

RWANDAN HUTU REBELS IN CONGO/ZAÏRE, 1994-2006: AN EXTRA-TERRITORIAL CIVIL WAR IN A WEAK STATE?

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Résumé

La crise de L'Etat congolais, son absence *de facto* de ses provinces orientales, et la présence prolongée des réfugiés hutu rwandais dans la région ont apporté une série de rébellions des guerriers réfugiés contre le régime dirigé par le Front Patriotique Rwandais (FPR) à Kigali. Les réfugiés se convertissent en guerriers quand ils ont des aspirations politiques bloquées et sont incapables ou peu disposés à retourner dans leur pays d'origine. Ils lancent des attaques à travers des frontières d'Etat, cherchant à renverser le régime de leur pays ou le forcer à la table des négociations.

Depuis 1994, les provinces orientales du Nord Kivu et du Sud Kivu ont fourni aux réfugiés guerriers rwandais hutu un abri sûr d'où ils ont lancé des attaques contre le Rwanda. A deux reprises, lors de deux guerres successives en 1996 et 1998, l'armée rwandaise a envahi son voisin et a depuis lors continué à y faire des incursions, sur base de la menace de la sécurité du Rwanda posée par la présence continue des rebelles hutu au Congo. Pour cette raison la guerre civile rwandaise a partiellement été menée hors du territoire rwandais.

Le régime rwandais avait beaucoup à gagner de la présence des rebelles hutu au Congo voisin. Cela lui a permis de museler l'opposition interne et de consolider son emprise sur le pays, et d'exploiter les richesses congolaises en établissant un réseau local de clients qui lui assurent la jouissance de cette richesse. Kigali a traité la rébellion hutu en tant que problème sécuritaire exigeant une solution purement militaire sans dimension politique. Néanmoins la persistance de la rébellion au Congo doit être vue dans le contexte du conflit rwandais non résolu, qui continue à être exprimé en termes ethniques et reste lié à la question des réfugiés.

1. INTRODUCTION

In July 1994, the Rwandan Patriotic Front (RPF) defeated the *Forces Armées Rwandaises* (FAR) and toppled the government that had instigated the genocide of the Tutsi minority and of its Hutu opponents. The former Rwandan civilian and military authorities fled with almost two million Hutu into Tanzania and Zaïre. The drawn-out presence of Rwandan refugees in the region has sustained a series of rebellions by refugee warriors against the new regime in Kigali from bases in eastern Congo/Zaïre.

Refugees can become warriors when they are unable or unwilling to return to their homeland. Refugee warriors launch attacks across state boundaries, with the ultimate aim of changing the system of governance, either by toppling the regime or by forcing it to the negotiating table. Weak states that lack the military and police forces to control the warriors' activities and to manage their borders help to foster the emergence of armed insurrections.¹ The extreme weakness of the Congolese/Zairian state, its *de*

¹ ADELMAN, H., "Why Refugee Warriors are Threats", *Journal of Conflict Studies*, Vol. XVIII, No. 1, Spring 1998, available at <http://www.lib.unb.ca/Texts/JCS/SPR98/adelman.html>.

facto absence in the eastern parts of the country, the inaccessible terrain in much of eastern Congo that provides ideal hideouts to clandestine groups, and the increased possibility to profit from its mineral and agricultural wealth from the 1990s onwards fostered the emergence of a number of rebel movements in eastern Congo.

Since 1994, the eastern provinces of North and South Kivu in particular have provided Rwandan refugee warriors with a safe haven from Rwanda. The Rwandan army invaded its neighbour twice, under the cloak of two successive wars, and continued to make incursions there, purportedly to deal with the Hutu rebels who stay on in the Congo. As such, the Rwandan civil war has been fought, in part, extra-territorially. This article sets out to analyse the roots and dynamics of the Rwandan Hutu rebellions in Congo/Zaire. In so doing, it aims to measure their significance to the regional equation: not only in terms of their impact on the civilian populations and rebel factions in eastern Congo, but, even more importantly, on the relations between Rwanda and its neighbour to the west.

2. THE PERSISTENCE OF THE RWANDAN CIVIL WAR

During the Rwandan Hutu exodus in July 1994, entire ex-FAR units carrying their weapons and the former authorities carrying with them Rwandan hard currency, foreign reserves, vehicles and looted goods crossed into Zaire.² The UN High Commissioner for Refugees (UNHCR) in response to the arrival of the refugees set up refugee camps near Goma in North Kivu and near Bukavu and Uvira in South Kivu, along the borders with Uganda, Rwanda and Burundi.

Due to the scale and speed of the refugee influx, proper screening of the refugees did not take place. Under international humanitarian law, criminal elements suspected of having committed crimes against humanity and genocide cannot be provided refuge, but must be held accountable for their crimes.³ However, armed criminal elements and *bona fide* refugees were not separated in Zaire, alleged *génocidaires* were not arrested but were offered sanctuary in the refugee camps, and soldiers of the *Forces Armées Zaïroises*

² According to Gérard Prunier, they had taken 17 billion Rwandan francs, most of which was deposited in Zairian accounts directly controlled by Zairian President Mobutu Sese Seko. PRUNIER, G., *The Rwanda Crisis 1959-1994. History of a Genocide*, London, 1994, p.321. Human Rights Watch reported that additional assets were already found in banks in Zaire, as well as Kenya, Tanzania and the Netherlands, which continued to be available to the former government. Human Rights Watch, "Rearming with Impunity. International Support for the Perpetrators of the Rwandan Genocide", *HRW Arms Project, Vol. 7, No. 4*, New York, May 1995.

³ *Convention Relating to the Status of Refugees*, Geneva, July 28 1951, article 1F (a)-(c).

(FAZ) sold back to the Rwandan extremists those arms taken from them when they crossed the border.⁴

In the camps, the former authorities and army elements organised refugees by *prefecture*, *commune* and *secteur*, thus ‘recreating’ the Rwandan administrative structures, which enabled them to control the refugee population.⁵ The defeated Rwandan government set up a *de facto* ‘government-in-exile’ in Bukavu in November 1994, headed by former Prime Minister Jean Kambanda. Its stated objective was to fight its way back to Rwanda, topple the RPF-led regime and re-establish Hutu control. In April 1995, the ‘government-in-exile’ was succeeded by the *Rassemblement pour le retour des réfugiés et la démocratie au Rwanda* (RDR).⁶ It maintained the objectives of the ‘government-in-exile’ and called for the repatriation of the refugees under secure conditions.

The former FAR expressed its support of the RDR and effectively became its armed wing.⁷ It regrouped, took over the humanitarian space,⁸ created income-generating systems in the camps and local communities, and rebuilt its military infrastructure. The refugee camps, therefore, became a stage for refugee warrior activities. Militants hid behind a human (refugee) shield, abused international protection and aid, and began to engage in military activities against their homeland.

The close proximity of the camps to the Rwandan border enabled the ex-FAR to infiltrate into Rwanda at Cyangugu as early as October 1994.⁹ Faced with a military threat from its neighbour, Rwanda launched a pre-emptive attack against the Hutu militants in the refugee camps. It stage-managed a Banyamulenge revolt against the Zaïrian authorities that were attacking them,¹⁰ and pressed on to create the *Alliance des Forces Démocratiques pour la Libération du Congo/Zaïre* (AFDL), bringing in an umbrella of ‘indigenous’ rebels to give the appearance of a ‘liberation’ war. The rebel forces swept through Zaïre, toppled President Mobutu Sese Seko

⁴ REED, W. C., “Guerrillas in the Midst. The former Government of Rwanda (FGOR) and the Alliance of Democratic Forces for the Liberation of Congo-Zaïre (ADFL) in Eastern Zaïre”, in: CLAPHAM, C. (ed.), *African Guerrillas*, Oxford, 1998, pp.137-138.

⁵ PRUNIER, G., *The Rwanda Crisis, op. cit.*, p.313.

⁶ RAFTI, M., “The Rwandan Political Opposition in Exile: a valid interlocutor vis-à-vis Kigali?,” *IDPM-UA Discussion Paper 2004-I*, Antwerp, April 2004, p.11.

⁷ *Ibid.*, p.11.

⁸ A horde of humanitarian agencies swarmed to Zaïre to provide food and health care to the refugees, despite the presence of criminal elements. Médecins Sans Frontiers, “Breaking the Cycle”, *MSF Report*, November 10 1994, available at <http://www.msf.fr>.

⁹ PRUNIER, G., *The Rwanda Crisis, op. cit.*, pp.315-316.

¹⁰ Banyamulenge who had joined the ranks of the RPF returned from Rwanda, armed and trained in military techniques, and began the rebellion with Rwandan backing.

and installed Laurent Désiré Kabila as the head of the state in May 1997, who in turn renamed Zaïre the Democratic Republic of Congo (DRC).

In the course of the war, regular troops of the Rwandan Patriotic Army (RPA) and other Tutsi troops integrated in the anti-Mobutu alliance attacked the refugee camps that accommodated the Hutu refugees and the *génocidaires*. They dismantled the camps, forced approximately 600,000 refugees back to Rwanda, among them ex-FAR and *Interahamwe*. The Rwandan government then declared that the refugee problem was resolved.

According to UNHCR estimates, 213,000 Rwandan refugees were unaccounted for at the end of 1997.¹¹ Tens of thousands of refugees fled to neighbouring countries and others took refuge in remote areas in Zaïre. Many fleeing refugees were killed by Mai Mai who wanted to stop Rwandophones from continuing further into Zaïre, and tens of thousands were killed in crossfires between ex-FAR/*Interahamwe* fighting alongside FAZ troops against the AFDL. But the RPA massacred thousands of refugees without discriminating between unarmed civilians and military.¹² Men of fighting age were reportedly taken away by Tutsi forces of the AFDL to break the support structure of the Hutu militants. Ex-militia, ex-FAR, ex-government members and intellectuals were singled out and executed.¹³ Rwandan soldiers and Zairian Tutsi of the AFDL hunted down refugees who were fleeing to the west while thousands of others subsequently died of disease, hunger and dehydration.¹⁴

The suspected intentionality of the RPA's killing of refugees and the blocking of aid to the dispersed refugees led a UN investigative team to go as far as suggesting that, in addition to crimes against humanity, the RPA may

¹¹ Human Rights Watch, "The Democratic Republic of Congo (formerly Zaïre)", *HRW World Report 1998*, New York, 1999.

¹² A Rwandan official, a former RPA officer who had fought in Zaïre, confided that, though civilians were not the target, they were entangled with the militias in the camps and the RPA had «*little choice but to kill them.*» Interview with Rwandan official, Brussels, May 2004.

¹³ In Masisi and Rutshuru (North Kivu), male Hutu of fighting age were predominantly the target. Hundreds, if not thousands, were slain along the Bukavu-Shabunda axis (South Kivu) in February and in March 1997, and mass graves were reported in April 1997. United Nations Secretariat, *Report of the Investigative Team Charged with Investigating Serious Violations of Human Rights and International Humanitarian Law in the Democratic Republic of Congo, S/1998/581*, June 29 1998, pp.39-47; and Amnesty International, "DRC: Deadly alliances in Congolese forests", *AI Index: AFR 62/33/97*, London, December 3 1997, pp.8-16.

¹⁴ Humanitarian organisations were prohibited from delivering aid to the refugees due to the insecurity caused by the war, but they were also blocked by the RPA and its AFDL allies. Most massacres allegedly took place during these times, under the direction of RPA commanding officers. At other times, the RPA/AFDL accompanied humanitarian agencies to find refugees who were in hiding and they subsequently massacred them. Armed Hutu were also reported to have killed refugees who would not hand over their food. Human Rights Watch, "What Kabila is hiding. Civilian killings and impunity in Congo", *HRW Vol. 9, No. 5(A)*, New York, October 1997, pp.14-20.

have committed genocide.¹⁵ At the outset, the Rwandan government allegedly aimed to disperse the refugees in Zaïre rather than repatriate them to Rwanda, in view of the demographic pressure on land they would place. UN officials later swayed it in favour of repatriating a share of the refugees.¹⁶

The Rwandan attacks on the refugee camps signalled the end of the RDR as a politico-military movement. It had failed to protect the refugees and many of its leaders were killed or scattered in the course of the raids.¹⁷ By late-1996, the dispersed ex-FAR and *Interahamwe* regrouped and formed a guerrilla force, the *Armée de Libération du Rwanda* (ALiR).

Following Laurent Désiré Kabila's ascendance to power, RPF personalities quickly assumed key positions in the new Congolese government and army. RPA officers commanded Congolese and RPA troops in the newly-created *Forces Armées Congolaises* (FAC). Until the end of 1997, Rwandan troops continued to raid North Kivu in search of ex-FAR and *Interahamwe* and harassed the non-Tutsi population in the process.¹⁸ The ALiR began to challenge the FAC and the RPA in the east¹⁹ and Rwandan troops were reinforced in the Kivus, operating jointly with the FAC's 10th brigade²⁰ that was based in Goma,²¹ thus continuing the Rwandan civil war extra-territorially.

In mid-1997, the ALiR infiltrated the Rwandan prefectures of Gisenyi and Ruhengeri from bases in North Kivu.²² It seized weapons that the retreating FAR had hidden in caches there in 1994²³ and, in unison with ex-FAR/*Interahamwe* who had returned to Rwanda in 1996-1997, led an insurgency against the Rwandan regime that effectively shifted the civil war back inside Rwanda. The Rwandan government was unable to immediately quell the attack as many RPA troops were stationed in the DRC. However, in July 1998 Kabila sacked the Rwandans from his government and the FAC and

¹⁵ United Nations Secretariat, *Report of the Investigative Team Charged with Investigating Serious Violations of Human Rights and International Humanitarian Law in the Democratic Republic of Congo*, *op. cit.*, p.4 and pp.27-28.

¹⁶ Interview with UN official, Brussels, February 2006.

¹⁷ RAFTI, M., "The Rwandan Political Opposition in Exile", *op. cit.*, p.11.

¹⁸ International Crisis Group, "North Kivu: Into the Quagmire? An Overview of the Current Crisis in North Kivu", *ICG Report No. 1*, Nairobi/Brussels, August 13 1998, p.22.

¹⁹ International Crisis Group, "How Kabila Lost His Way: The performance of Laurent Désiré Kabila's government", *ICG Democratic Republic of Congo Report No. 3*, Nairobi/Brussels, May 21 1999, p.18.

²⁰ This was the largest, best-trained and best-armed FAC unit.

²¹ International Crisis Group, "How Kabila Lost His Way", *op. cit.*, pp.17-18.

²² African Rights, *Rwanda: The Insurgency in the Northwest*, London, September 24 1999, pp.11-12.

²³ African Rights, *The Insurgency in the Northwest*, *op. cit.*, p.48.

the reinforced RPA troops in Rwanda were able to clamp down on the insurgents.²⁴

On August 2 1998, a second war in the Congo was begun by an anti-Kabila alliance, the *Rassemblement Congolaise pour la Démocratie* (RCD), again spearheaded by Rwanda. Kigali initially denied Rwandan involvement in the war²⁵ and only later admitted to it, justifying it on the grounds of the security threat posed by the continued presence of the Hutu rebels in the Congo, the prevention of genocide against persecuted Congolese Tutsi, and the need to expedite Congolese democratisation.²⁶ The FAC was seriously weakened as its core leadership until then had been composed of Rwandans. It was marred by factionalism and its best troops defected to the rebel side. Rwanda and the RCD, therefore, swiftly captured the Kivus and prepared to take Kinshasa, but were thwarted in so doing by Angolan troops who intervened in defence of Kabila.²⁷

Kabila needed capable forces to support him in this second war and so he turned to the Hutu militants who had fled back to the Congo after their failed insurgency in Rwanda. He helped re-organise the rebels into two separate forces: ALiR I had divisions in Masisi (North Kivu) and Shabunda (South Kivu), and a second Hutu rebel group that would later be known as ALiR II was based in Kinshasa. The latter was unofficially built into the FAC²⁸ in November 1998 – three months after the beginning of the anti-Kabila rebellion.²⁹ Notwithstanding Kabila's coordination of the two ALiR forces, they remained distinct groups.

The second Congo war resulted in military deadlock, the FAC reinforced with Rwandan and Burundian Hutu rebels and supported by Angolan, Zimbabwean and Namibian forces on one side,³⁰ and Rwanda, Uganda and the RCD on the other. In mid-1999, the Lusaka Ceasefire Agreement was signed between the parties to the Congolese conflict.³¹ It stipulated, *inter alia*, the withdrawal of all foreign troops in exchange for the disarmament by the Congolese government forces of all foreign rebel forces

²⁴ Along with the ALiR, the RPF accused civilians of assisting the insurgents and killed many based on these claims. Human Rights Watch, "Rwanda: Observing the Rules of War?", *HRW Briefing Paper, Vol. 13, No. 8 (A)*, New York, December 2001, pp.10-13.

²⁵ International Crisis Group, "How Kabila Lost His Way", *op. cit.*, p.7.

²⁶ LONGMAN, T., "The Complex Reasons for Rwanda's Engagement in the Congo", in: CLARK, J. F., *The African Stakes of the Congo War*, New York, 2002, pp.130-131.

²⁷ International Crisis Group, "Scramble for the Congo: Anatomy of an Ugly War", *ICG Africa Report No. 26*, Nairobi/Brussels, December 20 2000, p.12.

²⁸ Interview with Rwandan Hutu rebels, South Kivu, August 2005.

²⁹ International Crisis Group: "Rwandan Hutu rebels in the Congo", *op. cit.*, p.6.

³⁰ *Ibid.*, pp.14-15.

³¹ With the exception of the Mai Mai. *Ceasefire Agreement*, Lusaka, July 10 1999, available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/MH11-65HB37?OpenDocument>.

(which the agreement termed “negative forces”). It also foresaw a UN peacekeeping force to monitor disarmament. Despite signing the Lusaka agreement and the arrival of the UN Mission to the Congo (MONUC), the RPA and the Hutu rebels remained in the Congo. ALiR II, integrated in the FAC, continued to fight in the frontlines of the war against the anti-Kabila forces and ALiR I fought a guerrilla war against the Rwandan army and its RCD proxy in the east, making a series of unsuccessful incursions into Rwanda from its rear-bases in the Kivus in 1999 and 2000.³²

A new movement, the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), emerged in the DRC in May 2000 with a political wing based in Europe and North America. The FDLR had operated clandestinely since 1998,³³ largely overlapping with the ALiR II. The FDLR/ALiR II redeployed most of its troops to south-eastern Congo, operating in South Kivu and Katanga where it engaged the Rwandan army.³⁴ By the end of 2000, ALiR I, though not formally disbanded, was incorporated into the FDLR.

In July 2002, Rwanda and the DRC signed the Pretoria Accords and the Congolese government again assumed the responsibility to disarm the Rwandan Hutu rebels operating in areas under its control, in exchange for the withdrawal of the renamed Rwandan Defence Forces (RDF). Rwanda conspicuously withdrew its troops from Congo by September 2002, though it maintained a presence in eastern Congo through the RCD-Goma.³⁵ In response, Joseph Kabila, who had succeeded his father as President in 2001, banned FDLR operations in the DRC and named its leaders *personae non grata*. Nevertheless, the Hutu rebels remained in the Congo and the RDF continued to invade the Congo using the pretext of the security threat posed to Rwanda by the FDLR. Warfare in the Congo took place on “unofficial fronts”³⁶ until 2003, with most fighting taking place in economically important areas. The rebels continued their guerrilla raids into Rwanda until

³² International Crisis Group, “Scramble for the Congo”, *op. cit.*, pp.13-18.

³³ RAFTI, M., “The Rwandan Political Opposition in Exile”, *op. cit.*, p.16.

³⁴ Interview with ex-RPA Munyarwanda, Brussels, January 2006; and International Crisis Group, “Disarmament in the Congo: Jump-starting DDRRR to prevent further war”, *ICG Africa Report No. 38*, Nairobi/Brussels, December 14 2001, p.7.

³⁵ In 1999, the RCD split into rival fronts. The core forces, which remained loyal to Rwanda, were renamed the RCD-Goma. According to the *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo*, RDF leaders headed many RCD-Goma units and RDF troops were integrated in the RCD-Goma, as a growing number of Hutu who were released from prison joined the Rwandan army’s war effort in the Congo. United Nations Security Council, *S/2002/11146*, New York, October 15 2002, § 15-16.

³⁶ United Nations Security Council, *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo*, *S/2001/357*, New York, April 12 2001, § 173-179.

mid-2004, but these raids became smaller in scale and number as the RDF increasingly resisted such attacks.³⁷

3. THE RWANDAN HUTU REBELLIONS IN CONGO/ZAÏRE AND THEIR CONSEQUENCES

The internal structure of rebel movements – their leadership, ideology and organisation – together with external support, alliances and relations with the host communities greatly influence the character of the movements and the outcomes of their rebellions.³⁸ The Rwandan rebels have contributed to contracted conflict and insecurity in eastern Congo/Zaire, but the local Congolese reality has in turn affected the Rwandan Hutu rebellions.

3.1. Structure and strategies of the Rwandan Hutu rebellions

The Rwandan rebellions in Congo/Zaire derive from an ethnic Hutu ideology that impinged on the genocide ideology, as the leaders of the rebel movements stemmed from the ringleaders of the genocide. Genocide ideologues, such as the former cabinet director of the Ministry of Defence, General Théoneste Bagosora, generally considered the mastermind of the genocide,³⁹ the ex-FAR Chief of Staff, Major General Augustin Bizimungu,⁴⁰ and ex-FAR head of operations, Brigadier General Gratién Kabiligi,⁴¹ headed the regrouped ex-FAR and militia (the RDR's armed wing) in the refugee camps. They later formed the ALiR, whose leadership included many of the remaining ex-FAR High Command.⁴² Though not all units of the ex-FAR had been caught up in the killings during the genocide, many did abide by ethnic ideology and ALiR leaders were, for the greater part, known *génocidaires*. They included Bizimungu, Kabiligi, Colonel Tharcisse Renzaho,⁴³ Colonel

³⁷ Interview with Rwandan Special Envoy to the Great Lakes, Richard Sezibera, Kigali, September 2005.

³⁸ CLAPHAM, C., "Introduction: Analysing African Insurgencies", in: CLAPHAM, C. (ed.), *African Guerillas*, Oxford, 1998, pp.5-6.

³⁹ Bagosora played a key role in the designation of the interim government that carried out the genocide after the death of President Habyarimana on April 6 1994. He was arrested in Cameroon in 1996 and is currently on trial before the International Criminal Tribunal for Rwanda (ICTR) in Arusha.

⁴⁰ Bizimungu was arrested in Angola in August 2002 and is currently on trial before the ICTR in Arusha.

⁴¹ Responsible for training the *Interahamwe* militias, he was arrested in Kenya in 1997 and is currently on trial before the ICTR in Arusha.

⁴² Interview with Rwandan Hutu refugee, Brussels, February 2006.

⁴³ Former prefect of Kigali and renowned *génocidaire* who directed *Interahamwe* militias in attacks in Kigali. He is currently awaiting trial at the ICTR in Arusha.

Aloys Ntiwiragabo,⁴⁴ Lieutenant Colonel Léonard Nkundiye⁴⁵ (the ALiR deputy Chief of Staff), Major Protais Mpiranya⁴⁶, but also Lieutenant Colonel Froduald Mugemanyi (the ALiR Chief of Staff), an ex-FAR doctor from southern Rwanda who had denounced the genocide in July 1994,⁴⁷ and Lieutenant Colonel Paul Rwarakabije, an ex-FAR *gendarmerie* officer generally not considered responsible for genocide crimes as he served in ex-FAR units that were not overly involved in genocide killings.⁴⁸

Paul Rwarakabije subsequently led the ALiR I that had a younger and less radical leadership than ALiR II,⁴⁹ which was led by Ntiwiragabo (the Commander-in-Chief), Bizimungu, Renzaho and Mpiranya. These hard-line leaders later covertly controlled the FDLR's military wing. The ALiR II consciously sought out moderate leaders who could ostensibly represent its political wing abroad, while effectively being absent from the field where the extremist leadership could have free reign over the rank-and-file. The FDLR brought in known non-*génocidaires*, such as Dr. Ignace Murwanashyaka,⁵⁰ Dr. Jean Marie Vianney Higiho,⁵¹ Colonel Christophe Hakizabera⁵² and Alexis Nshimyimana⁵³ to publicly head the Hutu rebellion. These political leaders were the puppets and Ntiwiragabo, Mpiranya and Renzaho, the puppet masters.⁵⁴ When ALiR I was incorporated into the FDLR, Paul Rwarakabije became Commander-in-Chief and the *génocidaires* began to operate behind the scenes.

The RDR's ideology underscored Hutu supremacy and the need to reinstall Hutu majority rule in Rwanda. The ALiR maintained a similar ethnic ideology, stressing the plight of the Rwandan refugees at the murderous hands of the RPA in Rwanda between 1990 and 1994 and during the AFDL war in

⁴⁴ Ex-FAR Chief of Intelligence.

⁴⁵ Responsible for training the *Interahamwe* militias before the genocide, he had previously headed the ex-FAR Presidential Guard (PG).

⁴⁶ Former commander of the ex-FAR PG battalion, he has been indicted by the ICTR but is still at large.

⁴⁷ He was a signatory to the *Declaration de Kigeme*, July 6 1994, in which 9 FAR officers denounced the genocide and called for reconstruction and reconciliation.

⁴⁸ Human Rights Watch, "Observing the Rules of War?", *op. cit.*, p.6.

⁴⁹ However, the ALiR I Chief of Staff was Colonel Pierre Habimana, a hard-line ex-PG member.

⁵⁰ The Vice-President of the RDR who was based in Germany.

⁵¹ A founding member of the *Mouvement démocratique républicaine* (MDR) in 1991 who had taken a strong stand against the genocide.

⁵² An ex-RPA soldier who had fled to Bukavu in 1996 where he was integrated with the ex-FAR.

⁵³ Nshimyimana was living in Austria during the genocide, but he shares the ex-FAR/*Interahamwe* ideology.

⁵⁴ Aloys Ntiwiragabo, in fact, signed letters to Kabila, Dos Santos and Sassou-Nguesso as the FDLR president. Interview with Rwandan Hutu refugee, Brussels, February 2006.

Zaire. Like the RDR, it aimed to retake power for the Rwandan Hutu majority. By virtue of its more moderate political wing, the FDLR has advocated the opening of an inclusive inter-Rwandese dialogue, which would determine the appropriate institutions and system of governance in Rwanda, and conditions for the safe return of refugees to Rwanda. Its professed objective was to use military means to change the Rwandan regime, rather than to take power for the ethnic Hutu majority.⁵⁵

Whereas the RDR and ALiR leaders negated the genocide of Tutsi and audaciously trumpeted their anti-Tutsi persuasions, the FDLR tried to dissociate itself from the ex-FAR/*Interahamwe* and ALiR⁵⁶ and the negative undertones associated with them, as it tried to gain credibility and present itself as a potential political interlocutor. Its political wing outwardly recognised the genocide in 2002, when it formed an alliance with exiled political movements (one, Tutsi-led and the other, monarchist), the *Alliance pour la démocratie et la réconciliation nationale (ADRN)-Igihango*.⁵⁷ The Rwandan rebellions in the Congo, therefore, evolved. Nevertheless, there is a clear link between the consecutive movements, as Hutu ethnic nationalism has ideologically fed the rebellions born in the Congo, and as hard-line Hutu who played a key role in the 1994 genocide have, in effect, controlled the rebel movements.⁵⁸

Refugee warriors employ myths and selective historical narratives – what Liisa Malkki describes as mythicohistories⁵⁹ – that emphasise the refugees' oppression. In this way, they form an ideology that reflects the values of the refugee community and that explains their drive to take up arms to return to their homeland. The ideology of the Hutu refugee warriors revolved around ethnic injustice and rebel leaders mobilised Rwandan refugees to take up arms in a «quest for justice.»⁶⁰

⁵⁵ FDLR, *Communiqué portant mesures sur les organes des FDLR*, Washington D.C., September 12 2003.

⁵⁶ FDLR, *Les Forces Démocratiques de Libération du Rwanda (FDLR) ne sont ni des Ex-FAR ni des ALIR*, Bonn, December 22 2002.

⁵⁷ RAFTI, M., "The Rwandan Political Opposition in Exile," *op. cit.*, pp.24-26. The ADRN-Igihango alliance collapsed in mid-2004. See RAFTI, M., "Crumbling in Exile: the Changing Nature of the Rwandan Opposition," in: REYNTJENS, F., MARYSSE, S., *L'Afrique des Grands Lacs. Annuaire 2004-2005*, L'Harmattan, Paris, 2005, p.98.

⁵⁸ RAFTI, M., "South Kivu: a Sanctuary for the Democratic Forces for the Liberation of Rwanda," *IDPM-UA Discussion Paper 2006-05*, Antwerp, March 2006, pp.19-26. One could, in effect, speak of a Hutu *rebellion* and not just a number of rebellions.

⁵⁹ MALKKI, L., *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*, Chicago, 1995.

⁶⁰ A term taken from Collier, P. and Hoeffler, A., "Justice-Seeking and Loot-Seeking in Civil War," *World Bank Policy Research Working Paper No. 28151*, Washington D.C., February 1999, p.1.

Following the military defeat of the FAR by the RPF, leaders of the former regime advanced an ideology that contested the RPF-led regime. The rebel leadership largely remains revisionist and it has played up Hutu ethnicity to mobilise combatants and refugees against the Tutsi. Their narratives have downplayed the genocide, underscored the death of Hutu by the RPF during the civil war and the alleged shooting down of President Habyarimana's airplane by the RPF, and maintained a «double genocide» discourse that claims that the RPF committed genocide against Hutu in Rwanda in 1994 and, after 1996, against Hutu refugees in the Congo.⁶¹ This rebel discourse created a common ethnic history that was disseminated by extremist Hutu leaders to all the Rwandan Hutu movements formed in the Congo.

The RPA/AFDL attacks against the refugees during the anti-Mobutu war magnified Hutu perceptions that they were victimised by the Tutsi and were catalytic in constructing more solid ethnic identities in the Congo. In conjunction with the failure of the international community to protect the refugees from aggression – rebels claim that this was tantamount to a retraction of their refugee status – a belief emerged that the Rwandan Hutu were at risk and many refugees became willing recruits for successive rebel movements in the Congo to protect their ethnic kin. Rwandan Hutu were radicalised in exile and thus the Hutu-Tutsi divide was prolonged.⁶²

Many refugees appear to be aligned with the rebel cause, as evidenced by their continued recruitment into the rebel war effort. In addition to the perceived need to preserve the Rwandan Hutu community through the rebel cause, the rebellions have offered life opportunities to young refugees whose meagre and tentative existence led them to seek opportunities elsewhere.⁶³

The greater part of the rebel troops have been young Hutu refugees, children during the genocide. The ex-FAR and *Interahamwe* forcibly enlisted new recruits in the camps in Zaïre and from local Hutu communities in North Kivu between 1994 and 1996. After 1996, the ALiR recruited among the dispersed refugees but also among civilians residing in north-western Rwanda.⁶⁴ Though the rebel leaders were ex-FAR implicated in the genocide, the greater part of their troops were not ex-FAR or *Interahamwe*. ALiR I continued the recruitment of refugees dispersed in the Congo, including new refugees who fled north-western Rwanda during the RPA's 1998 counterinsurgency operations.⁶⁵ ALiR II recruited refugees from Congo-Brazzaville, the Central African Republic, Tanzania and Uganda.⁶⁶ To date,

⁶¹ RAFTI, M., "South Kivu", *op. cit.*, pp.10-11.

⁶² *Ibid.*, pp.10-11.

⁶³ *Ibid.*, p.17.

⁶⁴ Human Rights Watch, "Observing the Rules of War?", *op. cit.*, pp.5-6.

⁶⁵ *Ibid.*, pp.5-6.

⁶⁶ International Crisis Group, "North Kivu: Into the Quagmire?", *op. cit.*, p.6.

the FDLR has enlisted refugees who remained in eastern Congo, but rebels also infiltrated Rwanda and Burundi incessantly to recruit Rwandan Hutu to the rebel cause.⁶⁷

The ex-FAR reconstructed its military command in the Zaïrian refugee camps and incorporated the *Interahamwe* militias in the new structure.⁶⁸ The ALiR and FDLR subsequently maintained this conventional army structure. The rebel forces have operational units – divisions, brigades, battalions and companies – controlled by the High Command through decentralised military offices.⁶⁹

The Rwandan rebel troops have been well trained and are skilled in guerrilla warfare. Until 1996, ex-FAR senior commanders were openly training their troops and newly-recruited refugees in UNHCR camps.⁷⁰ Subsequently, the ex-FAR began to train troops in the jungles of eastern Congo, Congo-Brazzaville, the Central African Republic, Sudan, and in Burundian refugee camps and surrounding forests in Tanzania.⁷¹ With the start of the second Congo war, rebel troops were training jointly with the FAC⁷² and in remote areas in the east where they were heavily concentrated.⁷³

The rebels are relatively well armed and equipped, though they have frequently suffered ammunition shortages. The erstwhile Rwandan army carried with it into exile a large stockpile of arms. The ex-FAR engaged in an illegal arms trade in the refugee camps, procuring weapons and ammunition from corrupt FAZ troops, Zaïrian entrepreneurs, the Seychelles, China and South Africa.⁷⁴ A large part of these arms was passed down to the new generation of Hutu combatants. The rebels were also armed by Laurent Kabila and Joseph Kabila until 2002, and sporadically thereafter.⁷⁵

The Rwandan rebel troops have operated through surgical strikes against Rwanda proper and the Rwandan army in the Congo. In 1994, they conducted small-scale operations that aimed to destabilise Rwanda and to assess the possibility of an eventual full-blown invasion.⁷⁶ Throughout 1995 and until mid-1996, the ex-FAR, *Interahamwe* and their new partisans

⁶⁷ RAFTI, M., “South Kivu”, *op. cit.*, p.12.

⁶⁸ Human Rights Watch, “Rearming with Impunity”, *op. cit.*

⁶⁹ Department G1 is in charge of personnel; G2, intelligence; G3, operations; G4, logistics; and G5, civil affairs. RAFTI, M., “South Kivu”, *op. cit.*, pp.12-13.

⁷⁰ The former PG and other ex-FAR units had their military headquarters in Lac Vert (North Kivu). The regrouped ex-FAR and their new recruits were trained in the Mugunga camp (North Kivu) and the Panzi camp (South Kivu). Human Rights Watch, “Rearming with Impunity”, *op. cit.*; and Médecins Sans Frontières, “Breaking the Cycle”, *op. cit.*

⁷¹ African Rights, *The Insurgency in the Northwest*, *op. cit.*, p.54.

⁷² International Crisis Group, “Scramble for the Congo”, *op. cit.*, p.13.

⁷³ *Ibid.*, p.13; and RAFTI, M., “South Kivu”, *op. cit.*, p.13.

⁷⁴ Human Rights Watch, “Rearming with Impunity”, *op. cit.*

⁷⁵ RAFTI, M., “South Kivu”, *op. cit.*, p.13.

⁷⁶ Human Rights Watch, “Rearming with Impunity”, *op. cit.*

incessantly crossed the border into Rwanda killing civilians, stealing cattle and destroying infrastructure and military targets. The ALiR and FDLR continued to conduct hit and run operations against Rwanda.

At the outset, the rebels pursued the previous regime's policy of ethnic killings. During the north-western insurgency between 1997 and 1998, Hutu militants killed Tutsi genocide survivors, although many of the new recruits were less prone to ethnic killings and more occupied with overthrowing the RPF-led regime. The insurgents also killed Hutu found in the new administration who were considered to be RPF collaborators (*ibytso*), resuming the policy of eliminating the Hutu opposition. They also destroyed Rwandan infrastructure and targeted foreign aid workers so as to hamper the new government's reconstruction efforts and disrupt foreign aid.

In subsequent incursions into Rwanda, Hutu rebels primarily targeted military assets and civilian infrastructure trying to destabilise the regime, rather than targeting civilians. In May 2001, the rebels staged their last major offensive against Rwanda, known as operation *Oracle du Seigneur*. The FDLR (ALiR I wing) infiltrated north-western Rwanda from North Kivu. Commanding officers ordered their forces not to harass civilians in an attempt to gain their support, but a small number were reportedly killed during the attacks.⁷⁷

Rebel tactics changed in later years. The rebel troops realised that continuing the war against the RDF in the Congo would work more to their advantage than confronting them directly in Rwanda. They thus sought to provoke Rwanda into a new invasion of the Congo, by conducting small-scale incursions across the border to attack civilians and infrastructure.⁷⁸ Kigali claimed that the FDLR invaded northern and southern Rwanda on eleven occasions in 2004, including during the genocide commemorations, and threatened, in response, to enter the Congo to deal with the rebels.⁷⁹ Rebel leaders claim that they continue to prepare for an eventual attack against Rwanda,⁸⁰ but to date they have not conducted a large-scale raid.

3.2. Patterns of conflict in Congo/Zaire

The Rwandan rebels have been casting about for alliances in the Congo and the region over the years. The Congolese conflict has drawn in a number of actors who frequently formed opportunistic alliances, according to

⁷⁷ Human Rights Watch, "Observing the Rules of War?", *op. cit.*, pp.7-8.

⁷⁸ International Crisis Group, "The Congo: Solving the FDLR Problem Once and For All", *ICG Africa Briefing No. 25*, Brussels/Nairobi, May 12 2005, p.3.

⁷⁹ "Burundi-Rwanda-DRC: Rwanda deploys troops along border with Burundi, DRC", *IRIN*, Kigali, April 26 2004.

⁸⁰ Interviews with FDLR commanders and FDLR spokesman, South Kivu, August 2005.

circumstance and perceived interests. The fluidity of the local scene has affected the Rwandan Hutu rebellions, which became entrenched in this phenomenon. The Rwandan Hutu rebels have been considered competent combatants and have consequently been sought out by less experienced and less competent armed groups for alliances. Therefore, the Rwandan Hutu rebels have thrived from fighting and insecurity in eastern Congo.

In the course of the anti-Mobutu rebellion, the RDR joined forces with the FAZ, Zaïrian Hutu and the Burundian Hutu rebels of the *Conseil national pour la défense de la démocratie – Forces de défense de la démocratie* (CNDD-FDD) against the AFDL and its foreign sponsors. When the second war began in 1998, the alliances shifted: former AFDL leader Laurent Désiré Kabila turned to the ex-FAR/*Interahamwe*, CNDD-FDD and the Mai Mai – his former opponents – for support against Rwanda, Uganda and the Banyamulenge – his former allies, who were now fighting alongside ex-FAZ troops.

The Hutu rebels found staunch allies in Mobutu Sese Seko, an ally of the former Rwandan regime, and the FAZ troops until 1996, and in Léonard Nyangoma's CNDD-FDD. Between 1994 and 1996, FAZ troops, who profited from the affluent Rwandan ex-government and military, permitted the Hutu extremists to go on with their illicit activities and to regroup and raid Rwanda. In South Kivu, the ex-FAR shared its military expertise with the CNDD-FDD. The RDR and CNDD-FDD co-operated on intelligence and training, and the Rwandans were able to use CNDD-FDD strongholds in Burundi to infiltrate Rwanda.⁸¹

The Rwando-Burundian Hutu alliance outlived the first Congo war and was reinforced by Laurent Désiré Kabila's FAC during the second war, in which ex-FAR and Jean Bosco Ndayikengurukiye's CNDD-FDD operated in mixed units.⁸² Pierre Nkurunziza's CNDD-FDD continued the collaboration with the Rwandan rebels,⁸³ which led to Rwandan involvement in the Burundian conflict in late-2001. The RPA supported the Tutsi-led *Forces Armées Burundaises* (FAB) operations against the Hutu rebels and directly carried out operations in northern Burundi,⁸⁴ extending the Rwandan conflict to the south as well. The FDLR currently uses territories controlled by the *Forces Nationales de Libération* (FNL), which has taken over CNDD-FDD

⁸¹ African Rights, *The Insurgency in the Northwest*, *op. cit.*, p.44.

⁸² International Crisis Group, "Africa's Seven Nation War", *ICG Democratic Republic of Congo Report No. 4*, Nairobi/Brussels, May 21 1999, pp.33-34.

⁸³ International Crisis Group, "The Burundi Rebellion and the Ceasefire Negotiations", *ICG Africa Briefing No. 9*, Nairobi/Brussels, August 6 2002, p.13.

⁸⁴ International Crisis Group, "Burundi after six months of transition: Continuing the war or winning peace?", *ICG Africa Report No. 46*, Nairobi/Brussels, May 24 2002, pp.21-22.

staging grounds, to infiltrate Rwanda, recruit new rebels and to procure arms.⁸⁵

Upon their arrival in Zaïre in 1994, the Rwandan extremists became involved in ongoing local conflicts, which pitted the Hutu and Tutsi Rwandophone population against other ethnic groups, who considered themselves «autochthonous».⁸⁶ They organised the Zaïrian Hutu population and jointly formed *Interahamwe* militias⁸⁷ and fought together against the Mai Mai and Bangilima militias in North Kivu. Having carried their anti-Tutsi ideology across the border, they jointly targeted Tutsi in North and South Kivu. This alliance began to disintegrate from 1999 onwards. Following the RCD split, Congolese Hutu began to join the ranks of the RCD-Goma, both Hutu and Tutsi were appointed to key positions in the North Kivu administration and a Congolese «Rwandophone» community emerged, which henceforth served Rwandan interests.⁸⁸

In late 1997, the Mai Mai militias who had fought for the AFDL abandoned the alliance, once they began to perceive the rebellion as a Rwandan intervention. They subsequently fought against Kabila's forces⁸⁹ and began to join forces with the ex-FAR/*Interahamwe*,⁹⁰ who they perceived to be the enemy of their enemy – the Rwandan army and its allies. Mai Mai groups joined the FDLR in operations against the Rwandan army and its proxy during the second Congo war and Rwandan rebels could be found in Mai Mai territory. In North Kivu, Mai Mai leader General Padiri Bulenda counted ex-FAR officers and Rwandan Hutu rebels in his ranks, who brought their military expertise against the RCD-Goma/RPA and who armed the Mai Mai. Rwandan Hutu rebels were also found in Mai Mai ranks in South Kivu, operating jointly in all their offensives against the RCD-Goma/RPA.⁹¹ The rebels continue to join forces with the Mai Mai – both those integrated in the newly-created *Forces Armées de la RDC* (FARDC) and those who refused integration. Mai Mai and the Rwandan rebels have also formed alliances for lucrative criminal activities, setting up joint roadblocks for taxation and

⁸⁵ United Nations Security Council, *Report of the Group of Experts on the Democratic Republic of Congo*, S/2005/30, New York, January 25 2005, §159-169; and interviews with *Forces Armées de la RDC* (FARDC) commanders, South Kivu, August 2005.

⁸⁶ International Crisis Group, "North Kivu: Into the Quagmire?", *op. cit.*, p.16.

⁸⁷ Human Rights Watch, "Forced to Flee: Violence Against the Tutsi in Zaïre", *HRW*, Vol. 8, No. 2 (A), New York, July 1996.

⁸⁸ Yet many Congolese Hutu were wary of the alliance with the Tutsi and remained outside it. International Crisis Group, "The Congo's Transition is Failing: Crisis in the Kivus", *ICG Africa Report No. 91*, Nairobi/Brussels, March 30 2005, pp.9-10. Also see International Crisis Group, "Scramble for the Congo", *op. cit.*, pp.16-17.

⁸⁹ International Crisis Group, "North Kivu: Into the Quagmire?", *op. cit.*, p.4.

⁹⁰ International Crisis Group, "How Kabila Lost His Way", *op. cit.*, p.18.

⁹¹ NASIBU BILALI, C., "Qui Arme les Mai Mai ? Enquête sur une situation originale", *Rapport du GRIP 2004/5*, Brussels, 2004, pp.14-15.

mining together. In South Kivu, Mai Mai have allowed the rebels to roam the Ruzizi Plain undisturbed.⁹²

The ex-FAR/*Interahamwe* (ALiR II) recruited Rwandan refugees from Congo-Brazzaville, who had been armed by President Sassou-Nguesso for their part in his 1997 victory,⁹³ and came to the service of Kabila's FAC in late-1998. The ALiR I was also closely allied with Kabila, though it remained an independent guerrilla force unlike the ALiR II. Kabila, therefore, injected life into the faltering rebellion.

In September 2002, after Rwandan troops had pulled out of the Congo as stipulated by the Pretoria agreement, President Joseph Kabila banned the FDLR leadership and cut off all support hitherto given to the rebels. However, the loss of Congolese sponsorship was short-lived. In July 2003, the Congolese transitional government was inaugurated and military integration began, albeit at a snail's pace, which compelled Kabila to turn to his erstwhile allies once again. In May 2004, FARDC dissidents attempted to derail the political transition underway in the Congo, with the support of Rwanda. Ex-RCD-Goma Colonel Jules Mutebutsi clashed with the new commander of the FARDC's 10th Military Region in South Kivu, General Mbuza Mabe, over objections to the appointment of a non-RCD-Goma governor for South Kivu.⁹⁴ In North Kivu, ex-RCD-Goma Colonel Laurent Nkunda mutinied against the FARDC's 8th Military Region, marched to South Kivu with 1,000 troops allegedly to prevent the genocide of the Banyamulenge and then joined forces with Mutebutsi, briefly seizing Bukavu. The Congolese government gave another boost to the FDLR, as Mai Mai who were integrated in the FARDC's 10th Military Region and Commander Patrick Masunzu armed and fought alongside the FDLR against the renegade FARDC forces.⁹⁵

The Rwandan rebels have been an important factor in the profound humanitarian crisis that has hit eastern Congo. In much of the region localised violence has been unrelated to the broader conflict and has been of an ethnic, economic, or at times plainly criminal nature, contributing to and enabled by the prevailing disorder.

Between 1998 and 2002, the rebels received cash payments from Laurent and Joseph Kabila in return for their military service in the Congolese war. However, when Kabila suspended his support to the rebels in 2002, their material resources were significantly restricted, cash transfers disrupted and

⁹² United Nations Security Council, *Report of the Group of Experts on the Democratic Republic of Congo*, *op. cit.*, §158-169.

⁹³ Interview with Rwandan Hutu refugee, Brussels, February 2006. Also see African Rights, *The Insurgency in the Northwest*, *op. cit.*, p.48.

⁹⁴ International Crisis Group, "Back to the Brink in the Congo", *op. cit.*, p.5.

⁹⁵ United Nations Security Council, *Report of the Group of Experts on the Democratic Republic of Congo*, *op. cit.*, § 185-192.

they benefited only sporadically from subventions from governments hostile to the Rwandan government and from contributions from the Rwandan diaspora. Rebel combatants began to seek alternative means of subsistence. Some settled in local communities and cultivated plots of land or engaged in commercial activities. They have been mixed with Rwandan refugees or have married local women, becoming integrated into the local communities, and have intermittently taken up arms for the FDLR. Others began to resort to predatory and criminal activity. They have plundered private property and stolen harvest, livestock, clothes and medicine from health centres, selling their loot on local markets. As a result, locals have lost many means of subsistence, resulting in high levels of malnourishment. Combatants set up roadblocks for 'taxing' civilians for passage and access to markets, they extract minerals and they impose 'levies' on local miners.⁹⁶

In many parts of eastern Congo, particularly in South Kivu, the rebellion has been extremely violent. Killings, rape and abductions for ransom have been widespread, though not exclusively committed by Rwandan Hutu rebels. Women have withstood the worst of the violence, owing in part to the prevalent practice of sexual violence by the rebels. HIV/AIDS is rampant in eastern Congo. Many people have fled their homes seeking refuge in areas where security was perceived to be higher, particularly urban centres. Precise numbers of internally-displaced persons (IDPs) are unknown because people have shifted from one location to another depending on the imminent security situation. This phenomenon has complicated the allocation of humanitarian assistance to the displaced. On many occasions, IDPs have been attacked by armed groups trying to steal food and other relief supplies provided to them. Aid delivery to needy IDPs on occasion was interrupted due to the volatile security situation in the region, while many IDPs in towns were entirely cut off from humanitarian assistance.⁹⁷

In South Kivu, Rwandan Hutu are accused of committing exceedingly violent crimes that are reminiscent of the Rwandan genocidal violence – maiming, disembowelling and incinerating civilians for example. A group known as the Rasta has generally been accused of such violent crimes. The Rasta are only found in the territories of South Kivu where they make nocturnal raids against the villages surrounding the Kahuzi Biega Park. Renegade FDLR rebels form the nucleus of the Rasta and the bulk of the movement is composed of criminal elements from the local communities, Maï Maï who refused FARDC integration, ex-Maï Maï from General Padiri's faction, ex-Mudundu 40 (M40) Maï Maï elements, and FARDC deserters.⁹⁸

⁹⁶ RAFTI, M., "South Kivu", *op. cit.*, pp.14-15.

⁹⁷ *Ibid.*, p.16.

⁹⁸ *Ibid.*, p.15.

The Rasta have no ideological, ethnic or political objectives but are focused only on self-enrichment, forming part of a broader phenomenon in eastern Congo where warlords have proliferated merely by the possibility to make profit amid disorder and impunity for violent acts.⁹⁹ Congolese civilians perceive the Rasta as a special branch of the FDLR that loots and kidnaps as a means to raise funds for the Hutu rebels. The FDLR supplies the Rasta with ammunition. FDLR rebels elude the discipline imposed by their leaders and appear to join them in their criminal ventures at times, and the Rasta are present and commit atrocities in FDLR-controlled areas. Notwithstanding that the two groups are linked, there is no substantial evidence that the Rasta form part of the FDLR.¹⁰⁰

The FDLR tried to dissociate itself from the Rasta and it has used them as a scapegoat for FDLR-committed banditry and atrocities. Trying to project a better image of its combatants, it has claimed that the Rasta are the sole perpetrators of atrocities committed by Rwandan Hutu in South Kivu. It has maintained, in fact, that Kigali infiltrated the Rasta, an assertion that certain Congolese civil society and church organisations support. They claim that the Rasta are predominantly Rwandese Hutu used by the Rwandan government to infiltrate the FDLR to collect information pertaining to the Hutu rebellion, to exploit mineral reserves, and to simulate FDLR crimes in order to point to a link between the *génocidaires* and the Hutu rebels. These claims remain unfounded and are, rather, a result of Congolese hostility against Rwanda that was brought about by the Rwandan occupation of eastern Congo, and Rwanda's expansionist aspirations. These factors far outweigh their hostility against the FDLR/Rwandan Hutu.¹⁰¹

3.3. Capacity and outcomes

The rebels' military muscle has significantly weakened over their long years in exile. Although they were given a boost by Laurent Désiré Kabila's assistance in the second Congo war, and though their capacity ebbed and flowed according to circumstance and/or external assistance, the rebel forces have been steadily on the decrease. By late 1996, the ex-FAR raised a military force between 50,000 and 70,000 troops.¹⁰² The pre-emptive RPA attack in Zaïre dispersed this force and some 40,000 militants infiltrated Rwanda under the cover of the returning refugees. The 5,000 ALiR troops that infiltrated Gisenyi and Ruhengeri from North Kivu in 1997 joined forces with the returnees to lead the insurgency against the Rwandan regime. In its

⁹⁹ *Ibid.*, pp.14-18.

¹⁰⁰ *Ibid.*, pp.14-18.

¹⁰¹ *Ibid.*, pp.16-17.

¹⁰² Amnesty International, *Arming the perpetrators of the genocide*, London, June 1995.

counterinsurgency operations, the RPA killed key ALiR leaders Colonel Mugemanyi and Colonel Nkundiye, and captured or killed 4,000 combatants. Regrouped under the two ALiR movements, the Rwandan rebels then numbered between 30,000 and 40,000.¹⁰³

The rebels were hit hard when the RPA attacked and defeated the ALiR II force fighting for the FAC in Pepa and Pweto (Katanga) in 2000. Some 2,000 rebel troops fled to Zambia and others were scattered in small groups in eastern Congo.¹⁰⁴ The rebels also suffered a crushing defeat during operation *Oracle du Seigneur* in 2001, when the RPA captured or killed approximately 4,000 troops.¹⁰⁵ In late-2001, the Hutu rebel forces were estimated at 15,000-30,000.¹⁰⁶ In November 2002, the FAC tried to forcibly repatriate to Rwanda demobilised FDLR troops stationed at the Kamina military base in Kisangani, under the supervision of MONUC. In the process, they allegedly killed over 400 rebels, among them their commander Colonel Vincent Ndanda, and 359 rebels were repatriated to Rwanda.¹⁰⁷ By 2003, there were between 15,000 and 22,000 FDLR troops left in the DRC¹⁰⁸, and by early 2006 only 8,000-10,000 were left.¹⁰⁹

The search of the International Criminal Tribunal for Rwanda (ICTR) of suspected *génocidaires* has also contributed to the weakening of the rebellion. In August 2002, General Augustin Bizimungu was arrested in Angola and was transferred to the ICTR in Arusha. After banning the FDLR leadership in September 2002, Kabila arrested and transferred Colonel Renzaho to the ICTR. Colonel Mpiranya and Colonel Ntiwiragabo subsequently fled the DRC for fear of being delivered to international justice, leaving a power void in the movement.

The Hutu rebellions in the Congo have also been marred by a persistent leadership strife between hard-liners and younger, more moderate officers. Ex-FAR officers wished to sustain the dominance of the old guard hierarchy in the rebel movement to the detriment of younger ALiR members.¹¹⁰ This divide came to the surface when the ALiR was reorganised into two movements. An ongoing conflict between Paul Rwarakabije and

¹⁰³ International Crisis Group, "North Kivu: Into the Quagmire?", *op. cit.*, p.4.

¹⁰⁴ Interview with ex-RPA Munyarwanda, Brussels, January 2006; and International Crisis Group, "Disarmament in the Congo", *op. cit.*, p.7.

¹⁰⁵ *Ibid.*, pp.7-8.

¹⁰⁶ *Ibid.*, p.4.

¹⁰⁷ International Crisis Group, "Solving the FDLR Problem Once and For All", *op. cit.*, p.2.

¹⁰⁸ International Crisis Group, "Rwandan Hutu Rebels in the Congo: a New Approach to Disarmament and Reintegration", *ICG Africa Report No. 63*, Nairobi/Brussels, May 23 2003, p.8.

¹⁰⁹ E-mail exchange with MONUC official, March 2006.

¹¹⁰ Interview with Rwandan Hutu refugee, Brussels, February 2006.

Augustin Bizimungu¹¹¹ resulted in the resistance of ALiR I to joining forces with the (tarnished by association with the genocide) ALiR II until 2000.

Divisions persisted on the philosophy of the movement between the two rebel wings united under the FDLR umbrella. There were strong divisions between General Paul Rwarakabije and his deputy, Sylvestre Mudacumura,¹¹² an ALiR II leader who was an ex-FAR Colonel in the Presidential Guard (PG). The Rwandan government took advantage of the infighting and brokered the defection of Paul Rwarakabije and one hundred troops, including high-ranking officers, to Rwanda in November 2003.

A leadership scuffle that broke out in 2004 among the political leaders of the FDLR exacerbated divisions in the field. An apparently regional north-south rift saw the splintering of the political wing into two groups, which were both vying for the support of the FDLR's military wing.¹¹³ In 2005, squabbling over the mismanagement of funds that Kabila allegedly gave as payment in arrears for the rebels' service during the second Congo war,¹¹⁴ and the potential disarmament and repatriation of rebel troops,¹¹⁵ gave way to more infighting between FDLR military commanders,¹¹⁶ leading to the defection of South Kivu Division Deputy Commander, Colonel Séraphin Bizimungu, alias Mahoro Amani.¹¹⁷

The Rwandan Hutu rebellion has, therefore, considerably weakened over the years, as a result of casualties, fragmentation and desertion, loss of patronage, and shortages of ammunition. The rebels' military muscle is contingent on local military circumstances and it fluctuates, at times strengthened by alignments with other armed elements operating in eastern Congo. Although rebels continue to infiltrate Rwanda and hence pose a potential threat to the Rwandan population, the rebellion has proved unable to overpower the Rwandan army, unable to capture a share of Rwandan state power, and it cannot now realistically topple the Kigali regime. Instead, the Rwandan rebels represent, at present, a greater danger to Congolese.

The scale of violence exercised by Rwandan Hutu combatants transcends the stated ideological motivation of their rebellion. Though much of the rebels' criminal activity is a means of subsistence in the absence of

¹¹¹ Interview with ex-RPA Munyarwanda, Brussels, January 2006.

¹¹² RAFTI, M., "The Dismantling of the Rwandan Political Opposition in Exile", in: REYNTJENS, F., and MARYSSE, S., *L'Afrique des Grands Lacs. Annuaire 2003-2004*, L'Harmattan, Paris, 2004, p.29.

¹¹³ *Ibid.*, pp.21-22.

¹¹⁴ Interview with Rwandan Hutu rebels, South Kivu, August 2005; and e-mail exchange with former FDLR member, March 2006.

¹¹⁵ See *infra*.

¹¹⁶ RAFTI, M., "South Kivu", *op. cit.*, pp.21-22.

¹¹⁷ Amani had an active role in Ruhengeri during the ALiR's 1997-1998 insurgency in Rwanda. He later fought for ALiR II.

regular income, it is also the outcome of an adaptation to a broader anarchic Congolese experience. The rebels have no credibility in claiming to protect their troops and Rwandan refugees against attack, as they themselves generally now attack civilians, not the Rwandan army or any other hostile armed groups.

4. DISARMAMENT AND REPATRIATION TO RWANDA

The 1999 Lusaka Ceasefire Agreement called for the withdrawal of all foreign troops from the DRC, under UN oversight, and it identified the ex-FAR/*Interahamwe* as «negative forces» which had to be disarmed by the Congolese army. The 2002 Pretoria Accords similarly assigned responsibility to the Congolese government to track down and disarm these «negative forces», by then the FDLR. MONUC's disarmament, demobilisation, repatriation, rehabilitation and reintegration (DDRRR) unit began operations in the same year to voluntarily disarm and repatriate foreign combatants and their dependents to their country of origin, but it has fallen short of persuading the bulk of the Rwandan Hutu troops to voluntarily disarm and return to Rwanda.

4.1 The role of the rebel leadership

The official FDLR line maintains that combatants would repatriate en masse if political and security conditions were met, following an inter-Rwandese dialogue. However, the FDLR, as «negative forces», cannot participate in political dialogue with the signatories and the disarmament of its troops is handled entirely as a security issue. Despite their official line, the rebel leadership states that individual combatants have the option of seeking repatriation.

The potential repatriation of FDLR combatants and their dependents is shrouded in uncertainty. FDLR commanders prevaricate, they underscore the downside of repatriation and tell their troops that the internal situation in Rwanda is precarious for the Hutu, in order to hamper voluntary repatriation. Many combatants consequently believe that they might be killed or imprisoned if they return to Rwanda without international oversight. Hutu who fled Rwanda over the preceding months (known as the «*gacaca* refugees»¹¹⁸) and contiguous rumours that any Hutu who returns to Rwanda is either killed or imprisoned have worsened their fears. Many combatants and

¹¹⁸ Confessions and denunciations have led to a huge rise in the number of individuals due to be tried in *gacaca* tribunals and many of the accused have fled Rwanda for fear of unfair treatment and judgement.

their families as a result are not convinced that it is safe for them to return to Rwanda and they see no incentive to do so.¹¹⁹

Though the FDLR leadership has profited from illegal mining and other criminal activities, the majority of the rebel troops, including many commanding officers, live in poor conditions in eastern Congo. Although they would have access to basic services in Rwanda that are unavailable to them in the Kivus, such as health facilities and schooling for their children, they opt for the familiar, albeit adverse living conditions of the Congolese bush. Scores of combatants and their dependents have settled in local communities and do not wish to leave the Kivus. Many others are war-weary; they lead precarious lives there and wish to go back to Rwanda. However, many combatants are either unaware of the mechanisms available to them for repatriation¹²⁰ or are physically held back by their leaders. FDLR commanders suppress dissidence – deserters are shot and prospective absconders are afraid to risk deserting – in order to sustain the strength of their forces and hence the rebellion in eastern Congo.¹²¹ Hard-line leaders of the movement effectively have and still control the movement and command the support of the majority of their troops. Hence, in spite of the defection of General Rwarakabije in 2003 and of Colonel Bizimungu in 2005, the bulk of the Rwandan Hutu combatants did not follow them back to Rwanda.

Following threats to forcibly disarm the FDLR, the movement's President, Dr. Ignace Murwanashyaka, declared in Rome on March 31 2005 that the movement would end hostilities and transform itself into a political organisation.¹²² The Rwandan government refused to negotiate with the FDLR leadership and the declaration was never implemented, as the hard-line FDLR old guard threatened to vote Murwanashyaka out of office in the upcoming elections if he pressed on with his commitment to sway the combatants to return to Rwanda. Hard-line FDLR leaders thus saw to the disruption of the information campaign on the «Rome Declaration» targeting their combatants, fell out with Kabila and brought about infighting and further divisions between themselves and moderates who favoured repatriation.¹²³

To all appearances, the FDLR leadership set out to negotiate the repatriation of its troops to Rwanda merely to play for time. FDLR leaders were aware that they were militarily weak compared to the RDF, apprehensive

¹¹⁹ RAFTI, M., "South Kivu", *op. cit.*, pp.19-20.

¹²⁰ Commanding officers have, in many cases, kept their troops in the dark about voluntary repatriation, though MONUC has been partly successful in disseminating information about DDRRR through its *Radio Okapi*, which broadcasts in local languages, but which does not transmit in many remote areas in the forests. *Ibid.*, p.19.

¹²¹ *Ibid.*, pp.19-20.

¹²² FDLR, "Déclaration des Forces Démocratiques de Libération du Rwanda", Rome, March 31 2005. See also RAFTI, M., "Crumbing in Exile", *op. cit.*, pp.103-108.

¹²³ RAFTI, M., "South Kivu", *op. cit.*, pp.20-23.

of international threats to disarm them and possibly hoped that political and military conditions might eventually change in their favour. On the one hand, the hard-line leaders who played a key role during the genocide were unlikely to genuinely favour voluntary repatriation for fear of facing justice. On the other, political leaders made political exigencies, indicating that they bet on recognition by the international community that would allow them to claim prominent positions in Rwanda. Nevertheless, the FDLR lacks the credible bargaining power that could permit the movement to transform itself into a political party in Rwanda. The combatants' conduct in eastern Congo denies the FDLR any legitimacy and the Rwandan government rejects negotiating with it due to its supposed link to the genocide.

4.2. The role of the Rwandan government

Kigali labels the Hutu combatants operating in eastern Congo as ex-FAR/*Interahamwe*. The Rwandan government has managed to publicly maintain an explicit link between the rebel movements and the *génocidaires*. In this way, it can claim that the genocidal ideologues are still at large in the Great Lakes region, and that the Hutu rebels are unrepentant and might still provoke further genocide. The Rwandan rebel combatants are thus faced with a grave legacy that incriminates them with being *génocidaires* or the children thereof, who possess a «genocidal ideology».

Rwandan refugees in the Congo are, in fact, condemned *ipso facto* of possessing this ideology. Consequently, repatriated refugees and former combatants must take part in *ingando*¹²⁴ that are organised by the Rwandan National Unity and Reconciliation Commission (NURC). They have the purported aim of eradicating divisive historical/ethnic beliefs as a means to surrender this ideology. The *de facto* aim of *ingando* is to condition Rwandans with RPF ideology and so contain opposition to the government.¹²⁵ Genocide became a powerful discourse that has been employed by the RPF to constrict the political space inside Rwanda. The RPF-led government, for example, arbitrarily accuses Rwandans (particularly potential political opponents or government critics) of ethnic «divisionism» which could potentially lead to a repetition of the 1994 blood bath.

Following the «Rome Declaration», Kigali pronounced that it would receive the combatants and reintegrate them into Rwandan society, but it

¹²⁴ «Solidarity camps» that were first organised to provide «civic education» to (ex-)refugees repatriated in 1996-1997.

¹²⁵ See MGBAKO, C., «Ingando solidarity camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda», *Harvard Human Rights Journal*, Vol. 18, Spring 2005.

bluntly rejected discussions with the FDLR leadership.¹²⁶ The Rwandan government made it plain that, in its opinion, Kinshasa should be responsible for dismantling the FDLR and that the «FDLR issue» was a Congolese affair. Yet Kigali lacks consistency in its approach towards the FDLR, as at times it exaggerates the threat posed by the FDLR to Rwanda and maintains that the Rwandan army, rather than Kinshasa, will disband the rebels.

The disarmament and repatriation of the Rwandan rebels has been tackled as a security issue that requires a military solution lacking a political dimension. Consequently, the Rwandan internal situation is not taken into account, and certain fundamental reasons for the troops' presence in eastern Congo – the sincere fear of many combatants of hostile conditions in Rwanda, and the unwieldy state of inter-Rwandan reconciliation— are not addressed. The resolution of the problem posed by the Hutu rebellion necessitates Rwandan input. The Rwandan government should make domestic conditions conducive to voluntary repatriation, in order to encourage those rebel combatants and their families wishing to leave the Congo to return, and should allow some international oversight of the process in order to reassure all potential returnees.

The Rwandan government is not under imminent threat by the FDLR and it refuses to discuss with the rebel leaders it considers responsible for the 1994 genocide. Yet it discusses with individuals within the rebel movement, as demonstrated by the desertion of former FDLR Commander-in-Chief General Rwarakabije and former Deputy South Kivu Division Commander Colonel Bizimungu, both of whom were offered positions in the RDF. In this way, it ensures that it can keep the rebellion in check, without giving the advantage to FDLR leaders claiming legitimacy. Rwanda should engage in dialogue with other moderate rebel leaders, making further use of FDLR factionalism, if it genuinely wishes to finish off the Hutu rebellion in the DRC.

The Hutu rebellion and the rebels' cross-border military activities since the second half of 1994 opened the way for Rwandan enrichment and its emergence as a regional power. Whereas Rwanda had legitimate security concerns that justified its intervention in Zaïre in 1996, in 1998 its involvement in the Congo was shady. The Rwandans had formed a buffer zone in the Kivus by 1998, as reinforced RPA troops were deployed in the east and were consequently in a position to deal with the remaining rebels there.¹²⁷ At the onset of the war, the RPA's capture of Kitona – over 2,000 km from the Rwandan border – was a clear signal that security was not Rwanda's primary concern in invading the Congo, and the Rwando-Ugandan

¹²⁶ Letter dated April 4 2005 from the Permanent Representative of Rwanda addressed to the UN Security Council President, S/2005/223.

¹²⁷ International Crisis Group, "Scramble for the Congo", *op. cit.*, pp.10-11.

confrontations in Kisangani in the northeast in 1999 and 2000 uncovered the two countries' plundering activities.¹²⁸ Between 1996 and 2002, Rwanda effectively controlled the Kivus and did not break the Hutu rebel organisations.¹²⁹ Rwanda and its local ally, the RCD-Goma even hampered repatriation by attacking Rwandan Hutu rebels who assembled for the DDRRR process, while in 2002 the *UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo* reported that RPA units mined alongside Hutu rebels, rather than fighting them.¹³⁰ The presence of Hutu rebels in the Congo appeared to cloak the plunder of Congolese natural wealth by the Rwandese regime. For internal and external purposes, Rwandan interests seem better served by the continued presence of (enfeebled) Hutu rebels across its western border rather than back in Rwanda.

4.3. Congolese and international response

Congolese President Joseph Kabila sought to achieve a negotiated settlement of the Rwandan Hutu rebellion. With the mediation of the *Sant'Egidio* community,¹³¹ a Maï Maï delegation of the transitional government began negotiations with the FDLR in Kinshasa and Rome in 2005, which resulted in the FDLR's pledge to disarm and return to Rwanda.

The *Comité International d'Accompagnement à la Transition* (CIAT) and the UN Security Council applauded the FDLR's peace proclamation.¹³² The «Rome Declaration» called for the establishment of an international follow-up committee (*Comité de Suivi*) that would monitor repatriation, and guarantee the security and fair treatment of the combatants and their dependents once in Rwanda. Rwanda rejected the idea of the *Comité de Suivi* and preferred to use the US-sponsored Tripartite Commission, which was established between Rwanda, Uganda and the DRC to deal with diplomatic and security concerns, to support MONUC and FARDC efforts to disarm the rebels. The international community silently conceded to this.¹³³ The FDLR therefore remained the object of disarmament rather than a party to

¹²⁸ *Ibid.*, pp.10-11.

¹²⁹ International Crisis Group, "Pulling back from the Brink in the Congo", *op. cit.*, p.9.

¹³⁰ United Nations Security Council, *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo*, S/2002/11146, *op. cit.*, § 65-66.

¹³¹ *Sant'Egidio* is a Rome-based Roman Catholic Church organisation that has been involved in peace mediation and reconciliation of warring parties. In 1992, *Sant'Egidio* mediated the peace agreement that ended the conflict in Mozambique.

¹³² United Nations Security Council, *Statement by the President of the Security Council*, S/PRST/2005/15, New York, April 12 2005.

¹³³ RAFTI, M., "Crumbing in Exile", *op. cit.*, p.109.

negotiations. The international community has widely accepted the Rwandan position regarding the FDLR and its links to the *génocidaires*. Not only has it not pressured Kigali to negotiate with the FDLR heads, but also it has not linked disarmament and repatriation with Rwandan reconciliation and the need to open the political space in Rwanda.

The idea of forcibly disarming the Rwandan Hutu rebels was raised on a number of occasions, even though previous attempts by the Congolese government had had unfavourable results. The attempted repatriation of the rebels who were stationed in Kamina in 2002 resulted in a fiasco for MONUC and the Congolese army. A large number of rebel troops remobilised, rearmed and, induced by Colonel Sylvestre Mudacumura, fled to North and South Kivu to re-join the FDLR forces.¹³⁴ Subsequent to the Kamina incident, the FDLR leadership declared its mistrust of the international community and of the DDRRR process.¹³⁵

Following a string of events in 2004,¹³⁶ which yet again triggered Rwandan threats in November 2004 to invade the DRC and crush the Hutu rebels,¹³⁷ forcible disarmament was considered once more. In January 2005, the African Union resolved to create a force to disarm and repatriate the FDLR.¹³⁸ The FARDC subsequently began a series of offensives against the FDLR to force Hutu rebel disarmament, with MONUC backing.¹³⁹

The military operations intensified when the FDLR backed down on its commitment made in Rome. Despite joint FARDC-MONUC operations, the Rwandan rebels proved very resilient against attack. Well-acquainted with the Congolese terrain and adeptly trained in guerrilla tactics, FDLR troops swiftly withdrew and avoided confrontation with the Congolese army. In all likelihood, local informants had warned FDLR combatants about imminent operations. The FARDC aimed to fight the FDLR through a war of attrition. They destroyed FDLR camps and supplies, but the combatants became more aggressive as they lost their resources. The FDLR staged violent retaliatory attacks against civilian populations and intensified pillaging and extortions,

¹³⁴ International Crisis Group, "Jump-starting DDRRR to prevent further war", *op. cit.*, p.9.

¹³⁵ RAFTI, M., "The Rwandan Political Opposition in Exile", *op. cit.*, pp.18-19.

¹³⁶ Namely the Nkunda-Mutebutsi siege of Bukavu and the massacre of Congolese (overwhelmingly Banyamulenge) refugees at the Gatumba UNHCR site in Burundi on August 13 2004. This massacre was perpetrated by the Burundian FNL, but the Rwandan government claimed that the FDLR and Mai Mai elements had joined in the massacre due to their «genocide ideology». Human Rights Watch, "Burundi: The Gatumba Massacre. War Crimes and Political Agendas", *HRW Briefing Paper*, New York, September 2004, pp.23-27.

¹³⁷ MONUC, "MONUC strongly reacts to Rwanda's threat to attack the FDLR in the DRC", November 26 2004, available at <http://www.monuc.org>.

¹³⁸ African Union, "Communiqué of the twenty-third meeting of the Peace and Security Council", *PSC/AHG/Comm. XIII*, Libreville, January 10 2005.

¹³⁹ RAFTI, M., "South Kivu", *op. cit.*, p.23.

while they used the local population as a human shield against further attacks.¹⁴⁰

Forcible disarmament of the Hutu rebels is, therefore, extremely complicated, as evidenced by violent backlashes against the civilian population, and by the FDLR's resilience against the FARDC operations. FARDC soldiers are inadequately trained, not fully unified, poorly paid and they are not motivated to risk fighting the FDLR in difficult terrain that has been mastered by the rebels. Many FARDC soldiers loot and terrorise their own population, while to all accounts Mai Mai elements of the FARDC continue to support the rebels. The Congolese transitional government itself supported the Hutu rebels and it has never prevented the flow of arms to them. The incapacity and unwillingness of the Congolese government to dismantle the FDLR have, in fact, been key factors in the rebels' protracted presence in eastern Congo.

5. CONCLUSION

The crisis of the Congolese state, and its *de facto* absence from its eastern regions, fostered the emergence of a protracted Rwandan Hutu rebellion against the post-genocide RPF-led regime. Ex-FAR forces formed and trained skilled refugee warrior troops that were organised into a conventional army. Hard-line Hutu formed the mental framework of the rebellion by sketching a solemn picture of post-1994 Rwanda for the Hutu population. Ethnicity acquired a central function in the rebel ideology. Narratives nostalgic of the *acquis* of the 1959 «social revolution» and a discourse of Hutu victimisation and oppression by the Tutsi reinforced the rebels' faith in the insurgency and rationalised the need to take up arms against the perceived Tutsi-led Rwandan regime.

Ex-FAR hard-liners featured prominently in the rebel hierarchy and pulled the strings in the movements. Key *génocidaires* were forced off the rebel scene in time – some captured in Rwanda during incursions, a number arrested and detained or being tried at the ICTR in Arusha, and others fled the Congo and went into hiding – leaving a power void in the rebel movements. Yet some hard-liners remained, continued to control the movements and wrestle with moderate leaders over the philosophy and objectives of the rebellion.

Rwanda has treated Hutu combatants as ex-FAR and *Interahamwe* genocidal forces. It continues to portray them as *génocidaires* who represent a threat to the Rwandan population because they allegedly intend to complete the genocide. However, the characterisation of the rebels as *génocidaires*

¹⁴⁰ *Ibid.*, pp.23-24.

affects the broader refugee community, which is also suspected of comprising *génocidaires* as it remains outside Rwanda. During the AFDL war, refugees' lives and humanitarian values came second to Rwandan security concerns. The refugees who perished at the hands of the RPA were in many cases considered *génocidaires* by virtue of being Hutu who had fled Rwanda. The RPA's hunt for refugees pushed them closer to the rebels and the Hutu rebel movements found willing recruits among the traumatised refugees in the years that followed. The contention that Rwandan Hutu in the Congo possess a «genocidal ideology» appears to act as a self-fulfilling prophecy; a foreboding «Hutu culture» in the making.

The rebellion has been treated as a security issue that necessitates the demobilisation and disarmament of the refugee warriors, without a political dimension, even though the refugee warriors emerged because of what Clapham describes as «blocked political aspirations.»¹⁴¹ Yet the unwieldy state of Rwandan ethnic reconciliation and the restricted political space in Rwanda have not been spotlighted by the international community.

The persistence of the Rwandan Hutu rebellion in Congo must be seen in the context of the unresolved Rwandan conflict, which continues to be summed up in ethnic terms and remains linked with the refugee question. Rwandan refugee warriors who invaded Rwanda to fight for their rightful return to their homeland can be traced back to the 1960s, when Tutsi refugees who fled massacres after 1959 conducted cross-border raids. The RPF itself claimed to be fighting for the right of refugees to return to Rwanda when it invaded Rwanda in 1990 from Uganda. To date, Rwandan Hutu refugees in the Congo continue to provide the human resources to a rebellion that allegedly aims to fight for their rights to return under suitable conditions.

The rebellions' strength ebbed and waned according to circumstances, as the rebels cast about for alliances that breathed life back into them. Their capacity declined over the years because of loss of allies and ensuing logistical problems, death, factionalism, defection and low morale. In their attempt to survive, many combatants became integrated in local communities, some sporadically joining rebel bands. Others resorted to illicit activities in the absence of regular payment, activities that currently continue. The Hutu rebels have long ceased to threaten the Rwandan regime, but have posed a greater threat to the Congo.

The Rwandan regime had much to gain from the presence of the Hutu rebels in neighbouring Congo. It was able to clamp down on internal opposition and consolidate its hold on the country, and it exploited Congolese wealth and established local clients who ensure that it continues to profit from that wealth. The rebels have been a thorn in Rwando-Congolese relations, as

¹⁴¹ CLAPHAM, C., "Introduction", *op. cit.*, p.5.

Kigali has used the security threat they pose to interfere in its neighbour's affairs, including spearheading two wars that had disastrous consequences.

The conclusion of the Congolese transition, with the forthcoming elections in mid-2006, could permanently resolve the Rwandan extra-territorial civil war. If the electoral results are accepted and the Congolese state is reconstructed and achieves territorial control and the capacity to assure its neighbours' security concerns, the Congolese government would be in a position to end the Rwandan Hutu rebellion and the Rwandan war in its territory. If, however, the electoral results are contested and former rebel factions take up arms again and destabilise the east, the Hutu rebels' position would be enhanced as in 1998. The Rwandan client party RCD-Goma's unpopularity could cost it the power it accumulated with the inauguration of the transitional government in 2003. Dissident RCD-Goma troops have challenged the FARDC in their effort to derail the political transition and the coming of elections. Should the RCD-Goma suffer a crushing defeat at the polls, it could incite its troops to challenge the result through renewed war.

The international community, while not pressing Rwanda to negotiate with the rebels to resolve the conflict, pressured it to withdraw from the Congo in 2002. Continuous Rwandan attempts to derail the Congolese transition have stretched the international community's patience. The fact that MONUC stays on in the Congo suggests that the international community will neither permit Rwanda and its local proxies to upset the installation of a post-transitional Congo government, nor accept the scenario of resumed warfare and the continuation of the Rwandan 'civil war' across its western border.

Antwerp, April 2006