

DISCUSSION PAPER / 2006.05



South Kivu: a Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda

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March 2006

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ABSTRACT

The rebellion of the Democratic Forces for the Liberation of Rwanda (FDLR) is the most recent in a series of rebellions that aimed to fight the post-genocide Rwandan regime from bases in the Democratic Republic of Congo (DRC). The FDLR is a politico-military movement, which allegedly aims to initiate a national dialogue in order to change the Rwandan regime and to secure the return of FDLR combatants and Rwandan refugees under fair conditions, by military means. Between 3.000 and 4.000 FDLR troops are deployed throughout South Kivu, where they create pockets of insecurity. The Rwandan government considers the FDLR combatants as ex-FAR/Interahamwe genocidal forces, which threaten the Rwandan population, as they allegedly aim to complete the genocide. Indeed, an ominous “Hutu culture” is in the making in South Kivu, as the Hutu ethnicity plays a key function in the FDLR’s discourse, depicting post-genocide Rwanda as skewed in favour of Tutsi, and as inequitable and insecure for Hutu. The genocide is downplayed and it is replaced by feelings of injustice and victimisation of Rwandan Hutu by their ethnic “rivals,” validating the Rwandan government’s fears of the continuation of hate ideologies. Nevertheless, the FDLR is a greater threat to the population of South Kivu than to Rwanda. The FDLR does not occupy land in Rwanda but controls territory in South Kivu. In many parts of the province, the rebellion is very violent and has deeply wounded its social and demographic character. The scale of FDLR crimes denies the rebels their alleged “right to self-defence” and goes beyond the stated objectives of the rebellion. Over the long years in exile, and in its aim to survive amid a volatile region, the FDLR has lost much of its ideological impetus and has ultimately become a fragmented movement lingering in eastern Congo.

RÉSUMÉ

La rébellion des Forces Démocratiques pour la Libération du Rwanda (FDLR) représente la plus récente d'une série de rébellions qui aspirent à combattre le régime rwandais après le génocide, à partir de bases en République Démocratique du Congo (RDC). Le FDLR est un mouvement politico-militaire qui affirme vouloir initier, par des moyens militaires, un dialogue national afin de changer le régime et sécuriser le retour des réfugiés rwandais dans des conditions équitables. Entre 3.000 et 4.000 combattants du FDLR sont déployés à travers le Sud-Kivu, où ils créent des poches d'insécurité. Le gouvernement Rwandais définit les combattants du FDLR comme des forces génocidaires ex-FAR/Interahamwe qui représenteraient une menace pour la population rwandaise, puisqu'ils essaient, selon Kigali, de parachever le génocide. En effet, une « culture Hutu » de mauvais augure se crée dans le Sud-Kivu, puisque l'ethnicité hutue joue un rôle clé dans le discours du FDLR, qui dépeint le Rwanda post-génocide comme étant favorable aux tutsis mais inéquitable et incertain pour les hutus. La gravité du génocide est minimisée et elle est remplacée par des sentiments d'injustice et de victimisation des hutu rwandais par leurs « rivaux » ethniques, et en conséquence, les craintes du Gouvernement rwandais à propos de la persistance des idéologies de la haine sont confirmées. Néanmoins, le FDLR est une plus grande menace à la population du Sud-Kivu qu'au Rwanda. Le FDLR n'occupe pas de terrain au Rwanda mais contrôle des territoires dans le Sud-Kivu. Dans beaucoup de localités de la province, la rébellion est très violente et elle a ébranlé le caractère social et démographique du Sud-Kivu. L'intensité des crimes du FDLR enlève aux rebelles le droit à leur prétendue « légitime défense » et va bien au-delà des objectifs affirmés de la rébellion. Pendant les longues années d'exil, et en vue de survivre dans une région instable, le FDLR a perdu la plus grande partie de sa motivation idéologique et n'est finalement devenu qu'un mouvement fragmenté éparpillé dans l'est du Congo.

SOUTH KIVU



1. INTRODUCTION

Following the Rwandan genocide in 1994, Rwandan Hutu fled to neighbouring countries at the behest of genocide leaders and out of fear of retribution from the Tutsi-led Rwandan Patriotic Front (RPF), which took charge of Rwanda. Approximately 1.2 million Rwandans crossed into Zaïre's eastern provinces of North and South Kivu, where refugee camps were set up near the Rwandan border. The Zaïre refugee camps thus provided sanctuary to civilians, to the former civilian administration, to former Rwandan Armed Forces (FAR)² and to *Interahamwe* militia members who were jointly responsible for the genocide. Between 1994 and 1996, these forces enlisted and trained refugees in the camps and were rearming in preparation for an attack against Rwanda;³ hence, the Rwandan conflict was effectively transferred into Zaïre.

The Rwandan government asserted that the ex-FAR/*Interahamwe* and their new partisans sought to complete the genocide. It appealed to the international community to resolve the problem, otherwise threatening to take matters into its own hands. In 1996, a rebellion began against Zaïrian President Mobutu Sese Seko by the Alliance of Democratic Forces for the Liberation of Congo-Zaïre (AFDL)⁴ with support from Rwanda, Uganda and Burundi. In the ensuing seven-month war, Mobutu was toppled and replaced by Laurent Désiré Kabila and Zaïre was renamed the Democratic Republic of Congo (DRC). At the onset of the war the Rwandan Patriotic Army (RPA)⁵ launched an attack on the refugee camps, aiming to crush the remaining elements associated with the genocide. The camps were dismantled, some 600.000 refugees were forcibly repatriated to Rwanda and many others dispersed throughout North and South Kivu and to neighbouring countries.⁶ The protracted presence of Rwandan refugees in the Kivus shored up a series of armed rebellions against the new regime in Kigali, which crystallised in the politico-military Democratic Forces for the Liberation of Rwanda (FDLR).⁷

The armed wing of the FDLR currently constitutes the largest armed foreign group operating in the DRC. It has an estimated overall force of between 8.000 and 10.000 “*abacunguzi*”⁸ combatants.⁹ Of these, between 3.000 and 4.000 are deployed in South Kivu, where they contribute to endemic insecurity. This paper attempts to depict the FDLR rebellion in South Kivu, in the light of its significance to the Rwandan refugees and to the Rwandan conflict, while also considering its ramifications on the local population. It seeks to assess whether the FDLR in South Kivu is capable of challenging the Rwandan re-

² *Forces Armées Rwandaises*.

³ Human Rights Watch: “Rwanda/Zaïre: Rearming with Impunity. International Support for the Perpetrators of the Rwandan Genocide,” *HRW Arms Project*, Vol. 7, No. 4 (New York: May 1995).

⁴ *Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre*.

⁵ The RPA was the armed wing of the RPF and became the new Rwandan army when the RPF took power in July 1994. The Rwandan army was subsequently renamed the Rwandan Defence Forces (RDF).

⁶ It has been reported at length that crimes against humanity were committed by the RPA, which allegedly hunted down and massacred thousands of Hutu refugees. See Amnesty International: “Rwanda: Protecting their Rights: Rwandese Refugees in the Great Lakes region,” *AI Index AFR 47/016/2004* (London: 2004); and Human Rights Watch, “Rwanda: The Search for Security and Human Rights Abuses,” *HRW Vol. 12. No. 1(A)* (New York: April 2000). The supposed intentionality of the crimes led a UN investigative team to suggest that genocide might have been committed by the RPA. See 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).

⁷ *Forces Démocratiques pour la Libération du Rwanda*.

⁸ I.e. “liberators” in Kinyarwanda.

⁹ These are estimates of the UN Mission to the Congo (MONUC). The Rwandan government estimates that FDLR combatants number between 10.000 and 15.000, but the long duration of the rebellion has significantly weakened its ranks. International Crisis Group: “Back to the Brink in the Congo,” *ICG Africa Briefing* (Nairobi/Brussels: December 17 2004), p. 6. FDLR commanders also try to inflate the movement's force and use a multitude of code names in an effort to give such an impression.

gime, if it poses a threat to the Rwandan population, and lastly, to investigate the inclination of the rebels to disarm and repatriate to Rwanda.

South Kivu offers the FDLR insurgency a safe haven from Rwanda. It consists of eight administrative territories— Shabunda, Kabare, Walungu, Mwenga, Kalehe, Uvira, Fizi and Idjwi— with a varied landscape that is replete with tropical forests, mountains, highlands and lowlands, and so provides safe areas in which guerrilla movements may mobilise and hide. South Kivu is also endowed with gold, cassiterite and coltan deposits,¹⁰ and agricultural wealth. From the 1990s onwards, already deep-seated violence became more acute in South Kivu society, much of it carrying ethnic overtones. This, together with an absence of central state control, the inaccessibility of many parts of the province, and the increased possibility to exploit and profit from its resources, foster many insurgencies in South Kivu. Its proximity to Rwanda is a key reason for the FDLR insurgency there. The province is highly populated and the Hutu rebels place a strain on its agricultural and mineral resources, complicating the Rwandan refugees' relations with host South Kivu communities. Many local civilian and church organisations accuse Rwandans of almost all criminal activity in South Kivu and for introducing a violent culture there, despite decades-long violence in eastern Congo.

The first part of the paper considers the FDLR's origins, and its ideological drive which revolves around professed Hutu grievances against the RPF-led regime and the aim of restoring Hutu privileges in Rwanda. The second part attempts to sketch the rebellion. It briefly looks at the rebels' recruitment patterns, their deployment in South Kivu, their organisation and military capabilities and it highlights their conduct. The final section considers the potential repatriation of Rwandan Hutu combatants and their families to Rwanda and the roles that might be played by the Congolese government, the international community and the Rwandan government to support it. This paper is mainly based on research carried out in South Kivu over a number of brief visits in July and August 2005. Between July 27 and August 8 and between August 23 and 25 2005, I conducted interviews in Bukavu, and then travelled to the territories of Kabare, Walungu and Mwenga for further research. Between August 10 and 14 and between August 20 and 22 2005, I conducted research in Uvira and along the Ruzizi Plain. Interviews, for the most part, were conducted with FDLR combatants, civilian and military personnel of the UN Mission to the DRC (MONUC), Congolese government officials, commanders of the newly-integrated Congolese Armed Forces (FARDC), civil

¹⁰ South Kivu's mineral wealth has been a key factor for external intervention in the DRC. See, for example, UN 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 the Congo, S/2002/1146* (October 16 2002); and UN 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 the Congo, S/2003/1027* (October 23 2003).

society representatives and, to a lesser extent, with Congolese civilians and Rwandan civilian refugees. Although conducted in mid-2005, the research remains relevant, as FDLR combatants stay on in South Kivu; they continue to be a cause of insecurity in the province and a thorn in Rwando-Congolese relations. The persistence of the FDLR rebellion signifies, on one hand, that the Rwandan conflict remains unresolved; that Rwandan reconciliation is hampered and that hate ideologies remain alive in the Great Lakes region. On the other hand, it indicates that the FDLR has become entrenched in the local reality of disorder and violence, and that it has partly lost its initial ideological underpinning and has become a “Congolese” movement.

2. ORIGINS AND IDEOLOGY

The FDLR descended from the Rwandan Liberation Army (ALiR)¹¹ and it is correspondingly regarded as the offspring of the genocidal forces. After the dismantlement of the refugee camps, the former Governor of Kigali, Colonel Tharcisse Renzaho, and ex-FAR Lieutenant Colonel Paul Rwarakabije¹² created the ALiR. The ALiR was composed of ex-FAR— both *génocidaires* and *non-génocidaires*— and Interahamwe, but also young new recruits from the refugee population. The ALiR was a reactionary organisation, aiming to overthrow the new regime in Kigali through cross-border raids from the Congo, and to reinstall Hutu control in Rwanda. In 1997, the ALiR infiltrated northwestern Rwanda, where it led an insurgency against the new regime. It killed Tutsi genocide survivors and Hutu who were seen as RPF collaborators, destroyed infrastructure, and tried to interrupt foreign aid to the Rwandan regime.¹³ Thus, the ALiR’s actions gave weight to the Rwandan government’s assertion that the rebels sought to continue the genocide. By mid-1998, the RPA crushed the uprising,¹⁴ killing and capturing key ALiR commanders and combatants, and the ALiR was subsequently restructured into two separate branches in the Congo, with help from President Kabila who broke his earlier ties with the Rwandan government. ALiR I was based in Masisi (North Kivu) and Shabunda (South Kivu), and ALiR II was based in Kinshasa and fought with the Congolese Armed Forces (FAC)¹⁵ against the Rwandan and Ugandan-backed rebels in a second war that began in 1998 and officially ended in 2002. In 2000, ALiR I and ALiR II came together under the politico-military structure of the FDLR and Paul Rwarakabije became Commander-in-Chief of the movement.¹⁶

¹¹ *Armée de Libération du Rwanda*.

¹² Renzaho is accused of Category 1 genocide crimes and is currently detained in Arusha for his leading role in the genocide. Rwarakabije is not on the List of Category 1 Genocide Suspects issued by the Rwandan government, though he may be responsible for crimes committed in Rwanda in 1997-1998 (see *infra*). African Rights: *Rwanda: The Insurgency in the Northwest* (London: September 24 1998), p. 11; and International Crisis Group: “Disarmament in the Congo: Jump-starting DDRRR [see glossary] to prevent further war,” *ICG Africa Report No. 38* (Nairobi/Brussels: December 14 2001), p. 7

¹³ See African Rights: *Rwanda: The Insurgency in the Northwest*, *op. cit.*, pp. 90-161; and International Crisis Group: “Disarmament in the Congo,” *op. cit.*, p. 6.

¹⁴ The RPA allegedly killed many Hutu civilians supposedly for collaborating with the rebels in its effort to quell the insurgency, leading to new waves of refugees. African Rights: *Rwanda: The Insurgency in the Northwest*, *op. cit.*, pp. 162-178; Amnesty International: “Rwanda: Ending the Silence” *AI Index AFR/47/32/97* (London: September 25 1997); Human Rights Watch and FIDH: “Human Rights Watch and FIDH Demand End to Killings of Civilians by Rwandan Soldiers” *HRW/FIDH Press Release* (New York: August 13 1997); and Human Rights Watch: “Rwanda: The Search for Security and Human Rights Abuses,” *op. cit.*

¹⁵ *Forces Armées Congolaises*.

¹⁶ I address the development of the ex-FAR and Interahamwe into the ALiR, ALiR I and ALiR II, and ultimately the FDLR in more detail in F. Reyntjens and S. Marysse (eds.), *L’Afrique des Grands Lacs. Annuaire 2005-2006* (L’Harmattan, Paris, in press)

FDLR combatants are habitually referred to by Kigali as the ex-FAR/*Interahamwe* and ALiR but the movement's political wing rejects these negative designations, advocating instead the opening of an inclusive inter-Rwandan dialogue and the safe return of all refugees to Rwanda. The FDLR's main political objective is allegedly to change the regime in Rwanda, though not to take over the country as the ALiR had aspired to. The FDLR military forces proclaim themselves protectors of Rwandan refugees and declare that they will use force to achieve the political objectives of the movement.¹⁷

Combatants emphasise that they were denied refugee status when the camps were closed, and assert that they were forced to fight for their rightful return to Rwanda. FDLR narratives downplay the genocide, they underscore 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 they refer to a so-called "double genocide"—a discourse that claims that the RPF committed genocide against Hutu in Rwanda in 1994 and against Hutu refugees in the Congo between 1996 and 1997. FDLR combatants stress the plight of the Hutu and they define the RPF as the "first enemy", but they maintain that they will defend themselves against anyone who attacks them.¹⁸ The RPF is identified with the Tutsi population and some combatants boast that they have killed or will kill "the Tutsi enemy."¹⁹ A young combatant in Burhinyi acerbically remarked, "My father may well have killed Tutsi in Rwanda. The Tutsi killed my father in the Congo. Now it is my turn to kill Tutsi."²⁰

The Rwandan insurgents were marginalised from the centres of power and spent long years in the Congolese forest. There, they had the social space to organise the rebellion and to develop an ideological challenge to the RPF-led regime revolving around ethnic injustice. Rebel leaders mobilise Rwandan refugees to take up arms in a "quest for justice"²¹—to seek rectification for the socio-political marginalisation of Rwandan Hutu and for the ill-treatment of refugees at the hands of the RPA. The RPF and the Tutsi population are entwined in the combatants' and refugees' minds. This possibly arises from the perceived alignment of Tutsi with the RPF before the genocide that led to the denomination of all Tutsi as *ibytso*,²² signifying the persistence of ethnic hatred. FDLR ideology stems from a hardening of the Hutu identity in South Kivu, due to a sense of victimisation that was fed by myths of oppression and was cultivated through life in exile.²³ Many Rwandan Hutu refugees perceive their hardships in terms of Tutsi (i.e. RPF) malice and any traces of guilt pertaining to crimes they may have committed during the genocide are replaced by feelings of injustice,

¹⁷ FDLR: *Communiqué portant mesures sur les organes des FDLR* (Washington: September 12 2003). Also see Rafti, M.: "The Rwandan Political Opposition in Exile: a valid interlocutor vis-à-vis Kigali?" *IDPM-UA Discussion Paper 2004-I* (Antwerp: April 2004), pp. 16-18.

¹⁸ Interviews with FDLR combatants, Burhinyi and Lubanga, August 2005.

¹⁹ *Ibid.*

²⁰ Interview with FDLR combatant, Burhinyi, August 2005.

²¹ A term taken from Collier, P. & Hoeffler, A.: "Justice-Seeking and Loot-Seeking in Civil War", *World Bank Policy Research Working Paper No. 28151* (Washington D.C.: February 1999).

²² I.e. "accomplices" in Kinyarwanda.

²³ Liisa Malkki investigated the (re)generation of ethnic identities among Hutu in Tanzanian refugee camps who asserted their identity in terms of "victimhood" and through depictions of Tutsi as evil. This also applies to several Rwandan Hutu refugees in South Kivu. See Malkki, L. H.: *Purity and Exile: violence, memory and national cosmology among Hutu refugees in Tanzania* (Chicago: 1995).

which in turn give way to a radical view of their ethnic “rivals.”²⁴ The hardening of ethnic identities sustains the differentiation between Hutu and Tutsi, setting them apart as rivals, and consequently undermines chances for inter-Rwandese reconciliation.

FDLR combatants are faced with a grave legacy, which incriminates them with being *génocidaires* or the children thereof, who possess a “genocidal ideology.” Though the FDLR tried to do away with the negative undertones associated with the ex-FAR/*Interahamwe* and ALiR, and proclaimed to favour power-sharing in Rwanda, there is continuity in the Hutu rebellions’ and the rebels’ (ethnic) ideology. The Rwandan government employs the designation of the combatants as the ex-FAR/*Interahamwe* and ALiR to indicate that the genocidal ideologues are still at large in the Great Lakes region, and that the Hutu rebels are unrepentant and might still provoke genocide.²⁵ Consequently, repatriated refugees and former FDLR combatants must take part in *ingando* “civic education” camps that are organised by the Rwandan National Unity and Reconciliation Commission (NURC) to surrender this ideology.²⁶ Indeed the rebels were raised in adverse conditions in refugee camps and in the Congolese bush under the sway of extremists, who instilled anti-RPF sentiments in them. Nevertheless, the criminalisation of the Hutu rebels has broader overtones on the Hutu population, which is arbitrarily condemned for possessing a genocidal ideology. RPF treatment of Rwandan Hutu refugees as *génocidaires* by virtue of their being Hutu outside their country of origin, and the denial of crimes perpetrated against the refugees in eastern Congo by the RPF only deepen mutual antagonisms, and widen the “Hutu-Tutsi” schism. The Rwandan government’s fear of the continuation of a hate ideology that threatens the security of the Tutsi minority is validated in South Kivu, but it is also employed by the government to justify internal security actions and incursions into eastern DRC by the Rwandan Defence Forces (RDF) to purportedly deal with Hutu extremists.

The claim of Rwandan Hutu “refugee warriors” to fight for their rights corresponds to the RPF’s discourse in 1990 when it invaded Rwanda. The RPF claimed to be fighting for the right of Tutsi refugees to return to Rwanda and the FDLR similarly upholds the right of Hutu refugees to return. The Rwandan refugee issue remains unresolved and it lies at the heart of the protracted Rwandan conflict. Ethnic resentments and the cycle of violence consequently endure.

²⁴ FDLR ideology also encompasses a religious dimension, a subject that requires further research. The rebels believe that god supports their cause, and they make references such as *imana turi kumwe* (“god is with us”—one such example being written by an FDLR combatant in a note to his fellow combatants granting us permission to pass through FDLR-controlled territory in Walungu, August 2005). They allegedly even claim, at times, to be the *ingabo z’imana* (“god’s army”). Enmeshed with ethnicity, religious fundamentalism possibly serves to “exonerate” combatants of any criminal activity they may commit in pursuit of FDLR/Hutu objectives.

²⁵ The ICG wrote that “Kigali insists on the ALiR denomination to clearly keep the link between its rebel opponents, the genocidal project of the 1997 insurgents and ex-FAR and *Interahamwe*. The FDLR reject the ALiR denomination, which implies their recognition of the 1994 genocide, their official political programme respectful of multi-ethnic Rwanda and their alleged severance of all links with those indicted for genocide by the International Criminal Tribunal for Rwanda,” International Crisis Group: “The Kivus: The Forgotten Crucible of the Congo Conflict,” *ICG Africa Report No. 56* (Nairobi/Brussels: January 24 2003), p. 8.

²⁶ *Ingando* are “solidarity camps” that aim to eradicate “divisive beliefs” through public awareness-raising. However, *ingando* have been criticised for their *de facto* aim of conditioning Rwandan citizens with RPF ideology in order to contain any opposition to the government. See, for instance, Mgabko, C.: “Ingando solidarity camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda,” *Harvard Human Rights Journal*, Vol. 18 (Spring 2005).

3. A SKETCH OF THE FDLR REBELLION IN SOUTH KIVU

3.1 Military recruitment, positions, organisation and capacity

The FDLR emerged from the Rwandan refugee community. Commanders sustained a recruitment network over the years and they recruit among young refugees. Total combatants currently number between 3.000 and 4.000 in South Kivu²⁷, down from an estimated 7.000-15.000 troops in 2003.²⁸ It is palpable from the youthful appearance of the greater part of the troops that the combatants were young children during the genocide. Following FDLR ethnic ideology, recruitment is confined to Hutu. FDLR commanders also enlist young Rwandan Hutu from Rwanda and Burundi, as rebels incessantly infiltrate the borders, entering the Nyungwe and Kibira forests and then the Rukoko forest. During the first part of 2005, over 1.000 new recruits set out from Rwanda and joined the ranks of the FDLR.²⁹ Such recruitment currently continues.³⁰ The FARDC regularly close their eyes to rebels penetrating the borders.³¹ In order to effectively disrupt the FDLR recruitment network, the FARDC must rigorously patrol the Ruzizi Plain, which requires labour and logistics unavailable to them.³²

FDLR troops are deployed throughout South Kivu and they are profuse in remote areas that are difficult to reach by land. Infrastructure is substandard in much of the province—there are few roads, bridges are dilapidated—and so it is difficult to deploy heavy vehicles to quash the insurrection. In Shabunda and Fizi in particular, the FDLR have been known to join forces with the indigenous Mai Mai militias³³ (now integrated in the FARDC) and with other groups sympathetic to their cause, such as the Burundian Hutu National Liberation Forces (FNL)³⁴ rebels, who permit FDLR troops to traverse their territory.³⁵ FDLR South Kivu Division headquarters are found in Ntondo (Walungu territory),³⁶ under the command of Colonel Bertin Amani, also known as “Pilote”. The main FDLR concentrations are found in Mwenga, Kabare and Walungu in the north, while they are also profuse in the Ruzizi Plain and the High Plateaux in the southeast.³⁷

The FDLR’s military organisation is unlike that of typical rebel forces; it is structured like a conventional army,³⁸ betraying the groundwork of the ex-FAR. The ex-FAR handed down to the FDLR an ordered, bureaucratic structure and with a High Command that assigns different tasks to combatants through decentralised military offices: department G1 is in

²⁷ Interviews with MONUC commanders, Bukavu and Uvira, August 2005.

²⁸ International Crisis Group: « Les Rebelles Hutu Rwandais au Congo : Pour une Nouvelle Approche du Désarmement et de la Réintégration », *ICG Africa Report No. 63* (Nairobi/Brussels: May 23 2003), p. 8. Overall FDLR troops in Congo decreased from 15.000-22.000 in 2003 (*Ibid.*) to 8.000-10.000.

²⁹ Between January and March 2005, Hutu headed from Rwanda and Burundi towards the Rugeje Mountains, Uvira town and the locality of Sange, joining the FDLR in three successive flows (300, 36 and 800). Interview with the Head of the National Intelligence Agency (ANR) in Uvira, Peter Nkuba, Uvira, August 2005.

³⁰ In August 2005, the FARDC 108th brigade based in Luvungi intercepted new recruits, who crossed from Rwanda into Burundi and subsequently to South Kivu. Interviews with FARDC 108th brigade commander and with five new FDLR recruits detained at the FARDC 108th brigade headquarters, Joseph Hakizimana, Emmanuel Byayingabo, Abdul Nkuruziza, Jean Damascène Bizimana and Pascal Niyibizi, Luvungi, August 2005.

³¹ Interviews with FARDC 61st brigade commander, Lieutenant Colonel Modeste Kitunja, Uvira, August 2005; and with FARDC intelligence officer, Captain Gaspard Kibalo, Sange, August 2005.

³² Interview with FARDC 61st brigade commander, Lieutenant Colonel Modeste Kitunja, Uvira, August 2005.

³³ The Mai Mai regard the Banyamulenge (local Tutsi) as long-established enemies and they share the FDLR’s assumed anti-Tutsi sentiments.

³⁴ *Forces Nationales de Libération*.

³⁵ Interview with the Head of the ANR Uvira, Peter Nkuba, Uvira, August 2005. In the past, the FDLR also collaborated with the Burundian Hutu rebels of the National Council for the Defence of Democracy-Defence Forces of Democracy or CNDD-FDD (*Conseil national pour la défense de la démocratie-Forces de défense de la démocratie*).

³⁶ They are located on a mountaintop, surrounded by numerous small hills, where companies are deployed to guard it.

³⁷ FDLR positions regularly change. In mid-2005, four brigade headquarters were found in Ngandu (Fizi territory), Magembe (Fizi territory, near Mwenga and Shabunda territories), Shabunda (Shabunda territory) and Masumbili (Mwenga territory), there were brigades in Lubanga (Uvira territory) under the command of Lieutenant Colonel Fred Ikakiza and in Kilembwe (Fizi territory), which was composed of combatants who fled the Kamina military base in 2002 (see *infra*). Interviews with MONUC commanders, Bukavu and Uvira, August 2005; with MONUC military observers, August 2005; with FDLR Lieutenant Colonel Fred Ikakiza, Lubanga, August 2005; with FARDC 61st brigade commander, Lieutenant Colonel Modeste Kitunja, Uvira, August 2005; with the Head of the ANR Uvira, Peter Nkuba, Uvira, August 2005; and telephone communication with FDLR South Kivu Head of Security, Lieutenant Colonel Venuste Senga, August 2005.

³⁸ Other rebel movements operating in the Congo are also structured like conventional army forces.

charge of personnel; G2, intelligence; G3, operations; G4, logistics; and G5, civil affairs. There is strong vertical control and commanding officers exercise a high degree of discipline and control over much of the FDLR rank-and-file.³⁹

According to MONUC sources, FDLR troops are well trained and skilled in guerrilla warfare.⁴⁰ FDLR commanders have military training camps in the rebel-held villages and regularly train new recruits. The FDLR is fairly well armed and equipped, but has been enfeebled by ammunition shortages.⁴¹ The former Rwandan army carried with it a sizeable arms cache during its exodus from Rwanda to Zaïre in 1994, a large part of which was passed down to the new generation of Hutu fighters. Until late 2002, the FDLR also received weapons and cash payments from Laurent Désiré Kabila and Joseph Kabila, who succeeded his father as President in 2001, for the Hutu combatants' service in the second Congo war.⁴² In September 2002, Rwanda and the DRC signed the Pretoria Accords, which called for the withdrawal of all Rwandan troops from the DRC and Rwanda ostensibly pulled out its troops.⁴³ Pressured to disarm and repatriate Hutu rebels operating in Congolese territory, Kabila banned FDLR leadership from the DRC and cut off all support hitherto given to the rebels. Nevertheless, Rwanda accused Kabila of continuing to support the FDLR.⁴⁴ Indeed, depending on local military circumstances and in the absence of a staunch national army, the Congolese government struck alliances with and armed the FDLR again to fight Rwanda and its local proxy, the RCD-Goma, and break Rwandan influence in the Kivus.⁴⁵ FDLR commanders claim that additional weapons came from fighting against Congolese militias and the Rwandan army.⁴⁶ Much of the FDLR's arms cache is hidden in impenetrable jungles, according to local sources and to MONUC.⁴⁷ FDLR commanders possess good means of communication⁴⁸ which are crucial elements in controlling the FDLR troops that are spread out over large areas in South Kivu.

3.2 Conduct in South Kivu

3.2.1 Combatants' livelihoods and relations with civilians

In the southern territories of Uvira and Fizi, Hutu combatants are embedded with the civilian population and they cultivate plots of land. They are mixed with Rwandan refugees, some are married to local women, have been integrated in the local communities, and intermittently take up arms for the FDLR. Officials of the UN High Commissioner for Refugees

³⁹ Interviews with MONUC officials, Bukavu and Uvira, August 2005; and with FDLR deserter Alphonse Niyitanga, Bukavu, August 2005.

⁴⁰ *Ibid.*; and interview with MONUC commanders, Bukavu and Uvira, August 2005.

⁴¹ *Ibid.*

⁴² Interviews with FDLR Major Noriega and Captain Belmondo, Luvungi, August 2005.

⁴³ It has been reported that Rwanda maintained some troops in the DRC and that Rwandan soldiers were integrated in the Rally for Congolese Democracy-Goma or RCD-Goma (*Rassemblement Congolais pour la Démocratie-Goma*). See International Crisis Group: "The Kivus: The Forgotten Crucible of the Congo Conflict," *op. cit.*; and International Crisis Group: "Back to the Brink in the Congo," *op. cit.*

⁴⁴ Rafti, M.: "The Dismantling of the Rwandan Political Opposition in Exile" in F. Reyntjens and S. Marysse (eds.), *L'Afrique des Grands Lacs. Annuaire 2003-2004* (L'Harmattan, Paris: 2004), pp. 32-33.

⁴⁵ For instance, in May 2004, allegedly with the furtive support of Rwanda, renegade FARDC commanders Brigadier General Laurent Nkundabatware (Nkunda) and Colonel Jules Mutebutsi, both former RCD-Goma commanders, marched into South Kivu, capturing Bukavu in June. Mai Mai elements of the FARDC and Banyamulenge troops under the command of Patrick Masunzu armed and joined forces with the FDLR to fight the dissidents. Elements of the FARDC 10th Military Region continued to supply the FDLR with weapons after the withdrawal of Nkunda and Mutebutsi. United Nations Security Council: *Report of the Group of Experts on the Democratic Republic of the Congo, S/2005/30* (January 25 2005); and interview with MONUC commander, Bukavu, August 2005. Also see International Crisis Group: "Back to the Brink in the Congo", *op. cit.*; Human Rights Watch: "DRC: Civilians at Risk during disarmament operations", *HRW Briefing Paper* (New York: December 29 2004); and Rafti, M.: "The Dismantling of the Rwandan Political Opposition in Exile", *op. cit.*, pp. 32-33.

⁴⁶ Interviews with FDLR Major Noriega and Captain Belmondo, Luvungi, August 2005; with Captain Eric Muhire, Katogota, August 2005; and with Lieutenant Colonel Fred Ikakiza, Lubanga, August 2005.

⁴⁷ Interviews with IDPs from Nindja, Bukavu, August 2005; and with MONUC commander, Bukavu, August 2005. The FDLR possesses machine guns, one-barrel anti-aircraft artillery, mortars and grenade-launching rifles.

⁴⁸ They have radio receivers, cellular telephones and satellite telephones.

(UNHCR) and of certain NGOs describe the Rwandan refugees as “hostage” to the rebels,⁴⁹ compelled to remain outside Rwanda, but refugees in Sange claim that the FDLR protects them and indicate that refugees are represented within the movement.⁵⁰ Much of the Ruzizi Plain is dominated by Rwandan Hutu, with villages like Kiringye and Katogota referred to as “FDLR villages.”⁵¹ In the northern territories of Walungu and Kabare combatants live in military camps in isolation from local civilians and Rwandan refugees are permitted to visit their combatant relatives there.⁵²

The FDLR claim that they have a symbiotic relationship with the host population and they cite, in support of this, the fact that they were “taken in” by the Congolese after the refugee camps were destroyed by the RPA.⁵³ When Joseph Kabila suspended his support of the FDLR in 2002, the rebels’ resources were significantly restricted and cash transfers disrupted. The FDLR benefited only sporadically from subventions from governments that were hostile to the Rwandan government, such as the Central African Republic and Congo-Brazzaville, and contributions from the Rwandan diaspora.⁵⁴ Rebel combatants subsequently began to seek alternative means of subsistence. Some FDLR combatants settled in local communities in South Kivu and cultivated fields, but others began to resort to predatory and criminal activities.

FDLR seize land, occupy houses belonging to locals, and they steal harvest, livestock, clothes, medicine from health centres and plunder private property. As a result, locals have lost many means of subsistence, resulting in high levels of malnourishment.⁵⁵ Combatants set up roadblocks for “taxing” civilians for passage and access to markets. They raise additional funds through rents on local elites for armed protection, through extraction of minerals, particularly in Mwenga, Luhwinja, Burhinyi and Kamituga,⁵⁶ and from “levies” imposed on local miners.⁵⁷ In the Ruzizi Plain, armed FDLR combatants are in plain view at the local markets,⁵⁸ where they sell agricultural produce and their loot,⁵⁹ and where to all appearances they associate genially with FARDC officers.⁶⁰

3.2.2 Violent treatment of civilians

In many parts of South Kivu, the Rwandan Hutu rebellion is very violent and the combatants hold sway over the population. FDLR combatants allegedly distribute letters to local chiefs demanding that they identify “noncompliant” civilians, and to local civic organisations that speak out against the FDLR threatening them with reprisals.⁶¹ Killings, rape⁶² and ab-

⁴⁹ Interview with UNHCR repatriation officer, Bukavu, July 2005.

⁵⁰ Interview with FDLR representative of female refugees, Mrs. Karemy, and with Rwandan refugees, Sange, August 2005.

⁵¹ Interviews with civil society representative, Uvira, August 2005; and with local priest, Uvira, August 2005.

⁵² Interview with FDLR deserter, Alphonse Niyitanga, Bukavu, August 2005.

⁵³ Interviews with FDLR combatants, Sange market, August 2005; with Lieutenant Colonel Fred Ikakiza, Major Arto, Major Magara and with Captain Mayambado, Lubanga, August 2005; and with Major Mugozi Binga, Lemera, August 2005.

⁵⁴ Interview with FDLR member, Brussels, June 2005.

⁵⁵ According to a UN report, the nutritional situation in South Kivu is poor and is especially alarming in Shabunda. See UN Standing Committee on Malnutrition: “Nutrition in Crisis Situations”, UNS/SCN Vol. 6 (May 2005), available online at www.unsystem.org/scn.

⁵⁶ The FDLR do not, however, control the mining sector of South Kivu.

⁵⁷ Locals allege that FDLR combatants even take civilians as forced labour to transport their loot and weapons. Interviews with civil society representatives, Uvira and Bukavu, July and August 2005.

⁵⁸ There is a strong FDLR presence at Lubanga’s Monday market, Sange’s Tuesday and Thursday markets and Luvungji’s Wednesday market. On Friday, Hutu rebels flock to the “fifth market” in Kiringye and Kamanyola, on Saturday, they attend the Kalungwe market and on Sunday, the great “FDLR market” takes place in Lubarika. Author’s own observation; and interviews with MONUC official, Uvira, August 2005; with FARDC 61st brigade commander, Lieutenant Colonel Modeste Kitunja, Uvira, August 2005; and with FDLR combatants, Sange market, August 2005.

⁵⁹ According to civilian sources, Rwandan refugees allegedly sell produce and FDLR spoils on the markets in the northern territories of South Kivu. Interviews with civil society representatives, Bukavu, August 2005.

⁶⁰ Author’s own observation; and interviews with FARDC 61st brigade commander, Lieutenant Colonel Modeste Kitunja, Uvira, August 2005.

⁶¹ The civil society organisation *Héritiers de la Justice* possesses a number of menacing letters written by FDLR political commissioner Aimable Gasasira. Interview with representative of *Héritiers de la Justice*, Bukavu, July 2005.

⁶² The Centre Olame and Panzi hospital of Bukavu frequently treat women who are raped by Rwandan rebels. Interview with representative of *Groupe Jérémie*, Bukavu.

duction for ransom are widespread,⁶³ though they are not practiced exclusively by FDLR rebels. Women withstand the worst of the violence, owing in part to the prevalent practice of sexual violence by the rebels. HIV/AIDS is rampant.⁶⁴

In the latter part of 2005, violent attacks against civilians increased in the northern territories of South Kivu. On May 23 2005, 19 Congolese civilians were hacked and beaten to death with machetes and hammers in the locality of Nindja in Kabare. Other civilians were impaled, women were raped and 50 were abducted.⁶⁵ On July 9 2005, in the locality of Ntulumamba, also in Kabare, 39 civilians were burned alive and many others were maimed.⁶⁶ Crimes of such enormity are allegedly perpetrated by Rwandan Hutu and are largely attributed to a group known as the Rasta.

The Rasta are only found in territories of South Kivu. They have hideouts in and around Walungu and Kabare, mainly hiding in the Kahuzi Biega Park, from where they make nocturnal raids against the populations of surrounding villages, plundering property and raping, maiming, disembowelling and incinerating people.⁶⁷ The Rasta emerged in a context in which warlords and armed groups of varied characters and objectives⁶⁸ proliferated in eastern Congo under conditions of impunity. They were initially formed by “Commander Koffi,” who had deserted from the FDLR ranks in Walungu, but their current leadership is unknown.⁶⁹ Renegade FDLR rebels form the nucleus of the Rasta and the bulk of the movement is composed of criminal elements from the local communities, ex-Maï Maï who were not integrated into FARDC ranks, ex-Maï Maï from General Padiri’s faction, ex-Mudundu 40 (M40) elements,⁷⁰ and FARDC deserters.⁷¹ These bands of violent youths appear to operate outside FDLR central command, possessing no ideological, ethnic or political objectives, fixed only on self-enrichment. The Rasta have a good information network with local collaborators in many villages in which they operate who indicate potential targets.⁷²

The FDLR claims that the Rasta are the sole culprits of atrocities committed by Rwandan Hutu in South Kivu.⁷³ It maintains that Kigali infiltrated the Rasta and that they are consequently rivals.⁷⁴ The FDLR has tried to dissociate itself from the Rasta and FDLR commanders offered their service to MONUC to jointly dismantle the Rasta but MONUC declined the proposal.⁷⁵ The FDLR allegedly clashed with the Rasta at Lokago, near Nindja, chasing them out of the Mugaba forest in May 2005,⁷⁶ but the Rasta reappeared in Nindja to perpetrate the aforementioned carnage in the same month. South Kivutians perceive the Rasta as a special branch of the FDLR, which

⁶³ MONUC reported 1,724 civilian allegations of summary executions, rape, beating and abduction mainly against Rwandan Hutu combatants in the Walungu territory alone between April 2004 and May 2005. See “DRC: Rebels abuse Congolese civilians—UN report”, *IRIN* (Kinshasa: May 19 2005). Also, interviews with Idesbald Byabuze, Bukavu, August 2005; with IDPs from Nindja, Bukavu, August 2005; and with representative of *Groupe Jérémie*, Bukavu, August 2005.

⁶⁴ A doctor in the province admitted running HIV tests on FDLR combatants without their consent and found that a large number among them are infected with the virus. Interview made in August 2005.

⁶⁵ Interviews with IDPs from Nindja, who survived the massacre, Bukavu, August 2005. Also see “DRC: Latest killings in South Kivu part of long-standing abuses”, *IRIN* (Kinshasa: May 26 2005).

⁶⁶ « Tuerie au Sud Kivu (RDC): « Ils ont enfermé les gens, puis ont tout brûlé » (Témoignage), » *AFP* (Kinshasa: July 12 2005).

⁶⁷ Interviews with Idesbald Byabuze, Bukavu, August 2005; with IDPs from Nindja, Bukavu, August 2005; and with the President of Burhinyi civil society association, Mao Rhulina-birhu Kabungulu, Bukavu, August 2005.

⁶⁸ These range from attaining local/state power to economic gain.

⁶⁹ One assertion is that ex-FAR Major Kiyombe Cinja Cinja leads the group today, but it remains unsubstantiated. Survivors of the Nindja carnage of May 2005 allege that the assailants claimed to be acting on behalf of Cinja Cinja, but other sources are unsure. Some sources, in fact, indicate that Kiyombe was killed, but this information has yet to be confirmed. Interviews with IDPs from Nindja, Bukavu, August 2005; with MONUC official, Bukavu, August 2005; with MONUC commander, Bukavu, August 2005; and e-mail exchange with MONUC official, September 2005.

⁷⁰ Mudundu 40 is an ex-Maï Maï militia, which sided with Rwanda in the second Congo war and later linked up with the Nkunda-Mutebutsi insurgency in June 2004. See United Nations Security Council: *Report of the Group of Experts on the Democratic Republic of the Congo, S/2004/551* (July 15 2004).

⁷¹ E-mail exchange with MONUC official, September 2005.

⁷² *Ibid.*

⁷³ Interviews with FDLR deserter, Alphonse Niyitanga, Bukavu, August 2005; and with MONUC commander, Bukavu, August 2005.

⁷⁴ FDLR combatants claim that the Rasta receive support from Kigali, bringing as an example that they “possess” canned food and fruit juice. They claim that the RPF takes their families hostage and kill them unless they comply with their wishes. Interviews with FDLR combatants, Luvungi, August 2005. Also see FDLR: « Condamnation des massacres des populations civiles en cours dans l’est de la République Démocratique du Congo, » *Communiqué de Presse N°05/PP/JUIL/2005* (Brussels: July 13 2005); and FDLR: « Les massacres des populations civiles congolaises en cours dans l’est de la RDC sont exécutés par le groupe “Rasta” et par certains éléments des FARDC », *Communiqué de presse N°07/PP/FDLR/JUIL/2005* (Brussels: July 27 2005).

⁷⁵ Interview with MONUC commander, Bukavu, August 2005.

⁷⁶ Interviews with FDLR deserter, Alphonse Niyitanga, Bukavu, August 2005; with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005; and with FDLR Major Noriega and Captain Belmondo, Luvungi, August 2005.

loots and kidnaps as a means to raise funds for the Hutu rebels. Civilians from Nindja claim that they recognise FDLR combatants attacking with the Rasta against the local population. They assert that several FDLR combatants change their names and “disguise as Rasta,” to commit atrocities.⁷⁷ According to an anonymous source, the Rasta are supplied with ammunition from the FDLR,⁷⁸ but, though the two groups are linked, there is no substantial evidence that the Rasta form part of the FDLR. The two are presumably separate groups.

Another prevalent belief among Congolese civil society and church organisations is that the hand of Kigali lies behind Rasta operations. They claim that the Rasta are predominantly Rwandese Hutu returnees, who were repatriated under MONUC’s disarmament, demobilisation, repatriation, rehabilitation and reintegration (DDRRR) programme⁷⁹ and participated in *ingando*.⁸⁰ The Rwandan government allegedly then uses the Rasta to infiltrate the FDLR to collect information pertaining to the Hutu rebellion, to exploit mineral reserves and to simulate FDLR crimes.⁸¹ However, these beliefs echo FDLR contentions and they remain unsubstantiated.

Local defence forces in South Kivu are indigent, poorly armed⁸² and are no match for the FDLR rebels. They are unable to protect their population and many people flee their homes and seek refuge in areas where security is perceived to be higher. Scores of civilians from Walungu,⁸³ Kabare, Shabunda and Mwenga flee towards urban centres in their territories or further south. The towns of Walungu, Bukavu and Uvira in particular are engorged with internally-displaced persons (IDPs). The precise number of IDPs in South Kivu is unknown because people shift from one location to another depending on the perceived imminent security situation. This complicates the allocation of humanitarian assistance to the displaced. On many occasions, IDPs are attacked by the FDLR and other armed groups, who try to steal the food and other provisions delivered to the dispersed. Aid delivery to IDPs in need is on occasion interrupted due to the volatile security situation in northern parts of the province,⁸⁴ while many displaced persons present in towns are entirely cut off from humanitarian assistance.⁸⁵

In other parts of South Kivu, civilians express regret harbouring Rwandan refugees after the closure of the refugee camps but claim that they are forced to cohabit with the FDLR in order to avoid displacement.⁸⁶ In the southern areas of the province, namely in Uvira and Fizi, living conditions are now more endurable. The host populations and the Rwandan rebels have reached a “working agreement” in those territories and

⁷⁷ Local sources brought as an example an FDLR rebel in Kan-yola known as “Saddam,” who was seen operating with the Rasta in the Walungu area. An FARDC brigade commander claimed that the FDLR had attacked his troops in Mushinga on July 13 2005 and that the rebels had then asked for Rasta reinforcement from Nindja. Interview with IDPs from Ninja, Bukavu, August 2005; with the President of Burhinyi civil society association, Mao Rhulinabirhu Kabungulu, Bukavu, August 2005; and with FARDC 103rd brigade deputy commander, Major Chiviri Amuli, Bukavu, August 2005.

⁷⁸ And allegedly, from FARDC collaborators.

⁷⁹ See following section.

⁸⁰ Interviews with Jesuit priest, Bukavu, July 2005; with Idesbald Byabuze, Bukavu, August 2005; with representative of *Groupe Jérémie*, Bukavu, August 2005; and with Acting Governor of South Kivu, Didace Kaningini, Bukavu, August 2005.

⁸¹ Congolese sources maintain that women coming from Rwanda bring money for the Rasta. Interviews with civil society representative, Bukavu, August 2005; and with Acting Governor of South Kivu, Didace Kaningini, Bukavu, August 2005.

⁸² In Burhinyi, for example, members of local defence forces are weak and carry rusty weapons.

⁸³ According to MONUC sources, 18,000 villagers fled to Walungu town at the beginning of 2005. Interview with MONUC official, Bukavu, August 2005.

⁸⁴ In August 2005, for instance, the World Food Programme indefinitely postponed food distribution in Muzinzi in the Walungu territory, due to insecurity in the area.

⁸⁵ Interview with MONUC official, Bukavu, August 2005.

⁸⁶ Interviews with civilians, Bukavu and Uvira, August 2005.

commanders exercise strict control over their troops and do not sanction atrocities.⁸⁷

The FDLR is entrenched in the refugee community, which offers emotional and material support to the rebellion, and FDLR commanders recruit among the refugees. It appears that many refugees share the FDLR's ideology, consternation and claims and that the struggle of the FDLR is concomitant to the social survival of Hutu in South Kivu. Young Hutu refugees, who have a tentative existence and few life opportunities, may join the rebellion in search of a future. The UNHCR considers the refugees captives of the rebels in South Kivu. However, many refugees play an important function in the formation of the militia and their support for it is crucial to its survival.

The FDLR has organised and relatively well-armed troops, but its military capacity ebbs and flows, according to local circumstances and Congolese and/or external support. In their aim to subsist, many FDLR rebels resorted to criminal activities, in spite of the discipline imposed by their commanding officers. The FDLR allegedly protects refugees and defends them against attack but the enormity of FDLR crimes goes beyond the ideological underpinning of its rebellion. To all appearances, the rebellion has failed, the combatants have lost their alleged "right to self-defence" and many live as parasites among the host population. In the absence of forces capable of or willing to protect them, Hutu rebels consciously target civilians and frequently use psychological and physical violence to achieve popular acquiescence. FDLR commanders claim that their troops do not commit atrocities against the Congolese but accuse the Rasta for the violence in South Kivu. Certain civic organisations concur with the FDLR in saying that the Rasta are agents of the Rwandan government, sent to carry out violence reminiscent of crimes committed during the Rwandan genocide. In this way, they argue, Kigali can point to the link between the *génocidaires* and Rwandan Hutu combatants found in South Kivu, and can rationalise its professed fear of a repetition of genocide. However, such claims are unfounded and are a result of anti-Rwanda sentiments among South Kivu civil society and church organisations, which far outweigh anti-FDLR/Hutu sentiments.⁸⁸ On the other hand, it is hard to distinguish between the Rasta and the FDLR. Both groups speak Kinyarwanda, to all appearances they interact and the Rasta are present and commit atrocities in FDLR-controlled areas. This brings into question FDLR rivalry claims: why are the Rasta permitted to dwell alongside the FDLR fighters? Although the Rasta indeed elude the discipline imposed by FDLR leadership and form a separate group, there are links between the two groups. FDLR combat-

⁸⁷ Interviews with MONUC official, Uvira, August 2005; with FARDC 61st brigade commander, Lieutenant Colonel Modeste Kitunja, Uvira, August 2005; with FARDC intelligence officer Colonel Gaspard Kibalo, Sange, August 2005; with civil society representative, Uvira, August 2005; with FDLR security officer and FDLR intelligence officer, Sange market, August 2005; with FDLR commander Lieutenant Colonel Fred Ikakiza and FDLR liaison officer, Major Magara, Lubanga, August 2005; and with FDLR battalion commander, Major Mugozi Binga and deputy battalion commander, Major Qadaffi, Lamera, August 2005.

⁸⁸ Such emotions are strengthened by hostility towards the Banyamulenge shown by many civic organisations, which bedevil them as "foreigners" who, they claim, are more loyal to Rwanda than to the DRC. Following the siege of Bukavu by General Nkunda and Colonel Mutebutsi in June 2004 to thwart an alleged genocide of the Banyamulenge by the FARDC, anti-Banyamulenge feelings were accentuated in South Kivu.

ants covertly collaborate with the Rasta and may at times join them in their criminal ventures. Though the FDLR leadership insists that the Rasta are part of a distinct group, it uses the Rasta as a scapegoat for FDLR-committed banditry and atrocities, trying to project a better image of FDLR combatants.⁸⁹

The FDLR rebellion in South Kivu contributes to social and demographic change in the province. Pillage, extortions and violent attacks against the population cause the displacement, destitution and death of local civilians. The number of IDPs found in South Kivu is extremely high, due to violence carried out by the FDLR and other rebel and armed bands. The combatants' predatory practices deprive the locals of their livelihoods. Food for self-subsistence has fallen, malnutrition is common, as the rebels expropriate locals' land and commonly pilfer their harvest and cattle, and combatants infect scores of people with HIV/AIDS through sexual violence. Rape victims and their families tend to be stigmatised, they are humiliated, socially marginalised and women who are impregnated by the perpetrators are often forced by their families to remain with the rebels or they are discarded by their husbands.⁹⁰

The rough treatment of the population by FDLR combatants and the Rwandan army's aggressive behaviour in South Kivu negatively affects local perceptions of Rwandans, in spite of aggression from native armed groups. Rwandans are considered extremely violent and are held responsible for introducing an excessively violent culture in South Kivu.⁹¹ Hostility stretches against the refugees, who are considered accomplices of the combatants, resulting in their thorny integration, at best, with the host populations. Nevertheless, structural violence, insecurity and disorder in South Kivu, and the emergence and operation of a number of armed groups and bands perpetrating criminal and violent acts with impunity have severely changed the social fabric of the province. Seen through this prism, the FDLR is, in many ways, a "Congolese" movement.

⁸⁹ FARDC troops and other armed groups also commit crimes against civilians and lay the blame on the Rasta.

⁹⁰ Interview with MONUC military observer, Bukavu, August 2005.

⁹¹ Interviews with civil society representatives, Bukavu and Uvira, July and August 2005; and with civilians, Bukavu, Uvira and Walungu, July and August 2005. Civil society representatives voiced the conviction that forms of violence practiced in South Kivu, particularly sexual violence, did not exist before the Rwandan rush into eastern DRC, following the Rwandan genocide.

4. RWANDA: THE HOMECOMING?

In 1999, the Lusaka Ceasefire Agreement was signed by the Congolese government and other parties to the ongoing conflict, including Rwanda. The agreement called for the withdrawal of all foreign troops, under UN oversight, and it identified the ex-FAR/Interahamwe as “negative forces,” which had to be disarmed by the Congolese army. The Pretoria Accords signed between Rwanda and the DRC in 2002, similarly assigned responsibility to the Congolese government to track down and disarm the “negative forces,” by then, the FDLR. MONUC’s DDRRR unit began operations in the same year to voluntarily disarm and repatriate foreign combatants and their dependents to their countries of origin⁹² but it has fallen short of persuading the bulk of the Rwandan Hutu troops to voluntarily disarm and return to Rwanda. The official FDLR line maintains that combatants would repatriate en masse if political and security conditions were met, following an inter-Rwandese dialogue. However, as “negative forces,” the FDLR cannot embark on political dialogue and the disarmament of its troops is handled entirely as a security issue.

Despite the official line regarding voluntary disarmament and repatriation, the FDLR leadership states that individual combatants have the option of seeking repatriation. It refutes charges of obstructing voluntary DDRRR efforts,⁹³ but there is much evidence to the contrary. A number of FDLR combatants in South Kivu claimed that they were unaware of the mechanisms available to them for repatriation.⁹⁴ In August 2005, FDLR combatants flocked to a UNHCR camp in Burhinyi seeking repatriation. But as the UNHCR is mandated only to deal with *bona fide* refugees and not foreign combatants who fall within MONUC’s mandate, the UNHCR turned the armed refugees away and eventually closed the transit site.⁹⁵ Some combatants claimed that they knew of the DDRRR programme through MONUC’s *Radio Okapi*, which broadcasts information about DDRRR in local languages, but not from their commanding officers.⁹⁶ MONUC sources claim that FDLR officers shoot defectors⁹⁷ and that combatants are allegedly too afraid to risk deserting.⁹⁸

FDLR troops claimed that they fear imprisonment or death by the RPF in Rwanda and that they are concerned about overall discrimination against Hutu there. To support their claims they cited the example of returnees who have rejoined FDLR ranks in South Kivu, allegedly because of inequitable conditions in Rwanda, the recent “*gacaca* refugee” phenomenon⁹⁹ and contiguous rumours that any Hutu who returns

⁹² I.e. Rwanda, Burundi or Uganda.

⁹³ FDLR: “The FDLR refute the assertions made by MONUC regarding the Forces Combattantes Abacunguzi (FOCA),” Press Release PP/No.02/Jano4 (January 30 2004).

⁹⁴ Interviews with FDLR combatants, Sange, August 2005.

⁹⁵ Interview with local source, Burhinyi, August 2005.

⁹⁶ Interviews with FDLR combatants, Sange, August 2005.

⁹⁷ An FDLR commander shot a deserter in the presence of a DDRRR team in July 2005. Interview with MONUC official, Bukavu, August 2005.

⁹⁸ Interview with MONUC officials; and with FDLR deserter Alphonse Niyitanga, Bukavu, August 2005.

⁹⁹ *Gacaca* is an adaptation of customary law, formally vested with the power of judgement and prosecution to deal with genocide crimes. The genocide tribunals were established to speed up genocide trials, with the purported aim of achieving reconciliation by recounting what had transpired during the genocide. However, confessions and denunciations have led to a huge rise in the number of individuals who are due to be tried and many people fled Rwanda in fear of unfair judgement and treatment. See Amnesty International: “Rwanda: Protecting their Rights”, *op. cit.*

to Rwanda is either killed or imprisoned.¹⁰⁰ FDLR commanders portray Rwanda as insecure to the combatants and tell them that they will go back “when the time comes.” Combatants claimed that they would return to Rwanda “when [their] head orders [them] to go back.”¹⁰¹ They, thus, put their faith in their military leaders, but not in their political leaders, who they say are unimportant to them.¹⁰²

In November 2003, the FDLR rebellion significantly weakened when FDLR Commander-in-Chief General Paul Rwarakabije and 100 combatants, among them high-ranking FDLR officers, defected to Rwanda, following direct negotiations with the Rwandan government.¹⁰³ Rwarakabije affirmed that the rebellion had failed to achieve its objectives and that there was little choice but to return to Rwanda.¹⁰⁴ Hard-line Deputy Commander Colonel Sylvestre Mudacumura¹⁰⁵ succeeded Rwarakabije as Commander-in-Chief. In spite of a predicted mass FDLR repatriation following the General’s desertion, voluntary repatriation remained limited.

4.1 Vowing for peace

In early 2005, Congolese President Joseph Kabila sought out the FDLR and, using the mediation of the *Sant’Egidio* community,¹⁰⁶ agreed to begin negotiations to repatriate Hutu combatants to Rwanda. A series of meetings that began in Rome and Kinshasa culminated in Rome on March 31 2005 with a pledge by FDLR President Ignace Murwanashyaka that the FDLR would end hostilities and transform itself into a political organisation.¹⁰⁷ The “Rome Declaration” called for the establishment of an international follow-up committee (*Comité de Suivi*) which would monitor repatriation, and of a steering committee (*Comité de Pilotage*) composed of FDLR elements and Congolese governmental delegates, who would conduct the disarmament and repatriation operations. Kigali pronounced that it would receive the combatants and reintegrate them into Rwandan society but bluntly rejected discussions with the FDLR leadership.¹⁰⁸ 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.¹⁰⁹ The implementation of the declaration was due to take effect in May 2005, but the FDLR leadership held up the process allegedly because the *Comité de Suivi* was not yet established to guarantee the security and fair treatment of the combatants and their dependents once in Rwanda. The Congolese government proposed that a mission of 1,000 FDLR combatants should explore the security situation in Rwanda but Murwanashyaka doggedly

¹⁰⁰ Interviews with FDLR combatants, Burhinyi, Sange, Katogota and Luvungi, August 2005; and with Rwandan refugees, Sange, August 2005.

¹⁰¹ Interview with FDLR combatants, Sange, August 2005.

¹⁰² Interviews with FDLR combatants, Burhinyi, Katogota and Luvungi, August 2005; and with FDLR deserter, Alphonse Niyitanga, Bukavu, August 2005.

¹⁰³ Telephone communication with former RDF Spokesman, Colonel Patrick Karegeya, May 2004. See Rafti, M.: “The Dismantling of the Rwandan Political Opposition in Exile”, *op cit.*, p. 29.

¹⁰⁴ “Le retour du guerrier,” *Jeune Afrique, L’Intelligent* (Kigali: February 8 2004).

¹⁰⁵ Mudacumura was a member of President Habyarimana’s Presidential Guard, which played a significant part in the genocidal violence.

¹⁰⁶ *Sant’Egidio* is a Rome-based Catholic Church organisation that has been involved in peace mediation and reconciliation of parties in conflict. In 1992, *Sant’Egidio* mediated the Peace Agreement that ended the conflict in Mozambique.

¹⁰⁷ FDLR: « Déclaration des Forces Démocratiques de Libération du Rwanda » (Rome: March 31 2005). Also see Rafti, M.: “Crumbling in Exile: The Changing Nature of the Rwandan Opposition” in F. Reyntjens and S. Marysse (eds.), *L’Afrique des Grands Lacs. Annuaire 2004-2005* (L’Harmattan, Paris: 2005), pp. 103-108.

¹⁰⁸ Letter dated April 4 2005 from the Permanent Representative of Rwanda addressed to the UN Security Council President, S/2005/223. The Rwandan government prepared a plan for the reception of the combatants and allegedly broadcast its details along with a welcoming message over the radio and, therefore, it claims that combatants are aware that they may go back to Rwanda in safety. Interview with Rwandan Presidential Envoy to the Great Lakes Region, Richard Sezibera, Kigali, September 2005.

¹⁰⁹ The Rwandan government admits that Rwanda has not been attacked by the FDLR since the first half of 2004 and acknowledges that the FDLR poses no threat to the government but claims that FDLR “genocidal ideology” threatens the Rwandan population. Interview with Rwandan Presidential Envoy to the Great Lakes Region, Richard Sezibera, Kigali, September 2005.

rejected the idea.¹¹⁰ During a meeting with MONUC's head, William Swing, Murwanashyaka kept up the demand for a distinct political space for the FDLR in Rwanda in order to disarm, repatriate and to continue to operate as a political party.¹¹¹

4.1.1 Circumventing the hard-line leadership

In May 2005, Murwanashyaka and FDLR Deputy Force Commander Colonel Kanyandekwe set off, without FARDC or MONUC escort, to inform FDLR combatants about the declaration made in Rome.¹¹² The delegation confined its mission to South Kivu and informed senior commanders, but not the majority of troops, about the Rome process.¹¹³ Murwanashyaka allegedly made use of his presence in South Kivu to campaign for his re-election as FDLR President in the forthcoming elections. He failed to report to MONUC on the mission's progress *vis-à-vis* communication of the Rome process and declaration.¹¹⁴ The FDLR founding members and High Command, who have the right to vote for the political bureau, swayed Murwanashyaka, who would otherwise lose their vote, against the repatriation process. He then cut short his trip and did not reach North Kivu. As a result, Murwanashyaka and hard-line FDLR commanders soon fell out with the Congolese government and MONUC.¹¹⁵

Kinshasa decided to circumvent the hard-line FDLR leadership and made overtures to Deputy South Kivu Division Commander, Colonel Séraphin Bizimungu, also known as Jeribaal Amani or Mahoro Amani.¹¹⁶ On June 24 2005, Mahoro Amani disassociated himself from the hard-liners of the movement and proclaimed himself the new Commander of the FDLR forces. Amani proclaimed that he "*relieved Mupenzi Mudacumura of his duties*" and announced the creation of the Military Command for Change (CMC).¹¹⁷ Notwithstanding the fact that this moderate faction was in favour of pursuing a political opening in Rwanda, it set no political conditions for the repatriation of the combatants. Instead, the mutineers prioritised repatriation under conditions of assured security, demands for the return of the properties of combatants and their dependents, and the right not to participate in *ingando*.¹¹⁸

Following the example set by the CMC, an Emergency Directors Committee (CDU)¹¹⁹ was formed by a splinter group of the Europe-based FDLR political wing led by Emmanuel Hakizimana and Lieutenant Colonel Christophe Hakizabera.¹²⁰ In a joint press conference in Bukavu on August 6 2005, the CMC and CDU pledged that FDLR combatants under the command of Colonel Mahoro Amani would repatriate with-

¹¹⁰ Interview with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005.

¹¹¹ Rafti, M: "Crumbling in Exile", *op. cit.*, p. 107.

¹¹² *Ibid.*, pp. 107-108.

¹¹³ Murwanashyaka reported to approximately 600 FDLR combatants on the "Rome Declaration" and the "importance of attaining security guarantees and a political role for the FDLR in Rwanda" in a gathering in Kibonda in May 2005. He also informed a number of combatants in Kalonge about the declaration. The bulk of the combatants interviewed in South Kivu were not however briefed about the declaration. Interviews with FDLR combatants, Burhinyi, Luvungi and Sange, August 2005; and with FDLR deserter Alphonse Niyitanga, Bukavu, August 2005. FDLR Spokesman, Major Edmond Ngarambe was charged with briefing the troops in North Kivu, but admitted that only the High Command had hitherto been consulted. Interview with Major Edmond Ngarambe, Sange, August 2005.

¹¹⁴ Murwanashyaka allegedly stated that he "report[s] to no one." Interviews with FARDC Special Security Advisor, Mas Walimba, Bukavu, August 2005; and with Emmanuel Hakizimana (see *infra*), Bukavu, August 2005.

¹¹⁵ *Ibid.*; telephone communication with Congolese government official, August 2005; and interview with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005.

¹¹⁶ *Amahoro and amani* are respectively the Kinyarwanda and Swahili words for "peace." Mahoro Amani was among the initiators of the Rome peace negotiations and was allegedly frustrated for not having partaken in the negotiations. Interview with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005.

¹¹⁷ *Commandement Militaire pour le Changement*. "RDC : un officier des FDLR annonce l'éviction de leur actuel chef militaire", *AFP* (Burhinyi: June 25 2005).

¹¹⁸ Interviews with FARDC Special Security Advisor Mas Walimba, Bukavu, August 2005; and with Emanuel Hakizimana, Bukavu, August 2005.

¹¹⁹ *Comité Directeurs d'Urgence*.

¹²⁰ Following Amani's self-proclamation as commander of the FDLR combatant forces, Christophe Hakizabera proclaimed himself President of the FDLR, despite having lost an election to Ignace Murwanashyaka. FDLR Regional Representative in France, Emmanuel Hakizimana, was subsequently nominated President with the blessing of Christophe Hakizabera. Hakizimana, accompanied by other (expelled) members of the FDLR's political wing, travelled to the DRC aiming to re-launch the Rome agreement and to motivate the combatants in favour of repatriation.

in three months if the aforementioned conditions were met¹²¹ and proposed a *Comité de Pilotage*¹²² whose mission would be to establish the conditions to be set by the CMC and to inform the combatants about the objective to return to Rwanda¹²³. The dissident faction claimed that ambassadors of the International Committee to Support the Transition (CIAT)¹²⁴ found in Kinshasa and Kigali would unofficially form the international *Comité de Suivi*, though progress in that area was, in fact, slow.¹²⁵

The CMC demanded that it be able to guard its own troops who would be demobilised, as a precaution against attack.¹²⁶ The CMC also asked for reparations to the combatants for “genocide-related trauma” as a further incentive to disarm and repatriate.¹²⁷ On October 24 2005, from a transit site in Luvungi, 24 FDLR combatants under the command of Colonel Amani disarmed and returned to Rwanda with their dependents.¹²⁸ Shortly afterwards, on November 1, the UN Security Council denounced hard-line FDLR Commander General Sylvestre Mudacumura and President Ignace Murwanashyaka as warlords, issued a travel ban against them and froze their assets.¹²⁹

4.1.2 Resilience of the hard-line command in South Kivu

The split in the FDLR leadership was followed by a movement further south by the mutineers in July 2005 towards the Ruzizi Plain. Colonel Mahoro Amani and his troops retreated from Birhale to Uvira territory, after an attack by forces loyal to South Kivu Division Commander Colonel Bertin Amani and Commander-in-Chief General Mudacumura. A battalion under the authority of Mahoro Amani loyalist Major Noriega withdrew from Walungu to Luvungi, carrying a large-sized arms cache.¹³⁰ Mahoro Amani commands very few troops in the field—combatants, in fact, compare Mahoro Amani to Commander General Paul Rwarakabije and refer to both as *iby-itsa*¹³¹—whereas Colonel Bertin Amani maintained control over the bulk of the South Kivu Division forces and refuses to disarm until the Rwandan government considers the FDLR’s political demands.¹³²

Mudacumura loyalists tried to counter Mahoro Amani’s repatriation attempts by intensifying the recruitment campaign in the Ruzizi Plain. Ex-FAR Lieutenant John began conscripting into FDLR ranks “*gacaca* refugees” found in Burundi¹³³ and newly-enlisted combatants were intercepted in August by the FARDC 108th Brigade in the territory of Uvira.¹³⁴ The new recruits revealed that Lieutenant John reached them in Burundi

¹²¹ FDLR CMC-CDU Press Conference at the *Hôtel Renaissance*, Bukavu, August 2005.

¹²² To be composed of two CMC commanding officers, among them Major Noriega, the CDU, a Congolese delegation led by FARDC Special Security Advisor Mas Walimba (an ex-Mai Mai from General Padiri’s group, who contacted ex-Mai Mai and Hutu rebels on behalf of the Congolese government in early 2005), President Kabila’s envoys Alexandre Marabu (also an ex-Mai Mai of the Padiri group) and Jean Paul Memba, and MONUC. Marabu was the proposed coordinator of the committee. Interviews with FARDC Chief of Staff Special Security Advisor, Mas Walimba, Bukavu, August 2005; with DRC Presidential Advisor, Jean Paul Memba, Bukavu, August 2005; with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005; and telephone communication with FDLR dissident Colonel Mahoro Amani, August 2005.

¹²³ CMC: *Communiqué de presse 001/05 du Comité de Pilotage du processus du Rome* (Bukavu: August 6 2005). The CMC began briefings on August 8 2005. Colonel Mahoro Amani and his political advisor Gaspard Kanani visited FDLR troops in Luvungi, Munanera, Lubarika and Ndolera trying to sway combatants to support the CMC’s efforts. Interviews with FDLR dissident Captain Eric Muhire and FDLR combatants, Katogota, August 2005; and with FDLR dissidents Major Noriega and Captain Belmondo, Luvungi, August 2005.

¹²⁴ *Comité International d’Accompagnement à la Transition*.

¹²⁵ Interview with FDLR CDU President Emmanuel Hakizimana and with Colonel Amani’s political advisor, Gaspard Kanani, Bukavu, August 2005. Civil society representatives also alleged that the CIAT was trying to buttress FDLR repatriation efforts. Interview with civil society representative, Bukavu, July 2005.

¹²⁶ A demobilised FDLR brigade was attacked by the FAC in 2002, and the FDLR subsequently became suspicious of the UN (see *infra*). FDLR commanders make reference to this attack to justify their refusal to disarm. Interviews with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005; with Major Noriega, Luvungi, August 2005; with Captain Belmondo, Luvungi, August 2005; and with Lieutenant Colonel Fred Ikakiza, Lubanga, August 2005.

¹²⁷ Interview with MONUC officials, Bukavu, August 2005; and with FDLR dissident Major Noriega, Luvungi, August 2005.

¹²⁸ E-mail exchange with MONUC official, September 2005. The Rwandan government did not permit the presence of foreign diplomats at the crossing-point in Bugarama to monitor the combatants’ repatriation.

¹²⁹ UN Security Council: *Resolution 1596, S/RES/1596* (May 3 2005); and Security Council Committee: *List of individuals and entities subject to measures imposed by paragraphs 13 and 15 of Security Council Resolution 1596*, (November 1 2005). Mudacumura is allegedly hiding in Masisi at the present time. Telephone communications with Congolese government official, November 2005; and with FDLR member, November 2005.

¹³⁰ Interviews with FDLR dissidents Major Noriega and Captain Belmondo, Luvungi, August 2005. The hut where the interviews took place was laden with armaments.

¹³¹ In this manner, combatants insinuate that Mahoro Amani and Paul Rwarakabije are collaborators with the Rwandan government. Interviews with FDLR combatants, Sange and Lubanga, August 2005.

¹³² Interview with MONUC official, Uvira, August 2005.

¹³³ Interview with FDLR Lieutenant Colonel Fred Ikakiza, Lubanga, August 2005; and telephone communication with Lieutenant Colonel Venuste Senga, August 2005.

¹³⁴ Interview with the Head of the ANR Uvira, Peter Nkuba, Uvira, August 2005.

and contended that if they were to join FDLR ranks they would benefit from an eventual mass repatriation. Four of the new recruits are ex-FAR soldiers who lived in refugee camps in eastern Zaïre until 1996 when the camps were closed and they returned to Rwanda where they were imprisoned until recently. All prisoners maintained that they were former FDLR members.¹³⁵

4.2 Resisting forcible disarmament

The idea of forcibly disarming the FDLR was coined on a number of occasions, even though previous attempts by the Congolese government had unfavourable results. In November 2002, the FAC attacked a demobilised FDLR brigade at a military base in Kamina that was monitored by MONUC. It allegedly killed the brigade commander and 437 combatants, after which the surviving combatants took back their arms, fled and linked up with FDLR troops in North and South Kivu.¹³⁶ The FDLR leadership subsequently declared its mistrust of the international community and of the DRRRR process.¹³⁷ Following a string of events in 2004,¹³⁸ which yet again triggered Rwandan threats to invade the DRC to crush the FDLR in November of the same year,¹³⁹ forcible disarmament was considered once more. In January 2005, the African Union resolved to create a force to forcibly disarm and repatriate the FDLR,¹⁴⁰ and the newly-integrated Congolese army began a series of offensives against the FDLR in the northern territories of South Kivu to force Hutu rebel disarmament, with support from the MONUC South Kivu Brigade.¹⁴¹

The aim of the FARDC operations against the FDLR was to physically and psychologically press the FDLR to disarm.¹⁴² Operations intensified when the FDLR backed down on its commitments made in Rome. FDLR camps and supplies were destroyed¹⁴³ and the combatants were pushed away from their resources. The Hutu rebels suffered few casualties,¹⁴⁴ as many combatants fled, avoiding confrontation with the Congolese army. In their escape path, FDLR combatants slaughtered many civilians. The FDLR re-infiltrated certain bases after the withdrawal of the FARDC and MONUC and rotated throughout South Kivu, changing FDLR concentrations in the province.¹⁴⁵ In the aftermath of operations against them, the FDLR staged violent retaliatory attacks against civilian populations and intensified pillaging and extortions, while in many areas vacated by the FDLR, FARDC troops harassed the population and plundered mineral resources.¹⁴⁶ FDLR commanders made it plain that, though not the target, civilian casualties were unavoid-

¹³⁵ The FDLR was not yet formed in 1996. Interviews with FDLR new recruits, Joseph Hakizimana, Emmanuel Byayingabo, Abdul Nkurunziza, Jean Damascène Bizimana and Pascal Niyibizi, detained at the FARDC 108th brigade headquarters, Luvungi, August 2005.

¹³⁶ International Crisis Group: « Les Rebelles Hutu Rwandais au Congo », *op. cit.*, p. 9.

¹³⁷ Interview with FDLR Major Noriega, Luvungi, August 2005; and with FDLR Spokesman, Major Edmond Ngarambe, Sange, August 2005. Also see Rafti, M.: "The Rwandan Political Opposition in Exile", *op. cit.*, pp. 18-19.

¹³⁸ 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. The massacre was perpetrated by the Burundian FNL but the Rwandan government claimed that the FDLR and Mai Mai elements joined in the massacre due to their "genocide ideology," implying that action must be taken against this ideology. Human Rights Watch: "Burundi: The Gatumba Massacre. War Crimes and Political Agendas", *HRW Briefing Paper* (New York: September 2004); and interview with Rwandan Presidential Envoy to the Great Lakes Region, Richard Sezibera, Kigali, September 2005.

¹³⁹ MONUC: "MONUC strongly reacts to Rwanda's threat to attack the FDLR in the DRC" (November 26 2004), available at www.monuc.org.

¹⁴⁰ African Union: "Communiqué of the twenty-third meeting of the Peace and Security Council", *PSC/AHG/Comm. XIII* (Libreville: January 10 2005).

¹⁴¹ Interview with MONUC commander, Bukavu, August 2005.

¹⁴² *Ibid.* A Congolese government official claimed that Kinshasa aimed to push the rebels westward, away from the Rwandan border, to strip Rwanda of the opportunity to use the rebels' presence to enter the DRC and disrupt the electoral process. Telephone communication with Congolese government official, August 2005.

¹⁴³ E.g. the Miranda Brigade destroyed FDLR headquarters, 16 camps and some 200 huts under operation "Thunder Storm" on July 20 2005.

¹⁴⁴ Interview with MONUC commander, Bukavu, August 2005.

¹⁴⁵ In August 2005, FDLR troops headed north towards Bunyakiri (a transit zone between North Kivu and South Kivu), south to the Ruzizi Plain and reinforcements arrived from the main FDLR Headquarters in Kibue, North Kivu, passing from Kambogoti to Bunyakiri. A strong FDLR concentration was established in Kalonge, between Bunyakiri and Shabunda. Interviews with MONUC officials, Bukavu, August 2005.

¹⁴⁶ Interview with MONUC official, Bukavu, August 2005; and with FARDC commander, Kabare, August 2005. FARDC soldiers are only paid \$10 per month. They are, as a result, undisciplined and so, like other armed elements, they also make extortions from civilians.

able in combat. However, combatants among rank-and-file FDLR threatened to “*kill even infants*” in the case of onslaught by the Congolese army.¹⁴⁷

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 time has not yet come to return to Rwanda, in order to hamper voluntary repatriation. Many combatants genuinely appear to believe that they might be killed or imprisoned if they return to Rwanda without international oversight. Hutu who have fled the country over the preceding months worsened their fears. FDLR commanders possibly instruct ex-combatants returning to South Kivu from Rwanda to join the FDLR rebellion and to maintain that they are ex-FDLR, as a ruse to demonstrate that the Rwandan regime mistreats demobilised FDLR combatants. Many combatants and their families are, therefore, unconvinced that it is safe for them to return to Rwanda and they see no incentive to do so. The majority of the FDLR troops, including many commanding officers, live in poor conditions in South Kivu. Though they would have access to basic services in Rwanda that are unavailable to them in South Kivu, such as health facilities and schooling for their children, they opt for the familiar albeit adverse living conditions of the Congolese bush. At the same time, it appears that more than a few FDLR combatants wish to demobilise and return to Rwanda but they are either unaware of the mechanisms available to them for repatriation or are held back by their leaders. FDLR hard-line leaders psychologically and physically obstruct voluntary DDRRR measures in order to sustain the strength of their forces and hence the rebellion in South Kivu.

Despite ostensibly banning FDLR leadership from the DRC, FDLR leaders travelled openly in the DRC and Joseph Kabila attempted to gain international recognition for the FDLR by commencing negotiations with the Hutu rebels under the mediation of the Sant’Egidio religious community. Yet the FDLR leaders did not abide by their pledge made in Rome to disarm and return to Rwanda, they neglected the pertinent information campaign targeting their combatants, fell out with Kabila and brought about infighting and further divisions between moderate and hard-line leaders of the movement. To all appearances, the FDLR leadership set out to negotiate the repatriation of its troops to Rwanda merely to play for time, as FDLR leaders were aware that they were militarily weak compared to the RDF, they were apprehensive of international threats to disarm them and possibly hoped that political and military conditions might eventually change in their favour. On one hand, the

¹⁴⁷ Interviews with FDLR commander and FDLR combatants, Burhinyi, August 2005.

hard-line leaders who played a key role during the genocide were unlikely to genuinely favour voluntary repatriation, in fear of facing justice. On the other, although political leaders are insignificant to the troops and President Murwanashyaka is no more than a nominal head, political exigencies indicated that they bet on political recognition by the international community, which would allow them to claim prominent positions in Rwanda.¹⁴⁸ Nevertheless, the FDLR lacks the credible bargaining power that could permit the movement to transform itself into a political party in Rwanda. The combatants' demeanour in South Kivu denies the FDLR any legitimacy and the Rwandan government rejects negotiating with it due to its link to the genocidal forces. FDLR combatants are however able to repatriate individually to Rwanda, where they would be "re-educated" in *ingando* in order to be integrated back into society either as civilians or as soldiers of the RDF.

The moderate CMC FDLR faction revealed more than a tactical interest to seem cooperative and appeared to have the combatants' needs at heart. Kabila tried to sideline FDLR hard-liners by designating Amani as interlocutor but the mutineers fell short of winning over the greater part of the FDLR forces. Notwithstanding the pressure on the FDLR hard-liners exerted by UN sanctions against their military and political heads, it will be difficult to remove the grip of hard-line commanders over their troops. Former FDLR Commander General Rwarakabije's incapacity to take with him to Rwanda the bulk of his troops in 2003, and Colonel Amani's inability to mobilise the remaining troops to do so in 2005, indicate that the hard-liners of the High Command effectively control their forces.

Despite joint FARDC-MONUC operations, the Rwandan rebels proved very resilient against attack. Well-acquainted with the terrain of South Kivu and adeptly trained in guerrilla tactics, FDLR troops swiftly recoiled. In all likelihood, local informants warned FDLR combatants about imminent operations. The FARDC aimed to fight the FDLR through a war of attrition but civilians paid the price of the operations—the combatants became more aggressive as they lost their resources, while they used the local population as a human shield against further attack. In fact, civilians found themselves trapped between two forces: the FARDC and the FDLR, both committing crimes against them.

The FDLR continues to infiltrate Rwanda and is a potential threat to the Rwandan population, but it represents a greater danger to Congolese civilians. The FDLR was considerably weakened over the years, as a result of casualties, fragmentation and desertion, loss of patronage, and shortages of

¹⁴⁸ A Congolese government official confided that his government came to believe that Murwanashyaka was only egged on by personal gain and not out of any interest to repatriate his troops to Rwanda. Telephone communication with Congolese government official, August 2005.

ammunition. It proved unable to overpower the Rwandan army and it lingers in the DRC, where it disrupts Congolese lives. The FDLR is indeed predominantly a Congolese concern, it is part of the local experience, and the Congolese army has the obligation to dismantle it. The disarmament and repatriation of the FDLR has been tackled as a security issue, lacking a political dimension. Consequently, the Rwandan internal situation is not taken into account, and certain fundamental reasons for the troops' presence in South Kivu—the sincere fear of many combatants of conditions in Rwanda, and the unwieldy state of inter-Rwandese reconciliation—are not addressed. The Rwandan government lacks consistency in its approach towards the FDLR, as at times it exaggerates the threat represented by the FDLR to Rwanda and declares that the Rwandan army will disband the rebels, and at other times, it maintains that it is a Congolese obligation to do so. The resolution of the FDLR problem, however, necessitates Rwandan input. The Rwandan government discusses with individuals in the FDLR, as indicated by the negotiated return of former FDLR Commander Rwarakabije in 2003, but not officially with the FDLR as a group. It thus ensures that it can keep the rebellion in check, without giving the advantage to FDLR leaders claiming legitimacy. Paul Rwarakabije and Mahoro Amani demonstrated that repatriation might take place through the defection of groups splintering off from core forces. The Rwandan government should make plain to FDLR combatants and their families that domestic conditions are conducive to voluntary repatriation, in order to encourage those wishing to leave the Congo to return, and should allow some international oversight of the process, in order to reassure the combatants, if it truly wishes the rebellion to die out.

5. CONCLUSION

The FDLR rebellion is the most recent in a series of rebellions that aimed to attack the RPF-led regime in Rwanda from bases in the Democratic Republic of Congo. The FDLR rebellion was able to take form in South Kivu because of the disorderly situation in the peripheral Congolese province, which eludes the authority of the central government. South Kivu's topography shields the rebels from the Rwandan army and other hostile forces. There, officers of the former Rwandan army were able to arm and orderly train a rebel group akin, in fact, to a conventionally-structured armed force. The FDLR High Command exercises vertical control over the troops that are spread out in South Kivu, through the close watch of commanding officers.

FDLR hard-line leaders formed the mental framework of the rebellion by sketching a solemn picture of post-1994 Rwanda for the Hutu population. The refugees' personal experiences during the destruction of the refugee camps in 1996 confirmed the image of an ethnically-skewed Rwanda. Ethnicity, hence, acquired a central function in the FDLR ideology, as it impinged on the combatants' faith in the purpose of their insurgency. Combatants were indoctrinated against the RPF and commanders brought into play the need for Hutu to remain united in order to survive. They were brought to believe that Hutu are at risk in Rwanda and that through the rebellion they would have the power to change the iniquitous situation there. The FDLR's political aspirations are purportedly to initiate a national dialogue in order to change the Kigali regime and to secure the return of Rwandan refugees under fair and safe conditions. Violence is, for now, the combatants' bargaining tool to achieve these objectives.

Kigali considers FDLR combatants as ex-FAR and *Interahamwe* genocidal forces. It portrays them as *génocidaires* who represent a threat to the Rwandan population because they allegedly aspire to complete the genocide. During the closure of the refugee camps, many *Interahamwe* and ex-FAR were killed, others were repatriated to Rwanda, while still others were killed or captured during rebel incursions in Rwanda by Rwandan army counterinsurgency operations. This suggests that few indeed may still be among the FDLR. Many FDLR commanders are ex-FAR, but most combatants are young Hutu who were raised in refugee camps and in the South Kivu bush. They may have participated in the genocidal bloodshed but as child perpetrators, themselves victims of the violence. The characterisation of the FDLR as *génocidaires* affects the

broader refugee community, which is also suspected of comprising *génocidaires*, as it remains outside Rwanda. The contention that Rwandan Hutu in South Kivu possess a “genocidal ideology” appears to act as a self-fulfilling prophecy; a foreboding “Hutu culture” in the making.

FDLR combatants have internalised the rhetoric of Hutu grievance, which revolves around Hutu victimisation and assumptions of oppression by the Tutsi. The RPF is identified with the Tutsi, the pre-genocide “enemy.” The genocide is played down, combatants pay little heed to genocide survivors and history is adjusted to highlight Hutu mistreatment: *Tutsi monopolise socio-political life in Rwanda* (which harks back to the Bahutu Manifesto); *the RPF began a long war by invading Rwanda in 1990 and caused the death and displacement of many Hutu*; *the RPF shot down President Habyarimana’s airplane*; *the Rwandan Patriotic Army killed Hutu in Congo/Zaire*. Genocide-related guilt is consequently ebbing and feelings of injustice and victimisation replace it. Combatants claim that the Hutu were denied refugee status and the right to freely return to Rwanda and so were forced to take up arms— a discourse that the RPF upheld in 1990. The FDLR rebellion should, therefore, be seen in the circumference of the unresolved Rwandan conflict, which is again summed-up in ethnic terms and remains linked with the refugee question.

Many Rwandan refugees in South Kivu emotionally and tangibly support the FDLR rebellion. Rwandan women are married to and have children with combatants, whom they raise with the FDLR “liberation” dogma; refugees are the vectors of FDLR ideology, and the rebels originate from the refugee community. Young Hutu who live in an insecure environment in the DRC, lacking education opportunities and future life chances, are more secure within the rebel forces than as civilian refugees and possibly join the FDLR in the hope they might come across such opportunities. The refugees are not passive, but many play an active role in sustaining the insurgency in South Kivu.

The FDLR leadership stands in the way of voluntary disarmament and repatriation to Rwanda, largely through physical and psychological intimidation. Commanders inform their troops and refugees that conditions in Rwanda continue to be inauspicious for their return, in order to sustain FDLR troops in South Kivu. Combatants and their families are afraid of what they will find and how they will be treated in Rwanda, and new waves of Hutu refugees— the “*gacaca* refugees”— add weight to their disinclination to return. Though scores of combatants and their dependents have settled in lo-

cal communities and might not wish to leave South Kivu, many others are war-weary; they lead precarious lives in South Kivu and wish to go back to Rwanda. However, they are obstructed by FDLR commanders, who suppress dissidence—deserters are shot and prospective absconders are afraid to risk deserting—and many combatants are not informed about the mechanisms through which they could return to Rwanda. Voluntary repatriation is, therefore, flawed. On the other hand, forcible disarmament of the Hutu rebels is extremely complicated, as proven by violent backlashes against the civilian population and by the FDLR's resilience against 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 is mastered by the rebels. Many FARDC soldiers choose to loot and terrorise their own population, while to all accounts Maï Maï elements of the FARDC, who in the past commonly struck alliances with the FDLR, continue to support the rebels. Maï Maï permit the FDLR to go on with the recruitment of new conscripts, who penetrate the Ruzizi Plain and the High Plateaux along the Rwandan and Burundian borders. The Congolese government itself supported the FDLR until recently and has never prevented the flow of arms to the rebels. The incapacity and unwillingness of the Congolese government to dismantle the FDLR have, in fact, been key factors in the rebels' protracted presence in South Kivu.

FDLR combatants have flagrantly abused South Kivutians. They and other armed elements have scarred the social psyche and have changed the demographic construction of South Kivu, through years of plunder, massacres and sexual violence, which have caused population displacement, malnutrition and the spread of disease. Many violent acts in South Kivu are attributed to the notorious Rasta, who commit crimes in the vein of the brutality perpetrated during the Rwandan genocide. Though the FDLR and the Rasta are separate groups, it is difficult to distinguish between the two and the Rasta are regarded by MONUC, the FARDC and many locals as the most radical FDLR band. The FDLR often uses the Rasta as a scapegoat for its combatants' own criminal activities and FDLR leaders refute crimes attributed to their troops because they seek recognition and legitimacy for the movement. However, rebel combatants linger in South Kivu and contribute to a climate of terror and the population is alone, without local or national forces to protect it.

The Rwandan government claims that the FDLR is a Congolese affair but at the same time, it justifies incursions into the DRC because it is allegedly concerned with the FDLR's

anti-Tutsi hate ideology and so needs to dismantle it. The FDLR indeed poses a threat to Rwanda insofar as it could take the lives of Rwandan civilians and could damage infrastructure through its incursions across the border. However, its fighting capacity has significantly waned because of loss of allies and ensuing logistical problems, death, defection and low morale, and it cannot now topple the Kigali regime. Yet, its muscle is contingent on local military circumstances and it fluctuates, at times strengthened by alignments with Congolese armed elements. The FDLR is aware that the struggle against the Rwandan army is currently uneven and it is no longer waging war on Rwanda. FDLR leaders tried to thwart Congolese and international threats to forcibly disarm their troops, by vowing to abandon arms and go back to Rwanda. FDLR President Ignace Murwanashyaka, who is a puppet in the hands of the High Command and no more than a figurehead to the rebels, set off to negotiate the rebels' repatriation in Kinshasa and Rome in early 2005, but attached untenable political conditions to the FDLR's pledge to end the rebellion. The Rwandan government is not under imminent threat by the FDLR and refuses to discuss with the leaders it considers responsible for the 1994 genocide. Similarly, the international community widely accepts the Rwandan position regarding the FDLR and does not pressure Kigali to negotiate with the FDLR heads.

The "Rome Declaration" came to a standstill, as it transpired that FDLR hard-liners, many of whom are apprehensive of facing justice in Rwanda, control the greater part of the rebel forces. The moderate faction led by Deputy South Kivu Division Commander Colonel Mahoro Amani and supported by Kinshasa, which splintered from the central command with the aim of fulfilling the peace pronouncement made in Rome in June 2005, failed to sway the FDLR troops to return in security to Rwanda. Die-hard commanders maintained authority over their troops and, to all appearances, Amani will only be able to persuade a fraction of FDLR troops to repatriate. Amani loyalists will most likely return and reintegrate into the RDF, in the same way as former FDLR Commander General Paul Rwarakabije and the officers who followed him to Rwanda did. Kigali negotiated the return of Paul Rwarakabije in 2003 and it could similarly negotiate that of Mahoro Amani and other moderate factions wishing to break away from the central control of the movement. It needs to offer credible security guarantees and tangible reassurances to the refugees and combatants. It could make use of FDLR factionalism, engaging in dialogue with the moderates, if it genuinely wishes to effectively finish off the Hutu rebellion in the DRC.

Unlike the RPF in 1990, the FDLR does not occupy land in Rwanda and cannot overpower the Rwandan Defence Forces. Instead, it dominates land in South Kivu and harasses the local population. The scale of violence exercised by FDLR combatants in South Kivu transcends the stated ideological motivation of the Hutu rebellion. Though much of the FDLR's criminal activity is a means of subsistence for the combatants in the absence of regular payment, it is also the outcome of adaptation to a broader Congolese experience. Patterns of violence have become embedded in eastern Congo and, encouraged by impunity for violent acts, predatory groups emerged without a genuine political agenda for waging war but whose *raison d'être* is often sheer criminality aiming at enrichment. The FDLR has, to a significant degree, integrated into this local context, becoming in many ways a "Congolese" phenomenon, and many combatants only sporadically join FDLR bands for the spoils. In Rwanda, combatants could not engage in banditry on this scale, and so this potentially acts as a further disincentive to return. The FDLR has no credibility in claiming to protect its troops and Rwandan refugees against attack, because the rebels assault civilians and not the Rwandan army or other hostile armed groups. Over the long years in exile, the FDLR has been marred by factionalism, logistical problems and the struggle to survive in precarious circumstances. In their attempt to survive, many combatants became integrated in local communities and others remained in the forest. Ultimately the movement lost sight of its ideological goal of waging a "liberation war" and became fragmented, so that now its combatants have lapsed into a predatory or sedentary existence in the DRC.

Antwerp, November 2005

ANNEX 1: GLOSSARY

AFDL	Democratic Forces for the Liberation of Congo-Zaire
ALiR	Rwandan Liberation Army
CIAT	International Committee to Support the Transition
CNDD-FDD	National Council for the Defence of Democracy-Defence Forces of Democracy
DDRRR	Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration
DRC	Democratic Republic of Congo
FAR	Rwandan Armed Forces
FARDC	Armed Forces of the DRC
FDLR	Democratic Forces for the Liberation of Rwanda
FDLR CDU	FDLR Emergency Directors Committee
FDLR CMC	FDLR Military Command for Change
FNL	National Liberation Forces
M4o	Mudundu 4o
MONUC	UN Mission to the DRC
NURC	Rwandan National Unity and Reconciliation Commission
RCD-Goma	Congolese Rally for Democracy-Goma
RDF	Rwandan Defence Forces
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
UNHCR	UN High Commissioner for Refugees



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