

EXECUTIVE SUMMARY

Living With Fear

August 2008

Two years after the Democratic Republic of Congo (DRC) held its first elections since independence, the country is at a crossroads. Among the key challenges facing the DRC today is the question of how the country will address the massive human rights atrocities of its recent past to establish a foundation for peace and security, the rule of law, and respect for human rights to prevail in the future. The 2006 elections capped an era of international armed conflict and massive violence in the DRC that began with Laurent Desire Kabila's 1996-1997 campaign to liberate Congo from decades of repressive rule under Mobutu Sese Seko. The advent of an elected government sets the stage for state-building initiatives focusing on governance and critical long-term institutional reform in the security and justice sectors. Yet armed conflict and mass violence continue to plague eastern DRC.

This report presents the results of a population survey undertaken by the Human Rights Center (HRC) at the University of California, Berkeley, the Payson Center at Tulane University, and the International Center for Transitional Justice (ICTJ). Focusing on areas most affected by conflict in eastern DRC, surveys were conducted from September to December 2007 among a sample population of 2,620 individuals in the Ituri district in Oriental province and the provinces of North and South Kivu. The report concentrates its analysis on the survey results in eastern DRC, but comparative interviews were also conducted among a sample population of 1,133 individuals in Kinshasa and Kisangani. The survey sought to assess exposure to violence among the population, understand the priorities and needs of Congolese civilians affected by the conflicts, and capture attitudes about peace, social reconstruction, and transitional justice mechanisms.

This survey seeks to give voice to the victims of the Congo conflicts and thereby urge the Congolese government and international actors engaged in DRC's post-election construction to consult the Congolese population and heed their needs and concerns in setting priorities in designing Congo's future. Acknowledging some limitations inherent in conducting a population-based survey in an environment of ongoing conflict, this survey has yielded rich results.

While the report engages in a nuanced and detailed analysis of the survey results on a wide range of topics related to population priorities, peace, security, perceptions of the origins and possible resolution of the conflict, reintegration, transitional justice mechanisms, and access to information, the survey's key findings follow.

Key Findings

- The survey reveals that human rights abuses suffered by the population of eastern DRC, including sexual violence, and fear of government soldiers and militias alike are widespread. Many respondents were interrogated or persecuted by armed groups (55%); forced to work or enslaved (53%), beaten by armed groups (46%), threatened with death (46%), or had been abducted for at least a week (34%). In eastern DRC, 23 percent witnessed an act of sexual violence, and 16 percent reported

having experienced sexual violence. One-third of the respondents said they would not accept victims of sexual violence back in their community

- The population of eastern DRC views peace (51% of respondents) and security (34%) as not only their two priorities, but also the two priorities that the Congolese government should pursue. Concerns about peace and security are followed by various social security concerns such as money (27%), education (26%), food/water (26%), and health (23%). By contrast, the populations of Kinshasa and Kisangani prioritize concerns about the economy and employment (57% and 46% in the two respective cities). Security also ranks higher as a priority in the East (34%) compared to Kisangani (22%) and Kinshasa (5%), but peace is shared as a high priority in Kisangani (56%) and the East (51%) as compared to Kinshasa (5%).
- The majority of the population of eastern DRC believes peace can be achieved in Congo (90% of respondents), defining peace primarily as national unity and togetherness (49%), the end of fear (47%), and the absence of violence (41%). The population endorses a multifaceted approach to attaining peace, including arresting those responsible for crimes (28%), through dialogue between ethnic groups (22%), dialogue with militias (22%), establishing the truth (20%), and military victory over armed groups (17%).
- The majority of the population of eastern DRC believes that justice can be achieved (80% of respondents), defining justice as establishing the truth (51%), applying the law (49%), and 'being just/fair' (48%). Among the means to achieve justice, the eastern Congolese population endorses the national court system (51%), followed by the International Criminal Court (ICC) (26%), military courts (15%), and traditional/customary justice mechanisms (15%). Furthermore, there is strong desire for the international community to assist national prosecutions (82%).
- The majority of the population of eastern DRC (85% of respondents) believes it is important to hold those who committed war crimes accountable and that accountability is necessary to secure peace (82%). Among war crimes, it believes it is most important to seek accountability for those responsible for murders/killings (92%) and rape/sexual violence (70%). Among the various trial options to hold war criminals accountable, there is a clear preference for national trials (45%), followed by internationalized trials in the DRC (40%). There is little support for no trials (8%) and international trials abroad (7%). In other words, 85 per cent prefers that trials be held in the DRC, whether national or internationalized trials.
- The majority of the population in eastern DRC (88% of respondents) believes it is important to establish the truth about what happened during the Congo conflicts. A majority further believes that the truth can best be established by an enquiry by the judicial system (56%), followed by allowing people to speak freely (32%), and a truth/inquiry commission (24%).
- The population of eastern DRC holds a nuanced view that peace and accountability must simultaneously be pursued. Few respondents identified providing justice (2%) or arresting those responsible for violence (2%), punishing those responsible (1%) or encouraging reconciliation (1%) among their immediate priorities. However, they indicated more frequently that promoting justice should be a priority of the government, citing justice (10%) and arresting (6%) or punishing (5%) those responsible. Eighty-two percent of the same population believes that accountability is necessary to achieve peace. Furthermore, whereas 68% of the population would

forgive war criminals if it is the only way to have peace, 62% of the population prefers peace with trials to hold war criminals accountable, as opposed to 38% of the population that prefers to endorse peace with forgiveness only.

- While there is support for the ICC as a means of achieving justice in the DRC (26% of respondents), there is low awareness among the population of eastern Congo (27%) and in Kinshasa (28%) of the ICC or of the first scheduled trial against Thomas Lubanga in eastern DRC (28%) and Kinshasa (29%). Nevertheless a majority of those in eastern DRC who had heard about the ICC would like to participate in ICC activities (67%), but only 12% know how to access it.

Radio serves as the primary means of accessing information, as 54% of the population of eastern DRC listens to the radio on a daily basis.

These key survey results and others explored in this report should inform the Congolese government and other actors, both national and international, engaged in DRC in designing long-term programming and should inspire future efforts to consult the Congolese population in deepening an understanding of the Congolese population's concerns.

Key Recommendations

To the Congolese Government

- Implement the recent peace negotiations addressing security concerns with belligerents in the East. In light of the destabilizing potential of ongoing conflict in eastern DRC, peace and security remain prerequisites for future economic development for the DRC.
- Undertake effective reform of the security sector, not only to ensure that past human rights violators are removed from the ranks, but also to train the national police and army to be human rights protectors rather than violators whom civilians fear, as is the current perception of the population as revealed by the survey.
- Open an inter-community dialogue to address social antagonisms, resolve underlying causes of the conflicts including access to land and exploitation of natural resources, facilitate the demobilization and reintegration of former combatants, and permit the return of internally displaced and refugees.
- Develop a broad-based reconstruction plan that engages the population and reflects the priorities expressed by the respondents.
- Commit to national dialogue with population to assess various transitional justice mechanisms, including prosecutions and other reconciliation mechanisms, such as inter-ethnic dialogue to address root causes of the conflict.
- Engage in effective national judicial sector reform including
 - Reform of military and civilian court systems to guarantee independence, transparency, and due process to build trust in judicial system.
 - Prioritize the prosecution of war crimes and ensure national complementarity with ICC by adopting an effective legislative framework for national prosecutions of war crimes.
 - End impunity for crimes of rape and sexual violence.

To the Informal and Formal Belligerents Active in Eastern DRC

- Respect the ceasefire terms of recent peace agreements and engage in an effective process of demobilization, disarmament, and reintegration. The government of Rwanda should engage in meaningful collaboration for the disarmament, demobilization, and repatriation of Rwandan Hutu FDLR combatants on DRC soil.

To Bilateral and Multilateral International Donors

- Maintain pressure on the DRC government and belligerents to respect the peace process; monitor and ensure respect for the ceasefire;
- Ensure that the DRC government and belligerents pursue peace and justice simultaneously by including commitments that guarantee accountability and the pursuit of a multifaceted approach to transitional justice mechanisms in ongoing peace processes.
- Focus on international engagement with national judicial sector reform to promote accountability for human rights violations and the rule of law. Transitional justice concerns should be integrated into judicial reform plans.
- Oversee government security sector reform to guarantee transitional justice concerns are met, including vetting and effective disciplinary system for ongoing human rights violations committed by army and police.
- Engage in a long-term development strategy to promote good governance of Congolese state institutions.

To MONUC and United Nations entities

- The United Nations Security Council must renew the mandate of MONUC to continue to engage in monitoring peace in eastern DRC.
- MONUC should ensure that it implements its mandate to protect civilians.
- The Office of the High Commissioner for Human Rights (OHCHR) should effectively complete its mandate to conduct a six-month mapping exercise of human rights violations and should engage in broad-based consultations of the Congolese population to seek additional information regarding the population's needs and preferences for pursuing various transitional justice mechanisms.

To the International Criminal Court

- Improve its information campaign and outreach for trials that will be conducted, taking advantage of radio as a means of disseminating information.
- Review the possibility of holding its trials *in situ*.
- Continue and broaden the investigation and prosecution of suspected war criminals.