ensuring a « do no harm » approach as several traditional leaders that have engaged in negotiations with the Mayi-Mayi in the recent months have allegedly been killed.

- *Politically engage in identifying a durable, peaceful solution to the conflict in Katanga.*
- *Ensure progress, with the support of MONUSCO, in the establishment of a functioning Disarmament, Demobilization and Reintegration Programme.*

For MONUSCO:

- 2) *Given allegations of violations committed by both the Mayi-Mayi and some elements of the FARDC, the Protection Cluster urges MONUSCO to:*
 - *Strengthen presence in the Mitwaba-Manono-Pweto Territories with patrols and an active presence on the ground, which can have a deterrent effect and facilitate returns, and improve security in areas of displacement;*
 - *Strengthen monitoring of FARDC behaviour and refer any documented cases to the military prosecutor. Where necessary provide support to military justice procedures to ensure access to assistance and justice for victims.*
- 3) *In line with the latest UN Security Council Resolution on the DRC, encourage the Government to re-initiate programs to Disarm, Demobilise, and Reintegrate Mayi-Mayi fighters, and particular attention should be given to the separation of children associated with these armed groups.*

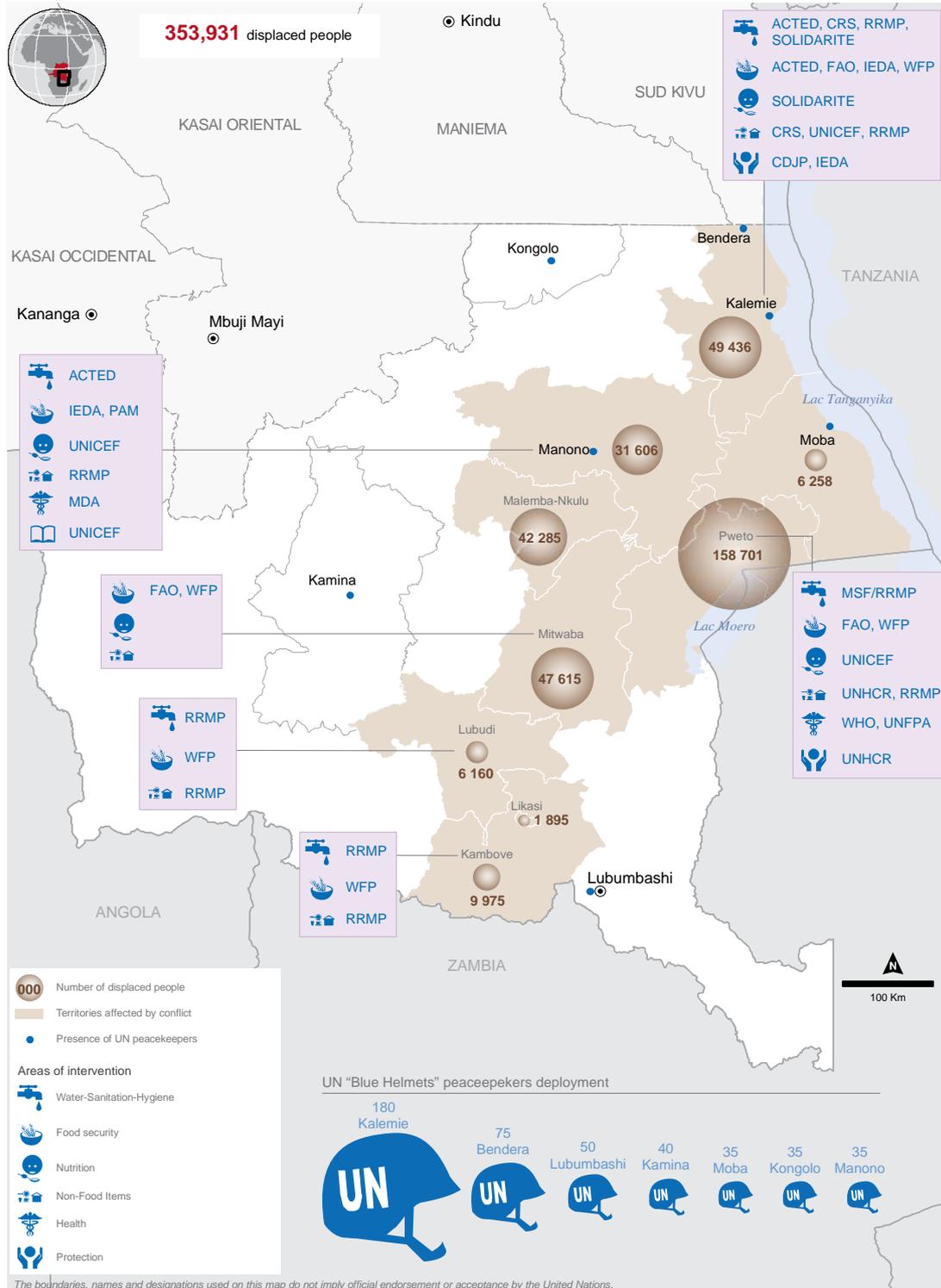
For Donors:

- 4) *Donors can contribute by making use of their influence, through their respective Governments to urge, both the Government of the DRC and MONUSCO, to strengthen the protection of the civilian population and identify a peaceful solution to the conflict in Katanga.*
- 5) *Donors can increase support to protection programming that seek to document, prevent and respond to mitigate suffering related to violations such as separation and reintegration of children associated with the armed forces and a holistic treatment for survivors of sexual violence.*
- 6) *Donors can also encourage and facilitate the deployment of international personnel in the affected areas in order to strengthen protection by presence.*

For Humanitarian Actors:

- 7) *Humanitarian actors can contribute through establishing contact with the Mayi-Mayi groups in order to facilitate humanitarian access and sensitise them on International Humanitarian Law. Contacts through alternative networks such as the churches, local NGO networks, local leaders including women leaders, may be one way to achieve this.*

Katanga: Displacement and aid assistance



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Sources: OCHA et partenaires

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www.unocha.org/drc

www.rdc-humanitaire.net