

**A comprehensive and sustainable approach to ending
conflict-related sexual violence (CRSV) by MONUSCO
-Shabunda, South Kivu Province, DRC-**

BACKGROUND

In June 2018, a Human Rights investigation led by a Women’s Protection Advisor (WPA) documented attacks against several villages in Kigulube in the Shabunda territory, South Kivu of the Democratic Republic of Congo (DRC). Shabunda territory is a vast expanse of land in South Kivu province, endowed with substantial mineral wealth over which several armed actors have fought in the last two decades. The attacks were perpetrated by a coalition of local armed militia known as Raia Mutomboki, led by a leader known as “Kokodikoko”. The investigation team identified numerous victims of human rights abuses, including many women, girls and men victims of sexual violence. The perpetrators adopted a specific modus operandi during the attacks consisting of systematic rapes and gang rapes of villagers, including intrusive genital searches. Most survivors received no assistance or partial assistance because of difficulty accessing local or humanitarian care infrastructures.

SHABUNDA ACTION PLAN

The Shabunda Action Plan is a comprehensive plan launched by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). By bringing together civilian and uniformed components of MONUSCO, Congolese authorities, and United Nations and NGO partners in an unprecedented integrated approach, this plan, led by WPAs, successfully prioritized the protection of women and girls, and contributed to concretely preventing and responding to CRSV in this region in the short, medium, and long term.

LEADERSHIP CALL FOR MOBILIZATION

Given the scale of violence and CRSV, the Senior WPA (SWPA), together with the Joint Human Rights Office (JHRO), called for a strong mobilization of all actors through bilateral briefings and protection coordination mechanisms. Advocacy was carried out to senior leadership, MONUSCO military and civilian components, United Nations agencies, Protection Cluster, GBV sub-Cluster, NGOs, and national and provincial authorities. The SRSG requested all MONUSCO entities to come together to address CRSV in Shabunda.

ENGAGEMENT OF HIGH-LEVEL AUTHORITIES

The SWPA engaged the Office of the Personal Representative of the Head of State who quickly mobilized the national authorities’ response to mass rapes in Shabunda.

ASSISTANCE AND PROTECTION ON THE GROUND

The Force was redeployed to the area. A MONUSCO Joint Protection Team was deployed jointly with the Panzi Foundation to provide medical, psychological, and legal assistance to more than 60

sexual-violence survivors in Kigulube and surrounding villages in September 2018. Risks of renewed attacks were assessed as high, thus the Shabunda Action Plan was developed.

COMPREHENSIVE ACTION PLAN

The Shabunda Action Plan includes a range of complementary elements including:

1. The restoration of State authority through increased presence of trained military, police, and United Nations military peacekeepers;
2. The fight against impunity through technical and logistical support to military justice;
3. Preventive engagement with militia commanders to end CRSV and grave violations of child rights; and
4. Community engagement to strengthen community protection mechanisms.

ARREST AND TRIAL OF THE “KOKODIKOKO” GROUP LEADER

The JHRO and the Justice Support Section of MONUSCO, UNDP, Panzi Foundation, and Trial International supported the opening and conduct of investigations by the military justice in March 2019. Only a few weeks later, this led to the arrest of “Kokodikoko” and four members of his group responsible for the mass rapes in Shabunda.

Thanks to the quick mobilization of different actors, the mobile courts sessions started in September 2019 with the support of MONUSCO and the Taskforce for International Criminal Justice (TFICJ)¹. In November 2019, Kokodikoko was convicted to life imprisonment for crimes against humanity, including by sexual violence and enslavement. Two of his combatants were sentenced under similar charges. Following numerous surrenders from combatants, the group was neutralized.

The Court also found the State of the DRC liable for failing in its obligations to protect civilians; this ruling marks an important stepping stone in the fight against impunity in the DRC, particularly with regards to the provision of reparations to victims of conflict related sexual violence: as it is unlikely Kokodikoko and his accomplices have the means to compensate victims, it would be up to the State to fill this gap.

KEY OUTCOME

In addition to the progress with accountability, several reports indicated a significant decrease of CRSV in Shabunda in 2019. As other Raia Mutomboki factions remain strongly active in other areas of Shabunda and neighbouring territories, sustained effort by all actors was needed.

¹ The Task Force is composed of UNJHRO, Justice Support Section, Trial International, Panzi Foundation and other local NGOs who meet regularly with the Congolese military justice to provide support in investigating and prosecuting crimes against humanity, war crimes and grave human rights violations to ensure the effective delivery of justice and the protection of victims and witnesses

SECURING THE IMPACT OF THE SHABUNDA ACTION PLAN

In October 2019, an assessment mission was deployed to Kigulube to collect information on the protection situation, and to inform the development of activities for phase II of the Shabunda Action Plan.

The second phase will focus on consolidating gains. It will include

1. Ongoing monitoring and documenting of the human rights situation;
2. Support for further investigations and prosecutions of armed group combatants;
3. Ongoing engagement with the national military and police on their human rights and POC responsibilities;
4. Advocacy for improvements to infrastructure, including roads, activities to promote social reinsertion/community building and address the root causes of conflict, including gender inequality.

RESTORATION OF STATE AUTHORITY

A reinforcement of national armed forces (FARDC) and national police (PNC) was deployed to Shabunda territory as a result of MONUSCO advocacy with provincial authorities. Nearly 100 soldiers and police officers deployed to Shabunda received a joint training delivered by the Mission together with provincial authorities, military justice officials and the National Commission for Human Rights. The training covered the prevention and response to CRSV, including through the National FARDC and PNC Action plans against impunity and sexual violence, international human rights and humanitarian law, mechanisms for the protection of civilians and the rights of children in situations of conflict. Subsequent training sessions were organized for nearly 200 FARDC and PNC officers deployed throughout Shabunda territory.

SUSTAINING GAINS IN THE PROTECTION OF HUMAN RIGHTS

In order to sustain the results of training to national armed forces and national police and evaluate its impact, the UNJHRO helped set up *Comités de Suivi* (human rights monitoring committees) with the FARDC and PNC in Bukavu, provincial capital of South Kivu. Constituted by the regional FARDC Commander and PNC Commissioner, these committees are mandated to follow up on human rights violations committed in areas of military and police operations, such as Shabunda territory, assess compliance in the promotion and protection of human rights and recommend disciplinary and judicial actions against perpetrators. Training will be provided by the Mission to the members of these ‘*Comités de Suivi*’ on their roles and responsibilities.

DEVELOPMENT AND STABILIZATION PROJECTS

UNJHRO, IOM and UNESCO have been awarded funding by the Peace Building Fund for a new project that aims to build on the success of the Shabunda Action Plan and sustain its impacts. Recognizing the key role that women play in prevention of conflict and peace consolidation, the project will work to empower local women’s organizations, particularly in relation to local mining

resource management, identified as a key source of the violence in Shabunda. Road construction and other development projects were also submitted to ensure sustainability and stabilization of the area.

KEY ELEMENTS OF SUCCESS

- The prioritization of the Shabunda situation by the SRSG and ownership by the Head of Office;
- The integration of the Plan into the wider Protection of Civilians (POC) priorities and the support provided by the MONUSCO POC Unit;
- The integrated approach with participation of MONUSCO civilian sections, the Force, UNPOL, United Nations agencies, and NGOs;
- The triple nexus approach integrating actions going from peacekeeping, humanitarian emergency response, peacebuilding, and development;
- The involvement and support of provincial authorities, including the Provincial Governor, and of national institutions, including the National Commission for Human Rights and the Congolese military justice system, in the planning and execution processes of the Shabunda Action Plan.
- The collaboration between the Mission and the Task Force for International Criminal Justice to provide technical, logistical and financial support for investigations.
- The accurate analysis generated by the Monitoring, Analysis, Reporting Arrangements (MARA), which to inform pertinent actions by all partners;
- The catalytic role of a field-based WPA coordinating the plan to ensure its prioritization and continuity; and
- The sustained focus by Mission leadership on the Shabunda situation despite multiple crises ongoing in the country.