

OPPORTUNITIES AND CONSTRAINTS FOR THE DISARMAMENT & REPATRIATION OF FOREIGN ARMED GROUPS IN THE DEMOCRATIC REPUBLIC OF CONGO

The cases of the FDLR, FNL and ADF/NALU

Hans Romkema
June 2007



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Multi-Country Demobilization and Reintegration Program
The World Bank
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Washington, DC 20433
USA
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First published June 2007

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Photos by Harald Hinkel

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Conflict & Transition Consultancies



Table of Contents

List of Acronyms	1
Definitions Used for this Report.....	3
Maps: - Locations of foreign Armed Groups in North & South Kivu -	4
Executive Summary.....	6
Background and Objectives of the FNL, FDLR and ADF/NALU	6
Forces Nationales pour la Libération (FNL) of Burundi.....	6
Forces Démocratiques pour la Libération du Rwanda (FDLR) of Rwanda.....	7
Allied Democratic Forces (ADF) and National Army for the Liberation of Uganda (NALU) of Uganda.....	7
The Impact of the AGs on the Kivu Provinces.....	8
The D&R Experience to Date	9
The Way Forward.....	9
Political.....	9
Opportunities for Non-violent D&R.....	10
If Voluntary D&R Fails.....	11
Anticipated Results	12
Recommendations	12
To All Parties:.....	12
To the GoDRC:.....	12
To the Countries of Origin:	13
To MONUC:	13
To the MDRP:.....	13
International Community:	14
1. Introduction.....	15
1.1 Aim and Objectives	15
1.2 Target Groups	16
1.3 The Conflict & Transition Consultancies Team	17
1.4 Methodology	17

1.4.1	Interviews with Key-informants	17
1.4.2	Questionnaires	18
1.4.3	Focus Groups	18
1.4.4	Historical Review and Literature.....	18
1.4.5	Comparative Analysis	19
1.5	Constraints.....	19
2.	The Democratic Republic of Congo	21
2.1	Brief Historical Context.....	21
2.2	Current State of Affairs in Rural Kivu.....	23
2.2.1	The Military Situation.....	23
2.2.2	Deployment, Army Integration and DDR	25
2.2.3	The Intelligence Service.....	26
2.2.4	The Local Administration: Governance and Presence	26
2.2.5	Regional Cooperation.....	27
2.3	Impact of Foreign AGs on Host Communities.....	28
2.3.1	Humanitarian & Development Activities	29
2.3.2	Who's in Charge?	30
3.	FDLR.....	32
3.1	Background on the FDLR	32
3.1.1	Key Operations & Infiltrations	34
3.1.2	Political Goals and Objectives.....	35
3.1.3	Ideology and Religion.....	36
3.2	An Overview of Structure, Strength and Systems	36
3.2.1	Strength and Structure.....	36
3.2.2	Training and Recruitment	38
3.2.3	Intelligence and Control	39
3.2.4	Arms and Ammunition.....	41
3.2.5	Logistics, Economic Survival and Enrichment	42
3.2.6	When Does a Refugee Become a Settler?.....	45
3.2.7	Locations	46
3.2.8	Internal Conflicts and Divisions.....	47
3.2.9	At Ease!	48
3.3	Disarmament & Repatriation	49
3.3.1	Attitude of Combatants to D&R and MONUC.....	49
3.3.2	Information and Sensitisation	49
3.3.3	Justice	51
3.3.4	Extremist Leadership.....	52

4. FNL	53
4.1 Background on the FNL	54
4.1.1 The Origins of the FNL.....	54
4.1.2 Aim and Objectives.....	56
4.1.3 Ideology and Religion.....	57
4.1.4 FRODEBU and the CNDD-FDD	57
4.2 An Overview of the FNL	58
4.2.1 Military Strength and Structure	58
4.2.2 Supplies and Economic Survival	59
4.2.3 Location	59
4.3 An Overview of the Current Situation.....	60
4.4 Disarmament and Repatriation	61
5. ADF/NALU	63
5.1 The History of ADF and NALU	63
5.2 An Overview of the ADF/NALU.....	66
5.2.1 Aim and Objectives of ADF/NALU	66
5.2.2 Leadership and Military Organisation	67
5.2.3 ADF/NALU and its Local Social Setting	68
5.2.4 Analysis of ADF/NALU's Political Importance	69
5.3 The Current Situation.....	70
5.4 Disarmament and Repatriation	70
6. Disarmament and Repatriation Efforts in the DRC	72
6.1 D&R by the GoDRC	72
6.2 D&R by MONUC/UN	73
6.3 D&R by Others	76
6.4 The Rome Declaration.....	78
6.5 Potential of Military Interventions.....	78
7. The Way Forward	80
7.1 D&R Should Become a Priority for all Parties Again.....	80
7.2 Opportunities & Constraints	80
7.3 Policy Requirements.....	82
The Role of the GoDRC in D&R	83
Further Strengthening of Regional Cooperation.....	84
7.4 Strategies to Enhance D&R.....	84
7.4.1 On the FDLR.....	84
Try First to Secure Implementation of the Rome Declaration.....	84
Improving D&R Efforts	84

Table of Contents

Military Options.....	86
7.4.2 On the FNL.....	87
7.4.3 On the ADF/NALU	87
7.5 Other - Issues Requiring Special Attention	87
Military Pressure and Support to FARDC.....	87
Justice 87	
'Settlers'.....	87
Annexes	88
Annex 1: Organigramme FDLR.....	88
Annex 2: FDLR Plan « Amizero » to destabilise Rwanda	90
Annex 3: Organigramme PALIPEHUTU-FNL.....	93
Annex 4: Selected Bibliography Background ADF/NALU	94

List of Acronyms

AA	Amnesty Act 2000 (Uganda)	DDR	Disarmament, Demobilisation and Reintegration
AC	Amnesty Commission (of the GoU)		
ADF	Allied Democratic Forces (Ugandan AG)	DDRRR	Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo – Zaïre	D&R	Disarmament & Repatriation
AG	Armed Group	DRC	Democratic Republic of Congo
ALIR	Armée de Libération du Rwanda (predecessor of FDLR before 2003)	EU	European Union
ANC	Armée Nationale Congolaise (the army of the RCD; 1998 - 2003)	FAB	Forces Armées Burundaises (the army of the GoB previous to 2004)
ANR	Agence National de Renseignements (intelligence agency of the GoDRC)	FAC	Forces Armées Congolaises (the army of the GoDRC between 1998 and 2003)
AU	African Union	FAR	Forces Armées Rwandaises (GoR forces before and during genocide; ex-FAR)
CBO	Community Based Organisation	FARDC	Forces Armées de la République Démocratique du Congo (the GoDRC army after 2003)
CEI	Commission Electorale Indépendante (of the DRC)	FAZ	Forces Armées Zairoises (the army of the government of Zaïre army; before 1997)
CFA	Comprehensive cease-fire agreement	FDD	Forces pour la Défense de la Démocratie
CIAT	Comité International d'Accompagnement de la Transition	FDN	Forces de le Défense Nationale (the army of the GoB after 2004)
CNDD	Conseil National pour la Défense de la Démocratie	FNL	Forces Nationales pour la Libération
CNS	Conférence Nationale Souveraine (Zaïre/DRC)	FDLR	Forces Démocratiques pour la Libération du Rwanda
COFS	Combatants on Foreign Soils	FOCA	Forces Combattants Abacunguzi (military wing of the FDLR)
CONADER	Commission Nationale de la Démobilisation et Réinsertion (DRC)	FRODEBU	Front pour la démocratie au Burundi
CRAP	Commando de Recherche et d Action en Profondeur (FDLR commando unit)	FROLINA	Front de Libération Nationale
CTC	Conflict & Transition Consultancies	GoB	Government of Burundi
DC	Demobilisation Centre		

List of Acronyms

GoDRC	Government of the DRC	PALIPEHUTU	Parti pour la Libération du Peuple Hutu
GoR	Government of Rwanda	PALIR	Peuple Armé de Libération du Rwanda
GoS	Government of Sudan	PNDR	Programme National pour la Démobilisation et la Réintégration (GoDRC)
GoU	Government of Uganda	PPRD	Partie du Peuple pour la Reconstruction et la Démocratie
GoZ	Government of Zaïre	RCD	Rassemblement Congolais pour la Démocratie
HCR-PT	Haut Conseil de la République; Parlement de Transition	RCD-ML	Rassemblement Congolais pour la Démocratie - Mouvement de Libération
HRW	Human Rights Watch	RCD-N	RCD National
ICD	Inter-Congolese Dialogue	RDF	Rwandan Defence Forces (name of the army of the GoR since 2002)
ICG	International Crisis Group	RDR	Retour Démocratique au Rwanda (predecessor of ALIR and FDLR before 1996)
ICGLR	International Conference on the Great Lakes Region	RDRC	Rwandan Demobilisation and Reintegration Commission
ICTR	International Criminal Tribunal for Rwanda	RPA	Rwandan Patriotic Army (name of the army of the GoR from 1994-2002)
IDP	Internally Displaced Persons	SC	UN Security Council
ISS	Institute of Security Studies	SSR	Security Sector Reform
JVM	Joint Verification Mechanism	SPLA	Sudan People's Liberation Army
LRA	Lord's Resistance Army	TG	Transitional Government (DRC)
MDRP	Multi-Country Demobilization and Reintegration Program	TPP	Tri-Partite Plus Commission
MDTF	Multi Donor Trust Fund	TPVM	Third Party Verification Mechanism
MLC	Mouvement pour la Libération du Congo	UBU	Umugambwe wa'Bakozi Uburundi (Burundian Workers Party)
MONUC	United Nations Mission in the DRC	UN	United Nations
MPR	Mouvement Populaire de la Révolution	UNDP	United Nations Development Programme
MR	Military Region	UNHCR	United Nations High Commissioner for the Refugees
MRP	Mouvement de la Résistance Populaire	UPDF	Ugandan People's Defence Forces
NALU	National Army for the Liberation of Uganda	UPRONA	Union pour la Progrès Nationale
NCDRR	National Commission for Demobilisation, Reinsertion and Reintegration (Burundi)		
NCL	Non-Conventional Logistics (Logistique Non Conventionnelle)		
NGO	Non-Governmental Organisation		

Definitions used for this Report

Armed Group:

An armed group (AG) is a non-state actor usually pursuing (or claiming to pursue) political objectives against a government through violent means. Most AGs fight against governments, and they occasionally also fight each other. Some AGs belong to a political movement, while others operate independently of political parties.

Combatants:

Combatants (or AG members) are individuals who bear arms for an AG. Combatants may either adhere to the political objectives of the AG or serve in the AG as mercenaries.

Combatants on Foreign Soils:

Combatants on Foreign Soils (COFS) are combatants who are based in a country other than their country of origin (or nationality). COFS pursue political objectives and/or personal interests in the country of origin and/or in the host country. Moreover, they may serve in an AG originating from their own country and with operations that cross borders. They may also have joined an AG of a foreign country.

Country of Origin:

The country of origin (or nationality) is the country where the AG member was born and/or from which he/she carries nationality.

D&R:

In-country demobilisation and reintegration programmes are usually described as Disarmament, Demobilisation and Reintegration (DDR) programmes. For demobilisation programmes with cross-border as-

pects, often one or two R's are added (for Repatriation and sometimes also Rehabilitation). It then becomes DDRR or, in the case of the DRC, DDRRR. In this report, the abbreviation D&R is used for the cross-border aspects of these operations in order to better reflect the reality of activities undertaken prior to the demobilisation of combatants in their country of origin. In the case of the DRC to date, MONUC typically disarms and repatriates COFS, while the recipient country of origin (e.g. the Rwandan Demobilisation and Reintegration Commission; RDRC)¹ assists with the repatriation and further demobilises and reintegrates the former COFS. Moreover, COFS do not necessarily have to be repatriated; there are cases where COFS are integrated in the society of the host-country. In summary, DDRRR efforts are the sum of activities of a number (at least two) of organisations in at least two countries.

Foreign Armed Group:

An AG operational or based in a country (or countries) other than its country of origin.

Host Country:

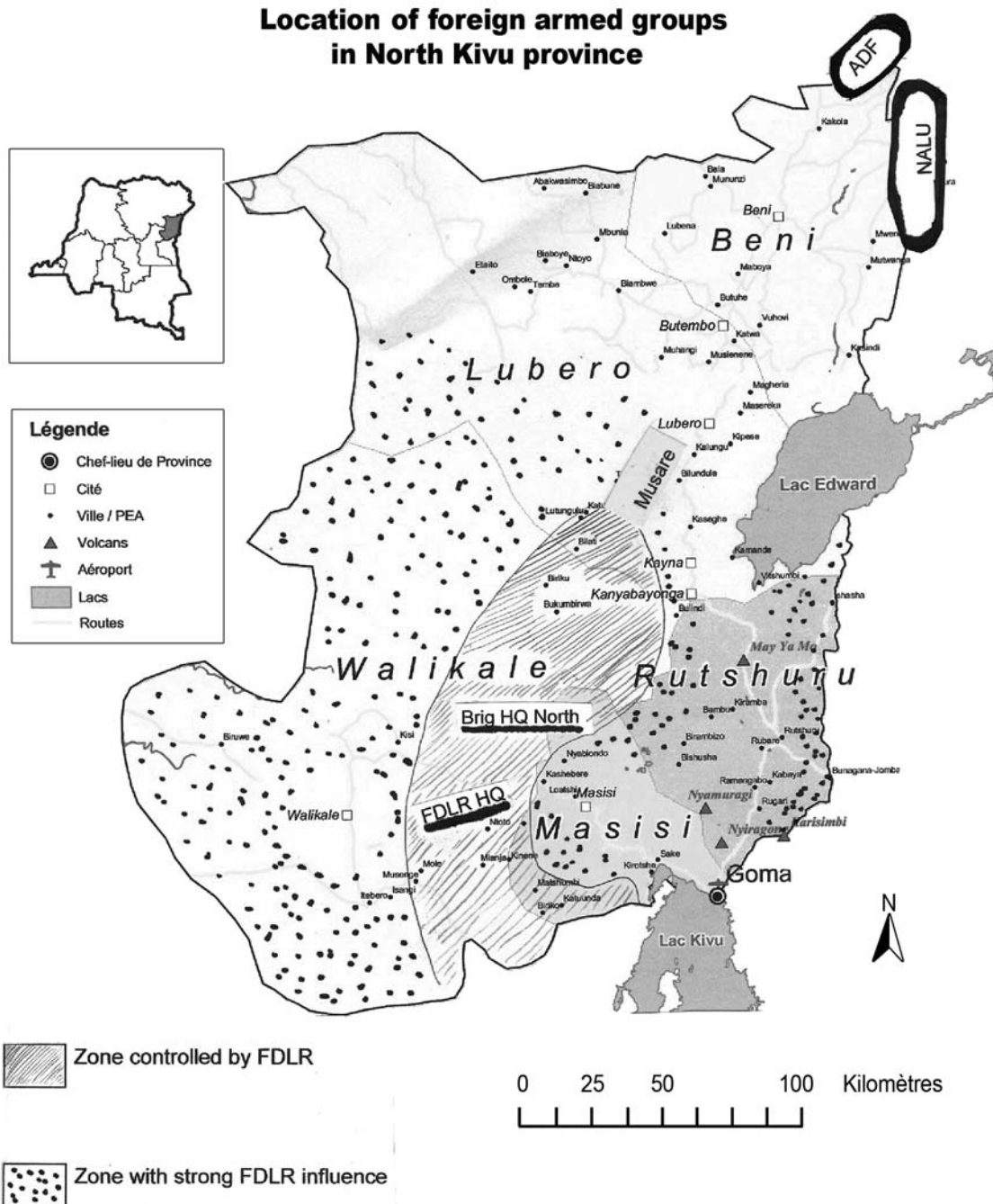
The host country is the country in which the COFS reside and operate. The term does not imply that the 'host' necessarily voluntarily provides a sanctuary to the combatants.

Refugee:

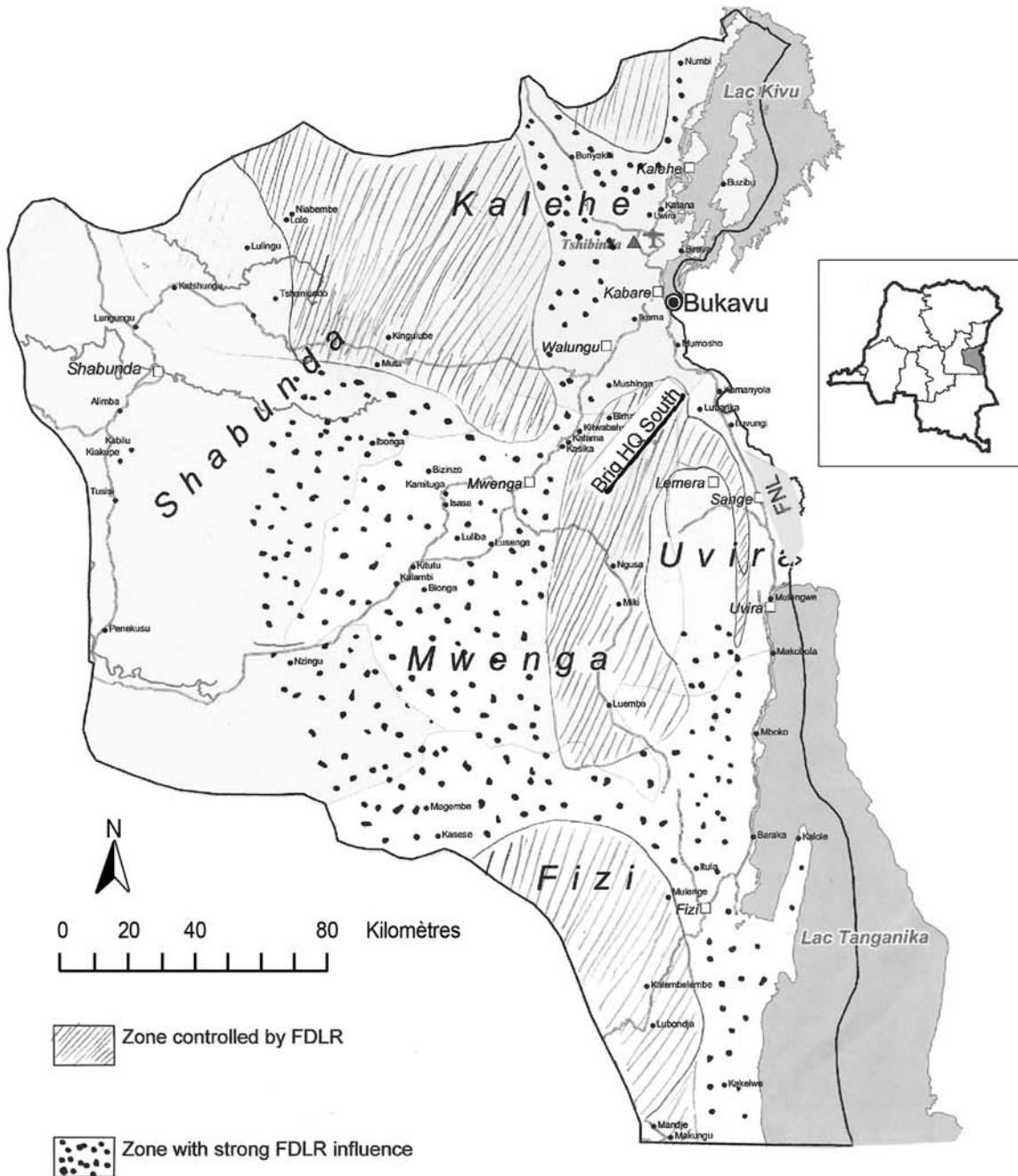
A refugee is a (civilian) person who is seeking asylum (officially or not) in a foreign country in order to escape persecution, war, terrorism, extreme poverty, famines and natural disaster.

¹ See www.rdrc.org.rw

Maps: - Location of foreign Armed Groups in North & South Kivu -



Location of foreign armed groups in South Kivu province



Executive Summary

This study was undertaken as part of a review of the Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration (DDRRR, henceforth D&R) operation taking place in the Great Lakes Region of Africa. Following the Joint Supervision Mission of the partners of the Multi-Country Demobilisation and Reintegration Programme (MDRP) in 2005, MDRP partners and the associated Trust Fund Committee decided that a review of the lessons learned would be helpful. This study aims to describe the situation on the ground of four foreign armed groups (AG) present in the North and South Kivu provinces of the Democratic Republic of Congo (DRC). It then assesses the opportunities and constraints for the disarmament and repatriation (D&R) of these foreign AGs. The movements targeted for this research are the Forces Démocratiques pour la Libération du Rwanda (FDLR), the Forces Nationales pour la Libération (FNL²) from Burundi and two Ugandan AGs: the Allied Democratic Forces (ADF) and the National Army for the Liberation of Uganda (NALU). As the ADF and NALU usually operate together, they are often combined as ADF/NALU in this report.

To collect the information required for this study, the research team from Conflict & Transition Consultancies (CTC) utilised a variety of research methods, including structured and non-structured interviews with key informants, focus group discussions and literature reviews. Moreover, a number of sub-contractors prepared detailed reports about the situation in five different territories (Masisi, Bunyakiri, Walungu, Ruzizi Plains/Uvira and Fizi) as of November 2006. These reports allow for a comparison of different approaches, including perceptions on the use of military pressure on the foreign AGs in question. The reports from the sub-contractors are presented in a separate supplementary report.

² The FNL is the armed wing of the Parti pour la Libération du Peuple Hutu (PALIPEHUTU). Therefore, this AG is also known as PALIPEHUTU-FNL.

Background and Objectives of the FNL, FDLR and ADF/NALU

Forces Nationales pour la Libération (FNL) of Burundi

The FNL is the oldest existing rebel movement in Burundi and, indeed, in the Great Lakes Region as a whole. It was created in 1980 by Burundian Hutu exiles in Rwanda and Tanzania, who were inspired by the developments in Rwanda, where the country's administration and army were entirely controlled by the majority Hutu ethnic group since 1959. The political objectives of the FNL have largely remained the same in the course of its existence: Burundi should be ruled by the majority ethnic group and the rural population should benefit from a large share of the country's resources. According to the FNL, the vast majority of Burundi's poor are Hutu and the rural Hutu population is exploited by the wealthier and predominantly urban (Tutsi) population.

The FNL's military capacity has remained limited throughout its existence. Not long after the start of the latest cycle of violence in 1993, the FNL became only the second largest movement. The CNDD-FDD, which was created in the aftermath of the ethnic killing spree that followed the assassination of the elected Hutu president Melchior Ndadaye in October 1993, managed to attract more resources and popular support. Currently, the FNL probably has just over 1,000 combatants, and certainly no more than 3,000. Of these, it is estimated that at any given time around 300 are present in the Ruzizi Plains area of the DRC's South Kivu province.³

³ This is an estimate made at the end of 2006 and as a result of the slowly progressing peace negotiations (in the framework of the Comprehensive Cease-fire Agreement signed in September 2006 in Dar es Salaam), this figure might have changed in the meantime.

Mainly as a result of the FNL's rigid adherence to its ideology, including the exclusive ethnic connotation of its rhetoric and the name of its political wing (PAL-IPEHUTU), the FNL has not been part of Burundi's political processes to date. Until late 2005, talks between the FNL and the Government of Burundi (GoB) only took place occasionally and never resulted in a conclusive peace agreement. However, in September 2006 the FNL and the GoB finally signed a cease-fire agreement in Dar es Salaam, Tanzania. This comprehensive cease-fire agreement (CFA) remains in place though implementation has been moving very slowly due to a number of unresolved political and security issues.

Forces Démocratiques pour la Libération du Rwanda (FDLR) of Rwanda

The FDLR was created relatively recently - in 2003 in the Congolese city of Lubumbashi. The FDLR is in essence a continuation of its immediate predecessor, the ALIR (I and II) and, like the ALIR, rooted in the various structures that were created among and by the Rwandan refugees⁴ and combatants who fled the country in the aftermath of the 1994 genocide. The FDLR leadership is still dominated by leaders of the former Rwandan army⁵, and politicians from the regime that ruled Rwanda before and during the genocide. However, the FDLR has also integrated several individuals, mostly younger men, from the Rwandese refugee community in the DRC, who had no personal implication in the genocide.

There are different versions of the FDLR's political and military objectives. According to its website⁶, the movement aims to overthrow the current GoR and claims to favour a further democratization of Rwanda. However, its internal discourse is more extreme and ethnically motivated. In addition, several FDLR leaders de facto use the movement to protect themselves. This especially concerns those directly implicated as leading masterminds or perpetrators of the genocide of 1994, who cannot return to Rwanda unless they are

prepared to face justice. Some of them are also sought for by the International Criminal Tribunal for Rwanda (ICTR⁷) or are found on the US government's 'most wanted' list⁸ and have nowhere to hide other than the dense forests of the DRC.⁹ These men, as well as other leaders, also use the movement to gain wealth.

The FDLR currently has around 7,000 men under arms in the North and South Kivu provinces of the DRC. While still the largest and strongest military force active in the Kivu provinces, the FDLR is militarily significantly weaker today than it was five years ago. The majority of its combatants would prefer to disarm and return to Rwanda irrespective of the political developments in Rwanda. The FDLR's prospects for securing a strong and reliable ally or donor appear to be slim in the short and medium term. Moreover, the political transition in the DRC is likely over time to result in a political and security environment less favorable to the FDLR. They are increasingly at risk of losing territory to the Forces Armées de la République Démocratique du Congo (FARDC) and may over time lose their control over the extraction and/or marketing of minerals and precious stones that they currently control.

Allied Democratic Forces (ADF) and National Army for the Liberation of Uganda (NALU) of Uganda

The ADF and NALU are two different but closely aligned Ugandan rebel movements, operating largely from the Grand Nord area of North Kivu province and from the bordering Ituri District, both in the DRC. It is mainly the ADF that continues to launch military operations against the GoU, though it is only capable of sporadic small scale operations on Ugandan territory. The ADF was created in 1996 from the remnants of other rebel groups linked to Islamic extremist groups in Uganda. The NALU was created in the late 1980s and also aims to overthrow the current GoU. The

4 The term 'refugees' is used in this report to distinguish civilians from combatants. In some cases, e.g. when the civilian is a political activist or fugitive, the term 'refugees' will therefore be misleading. However, the researchers usually did not have access to details about the exact and/or personal circumstances that made the person seek refuge in the DRC.

5 Forces Armées Rwandaises; FAR or ex-FAR.

6 See www.fdlr.org

7 See www.icttr.org

8 See www.rewardsforjustice.net, www.mwfg.org/fugitives_files/rwanda/rwanda_fug.htm or www.trial-ch.org

9 During the research, CTC agents were consistently confronted with rumours about the presence of Callixte Nzabonimana (who is both accused by ICTR and on the US 'most wanted' list) and a certain Idelphone (who is likely to be Ildephonse Nizeyimana). There were also reports about an unnamed FDLR leader in Fizi who was treated with great respect (a.o. he is carried on a tipoyi; indicating he might be gravely ill or handicapped) and kept out of sight of the MONUC and the local population. The local population believes that this person must be amongst the organisers of the genocide: "why would they otherwise keep him away from us?", one of them commented.

NALU originated from a region where local Bakonjo tribesmen have fought for local autonomy and political influence for decades, and is an amalgam of several older locally rooted rebel groups.

The ADF's origins are in southwestern Uganda and many of its supporters live in exile, either in the DRC or in Kenya. However, the ADF largely operates in the same region as NALU, i.e. the Ruwenzori border region with the DRC. The ADF's main objective appears to be the overthrow of the current GoU, but it has also adhered to a relatively extreme Muslim ideology.¹⁰ The latter has helped it to access support from the Government of Sudan (GoS) as well as from Islamic individuals and networks in the Middle East and Pakistan. The movement has been accused of links with Al Qaeda, though these links have never been proven.

Given the close collaboration between the ADF and NALU and their shared political objectives, these movements are discussed together in this report. It is generally believed that the ADF/NALU forces are today no longer militarily significant – they are estimated to number no more than 900 fighters who are not very well trained or equipped, and of whom around 60% are Congolese nationals. These forces are more focused on defending their lucrative business interests in the DRC than on achieving their political objectives in Uganda.

The Impact of the AGs on the Kivu Provinces

The foreign AGs and associated refugee populations operate and live in a political and security environment relatively favorable to them. After twenty to thirty years of misrule and a decade of civil war, the GoDRC civil administration's presence is not robust in the Kivu provinces and the FARDC remains relatively weak despite recent improvement following the army integration (brassage) process and the national DDR programme.¹¹ The GoDRC has not been systematically pursuing the repatriation of foreign AGs and has left this issue largely to MONUC since 2002. MONUC has

assisted with the repatriation of around 5,000 combatants and a similar number of dependents during this time, but the foreign AGs have managed to maintain their presence and significant influence in the Kivu provinces.

The maps on pages four and five respectively indicate that the FDLR fully controls at least 20% of the territory of both of the DRC's Kivu provinces. An even larger part of this area, especially rural areas where the FARDC's and the civil administration's presence are thin, are zones of influence of the FDLR. The FNL's base in the DRC lies in the Ruzizi Plains of the South Kivu province. Since MONUC deployed a unit next to a fixed FNL camp in early 2006, the FNL has dispersed its combatants among the local population. The ADF/NALU occupies territory in the Ruwenzori Mountains of the DRC and in the southern regions of the Ituri District.

The FNL has the least impact of the above groups on the civilian population of South Kivu province. The combatants of this movement are generally not involved in mineral exploitation and businesses. The FNL appears to use the DRC mostly as a logistical back-up, rest and recuperation area, and as a territory for tactical retreat when its operations in Burundi are under pressure from the GoB's Forces de Défense National (FDN). Only a few FNL cadres remain permanently in the DRC as liaison and procurement officers. On average, there are around 200-300 FNL combatants present in the DRC at a given time. They usually move without family members and they are currently not systematically abusing the civilian population, which is a change from their previous behavior.

Although this has been different in the past, the ADF/NALU's main aim today appears to be the exploitation of minerals in the border regions of the DRC and Uganda. The ADF/NALU does this in partnership with local businessmen, politicians and irregular militias from the Beni/Butembo region. The local population provides military and political cover for the ADF/NALU, along with mining equipment, arms and ammunition. The ADF/NALU organises the exploitation of the minerals in remote areas, especially in the national parks and forests and sells their goods to the local partners. Those combatants not involved in the exploitation of minerals live among the local population and integrate easily, as they often have a shared ethnic background.

¹⁰ These are the goals that the leadership advances; however, they hardly undertake any activity that could lead to the accomplishment of the objectives. Therefore, the movements are also referred to as 'rebellions without a cause.'

¹¹ See <http://www.mdrp.org/drc.htm> and www.conader.cd

Outside the mining areas, ADF/NALU does not often harass the local population.

The FDLR's impact is far more extensive. It controls a large part of the Kivu provinces and in almost 50% of the territory it is the strongest and often the only military and political force. The FDLR systematically raises taxes, exploits minerals, controls trade, and politically dominates the local population. The FDLR has committed and continues to commit large-scale and systematic human rights abuses against the civilian population. The FDLR undermines the authority of the GoDRC in areas where it is present. Yet, to date the FDLR is largely left alone by the FARDC, the civil administration and MONUC. Only in parts of Masisi and Rutshuru in North Kivu and Walungu and Bunyakiri in South Kivu has the FARDC, occasionally with MONUC support, attacked the FDLR in order to extend the control of state authority over territories.

The D&R Experience to Date

The GoDRC has recently released a number of statements and has undertaken some military actions against the FDLR, mainly in North Kivu province, that suggests an increased willingness to play a greater role in D&R efforts. Until recently, the GoDRC's contribution to D&R activities was most striking by its absence. The GoDRC has not instituted a repatriation commission, nor ordered the civilian and military officials to repatriate combatants on foreign soils (COFS). It has only sporadically attacked FDLR positions or protected the (Kivu) population from abuses committed by the FDLR.

Since the departure of the RDF in September 2002, D&R has been an affair to a large extent left to MONUC. Since its first foray into D&R in 2002, MONUC has managed to repatriate around 9300 individuals of whom slightly over 50% were combatants and the rest was constituted of the combatants' dependants.¹² The Government of Rwanda, in collaboration with the governorates of North and South Kivu provinces as well as with some civil society organisations has also had a considerable impact during this period.

However, despite the fact that the MONUC D&R efforts have contributed to the weakening of the FDLR¹³, these efforts are widely criticised by a range of stakeholders interviewed in the course of this study. Many question the effectiveness and efficiency of the approaches adopted to date. Clearly, the restrictive mandate that permits MONUC only to facilitate voluntary disarmament and repatriation of foreign armed groups, has limited its ability to advance the D&R process, and several local informants presented cases of lost opportunities and sometimes also negative side-effects of the MONUC interventions. There was in particular criticism regarding the military operations undertaken in Walungu (July-August 2005) and Bunyakiri (end 2005 and beginning 2006), justified in terms of protecting the civilian population against abuses, which are perceived to have provoked an upsurge in violence by the FDLR against local civilian communities, both in the areas that were 'cleansed' from a protracted FDLR presence and in their new areas of operation and settlement.

The Way Forward

Political

1. The newly elected GoDRC should assume a leadership role in the disarmament and repatriation of combatants of foreign AGs. This would be an essential step in the D&R efforts because the GoDRC has important assets (e.g. numeric strength and knowledge of the local situation) that it can bring to bear. Moreover, the GoDRC has important obligations to attend. It is constitutionally required to protect all its citizens and to prevent armed incursions from its territory into neighboring countries by all necessary means. In the Pretoria (2002) and Lusaka (1999) agreements, and as a partaker in the Pact on Security, Stability and Development in the Great Lakes Region¹⁴ the GoDRC made clear commitments in this respect. Furthermore, the GoDRC has an interest in extending its authority throughout the territory of the country. Finally, it is important for the DRC's economic development and reconstruction as well as the consolidation of regional

12 MONUC D&R (24th October 2006), quoted in the (DRC) Humanitarian Action Plan for 2007 (link: [http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2007_DRC_ActionPlan_ENG/\\$FILE/2007_DRC_ActionPlan_ENG_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2007_DRC_ActionPlan_ENG/$FILE/2007_DRC_ActionPlan_ENG_SCREEN.pdf?OpenElement))

13 Amongst others the reduction in size from around 40,000 in the late 1990s to 12-15,000 in 2002 and currently somewhere around 7000 combatants.

14 This pact was concluded in December 2006 within the framework of the International Conference on the Great Lakes Region (ICGLR).

peace and cooperation in the Great Lakes region, that the foreign AG problem is decisively resolved as soon as possible.

2. Should the GoDRC demonstrate the political will to tackle the D&R of combatants of foreign AGs more seriously, international partners should provide support to strengthen its capabilities in a variety of fields: intelligence gathering and analysis, the extension of the civil administration and the army in currently abandoned territory, and the completion of the army integration and DDR processes.

3. Regional and bilateral political cooperation and the exchange of intelligence on the foreign AGs should be further developed. The Tripartite Plus Commission (TPP, including the intelligence Fusion Cell) and ongoing bilateral contacts should be developed further. It is also necessary that these initiatives include the executive levels of the respective administrations and begin to focus on practical cooperative measures. Both Rwandan and Congolese military and civilian officials have repeatedly expressed the desire to exchange information and collaborate operationally on specific D&R opportunities.

Opportunities for non-violent D&R

4. It would be desirable if the foreign AG problem in the Great Lakes region could be resolved, as much and as soon as possible, through non-violent means. In order to succeed with such voluntary and organised D&R of foreign AGs, it is important that those groups are put under significant and sustained political and military pressure by the GoDRC, the regional powers and the international community.

FDLR:

5. The movement's Rome Declaration (March 2005) provides an opportunity for non-violent D&R that should be exploited before resorting to more forceful measures, even if the probability of success is slim. In Rome, the FDLR leadership declared its willingness to participate in an organised and unconditional repatriation of all its military units and dependants. Due to internal differences and the political environment (elections and instability in the DRC), which led some FDLR leaders to believe that they could still achieve

their objectives militarily, the provisions of the Rome Declaration have not yet been implemented. However, internal divisions, increasing isolation, the growing hostility of the Congolese people and state, and the relatively successful transition from the post-war transitional government to an elected government in the DRC, have created conditions in which it is worth making a final effort to persuade the leadership of the FDLR to implement the Rome Declaration voluntarily. To this end, the GoDRC should seek to meet the FDLR leadership as soon as possible to assess the willingness of the FDLR to participate in an organised, voluntary and unconditional D&R of the FDLR.

6. An important issue to be addressed in this regard is likely to be the fate of 200-300 leaders who have indicated (through their representatives in 2005 in Rome) that they are unwilling to return to Rwanda, in many cases due to the fact that they have been personally implicated in the genocide of 1994 and would thus have to face justice. If the DRC, Rwanda and international actors can find a politically and legally acceptable solution for this group, the most important obstacle to the repatriation of the bulk of the FDLR would likely be removed. While difficult, all options should be explored by politicians and legal experts to address this issue in a manner acceptable to the respective governments. The resolution of this issue would significantly reduce the overall D&R challenge for the other combatants.

FNL:

7. In the case of the FNL, the comprehensive cease-fire agreement (CFA) concluded in September 2006 provides the best framework for an organised and non-violent repatriation of the 200-300 FNL combatants from Burundi currently stationed in the Ruzizi Plains. The implementation of the CFA and additional negotiations between the GoB and the FNL should thus receive the full support from regional governments and the international community. A negotiated solution for the conflict between the GoB and the FNL would have the added advantage of further isolating the FDLR.

ADF/NALU:

8. A negotiated and voluntary repatriation of the ADF/NALU is conditioned by the termination of the strong links between these two Ugandan AGs and Con-

golese businessmen, politicians and military originating from the Grand Nord area of North Kivu province. Unless these links are severed, the ADF/NALU's presence in the DRC is too lucrative for the ADF/NALU to accept D&R. However, if those links are cut, the ADF/NALU would have little reason to continue its campaign because its military capacity is too limited to accomplish its political objectives in Uganda or to maintain itself in the DRC.

If voluntary D&R fails

9. In the event that the FDLR does not accept the implementation of the Rome Declaration D&R provisions within a specified time frame, the GoDRRC should critically review the current voluntary D&R approach. As long as the leadership of the FDLR remains committed to an armed struggle, experience to date indicates that the voluntary approach will not be sufficient to accomplish D&R of foreign AGs successfully.

10. Unless otherwise indicated, the rest of this chapter does also refer to the case that the peace process in Burundi fails and/or the failure of an organised repatriation scheme for the ADF/NALU.

11. In the event that voluntary D&R proves impossible, military and political pressure should be intensified and the existing D&R measures should be enhanced. In particular in the case of the FDLR, which is more capable than the other movements, military interventions should be submitted to several conditions:

- They should focus on the D&R of combatants rather than their dispersion;
- Measures should be in place to ensure the protection of host communities against revenge actions and hostage taking by the AGs.
- A zero tolerance regime on corruption and human rights abuses by its agents should be adopted by the GoDRRC and the FARDC High Command. Simultaneously, the GoDRRC and the FARDC High Command, assisted by the international donors, should provide sufficient logistical support to all units involved in the interventions and a regular and improved pay for military units involved in these efforts.

12. In order to disarm and repatriate FDLR com-

batants, the majority of whom are favorable to a return to Rwanda, it will be critical to disrupt the command and control of the leadership over the FDLR forces. The FDLR military police and security services currently have a tight grip on the combatants and make it difficult and risky for individual combatants to escape to areas from which they can be repatriated. Targeted military operations against the FDLR leadership should seek to compromise the leadership's control structures. For example, the location of the headquarters of the FDLR in the North and South Kivu provinces respectively is well known. It is striking that these locations have to date never been attacked.

13. The deployment of FARDC and the civilian administration in strategic locations controlled by the FDLR should be prioritised. As many towns and mining areas as possible should be wrested from the control of the FDLR.

14. Existing D&R efforts need to be improved in several areas, including the following:

- There should be more locations from which refugees and AG combatants can be repatriated, in particular in areas that are currently hardly covered and where the FDLR leaders have deployed those combatants who it fears may be willing to repatriate (e.g. Kilembwe, Shabunda, Mwenga, Pinga, Walikale, etc.).
- All opportunities for repatriation should be exploited. To this end, MONUC should instruct and logistically enable its missions to the interior of the Kivu to protect, assist and repatriate immediately any candidates who indicate a desire for repatriation. The GoDRRC should instruct FARDC and Congolese police (PNC) units, as well as civil administrators to receive candidates for D&R and to facilitate their repatriation.
- The repatriation of civilian refugees and (dependants of) combatants should be harmonised. In this respect, UNHCR and MONUC should improve their collaboration. If the GoDRRC decides to instate a D&R coordination unit, it could play a role in the improvement of the coordination of the repatriation of civilians and combatants (and dependants).
- Communication and sensitisation efforts should be improved, intensified and refo-

cused. In terms of content, the provision of more accurate information on the legal situation (Gacaca), the current economic and political situation in the countries of origin and reintegration packages merit more attention. In terms of channels, family members, relatives, friends and repatriated ex-combatants should be drawn upon to the extent possible to convey this information, as they are the most trusted sources.

- In addition improving the collaboration of D&R technicians (from MONUC and hopefully soon also from the GoDRC) with local resource people and organisations (e.g. local NGOs, community based organisations (CBO), churches, customary chiefs, etc.) would create more D&R opportunities.

15. To advance the above, the GoDRC will require continuous support from international partners. The GoDRC should also consider the possibility of military collaboration with third countries or organisations like the African Union.¹⁵

16. Countries hosting FDLR, FNL or ADF/NALU cells and/or operatives should use all legal means to prevent those from functioning (politically, financially and logistically). Moreover, those operatives that are suspected of having committed war-crimes or crimes against humanity should be arrested and either transferred to their home countries or to the appropriate international tribunals where they can be judged.

17. It should be recognised that there will always be a limited number of Rwandans, Ugandans and to a lesser extent Burundians who will seek to remain in the DRC and try to become Congolese citizens. The DRC and its neighbors should create the legal conditions for this case load. If no legal framework is developed some will remain illegal immigrants who may cause or encounter major problems in the future.

Anticipated Results

If the above measures are undertaken in a sustained and systematic manner, the presence of foreign AG's in the DRC can be reduced significantly in the near

term. If no drastic measures are taken, the repatriation of AG members, dependants and civilian refugees will at best continue in the protracted manner seen to date, jeopardising regional security, undermining the consolidation of peace in the Kivu provinces, and hampering the economic and social recovery of the eastern DRC.

Recommendations

To all parties:

- The complexity and importance of the D&R operation (including the repatriation of civilian refugees) in the Great Lakes Region demands strong cooperation among all D&R and civilian repatriation efforts. The parties in the DRC (GoDRC, donor-countries, MONUC and UNHCR) and in the countries of origin (governments, governmental demobilisation, repatriation and/or reintegration commissions and international partners) as well as regional organisations (AU, MDRP, etc.) should work together to strengthen the Great Lakes' D&R coordination and to develop a joint strategy.

To the GoDRC:

- The GoDRC should (i) reiterate its commitment to the D&R of foreign AGs; (ii) develop a national D&R strategy, (iii) strengthen its capacity to play a leading role in the planning, coordination and implementation of D&R activities. To this end, the GoDRC should establish a small D&R unit to coordinate all D&R efforts in the DRC.
- The GoDRC should make it clear, in word and deed (e.g. through the further deployment of the FARDC), to all foreign AGs that they are no longer welcome on its territory and that their presence will no longer be tolerated. They should be told to cease human rights abuses against the Congolese population immediately, end the illegal exploitation of the country's resources and terminate collaboration with remaining Congolese AGs.
- The FARDC and the civilian administration should be deployed throughout the Kivu provinces. Foreign AGs should be expelled from

¹⁵ The UN Security Council will consider MONUC's new mandate in April 2007. It is conceivable that MONUC's mandate and resources will be reduced in the course of 2007.

all strategic locations and prevented from exploiting mineral deposits or engaging in any other major economic activity. To this end, it would be helpful if the GoDRC could secure additional military support from willing third countries or the African Union (AU).

- The GoDRC should instruct FARDC and Congolese police (PNC) units, as well as civil administrators to receive and protect candidates for D&R and to facilitate their repatriation.
- The GoDRC and the FARDC High Command should apply a zero-tolerance towards corruption and human rights abuses committed by Congolese officials. This should go hand in hand with enhanced logistical support to the army, improved pay of the military and other officials and continuation of the DDR and army integration programmes.
- The GoDRC has to make sure that all forms of political, security or economic collaboration between Congolese official and foreign AGs cease.
- Regional collaboration, amongst others on D&R issues, should remain a major priority of the GoDRC's foreign policy.

To the countries of origin:

- Burundi, Uganda and Rwanda should, like the DRC, maintain regional collaboration on the D&R of foreign AGs as a key priority of their foreign policies. They should also appoint focal points or structures to coordinate joint D&R efforts with the designated Congolese structure when this is established.
- The GoR should continue with the implementation of the Rwanda Demobilisation and Reintegration Programme and facilitate from its end the use of its citizens for information and sensitisation purposes in the DRC.
- The GoR should reflect on possible options (intermediary) solutions for the 200-300 FDLR leaders who are unlikely to ever accept voluntary repatriation and who will continue to use all possible means to prevent the D&R of the FDLR.
- The GoB should make the repatriation of the remaining FNL troops in the DRC an important issue in the next stages of the implementation of the CFA.

- The GoU should continue to extend the mandate of the Amnesty Commission and discuss the opportunities for and modalities of repatriation with the GoDRC and AG representatives.

To MONUC:

- MONUC should make the D&R of foreign armed groups its most important objective, especially if the UN Security Council decides to reduce its mandate and capacity.
- MONUC should instruct and logistically enable its missions to the interior of the Kivu to protect, assist and repatriate immediately any candidates who express a desire for repatriation.
- MONUC should share its experiences with the GoDRC to inform the development of the GoDRC's national D&R strategy and capacity. MONUC should also help to strengthen the GoDRC's national capacity to tackle D&R issues.
- The D&R activities of the MONUC and partners should be reviewed as part of a sub-regional 'lessons learned exercise.' The lessons learned should be widely shared; in particular with the GoDRC D&R unit if this is established.

To the MDRP:

- In order to achieve its goal of furthering peace and stability in the Great Lakes region through the support of demobilisation and reintegration programmes, the MDRP should extend its activities and resources to support the strengthening of a Congolese D&R capacity and to facilitate regional D&R collaboration. The MDRP is particularly well placed in doing so as it has a regional approach and already supports the demobilisation and reintegration commissions of all Great Lakes countries.
- The MDRP should continue to provide financial and technical assistance to the national DDR commissions in Burundi, Rwanda and Uganda to ensure they have the capacity to provide demobilisation and reintegration assistance to combatants of AGs returning from the DRC.

International Community:

- All countries that host Rwandan, Burundian or Ugandan refugees should inhibit the functioning of FDLR, FNL and/or ADF/NALU satellites on their territories. Moreover, they should arrest elements suspected of war crimes or crimes against humanity and transfer those either to the countries of origin or the ICTR.
- If requested by the GoDRC, donors should support the development of a GoDRC D&R capacity. They should also intensify their support to good governance, DDR and army integration programmes in the DRC.
- The UN Security Council should maintain the mandate of MONUC to assist the governments of the region with the D&R of foreign armed groups in the DRC. The Security Council should expand MONUC's mandate to allow it to assist with the forcible D&R of foreign armed groups in support of the GoDRC.
- Donor countries should continue and intensify their efforts to facilitate regional cooperation and reconciliation, including through the Tripartite Plus Joint Commission.
- Donors should support the efforts of the MDRP Secretariat to assist a potential Congolese D&R unit if requested, and to facilitate the collaboration among Congolese, Rwandan, Ugandan and Burundian D&R structures.
- Donors should facilitate and support a more comprehensive D&R lessons learned review that would benefit the next stages of the D&R operation in the Great Lakes region and future similar operations elsewhere.
- Donors should support potential agreements by relevant regional governments to remove the 200-300 FDLR leaders, some of whom may be genocide suspects, in order to facilitate the acceleration of the D&R process for the remainder of the FDLR.

1. Introduction

The continued presence of armed groups (AGs) that operate across borders is an immediate threat to the consolidation of peace in the Great Lakes Region of Africa. As long as these groups remain active, it will prove difficult to implement peace in the sub-region and to normalise the relations among the Great Lakes countries, notwithstanding the various efforts of these countries and the international community¹⁶ to rebuild relationships, recover from a legacy of conflict, and move towards much needed economic development.

Moreover, the presence of foreign AGs frustrates the reestablishment of Congolese state authority, as well as economic recovery and poverty reduction efforts in the Kivu provinces of the Democratic Republic of Congo (DRC). The parallel structures of authority and persistent insecurity cause an enormous amount of human suffering because the foreign AGs mistreat the local civilian population and prevent authorities and NGOs from accessing the worst affected areas. In addition, planned economic recovery and poverty reduction activities cannot be implemented in areas where foreign AGs effectively control territory. Essential private sector investment in mining is impeded, and other natural resources (e.g. minerals, timber, wild animals) are exploited in an unaccountable and unsustainable fashion. In order to attain the minimum conditions that would allow the Congolese state and population to start the recovery of their nation, the foreign AGs on Congolese soil must be disarmed and repatriated.

In this context the partners of the Multi-Country Demobilisation and Reintegration Programme (MDRP)¹⁷

requested a review of the disarmament and repatriation (D&R) of armed group ex-combatants in November 2005. The terms of reference (attachment 5) that resulted from this request focus on four foreign AGs that operate in the North and South Kivu¹⁸ provinces of the DRC. The MDRP partnership's interest in the D&R of foreign AGs is related to its overall objective of supporting the stabilization of the region through demobilisation and reintegration activities in the countries of the greater Great Lakes Region. The continued presence of a significant number of COFS mostly based in the eastern DRC, frustrates ongoing national demobilisation and reintegration programs supported by the MDRP in the DRC, Rwanda and Uganda, and represents a major obstacle to the overall consolidation of peace in the region. The persistence of these foreign AGs forces different countries in the Great Lakes Region to maintain armies that are larger than what would be required without these security threats. This contributes to high security expenditures and may also impede national demobilisation programs.

1.1 Aim and Objectives

The goal of this research effort (hereafter called the study) is to *'enhance the success of the D&R process for foreign AGs in the DRC.'* The specific objectives of this study are as follows:

- i. To provide an initial mapping of the group dynamics of foreign AGs active in the eastern DRC, including:
 - Historical review of their origin and evolution;
 - Political and social structures;
 - Relationships with local regular security forces, local administrations, civilian popula-

16 Examples of such efforts are the Tri-Partite Plus Joint Commission initiative and the International Conference on Peace and Security in the Great Lakes Region.

17 The MDRP is an initiative supported by 13 donors (Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Sweden, the United Kingdom and the European Commission), involving 30 partner organisations, including several UN agencies. The funds for the MDRP come from two different sources. Approximately 200 million US dollars originate from World Bank/IDA funds and up to 300 million US dollars from a Multi Donor Trust Fund (MDTF). The MDRP's aim is to break the cycle of conflict in the greater Great Lakes Region of Africa (Angola, Burundi, the Central African Republic, the Democratic Republic of Congo, the Republic of Congo, Rwanda and Uganda) by supporting demobilisation and reintegration efforts. [See for more details: <http://www.mdrp.org>].

18 This, excludes, for example, the Lords Resistance Army (LRA), as its presence is limited to the Oriental province; more specifically, in Ituri and the Garamba National Park.

- Economic profiles and financing strategies of the foreign AGs; and
- ii. To provide an assessment of opportunities and constraints faced by male and female Rwandan, Ugandan and Burundian armed group combatants and their dependents in the DRC seeking to disarm and repatriate.

The key objective of this study is to identify and describe *'the opportunities and constraints faced by male and female Rwandan, Ugandan and Burundian armed group combatants and their dependents in the DRC seeking to disarm and repatriate to their countries of origin.'* The study focuses on the D&R perspectives of COFS in the DRC and their repatriated former colleagues. The mapping exercise, including the historical review of the different groups analyzed by the study, intends to help policy makers better understand the constraints and opportunities faced by these combatants, and thereby contribute to the enhancement of the D&R process of foreign AGs in the DRC.

This study was commissioned in the wider context of *'a review of lessons learned and group dynamics analysis in support of the disarmament, demobilisation, repatriation and reintegration [D&R] of ex-combatants of foreign AGs present in the DRC'*; hereafter called the review. The review's remaining components may be executed in 2007 and would contain a more detailed assessment of current and past D&R practices.

This study's methodology relies primarily on the collection of information from combatants of the AGs themselves as well as from people who are in direct contact with the AGs. Data were mainly collected in the DRC, Rwanda, Burundi and Uganda. In order of priority, information was collected from the combatants of foreign AGs in the DRC themselves, from former combatants that have returned to their respective countries of origin, from civilian dependents of the combatants, from other local community members in areas where these groups operate, local civil and military officials and local civil society organisations. Where necessary to confirm the views of the above, third party representatives, including MONUC, ONUB or other international officials, were interviewed.

This study is not an evaluation of all D&R activities to date. Nevertheless, it contains important elements for an overall review of experiences and lessons learned, as it reflects the perspectives of the (former) armed group members and host communities on the D&R effort.

1.2 Target Groups

The target groups of this study are four foreign AGs that operate in the North and South Kivu provinces of the DRC. Foreign AGs were defined as groups that are rooted politically and militarily in countries other than the DRC and that have a significant armed presence in the DRC. The second definition can either mean that the group physically occupies and controls territory and/or that it is systematically able to deploy armed combatants in areas ostensibly occupied by the Forces Armées de la République Démocratique du Congo (FARDC).

The latter is the case for the Forces Nationales pour la Libération (FNL) which regularly places forces in a part of the Ruzizi Plains nominally controlled by the FARDC. In the eastern part of the Ruzizi Plains, the FNL has melted in with the local community and operates mostly underground. It has been able to maintain a military capacity within the DRC despite the fact that either it cannot or is not interested in controlling this territory. In this study, the following foreign AGs have been assessed in order of priority:

- Forces Démocratiques pour la Libération du Rwanda (FDLR) / Forces combattantes Abacunguzi (FOCA¹⁹); Country of origin – Rwanda
- Allied Democratic Forces (ADF) / National Liberation Army of Uganda (NALU) ; Country of origin – Uganda
- Forces Nationales pour la Libération (FNL) ; Country of origin – Burundi

Of the four²⁰ rebel movements included in the study, the majority of the consultants' time and resources were invested in the assessment of the FDLR. This is justified for the following reasons:

¹⁹ The FOCA is the armed branch of the FDLR.

²⁰ The ADF and the NALU should still be considered as two separate movements, despite their close collaboration.

- The FDLR is by far the largest and most powerful foreign AG in the eastern DRC;
- The FDLR controls a larger part of the Congolese territory than any of the other AGs;
- The number of Congolese civilians affected by the presence of the FDLR is larger than is the case for the other movements and the FDLR has the greatest impact on the civilian population where it is present; and
- The FDLR has the greatest impact on regional peace and stability.

Dissident groups of the four foreign AGs, such as Major Musare’s group that split away from the FDLR about one year ago, are discussed within the context of the group from which they originated. Foreign AGs that operate in the DRC but outside the Kivu provinces (e.g. the Lord’s Resistance Army (LRA)) are not included in the terms of reference of this research.

Considering the complexity of the situation in the eastern DRC, it is possible that other AGs exist in the North and South Kivu provinces. If this is the case, they are limited in size and influence. Of course, new foreign AGs may emerge in the future.

1.3 The Conflict & Transition Consultancies Team

The Conflict & Transition Consultancies (CTC) team consisted of two full-time members - a team leader and a Congolese D&R specialist. Both members have several years of experience with D&R in the DRC and knowledge of the neighboring countries. The Congolese specialist has a military background, whereas the team leader’s experiences are in the fields of humanitarian assistance, peace building and political analysis.

CTC further sub-contracted a number of temporary assistants and researchers to contribute to this study. Some have carried out specific studies (historical review, focus group discussions in Rwanda and comparative studies of different types of D&R interventions), while others conducted field interviews with AG combatants, dependents, communities and local officials in the DRC. The temporary assistants had various backgrounds. Some are academics while others have only limited education but an intimate knowledge of certain areas and people. Most originate from and reside in the region (e.g. the DRC, Rwanda, Burundi or Uganda). Some were selected because they possessed specific technical knowledge; others were contracted because they could provide entrée to AGs that were difficult to access or approach. In total around 35 people were contracted by CTC for periods varying from a few days to several weeks in the course of this study.

1.4 Methodology

Information was collected through a variety of qualitative methods, summarised in the table presented in Figure 1.

1.4.1 Interviews with Key-informants

Key-informant interviews were conducted with a wide-range of individuals (and sometimes groups of 2-5 persons) of various backgrounds. Some were AG combatants or former combatants, while others were either from the host communities or knowledgeable of the situation in the field. Some senior commanders or political leaders of the (ex-) AGs were treated as key-informants. Key-informants also included the following:

- Representatives of regional government, including:

Figure 1: Methodologies applied in this study

	AG	Ex-AG	Communities	3rd party
Interviews with key-informants	X	X	X	X
Questionnaires	X			
Focus groups		X		
Comparative study	X		X	
Literature/documents: Historical review	X			

- The four national demobilisation and reintegration commissions;
- Military and security personnel of the respective governments;
- Local civil administrations in the DRC; and
- Traditional chiefs;
- Community leaders, local NGO, CBO and church officials, etc.;
- MDRP Secretariat staff;
- Facilitators of (peace) processes;
- UN organisations (e.g. MONUC, UNHCR and ONUB);
- Representatives of international NGOs;
- Diplomats and donors; and
- Political analysts.

1.4.2 Questionnaires

As the foreign AGs in the DRC were not always easily accessible, several were approached through intermediaries. These intermediaries were usually local people who had a proven knowledge of and access to the AGs. In several cases it was not advisable for security reasons for the intermediaries to show the questionnaire to the AG members, and therefore they usually memorised the questions and wrote a report afterwards using the questionnaire as their guide. It was left to the discretion of the intermediaries to choose how to describe the objectives of the research to interviewers. Some told the truth about the objective of their questions while others, again for security reasons, preferred not to share the exact aim. The quality of those reports varied. Where information was unsatisfactory, the interviewers were debriefed by the CTC staff in order to collect as much information as possible.

1.4.3 Focus Groups

Information from the former AG members who have returned to Rwanda was collected by means of focus group discussions in Rwanda. Focus group discussions provide higher quality and more in-depth information than individual questionnaires, and provide a larger quantity of information than can be obtained through individual interviews. A Rwandan consultant firm was sub-contracted to undertake this work and a team of three of its staff members (2 interviewers and 1 reporter) interviewed both former AG members who were still in the Mutobo Demobilisation Centre (DC) of the Rwanda Demobilisation and Reintegration Commis-

sion (RDRC) as well as a number who already had returned to civilian life.

Focus group discussions were not conducted in the DRC, Uganda and Burundi for different reasons. In the DRC, focus group discussions with AG members were not feasible because the leadership of the AGs opposes disarmament and repatriation. The collection of information thus needed to be undertaken discretely and was only possible with one or two persons at a time. In Uganda, focus group discussions were considered too time consuming because the ex-AGs concerned were too spread out and difficult to find. In Burundi, CTC felt that focus group discussions would have been inappropriate in the current political context and given the status of the cease-fire agreement implementation.

1.4.4 Historical Review and Literature

The historical review on the ADF/NALU was sub-contracted to Dr. Koen Vlassenroot, an experienced researcher on Uganda and the DRC. The historical review on the FNL was written by CTC with an important contribution from Jan van Eck, a South African analyst who closely follows the peace process in Burundi. The historical review on the FDLR was written by CTC. The writers of the historical reviews were chosen based on their knowledge of the groups concerned. The reviews are therefore based on the personal knowledge of the researchers and on relevant secondary literature.

Secondary sources were consulted to write this report. However, the majority of this report is based on the primary data collected directly from the target groups and the people who know the various AGs and their environment well. It was concluded that there is relatively little reliable secondary information available because:

- Few researchers have spoken directly to the AG's members, in particular not with the field commanders;
- The researchers who did manage to interview (former) AG members only spoke with a few (often only one or two) and their work can therefore not be considered as sufficiently representative;
- MONUC and other structures (e.g. security services and NGOs working in areas con-

trolled by the AGs) that have information on the AGs do not typically share the information they possess;

- Information provided by the AGs is usually biased and few researchers or journalists have the means to verify the information in the field; and
- Analysts and lobby groups writing about the AGs often publish their reports with the aim of influencing the policies of governments in and donors to the Great Lakes countries. As a result, they tend to emphasise elements that support their views and recommendations.

1.4.5 Comparative Analysis

CTC felt that it was important to collect information on the perceptions of former combatants as well as local communities on the option of military intervention to advance the D&R process in the DRC. In order to offer an informed opinion on the views of local communities and combatants on the impact of military interventions against foreign AGs in the DRC, local researchers studied the following three different situations:

- **Walungu:** a territory where MONUC has led military operations against the FDLR;
- **Bunyakiri:** a territory where the FARDC has led operations against the FDLR;
- **The Ruzizi Plains:** an area where no military operations have taken place.

CTC undertook a comparative review of the three different approaches based on these experiences. This research provided an opportunity to compare elements such as the survival strategies of the AGs or their behavior vis-à-vis the civilian population.

1.5 Constraints

Research on a subject as sensitive as the D&R of foreign AGs in the DRC can only be implemented when the researchers are discrete. CTC informed only a limited number of people about its study, including relevant authorities of the Great Lakes countries concerned, a number of diplomats and the local collaborators. This was important because CTC wanted to minimise security risks to its interviewers, especially in the DRC. Despite these precautions, the main Congolese D&R

specialist was soon labelled by the FDLR leadership as ‘an enemy,’ whose objective was ‘to weaken the movement through repatriation.’ Even though a minority of FDLR officers still accepted to talk to CTC; amongst others those in favour of repatriation, these suspicions forced CTC to work increasingly through intermediaries.

Security

The main security risk to the research team came from FDLR leaders and their agents who are hostile to D&R. They do not want anyone to talk with the people under their control about the opportunities for repatriation. CTC partly overcame this constraint because it was able to contact FDLR members who held more favorable views on repatriation. These contacts were willing to meet or pass messages by telephone or through third parties. Moreover, CTC researchers regularly met discretely with several FDLR officers and other representatives in areas controlled by the FARDC.

In the Grand Nord (Beni/Butembo) of North Kivu, CTC researchers encountered another security risk. Some local Congolese military and civilian officials, who benefit financially from the presence of the ADF/NALU rebels in the Ruwenzori Mountains and the southern parts of Ituri, use (former) Congolese militia and security personnel to prevent outsiders from contacting the ADF/NALU, as well as from talking with Congolese civilians or military who could provide information that could lead to the repatriation or dissolution of these Ugandan rebels. This has resulted in a climate of fear in the area, and CTC could find only a few well-informed persons willing to share sensitive information. As a result, it was difficult to get a full picture of the ADF/NALU group dynamics or to solicit the views of ADF/NALU combatants vis-à-vis D&R.

Elections in the DRC

The October 2006 DRC national elections did not have a direct impact on the CTC field research. However, the elections did have an impact on the views of some of the AG combatants. The FDLR’s attitude regarding repatriation was framed by the anticipated results of the elections, as well as the expected subsequent political upheaval. The FDLR leadership anticipated the emergence of political problems after the elections,

and considered this an opportunity to renew relations with some of its former partners or to develop new alliances and receive military and political aid in exchange for military support against the political adversaries of their Congolese allies. Some of the FDLR leaders were so convinced that this opportunity would materialise that they refused to consider D&R.

Peace process in Burundi

During the research, a cease-fire agreement (CFA) was signed in Dar es Salaam, Tanzania, between the GoB and the FNL. This positive development complicated the study, as CTC considered it unwise to approach the FNL directly, in this context in order to avoid the risk that CTC or the MDRP could be perceived as offering an alternative solution to the peace process facilitated by the Government of South Africa. In order to avoid any interference with the Dar es Salaam process, CTC researchers decided to rely mostly on secondary sources.

The review

This study was originally intended to be undertaken within the framework of a broader review. For a variety of reasons, the execution of the other component of the review has been delayed. Although more information on D&R activities to date would still be very useful, the absence of this information may have had a positive side-effect. This study of opportunities for and constraints preventing the repatriation of foreign AGs in the DRC provides important perspectives from the beneficiaries and communities on the ground. The recommendations of this study will therefore focus less on changes in the current systems and more on recommendations about what should or should not happen in order to disarm and repatriate the remaining COFS and their dependants on the basis of information from the combatants, dependents and communities on the ground. Although this report will reflect on persons who are well positioned to execute certain activities, its focus will be on activities rather than actors.

2. The Democratic Republic of Congo

2.1 Brief Historical Context

Since the early 1990s, the Democratic Republic of Congo (DRC; until 1997 the Zaïre) has experienced a significant amount of bloodshed and human rights abuses. Violent conflict first erupted in 1992 with an outbreak of ethnic violence in Katanga against the Kasaiens and was followed shortly afterwards with the '*guerre inter-ethnique*' in North Kivu and some parts of South Kivu. Subsequently, the country was ravaged by two successive rebellions²¹, both involving several foreign armies.

The late president Mobutu Sese Seko predicted with the words '*après moi le déluge*' the events that happened in the DRC after 1996. Once president Mobutu, the man who had invented the country's systems, left the arena, the weakening of the state, the decomposition of the country's infrastructures, the deeply rooted corruption, and the impact of the divide-and-rule politics, pushed Africa's third largest country towards a difficult and dangerous future. The recent past has demonstrated that former President Mobutu was right; after his reign, state collapse proved unavoidable. By 1996, the state of Zaïre had all but ceased to exist. The Congolese population was increasingly divided along ethnic and regional lines, and the systems and strategies of corruption, nepotism, globalization and '*Zairinisation*' were responsible for a profound economic and social crisis.

The descent into war was not surprising in this context, especially because the neighboring countries, Rwanda and Burundi in particular, were also affected by massive internal strife that spilled into Zaïre. The deep schisms in those nations worsened the already

existing ethnic divisions in Zaïre, and the hundreds of thousands of Burundian and Rwandan refugees in the Kivu region tipped the complicated balancing act of Mobutu's divide-and-rule politics into a state of fatal disequilibrium.

The presence of over a million highly politicised, armed and well-organised Rwandan and Burundian refugees fundamentally transformed the ethnic and political atmosphere in the Kivu provinces of eastern Zaïre. Moreover, with the 1994 regime change in Rwanda, the political picture in the Great Lakes Region as a whole shifted dramatically. Mobutu and his entourage failed to anticipate or manage the consequences of these changes. The former president also allowed some of his allies (e.g. the head of the HCR-PT²² Anzuluni Bembe) to exploit the situation for short-term political gain. Anzuluni Bembe and his political allies (e.g. several of the South Kivu civil society platforms) intensified efforts to exclude the Congolese Kinyarwanda speakers from participation in the political life of Zaïre. They went as far as to deny the so-called Rwandophones²³ Zaïrian nationality. In combination with the presence of the refugees, this resulted in social and political exclusion and incidents of ethnic killings.²⁴

Another important contributing factor to the escalation of conflict was the creation of new political and military alliances. Initially, the *guerre inter-ethnique* in North Kivu caused the Congolese Hutu and Tutsi to jointly oppose the other local communities. After the arrival of the Hutu refugees in 1994 - and with them the ethnic ideology that led to genocide in Rwanda, a

21 The first was the 1996/97 rebellion of the Alliance des Forces Démocratiques pour la Libération du Congo/Zaïre (AFDL) and the second was led by the RCD (Rassemblement Congolais pour la Démocratie; 1998-2003). Since 1998, there have been several splits in the RCD (RCD-Goma, RCD-ML, RCD-National) and new movements have sprung up (MLC, UPC, etc.), resulting in a fragmented and confusing situation.

22 Haut Conseil de la République ; Parlement de Transition.

23 Rwandophones and 'Kinyarwanda speakers' are interchangeable terms in the context of the DRC.

24 Examples of these ethnic killings in Zaïre occurred in 1995 in at least four locations in the territory of Fizi: Fizi-centre, Baraka, Malinde and Lweba, but also in Masisi, Walikale and Uvira.

'Bantu'²⁵ coalition was established and suddenly the Tutsi and Hutu became bitter adversaries. In the context of a weakened Zaïrian state, civil war in Burundi and (the consequences of) genocide in Rwanda, the ingredients for a regional conflict were on hand.

In mid-1996 the Alliance des Forces Démocratiques pour la Libération du Congo/Zaïre (AFDL), a coalition of Congolese opposition groups supported by the GoR, the GoU and the GoB, launched a military campaign against the Government of Zaïre of Mobutu. Rwanda and the Congolese Tutsi spearheaded this coalition because they had the most immediate security interests. Since late 1994, Rwanda had endured regular military infiltrations and incursions by ex-FAR and (former) *Interahamwe* elements seeking to destabilise the western part of the country. Moreover, it wanted to prevent the refugees and combatants of the previous regime from building the military capacity to seriously challenge the new government in Kigali. The Congolese Tutsi in turn sympathised with Rwanda's concerns, and also shared the views of their compatriots opposed to the Mobutu regime. However, their own security and nationality rights concerns were the immediate reasons for their joining the AFDL. Countries like Burundi, Uganda and Angola supported the AFDL for similar reasons as Rwanda: the Mobutu government had sheltered rebel movements hostile to the respective countries. Although the Zaïrian members and supporters of the rebellion wanted to bring an end to decades of political and economic misrule, some were also motivated by the desire to gain access to lucrative resources by partaking in the GoDRC.

The composition of the AFDL leadership and the variety of other countries involved demonstrated the wide support for that this first war. Fearing the RPF, most Rwandan Hutu refugees in the eastern DRC aligned themselves with the Mobutu regime. However, it is difficult to speak of a real alliance between Mobutu and the Rwandan refugees. The latter did most of the fighting, whereas the former Zaïrian Army (Forces Armées Zaïroises; FAZ) soon lost its motivation to halt the progress of the AFDL coalition and instead sys-

tematically raped and pillaged along the course of its rapid retreat to Kinshasa. By May 1997, Mobutu had fled Zaïre and Laurent Désiré Kabila assumed power in the DRC.

For various reasons, the AFDL and the international coalition backing it collapsed in 1998. Mistrust undercut the collaboration between the AFDL leadership, especially those who were not from the Kivu provinces on the one side and Rwanda, Uganda and several leaders from the Kivu provinces on the other. President Laurent Désiré Kabila and his entourage accused the country's eastern neighbors of undermining the sovereignty of the DRC, while Rwanda and Uganda accused Kabila of not recognising the role they played in toppling Mobutu. They also alleged that he was providing support to remnants of the ex-FAR/Interahamwe that survived the offensive of 1996. The troubled relationship collapsed after the GoDRC instructed the Rwandans and Ugandans to leave the country in July 1998. Less than a week after their departure, a second war started on 2 August 1998 in the eastern provinces of the DRC, with a coalition of forces from Rwanda, Uganda, Burundi and several former exponents of the AFDL challenging the regime of Kabila.

A few days after the start of this war, the Rassemblement Congolais pour la Démocratie (RCD) presented itself to the population in the East. The RCD leadership explained that they 'had been forced to take up the arms again, because president Kabila had deceived them.' The people in the Kivu provinces, many of whom had been critical of Kabila before the second war started, showed their disagreement with the RCD's course of action. They simply did not want another war. In the following years, the RCD was never able to gain the confidence of the majority of the population in the Kivu provinces.

It is worth noting that while the Congolese Hutu militias (the *Mongols*) often fought alongside the forces of the Rwandan exiles in 1996, most of them joined the RCD in 1998. This second war (the RCD called it the '*guerre de rectification*') lasted for several years and caused millions of deaths and extraordinary human suffering. The International Rescue Committee, an American NGO, estimated the number of deaths caused directly and indirectly by this war at up to four

25 Originally the word Bantu referred to a family of languages including e.g. Kinyarwanda, Kirundi, Kikuyu (Kenya), Kiganda (Uganda) and most of the languages spoken in eastern Congo. The German linguist Wilhelm Heinrich Immanuel Bleek was the first person to use the term Bantu for the language group (Bantu means people in the Bantu languages). However, in the Great Lakes Region, this linguistic meaning of 'Bantu' has been superseded by the new signification of the word; Bantu is currently more often used to identify Africans with specific morphological features than to identify a language group.

million people.²⁶ While this figure is contested by some, and the true toll of the conflict will never be known, the report clearly demonstrated that the population of the Kivu provinces has suffered greatly because of the war. In part because of this suffering, the international community exercised pressure on the warring parties, resulting in a 1999 cease-fire agreement signed in the Zambian capital Lusaka. However, the impact of the Lusaka cease-fire agreement was initially limited. While fighting on the front lines diminished considerably, a guerrilla war behind the front lines continued until 2002, affecting most of rural eastern DRC and causing far more casualties than the war on the front lines had ever done.

Only in 2002 did the implementation of the Lusaka Agreement begin in earnest through the Inter-Congolese Dialogue in Sun City, South Africa. According to several observers, the replacement of Laurent Désiré Kabila by his son, Joseph Kabila, as the head of the GoDRC was instrumental for the revival of the peace process. President Kabila was assassinated in his own palace by one of his body guards on 16 January 2001 and his son was sworn in as his successor 10 days later. Almost immediately after Joseph Kabila became the president, several key aspects of the Lusaka Agreement that had been blocked earlier moved forward. First, MONUC was allowed to complete its deployment²⁷, and Sir Ketumile Masire, the former president of Botswana, finally received the cooperation he required to prepare the Inter-Congolese Dialogue (ICD).

At the end of 2002, the ICD resulted in the *'Accord Global et Inclusif sur la Transition en République Démocratique du Congo'* and the accord soon went into effect. In June 2003 the formal transition commenced with the establishment of a government of national unity that remained in place until elections were conducted in October 2006.²⁸ These elections have now taken place and the country is entering a new phase with a newly elected government. However, several aspects of the transition have yet to be implemented. This was in part because some of its objectives were too ambitious (e.g. to reconstruct the country) or be-

cause the transitional government was too divided and faced too many 'emergencies' to be effective on issues like reconciliation and (fully) integrating all armed forces.

2.2 Current State of Affairs in Rural Kivu

In order to establish the role the GoDRC can play in solving the problem of foreign AGs on its territory, it is important to analyze the state's organizational and military capacity. As was noted in the previous section, reconciliation, integration and pacification processes have not yet been completed. Significant steps were taken when the most important rebellions were absorbed in the transitional government (TG) but this has neither ended all armed opposition against central authority nor reconciled the many ethnic and regional divisions in the country.

The results of the elections (October 2006) suggest that there is an east-west division in the DRC. The fighting in North Kivu that lasted from the end of 2006 through February 2007 demonstrated that some opposition groups are either unable or unwilling to make use of the democratically elected institutions to advocate for and resolve their real or perceived grievances. Recent fighting in Kinshasa between the forces of the elected president, Joseph Kabila, on the one hand and his closest challenger, Jean Pierre Bemba, on the other hand, also give cause for concern. It will be critical to establish ways to resolve tensions between these key political actors, as well as between easterners and westerners in peaceful ways.

2.2.1 The Military Situation

While the containment of tensions between the main political movements in Kinshasa is important, the recent clashes in North Kivu province, and a few other situations, such as in the Uvira-Fizi region of South Kivu, also prove that the DRC has a large number of remaining security problems and that there are still people willing to challenge the central government (and each other) militarily. However, the recent evolution of the situation in North Kivu also suggests that the GoDRC has improved its military and political ability to confront military challenges. The opposition

26 See: <http://www.theIRC.org/> or e.g. Coghlan B, Brennan RJ, Ngoy P, et al. Mortality in the Democratic Republic of Congo: a nationwide survey. *Lancet* 2006; 367:44-51.

27 Before President Joseph Kabila was sworn in, MONUC was not allowed to open certain offices or to function as planned.

28 According to the 'Accord Global', the transition should have lasted 24 months with two possible extensions of 6 months. In reality, the transition took more than three years.

in North Kivu, led by dissident General Laurent Nkunda, managed in 2004 and 2005 to seriously test the capacity of the military units loyal to the GoDRC. In November 2006, this same opposition force was repulsed after it clashed with FARDC on the outskirts of Sake, a town southwest of Goma. The fighting continued elsewhere in Masisi and Rutshuru, inflicting heavy losses on both the FARDC and the troops loyal to Nkunda.

Although the GoDRC was not able to resolve the conflict by military means alone, a political solution appears to have been found subsequently with the support of the GoR. A series of meetings between Nkunda and GoDRC military representatives was facilitated by the Rwandan Defence Forces (RDF) in Kigali in January 2007, resulting in a deal likely to lead to the integration of Nkunda's forces into the FARDC.²⁹ The terms of this integration are not yet entirely clear from press releases; but they appear to include an agreement that a significant number of Nkunda's troops will remain in the North Kivu province for some time to ensure the security of the Congolese Rwandophone population. The GoDRC's willingness to collaborate with the GoR when this is in its interests is a sign of important progress in regional cooperation.

This increased military capacity of the GoDRC is mainly a result of the army integration and national DDR processes in the DRC. During our research, we visited many areas in the Kivu provinces and we noted a clear difference between integrated FARDC units and units that were still awaiting *brassage*. Integrated units appeared to be more independent from party politics. They had a clearer idea about their mission and their role in society, despite the continued lack of discipline among the ordinary soldiers and persistent corruption at the higher levels. It should be noted, though, that the FARDC can not yet be considered an efficient or sufficiently professional army. Corruption and lack of discipline remain major issues; in part, results of the inadequate pay the soldiers continue to receive. Salaries have slightly increased in the past months, but for the rank and file they are still not more than twenty US dollars per month.³⁰ This, combined with poor logistics, contributes to a feeling of neglect among ordinary soldiers.

Consequently, they continue to fend for themselves at the expense of the civilian population. Reports³¹ indicate that some sell weaponry and ammunition to the foreign and Congolese AGs, as well as to civilians.

Figure 2: Salary Scales (end 2006) of the FARDC

Général d' Armée : 45.326 FC	Adj Chef : 14.832 FC
Lt Gén : 35.347 FC	Adj 1ère Cl : 14.638 FC
Gén Major : 30.734 FC	Adjudant : 14.445 FC
Gén Brigade : 25.198 FC	1er Srgt Maj : 14.150 FC
Colonel : 21.508 FC	Srgt Maj : 13.953 FC
Lt Col : 19.664 FC	1er srgt : 13.461 FC
Maj : 18.127 FC	Sergent : 12.674 FC
Capt : 17.049 FC	Caporal : 11.366 FC
Lieutenant : 15.974 FC	Soldat 1er CL : 11.098 FC
S/Lieutenant : 15.213 FC	Soldat 2ème CL : 10.826 FC
	Sans Grade : 10.826 FC

It is clear, however, that the army integration process, along with demobilisation, is essential to building a more efficient and neutral national army in the DRC. In several remote areas, this integration process, and thus also the demobilisation, has not yet been completed. For example, in most of Fizi, Mwenga, Minembwe and arguably Masisi and Rutshuru, non-integrated units will continue to control most of the territory. These non-integrated units create problems. The fighting in the North Kivu province between the brigades of Laurent Nkunda and the military region³² at the end of 2006 is perhaps the most striking example; and the upheaval in Fizi (January 2007) proves that the situation in North Kivu is not unique.

In the Uvira/Fizi region of South Kivu province, there is still a multitude of formal and irregular forces. At the end of 2006, one integrated FARDC brigade was deployed, but there were still several non-integrated brigades and battalions³³ led by commanders such as the generals Masunzu (Minembwe) and Dunia (Ubwari/Baraka) or the colonels Mutepeke (Uvira), Ngufu

29 Read e.g. <http://www.monuc.org/news.aspx?newsID=13862.17/02/07>: « Le processus de mixage est en marche au Nord Kivu. » Mohammad A. Wahab - MONUC.

30 To modestly feed, house, and dress an average family of six persons, and to send the children to school, a household would need at least 100 US dollars or around 50,000 Francs Congolais per month.

31 Including from FARDC officials.

32 A 'Région Militaire' or military region is the command structure established for each province. The military force in each 'Région Militaire' is around one division. The divisions may differ in strength though.

33 It should be noted that army units that have not yet gone through the process of *brassage* are usually much smaller than what they ought to be. Some non-integrated brigades have only 500 men (and are thus nothing more than a small battalion) whereas some battalions may not even have the size of a normal company (over a 100 men).

(Fizi), Bisogo (Bibokoboko), Makanika (Itombwe) and Ngomanya (Kilembwe). Some of these non-integrated units appear to be loyal to the GoDRC, while others condition their support upon the fulfilment of personal demands or even openly oppose integration. Some of these 'loyalist' units, however, do not report to the official military structure but are still part of parallel structures. This 'potpourri' of integrated units, non-integrated units, loyalists, opposition forces and parallel structures makes this Uvira/Fizi region of the South Kivu province one of the most volatile areas of the DRC - and a good hideout for foreign AGs.

The lack of discipline of the FARDC is the cause of tremendous human suffering, especially in the Kivu provinces. Numerous FARDC soldiers, including those in integrated units, regularly loot, rape and even kill the people they are supposed to protect. Overall, integrated soldiers may behave better than the non-integrated units, but this is only relative. During field visits, CTC researchers encountered internally displaced people (IDPs) in Hombo Nord³⁴ who had fled the FARDC controlled areas of Bunyakiri and were seeking refuge in FDLR territory. They explained that they did not like the FDLR and wanted them to leave the DRC as soon as possible, but for the moment they preferred to stay with the FDLR as they were more disciplined than the FARDC. One IDP head of family said: "*I am just here in Hombo in FDLR territory because it is the least bad option for me and my family.*" This is a rather extreme case which should not be generalised, but it is a fact that the relationship between the Congolese people and the FARDC is often ambivalent and at times hostile.

2.2.2 Deployment, Army Integration and DDR

Before the military integration process, various Congolese forces were deployed throughout the Kivu provinces. The Mayi-mayi militias in particular were present even in the most remote areas. Aside from the problems this created, the expansive military presence had the important benefit of controlling terrain and developing relationships with the foreign AGs. The Mayi-mayi were in the past frequently allied to the foreign AGs. The FDLR recognised that it had to maintain friendly relations with the Mayi-mayi, as it would

have been difficult to survive and fight the group's main adversaries, the RDF and RCD, in a totally hostile environment.³⁵ As a consequence, the Mayi-mayi were able to influence somewhat the deployment and behavior of the FDLR (and, before 2001, the ALIR).

Army integration and demobilisation have led to the withdrawal of these Congolese forces from many remote areas, resulting in a significant increase of the surface controlled by the foreign AGs, especially the FDLR. Examples of such areas include the remote parts of Mwenga, Kalehe/Bunyakiri³⁶, Uvira, Walikale or Lubero, which were previously shared between the Mayi-mayi and the FDLR, but which are now almost entirely controlled by the latter.

FARDC commanders have indicated that the current (end 2006) deployment plans for integrated FARDC units will not reverse this process. FARDC commanders interviewed indicated that the plan anticipates the deployment in each of the Kivu provinces of one division, which consists of three brigades of around 2,500 FARDC soldiers each. The presence of approximately 7,500 soldiers in each province would be sufficient in times of peace, however it will not be enough to confront the current challenges posed by local irregular militia resisting army integration and the central authority, along with foreign AGs. For example, if one estimates that in South Kivu province alone the FARDC needs to secure at least one thousand kilometers of strategic roads, one hundred population centres, and several dozen mining centres, markets and government buildings, it is clear that the currently envisaged force will not have the capacity to expand control into the thousands of square kilometers³⁷ between those strategic locations. Consequently, the FDLR and others will continue to have a choice of hideouts throughout the province and the space to develop economic activities to sustain their strength.

The Kivu provinces would need additional well-equipped brigades in order to occupy the territory that is currently controlled (in part or entirely) by FDLR, FNL, and ADF/NALU militias. Consequently, the cur-

34 Hombo is a town on both sides of the border of South Kivu (Hombo-Sud in the Kalehe/Bunyakiri territory) and North Kivu (Hombo Nord in the Walikale territory).

35 Several interviews with FDLR leaders or former FDLR in Rwanda and the DRC.

36 Bunyakiri's status as a territory is ambiguous. For example, the electoral commission considered Bunyakiri to be part of the territory of Kalehe, while the province of South Kivu treats Bunyakiri as a territory financially (it recedes part of the provincial proceeds to Bunyakiri) but not administratively (the province does not recognise the territorial administrator as an administrator but as a chef de poste; the population of Bunyakiri insists that the man is an administrator though).

37 The South Kivu province's surface is around 65,000 km².

rent deployment plans should be revisited if the GoDRC wishes to re-establish security and state authority and tackle the issue of foreign AGs in the Kivu provinces. However, additional FARDC deployment will only be useful if the force significantly improves its discipline, human rights conduct, and professionalism.

2.2.3 The Intelligence Service

Reliable and timely intelligence is essential to inform political and military strategies for D&R. Yet neither the FARDC nor the Agence National de Renseignement (ANR) have been able to analyze and use in a structured manner the information that various agents from intelligence services and other government structures collect in the field. FARDC field commanders, as well as ANR and other officials in areas where the foreign AGs are present, have a lot of useful information. However, there is no system to centralise and analyze this information in a structured manner, never mind to utilise it for planning purposes or to feed it back to military commanders in the field for action.

As a result, the army can only report in general terms on the various security threats in the respective provinces. E.g. in the case of the FDLR, the army does not appear to have completed a mapping exercise to obtain a reliable estimate of the group's numeric strength, a listing of the armament of the militias or an analysis of the command and organizational structures. The ANR has even less information than the army, despite the presence of a multitude of agents in the most remote corners of the provinces.

In both cases, this is partly the result of incompetence and on the other hand a consequence of poor motivation. Moreover, the GoDRC has historically failed to provide its military or civilian security agents with regular training and reliable equipment. It is also not clear whether there are any orders from the hierarchy for a mapping exercise or a continuous collection and analysis of information concerning the foreign AGs. Some security agents appear to be more interested in extorting money from the civilian population than in collecting security information. As is the case with other government departments, the security services employ many potentially willing and able individuals. However, they can only accomplish their mission when the Government provides them with the right orders, a decent salary, supervision, equipment and training.

2.2.4 The Local Administration: Governance and Presence

The erosion of the state structures was a key root cause that led to a decade of civil war and millions of casualties. Corruption, nepotism and divide-and-rule politics had hollowed out the Zairian state for over thirty years. Military and government officials received only rudimentary salaries and were encouraged to extort 'their dues' from the population. This had a tremendous corrosive impact on the ability of the state to address security threats. It was therefore not surprising that, once the internal and external opponents of the Mobutu regime created a broad coalition in the shape of the AFDL, the regime collapsed without a major struggle. The AFDL conquered over two million square kilometers in only seven months (i.e. over 10,000 km² or about a third the size of Belgium every day!).

Since the fall of the Mobutu regime, the new government and the rebellions have vowed to change the system and to improve governance. Unfortunately, they have largely failed in this regard thus far. Perhaps the newly elected institutions will be more successful than their predecessors, but even committed politicians and administrators will have difficulties to change the deeply ingrained attitudes and routines. Corrupt practices and bad governance in general are not the result of poorly-intentioned individuals alone. In the DRC, the core issue is the system that discourages individuals from developing activities and policies that would change it. As one Congolese citizen told us in October 2006, "*le système bouffe les gens.*"

Several years of rebellion and decades of poor governance shaped the local administration in the Kivu provinces in many ways. Since the AFDL rebellion in 1996, every rebel chief, governor, senior commander, security chief or minister³⁸ has appointed friends and family members to lucrative positions in the provincial administration. While this theoretically increased the physical presence of government officials, it has led to a further reduction in the quality of local governance and service delivery; rent-seeking has become increasingly aggressive.

Congolese farmers explained that, before the wars, government officials usually left them alone in the vil-

38 The RCD 'ministers' were called 'Chefs de Départements.'

lages. They were only subjected to control and taxes when they travelled to markets and towns. Today, however, local government officials are everywhere and invent all kinds of taxes and rules that provide them with opportunities to extort rent from the impoverished rural population. Research on this subject has demonstrated that most of these local officials send money, called their weekly or monthly *report*, to their respective protectors in the hierarchy, as part of a large and elaborate extortion racket.³⁹

2.2.5 Regional Cooperation

Since the early 1990s, relations between the Great Lakes countries have been compromised by war, competition for regional leadership and mutual distrust. Today, several years after the end of that war, the situation is improving, aided by several multilateral initiatives⁴⁰, though relations between the GoDRC and its neighbors are yet to recover fully.⁴¹ Still, an important amelioration of relations between the GoR and the GoDRC appears to be taking place gradually. The GoR's facilitation of talks between the GoDRC and the dissident Congolese general Laurent Nkunda in Kigali in January 2007 is an encouraging indicator that the two countries can collaborate when they have a common interest. About a year ago, Rwanda would still occasionally accuse the GoDRC of supporting the FDLR, while GoDRC officials would in turn accuse the GoR of interfering with internal Congolese matters, in particular with the security situation in the eastern provinces. The GoR now acknowledges that the GoDRC ceased supplying the Rwandan rebels with arms and ammunition since 2002, and the GoDRC appears to accept that the GoR is not the shadow behind every rebellion in the east of the country. What remains a concern in the DRC is a relatively small but vocal group of radicals, often civil society activists, who continue to vilify Rwanda for all problems in the Kivu provinces. The GoDRC could distance itself

from these elements.⁴²

The GoU and the GoR were close allies in support of the AFDL rebellion, but they had a series of damaging fall-outs in the city of Kisangani in 2002. Only in 2006 did the two countries take measures to rehabilitate their relationship. Over the past months, however, major steps forward are evident. Newspapers regularly report on events that suggest reconciliation between the two countries, such as bilateral meetings of the presidents, military exchanges and visits of ministers.⁴³ Moreover, in March 2007, the GoU handed over to the GoR twelve Rwandese dissidents who had been hiding in Uganda and who were accused of trying to foment a new rebellion against the GoR.

The relationship between the GoR and the GoB is also good at present. The GoR has been supportive of the current ruling party in Burundi, CNDD-FDD (Forces pour la Défense de la Démocratie), and the relationship has proven mutually beneficial. Among others, the GoR and the GoB have collaborated on the subject of foreign AGs. The FDLR has always used Burundi as one of its entry points for infiltrations into southern Rwanda, but this has become increasingly difficult since the CNDD-FDD entered into negotiations with the Burundian transitional government and later on when it won the elections. Several FDLR infiltrators have recently been arrested in Rwanda or were apprehended in Burundi before they could cross the border into Rwanda based on intelligence provided by the GoB.⁴⁴

These overall improvements in the relationships among governments in the region are in part a result of the Tri-Partite Plus Joint Commission⁴⁵ (TPP) initiative that has been facilitated by the Government of the United States since 2004. The TPP resulted in 2004 in the establishment of a joint intelligence unit, the (intelligence) Fusion Cell, in the Congolese city of Kisangani. This Fusion Cell aims to share intelligence on the Rwandan and Ugandan AGs in the DRC, allowing the FARDC to apply pressure on these groups. The Fusion

39 Recommended reading on this subject is the 2006 publication of the Bukavu-based Observatoire Gouvernance et Paix (OGP). Entitled: Congo: Poches Trouées; Province du Sud Kivu: flux et fuite des recettes douanières. This publication can be obtained through the Observatoire in Bukavu or in bookstores in Kinshasa, Goma, Kigali and Bujumbura.

40 In particular the International Conference on the Great Lakes Region on peace and security (organised and facilitated by the UN and AU) and the Tri-Partite Plus commission (facilitated by the US).

41 Neither the GoU nor the GoR were invited to President Kabila's inauguration in December 2006, and there are still no diplomatic relations between the GoR and the GoDRC.

42 Interviews with civil society activists in North and South Kivu, as well as in Kinshasa.

43 E.g. several articles in October and November in the Rwandan New Times and the Ugandan Monitor and New Vision.

44 In June 2006 six FDLR/FOCA operatives were arrested in Bujumbura in a joint operation.

45 Initially it was a Tri-partite initiative concerning the DRC, Rwanda and Uganda. When Burundi joined on April 20, 2006, the initiative was re-baptized Tri-Partite Plus or the Tri-Partite Plus One.

Cell has provided a forum for the Congolese, Rwandan and Ugandan militaries to work together towards a common objective, which has contributed to restoring a degree of mutual confidence among the respective military forces of the countries.

The International Conference on the Great Lakes Region (ICGLR) has also made a useful contribution to the mitigation of tensions in the region. Through resolutions 1291 (24 February 2000) and 1304 (16 June 2000), the UN Security Council (SC) affirmed that under the auspices of the United Nations (UN) and the African Union (AU), an international conference on peace, security, democracy and development in the Great Lakes Region should be organised. In December 2006, after a series of meetings at different levels (governments, civil society, women groups, youth, etc.), the countries of the region⁴⁶ signed a peace pact⁴⁷ that provides a general framework for the peaceful resolution of regional conflicts and for economic development. On the issue of armed groups, the pact states that ICGLR member states should “*abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or from tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the Government of another State.*”

Although the Great Lakes countries still have a long way to go on the road to reconciliation and normalising relationships, the positive trend in relationships among the countries concerned by this study is promising for the much needed cooperation in solving the foreign AG issue.

2.3 Impact of Foreign AGs on Host Communities

Foreign AGs have dominated daily life of millions of Kivutiens since 1994. The AGs and their dependants are, cheap labourers, subjects, buyers and sellers, spouses, friends or enemies, killers, looters, rapists,

and ‘those in charge.’ The lives of the foreign AGs and the host communities have become intertwined and cannot be disentangled easily.

During this research, we have come across striking contradictions in perceptions among the Congolese host communities. For example, we spoke with people from communities that have suffered a great deal from the COFS, but who still sympathise with them and offer protection. A striking example of double standards was encountered in the Fizi territory. In this area, the Babembe majority have historically had a strong animosity toward the Banyamulenge. Many consider these Congolese Tutsi to be foreigners (Rwandans) and aggressors, and they have in the past fought several battles over land, cows or ‘just’ because they considered each other as enemies.

Since 1999, FDLR elements and Rwandan Hutu refugees and combatants have settled in the Fizi territory. They do not respect the local authorities, dominate politically, economically and militarily, and they are beyond doubt foreigners. Moreover, they have committed more human rights abuses than any other party. Despite this, there are still numerous Congolese civilians in this area who state that they would like the Rwandan Hutu refugees to stay because they are cheap labourers and their abundant agricultural production has helped to reduce the food prices. Others say that the Rwandan militias and refugees should return to Rwanda once the conditions are right, but defend the same political pre-conditions set by the FDLR leadership. One habitant of Fizi said: “*The Rwandans can leave when their government has accepted the idea of an inter-Rwandan dialogue and has offered a general amnesty for everybody, including the génocidaires; Rwandans have to forgive, forget and reconcile.*”

The different standards for the foreign refugees and Banyamulenge compatriots in this area are difficult to understand. Perhaps the Banyamulenge are still considered enemies because of the manipulation of identity politics by politicians and community leaders with personal or political interests. Perhaps they also sympathise with the Hutu because of the so-called ‘Bantu solidarity.’ Another explanation could be that the population has suffered significantly over the past years and prefers not to consider the current and future disadvantages as long as they are outweighed by the advantages. Another reason could be that the people

46 The member countries of this initiative are: DRC, Rwanda, Burundi, Uganda, Kenya, Tanzania, Sudan, Central African Republic, Republic of Congo, Angola and Zambia. Moreover, there are several co-opted countries.

47 See the presentation of the pact at: http://www.icglr.org/F_END/docLib.asp?action=search&cat=5

we interviewed simply did not tell the truth about their relationship with the FDLR because they feared repercussions if they were not positive about their cohabitation. The explanation for these contradictions is probably a combination of all of the above.

This example serves to show how ambiguous and complex the situation can sometimes be on the ground. This is not surprising because the population in many areas where the research was conducted has been completely abandoned by the GoDRC, the FARDC and also the international community. Some FARDC commanders appear to collaborate with the FDLR, local leaders strike business deals with rebel chiefs, MONUC is rarely seen and often not understood, and international NGOs tend to stay within a few kilometers of the few passable roads or in the vicinity of the odd airstrip. The people in remote areas, often several hours or days walk from the nearest roads or towns, are condemned to living with the COFS.

These conditions also strongly impact the viewpoints of the civilians interviewed. Many oppose armed intervention because they fear they will suffer the retribution of angry foreign combatants. Nobody protects the ‘local’ Congolese, nobody provides services, and they are not even visited by officials or NGOs. As a consequence, most communities in the Kivu have chosen to find a modus vivendi with the foreign AGs that allows them to survive with a minimum measure of security.

2.3.1 Humanitarian & Development Activities

The impact of the presence of the COFS on the humanitarian situation, as well as on the prospects for development depends on several factors. In some areas the local population and the militias have developed strategies for reasonably peaceful cohabitation, while in other areas communities are ravaged by violence at the hands of the foreign AGs. It is worth noting that there are differences in the behavior of the different foreign AGs:

The **ADF/NALU** combatants who live in Congolese communities try to keep a low profile and generally avoid the use of violence. The ADF/NALU combatants and their family members are relatively well integrated and generally respect the traditional hierarchy in

the host communities. This is most evidently the case for Congolese ADF/NALU combatants who represent up to 60% of the current fighting force, and most of whom originate from their current area of operations. However, the ADF/NALU combatants who are hiding, training and exploiting minerals in the forests of the Ruwenzori and southern Ituri use all means to prevent outsiders from observing their activities and camps. In this, they are assisted by their Congolese allies and business associates.

The **FNL**’s behavior is similar to that of the ADF/NALU. Although they sometimes commit crimes, they usually merge in and cohabit with the local communities. Until a year ago, this was different. For example there were several incidents of kidnapping of Congolese travellers by FNL elements in the Ruzizi Plains. The FNL liberated them only after a ransom ranging from US\$50–US\$500, was paid. An important difference between the FNL and the other foreign AGs is that FNL combatants are usually unaccompanied; their women and children typically remain in Burundi. The fact that there are (almost) only combatants implies that the resource requirements of the FNL are limited.

The **FDLR** has beyond any doubt the largest and most negative impact on local communities. This is partly because of its superior numbers but also a result of this group’s very different strategy. Typically, the FDLR politically and economically dominates the local communities wherever it is present. Therefore, the rest of this chapter will focus on the impact of the FDLR on the humanitarian situation as well as on the prospects for development in the host communities in the Kivu provinces. Details of the extensive human rights abuses committed by the FDLR (and in some cases also by the other movements), are presented in the supplementary reports.⁴⁸

The general picture from those reports is grim, and this was confirmed in interviews conducted with community members in the course of this study. FDLR combatants rape, kidnap, pillage and kill civilians wherever they are present. We did not encounter examples of communities that live in perfect harmony with the

⁴⁸ Readers who are interested in this subject can read the supplement report and visit the web sites of international organisations like Human Rights Watch, Amnesty International, and the Bukavu-based human rights organization Héritiers de la Justice; respectively: www.hrw.org, www.amnesty.org and www.heritiers.org.

FDLR. However, there are important differences in behavior between areas. In the territory of Walungu and the eastern part of Shabunda territory, which is controlled by the FDLR battalion commander major Mitima, the human rights abuses committed by the FDLR are more frequent and cruel than in most other places. This suggests that the abuses committed by the FDLR depend in part on the attitude of the local commanders.

Current and former FDLR commanders interviewed in the DRC and Rwanda claimed that the policy of the FDLR is to avoid abuses and to punish violators severely. Some admitted that this policy was ineffective, as the human rights reports show. The FDLR is undoubtedly among the worst human rights violators in the North and South Kivu provinces.

Nonetheless, it is also important to note that in several areas Congolese civilians stated that the worst violators were FARDC units. Claims of this kind were made in several locations in the territories of Bunyakiri, Mwenga, Walungu, Walikale and Rutshuru. Considering the frequency of these accounts, it must unfortunately be considered possible that the FARDC is, in some places even more abusive than the FDLR. This was confirmed by a group of internally displaced person (IDPs) in the northern part of Hombo, who said that they had fled the behavior of the FARDC in Bunyakiri into an FDLR controlled area. The accounts of this IDP group also show how quickly situations can change. They explained that, before their displacement to Hombo, they had fled from their villages in the interior of Bunyakiri to the main road traversing the area; they were fleeing FDLR units that took revenge on the civilian population for military operations conducted by the FARDC against the FDLR.

The account of these IDPs illustrates that the population in many of the rural areas in the Kivu is permanently terrorised. The situation in Bunyakiri is currently probably worse than in any other place in the Kivu provinces, but the problem is widespread. Outside of major population centres, and often even within, there is no respect for human rights by any of the forces present. Most civilians do not have a choice. They have to stay where they live, because that is the only place where they have livelihoods and assets. Those who fled from one problem area to the other did so because their lives

were in great danger and not because they really had a choice.

There are some areas where the FDLR is largely absent as a military force, but where there are significant numbers of Rwandan refugees. These areas are mostly outside North and South Kivu, e.g. in some parts of the Province Oriental, Maniema or North Katanga. In these regions, the Rwandese refugees integrate fairly well and try not to oppose the local authorities or customary leaders. Consequently, cohabitation in these parts is largely peaceful and comparable to the way in which the ADF/NALU melts in with the local population in the Beni region.

2.3.2 Who's in Charge?

In all locations in North and South Kivu where CTC conducted interviews, we were told that the FDLR combatants politically and economically dominate local communities wherever they are present in significant numbers. Villagers explained that the Rwandans, including civilian refugees, could impose themselves because they all possessed and carried arms. Most indicated that the FDLR does not respect any Congolese authority. In a number of locations interviewees criticised their local chiefs for having been co-opted by the FDLR; in Masisi, the Ruzizi Plains and in the Fizi territory several local chiefs act on behalf of the FDLR and have made decisions detrimental to the local population. In this area, the FARDC brigade commander in Kilembwe (Colonel Ngomanya) along with the commander of the PNC (Police Nationale Congolaise), reportedly assist the FDLR in tracking down suspected FDLR deserters. In Masisi and the surrounding territories of Kalehe, Walikale and Rutshuru there are several local Hutu leaders who have developed close business ties with the FDLR, especially in the areas of trade and mineral exploitation.

The population does not always support this collaboration of their local leaders with the FDLR. They believe that their interests are at best secondary considerations for the FDLR, and usually Congolese civilians living in or near FDLR-controlled territory are deeply fearful. This includes the communities' leadership and sometimes even the FARDC. In the Ruzizi Plains, several locations in Mwenga, Walungu, and in the southern parts of North Kivu, we were informed that the FDLR sphere of influence extended to some locations

nominally controlled by the FARDC. For example, a local chief in Sange, on the main road from Bukavu to Uvira, insisted that he was obliged to consult with the nearby FDLR commander on all decisions. He added that the FARDC, which had enough representation with at least a company to protect the nearby brigade headquarters in Sange, would not be able to protect him against FDLR retribution. The FDLR's reign of terror appears to be paying off, as the systematic intimidation and terror has effectively subjugated the Congolese civilian population.

3. FDLR

3.1 Background on the FDLR

In the immediate aftermath of the Rwandan 1994 genocide, over two million Rwandan Hutu refugees fled to neighboring countries; the majority fled to the DRC (Zaire). Most of the refugees were ordinary civilians, but they were led by their former leaders, government officials, a large portion of the Forces Armées Rwandaises (ex-FAR) and a large number of the Interahamwe militia.

Immediately after the closure in June 2004 of the Zone Turquoise, a French initiative endorsed by the UN, the fugitives of the Habyarimana regime and the political grouping that orchestrated the genocide created a Rwandan government in exile in the eastern DRC refugee camps.⁴⁹ The majority of the wealthier refugees, of whom many were personally incriminated in the genocide, fled onwards to destinations like France, Belgium, Canada, or Francophone African countries that offered them security and a comfortable life in exile.

The reported departure of several well known génocidaires led to a change in the political organization of the refugees in the DRC. In March 1995, a group of military leaders (and a few political leaders of whom a certain Nzavahimana was apparently the most important⁵⁰) created the *Rassemblement pour le retour des Réfugiés Rwandais (RDR)*.⁵¹ The aim of the RDR, besides returning and restoring a majority Hutu government in Rwanda, was to create some distance between the refugees remaining in the refugee camps in the DRC and the organisers of the genocide who had fled

to third countries. According to several former FDLR officers, the RDR was less ideologically extreme than the government in exile.

The RDR launched military operations in Rwanda and tried to increase its military capacity through recruitment and training in the refugee camps in the DRC from 1995-1996. The RDR procured arms and ammunition from soldiers of the then Forces Armées Zairoises (FAZ), the army of Zaire under President Mobutu.⁵² The 1994-1996 insurgency operations into Rwanda concentrated on the western Rwandan provinces of Cyangugu, Kibuye, Ruhengeri and Gisenyi. Initially, the RDR avoided direct confrontation with the RPA and focused on operations that disrupted daily life in the four western border provinces. For example, they planted mines on rural roads or attacked travellers on the Kigali-Gisenyi road. Moreover, they recruited, in part by force, in Rwanda, especially in Ruhengeri and Gisenyi provinces. There were also instances of targeted killings, mainly of Tutsi civilians.

Most of the *Interahamwe* militia and scores of young men from the camps and from within Rwanda were recruited and trained in the refugee camps protected by the FAZ and maintained by the UNHCR and other humanitarian organisations. The leadership of this new army mainly consisted of ex-FAR, Gendarmerie and Presidential Guard commanders. There are reports that the Rwandan militias in this period numbered up to 70,000 men. Despite the diverse background of the militia, they were usually referred to as *Interahamwe* or *ex-FAR/Interahamwe*.

After the Rwandan Patriotic Army (RPA), along with the AFDL and other allies, attacked and disbanded the refugee camps in mid-1996, a part of the militia forced hundreds of thousands of refugees to accompany

49 The leadership of this reconstituted government was the same as those who led Rwanda during the genocide (and after president Habyarimana's plane was shot down): former president Theodore Sindikubwabo and ex-Premier Jean Kabanda. The Army Chief of Staff of the FAR, General Augustin Bizimungu, continued to hold the same position in the reconstituted ex-FAR/Interahamwe forces as well; all other military commanders of the newly reconstituted force were also officers of the former FAR.

50 Interview with General Rwarakabije; November 2006.

51 This Rassemblement was also known as the RDR (Retour Démocratique au Rwanda)

52 The ex-FAR had also taken most of its arms with them across the border when they fled Rwanda in 1994.

them deeper into Zaïre. Some of these mixed groups of refugees and militias hid in the forests of the Kivu provinces, while others continued on foot to the western parts of Zaïre and sometimes as far as Angola and the Republic of Congo. During this time, the overall command of the militia collapsed, and every unit tried to fend for itself. An estimated one million Rwandan refugees returned to Rwanda, while around 200,000 fled further into Zaïre and up to 30,000 militias and ex-FAR combatants were repatriated to Rwanda.

It appears that the more moderate of the non-repatriated former military and refugees stayed in eastern Zaïre while the more extreme withdrew to western Zaïre and beyond. One former combatant explained that the difference between those who fled to the other side of Zaïre and those who stayed in the Kivu provinces in 1996 was that the ‘runners’ fled not only the RPA but also justice while those who remained in the Kivu were focused on their political objective of toppling the GoR. Most of those who fled westwards continued on to Zaïre’s neighboring countries, including to the Republic of Congo where several refugee camps were created⁵³ and a considerable group of Rwandan exiles fought on the side of President Sassou Nguesso against the forces of Pascal Lissouba.

Coordination among the remaining RDR forces was gradually re-established in 1997 and led to the creation in the same year of the Armée de Libération du Rwanda (ALIR) and its political wing the PALIR.⁵⁴ The distance among different units soon resulted in a de-facto division of the ALIR. The group that operated in eastern DRC became known as ALIR-I, while the forces of ALIR-II operated in the western DRC, Republic of Congo, Angola and perhaps in Burundi and Tanzania.

A subset of the western group established the FDLR in May 2000 in the southern Congolese city of Lubumbashi. Initially, its membership was limited to Rwandans who fought on the side of the GoDRC after 1998 during the second Congo war. In the eastern DRC, the Rwandan rebels who were opposed to the GoR con-

tinued until early 2002 as the ALIR (ALIR-I). They initially resented the new movement because, from their point of view, it was not a genuinely Rwandan interest group but a movement conceived by the then GoDRC president Laurent Désiré Kabila. The easterners changed their position when the Government of the United States of America listed the ALIR as a terrorist organization in December 2001. The military and civilian branches of the FDLR were (partly) separated in September 2003 when the armed wing, the Forces Combattants Abacunguzi (FOCA), was created.

The FDLR has tried to distance itself from the 1994 genocide. Its web site, pamphlets⁵⁵ and leaders claim that the FDLR is a movement of ‘oppressed and excluded Rwandans,’ including the (Tutsi) survivors of the Rwandan genocide. Moreover, they have stated on several occasions that they are ready to collaborate with the ICTR. The attempt to create a new movement with no links to the genocide may have been sincere for some of its leaders and members, but it has proven impossible. The FDLR, like the ALIR, depends to this date on individuals personally implicated in the planning and execution of the genocide.

Moreover, genocide suspects occupy an increasing number of key positions in the FDLR. This is a result of two factors. First, several moderate members of the FDLR returned to Rwanda over the past years, while most defectors have been replaced by more extreme cadres. Secondly, the FDLR’s lack of recent political and military success has resulted in a growing scepticism among the troops and the officers leading to a gradual withdrawal of moderate elements from the leadership of the movement. Ironically, while the FDLR is being weakened by the desertions of moderates, its leadership is becoming more extreme.

The FDLR’s statement that it is ready to help the international community to bring genocide suspects to justice is not sincere. There are no known examples of collaboration between the ICTR and the FDLR leadership. In addition, during this research we received on several occasions information about at least two known genocide suspects who are on the U.S. government’s ‘most wanted’ and the ICTR’s ‘at-large’ lists and who are well protected by the movement in the

53 We interviewed some Congolese visitors to those (UNHCR) camps near Brazzaville and they reported that, through 2003, the Rwandans maintained a military organization within these camps. It is possible that this military organization persists but we could not verify this. Our sources explained that in the remote parts of the refugee camps a militia of ex-FAR and new recruits was clearly present and had no restraint in showing their uniforms and arms.

54 The PALIR never got a high profile; the movement became known as ALIR.

55 Which could be obtained in eastern DRC as early as 2002.

eastern DRC.⁵⁶

3.1.1 Key Operations & Infiltrations

In 1997, ALIR-I opened a front in northwestern Rwanda. This insurgency persisted until 2001 when the last big assault on Rwanda, *'Oracle du Seigneur'*, failed. From 1997-2001 the ALIR-I used guerrilla style tactics and terror to secure a foothold in Rwanda. Although its forces were able to disrupt law and order and inhibit reconstruction in the provinces of Ruhengeri and Gisenyi, ALIR-I was never able to hold ground in Rwanda for a prolonged period. Consequently, in 2001 they tried a more classical approach during operation *'Oracle du Seigneur'*, which involved between 4,000 to 5,000 troops and initially managed to penetrate deep into Rwanda.⁵⁷ However, the operation was repulsed by the RPA; an estimated 1,890 ALIR combatants were killed, over 1,300 were captured, and the rest were dispersed. 530 ALIR combatants surrendered or were turned in by their relatives soon after the failure of the operation.⁵⁸ At the same time, the RPA also launched attacks against ALIR-I positions in the DRC's North Kivu province. The movement has never recovered from these military setbacks and has not been able to mount any major attacks against Rwanda since 2001. However, the FDLR continues to make operational plans for attacks, and tries to infiltrate Rwanda to identify targets, recruit and rally support.

The FDLR operation planned for 2006 was baptised *'Opération Amizero.'* The outline of this plan is attached (attachment 2). The objectives of *Amizero* included (forced) recruitment in primary and secondary schools in Rwanda, political propaganda (instilling a political ideology among women and youth to 'love their country'), identification of markets to purchase arms, training of combatants, identification of targets

for sabotage, and distributing arms. The operation did not succeed, largely because FDLR deserters warned the GoR in advance⁵⁹ and also because the FDLR lacked the resources to implement this operation. After the failure of *'Oracle du Seigneur'* in 2001, the fact that the FDLR only committed limited resources to *Operation Amizero* and appears to have abandoned this operation raises questions as to its true nature and aim today.

In sum, the FDLR continues to plan attacks against Rwanda in order to overthrow the GoR - or at least to force it to accept a dialogue or a power-sharing agreement. However, the consultants doubt the FDLR leadership's genuine commitment and capacity to launch large-scale attacks. In the text of the *'Amizero'* plan, even the FDLR recognised its own challenges, including crisis in the FDLR/FOCA; poverty & distress after suspension of supplies Ops & Logistique Non-Conventionnelle (NCL); massive desertions; and lack of recruiting areas. These remarks about internal weaknesses illustrate the FDLR's recognition that unless it finds new resources and/or motivation, it will not be able to mount any major assaults on Rwanda, ultimately forcing it to reconsider its tactics and objectives. Discussions with senior FDLR leaders (and three recently repatriated senior commanders) suggest that FDLR leaders have been aware of these difficulties for some time. The main reason they continue planning attacks on Rwanda is to provide the troops with a political goal and motivation. Without such an aim, the morale of the rank and file would deteriorate rapidly and massive desertions would likely follow. As one FDLR officer stated: *"we have to provide the men with military and political goals and perspectives, otherwise many of the troops will decide to return to civilian life, either in the DRC or in Rwanda."*

Notwithstanding the diminished capacity of the FDLR, it is still a force to be reckoned with. With approximately 7,000 troops and thousands of associated armed civilians, it maintains the capacity to occupy and destabilise large parts of the Kivu provinces of the eastern DRC. There is also evidence that the FDLR continues to infiltrate Rwanda. Some FDLR operatives in Rwanda are spying while others prepare or execute specific operations. Recruitment and the collection

56 See www.rewardsforjustice.net, www.mwfg.org/fugitives_files/rwanda/rwanda_fug.htm or www.trial-ch.org; During the research, CTC agents were consistently confronted with rumours about the presence of Callixte Nzabonimana (who is both accused by ICTR and on the US 'most wanted' list) and a certain Idelphonse (who is likely to be Ildephonse Nizeyimana. There were also reports about an unnamed FDLR leader in Fizi who was treated with great respect (a.o. he is carried on a tipoyi; indicating he might be gravely ill or handicapped) and kept out of sight of the MONUC and the local population. The local population believes that this person must be amongst the main organisers of the genocide; "why would they otherwise keep him away from us?" one of them commented. Moreover, reports about the supposed presence of the former Defence Minister (1993/94) in the Rwandan Habyarimana regime Augustin Bizimana go back to 2001, but it has never been established whether he really resides amongst the FDLR forces in the DRC's forests.

57 Even the central town of Gitarama was under siege for one day.

58 Supplement to: UNDP/Donor Mission to DRC/GLR; Defining UNDP's Role in Disarmament, Demobilisation and Durable Solutions (D3) 6 August – 13 September 2001. Also RDRC demobilization figures for 2001.

59 This information allowed the GoR to identify and uproot, in cooperation with the Burundian armed forces (FDN), approximately half of the FDLR's capacity in Burundi.

of financial contributions⁶⁰ in Rwanda is also an ongoing activity. The FDLR maintains an intelligence network in Rwanda; senior commanders interviewed in the DRC claimed to have detailed information on RDF deployments in the border regions within Rwanda - information that only can be obtained by trained agents. However, it would also appear that the network may have become less efficient. While the GoR cannot prevent all infiltrations, the Rwandan intelligence agencies are usually able to identify FDLR operatives before they mount major operations. However, this requires the GoR to maintain an extensive security network.⁶¹ The recent arrest by the GoB of a significant number of FDLR operatives in Ngozi province of Burundi, which helped to frustrate *Amizero*, indicates that counter-intelligence against the FDLR, including through regional cooperation, is improving and helping to impede FDLR attempts to mount operations in Rwanda.

3.1.2 Political Goals and Objectives

FDLR objectives can be classified as official, semi-official and hidden. Officially, the FDLR's aim is to work for peace and reconciliation in Rwanda and the Great Lakes Region in general. There are at least two controversial points within the FDLR's official⁶² objectives. First, they insist that it is necessary to establish the truth about the 'Rwandan catastrophe.' Here they imply that there were two genocides in Rwanda - one against the Tutsi and then a counter-genocide targeting the Hutu and committed by the RPF. Secondly, they call for a 'highly-inclusive' inter-Rwandan dialogue. The implication here is that the FDLR should be included in such a dialogue, and that génocidaires should be allowed to participate in the political decision-making process.

In their communications with combatants and the refugee population, FDLR leaders state that their real objectives are to overthrow the current GoR, pardon

those who played a role in the genocide and establish a majority Hutu government. These objectives are not referred to in FDLR press releases or in interviews with journalists, but they are common knowledge among Rwandans in the DRC and were mentioned in numerous interviews with our researchers. Most of the FDLR members in the DRC, and the Congolese who share their environment with the FDLR, know only these semi-official objectives. Only senior commanders and propaganda officers are familiar with the FDLR's official line.

CTC believes that the above objectives cloak a deeper hidden agenda of some FDLR leaders. The FDLR continues to be dominated by people like Sylvestre Mudacumura and Ignace Murwanashyaka⁶³, who personally have either been incriminated in the Rwandan genocide and/or lead an internationally recognised terrorist organization. For leaders such as these⁶⁴, there would not be much of a future if the armed struggle was to end. They cannot return to Rwanda without being held to account for their actions in court, nor could they easily be accepted by a third country. The continuation of the armed struggle is thus their best prospect for a life in relative freedom. Given the current military balance, their only alternative to spending the remainder of their life in the bush is to accumulate enough money to assume a new identity, flee to a third country, and establish a new life there.

Therefore, for the leadership of the FDLR, the movement is both a structure that protects them from a life in prison and a vehicle that allows them to acquire enough wealth to purchase a new identity, home and retirement allowance.⁶⁵ For them, it is of utmost importance that the rank and file combatants of the FDLR do not find out about this hidden agenda. Consequently, the FDLR leadership invests a significant amount of effort in propaganda, and continues to develop plans for military operations to overthrow the GoR.

60 For example, we were presented with an FDLR cheque-book for the registration of membership contributions. The standard amount for these contributions was fixed at 5000 Rwandan Francs (around US\$9).

61 Besides providing security, this also poses problems for the Rwandan administration. Human rights organisations and some donors accuse Rwanda of controlling its population too much to guarantee freedom of expression. Several documents obtained by the consultants indicate that it remains necessary for the GoR to maintain a strong intelligence network because of continued FDLR infiltrations.

62 Source: FDLR website, FDLR pamphlet and interviews of senior military officials with journalists.

63 Major General Sylvestre Mudacumura is the FDLR's overall military commander. He has a well documented genocide file (he was the deputy commander of the presidential guard of the FAR during the 1994 genocide) and has continued to commit crimes against humanity while he was the commander of the FOCA in the DRC. Murwanashyaka's role in the genocide is less clear, but he is the president of a terrorist organization that has committed numerous documented war crimes and crimes against humanity in the DRC and Rwanda.

64 Besides Mudacumura and Murwanashyaka, some former COFS also mentioned the names of Major Romel and Captain Mazizi (commander and deputy of the HQ protection battalion), and e.g. the chief of the 'secrétariat général' Colonel Rwanyonga Nubaha as people known for their involvement in the genocide. Colonel Rwanyonga was reportedly the commander of Camp Kigali and according to his peers the person who amongst others ordered the assassination of the Belgian blue helmets in the early days of the genocide.

65 This was confirmed by some recently repatriated senior FOCA officers.

The leadership, however, knows that these plans are unlikely to succeed in the current environment, and they recognise that the GoR is unlikely to weaken in the near future.⁶⁶

3.1.3 Ideology and Religion

Rwandans under the control of the FDLR in the DRC may have their private thoughts about the genocide, its impact on their lives, the current situation in Rwanda, or the Tutsi, but they are well advised to keep these to themselves if their ideas fail to coincide with the extreme and ideologically driven views of their superiors. The leadership of the FDLR wants all its subjects to believe that the current GoR is exclusively serving the Tutsi, that the Tutsi always want to dominate, and that the Hutu cannot lead a normal life in today's Rwanda. Moreover, their propaganda machine tells the people that all repatriated former FDLR combatants are either jailed, dead or permanently under surveillance.

A former FDLR officer told us in an interview that 'the elderly [amongst the refugees] explain how the [Hutu] ancestors suffered under the Tutsi' and that 'the Tutsi never share power.' Also, when the D&R programmes on Radio Rwanda or Okapi interview repatriated former FDLR commanders who now hold senior positions in the GoR, the FDLR propaganda machine tries to convince the refugees that these interviews are fake and that repatriated former high-ranking officers like the generals Rwarakabije or Mahoro were interviewed in jail and under threat. By telling such stories about the present situation or the past, the FDLR leadership feeds the climate of fear, discouraging refugees and combatants from repatriating.

In recent months, the FDLR in the North Kivu province has started to tell Rwandans under its control that they are still '*Interahamwe*'; some members allegedly even stated that '*the job [the genocide] still needs finishing.*' This return to overtly expounding the genocidal ideology is relatively recent, as the FDLR has avoided this kind of rhetoric in recent years.

The primary instigator of this phenomenon is General Mudacumura who knows that he has no future outside the forests of the DRC. Mudacumura and a small

number of other FDLR leaders are trying to maintain their control by propagating an extremist ideology. However, this wave of extremism could provoke a more rapid disintegration of the FDLR, as many of its subjects realise that they have suffered tremendously as a result of the genocide. Even several commanders incriminated in the genocide do not favour the revival of this ideology, as they claim they now realise that the genocide has brought them only misery. These commanders consider themselves to be part of a lost generation but do not wish their children to grow up carrying the same guilt.

Religion is also a major pillar of the FDLR ideology.⁶⁷ The names of some of the FDLR operations, such as operation '*Oracle du Seigneur*', reflect this. Moreover, the FDLR combatants internally refer to the FOCA as the '*Ingabo za Yesu*' or the 'Army of Jesus.' For some, the FDLR has a divine mission. They believe that God has given Rwanda to the Hutu and, consequently, the recuperation of power is a mission of God. This spiritual justification for the FDLR's struggle is an integral part of the FDLR's propaganda.

3.2 An overview of Structure, Strength and Systems

3.2.1 Strength and Structure

Based on the research conducted for this study, CTC believes that the FDLR currently has a total military strength (including military police) of approximately 7,000 combatants. We have relatively accurate estimates of the strength of two of the three brigades. The Southern brigade (which the FDLR calls a division), present in the South Kivu province, had approximately 2,500 men in 2006, of which we believe about 2,000 remain after recent repatriation, defections, retirements but also recruitment. The Northern brigade, located in the North Kivu province, currently consists of an estimated 2,100 men. Thus, the FDLR at this time has three brigades of an estimated 2,000 men each, approximately 500 Military Police elements, at least two companies to protect the High Command in Kalonge (Masisi), and one company to protect the military

⁶⁶ This part was based on interviews with a former general and a colonel of the FDLR.

⁶⁷ See also the report "The Long Road Home" in the supplement report. Other sources for this paragraph were General Rwarakabije and a group of young FDLR officers in the Ruzizi Plains.

training school in Mutembe (North Kivu province).

Attachment 1 presents a simplified organizational chart of the FOCA. The structure and the names of commanders are based on several sources.⁶⁸ These sources had similar estimates of the structure though the names of the commanders varied, probably because the commanders regularly change positions or in some cases have been repatriated and were thus replaced. Moreover, most commanders use pseudonyms, which they change regularly. Consequently, some commanders are known by three or even more different names.⁶⁹ A MONUC official familiar with intelligence in the Kivu provinces explained that MONUC had decided to stop updating the list of FDLR commanders because of the continuous changes.

Each battalion appears to include a CRAP unit (Commando de Recherche et d'Action en Profondeur ; FDLR commandos). These CRAP units are tasked with the most dangerous and sensitive operations, including infiltrations into Rwanda. These units also appear to be responsible for several looting operations on the Goma-Kanyabyonga road. Combatants of the CRAP are usually fit and well-trained young men who adhere to the extremist ideology.

The FDLR's Military Police battalion is concentrated in North Kivu and its main duties include the protection of the military headquarters and the prevention of desertions from the FOCA ranks. The Military Police act ruthlessly against deserters and appear to consist of the most loyal and ideologically extreme combatants.

The FDLR was significantly stronger a few years ago, with an estimated 15,000 - 20,000 armed combatants as recently as 2003.⁷⁰ FOCA's strength has waned as a result of failed military operations, casualties, disease, defections, repatriation and retirements. This has had an impact on the structure of the military. In the past, the FDLR was organised in divisions and brigades, whereas now there are only brigades (called divisions

by the FDLR). Moreover, until a few years ago, brigades each comprised four battalions, battalions had four companies, etc. Today, the quadric structure has been replaced by a triadic composition, reflecting the reduction in the movement's size.

Congolese civilians that live with the FDLR (and the ANR) struggle to estimate the FDLR's strength accurately. Their estimates are usually too high as a result of the following three phenomena:

- By calling brigades divisions, battalions brigades, companies battalions and so forth, the FDLR inflate their numbers.
- The FOCA has a reputation of being a strong army, an image maintained by decisively suppressing local challenges. This image of invincibility contributes to an overestimation of the strength of the FDLR.⁷¹
- The FDLR has also armed many Rwandese civilian refugees. Consequently, the Congolese as well as foreigners find it difficult to distinguish between armed Rwandese civilians and FOCA.

It is even more difficult to estimate the number of civilians associated with the FDLR. General Séraphin Bizimungu (also known as General Mahoro, Amahoro or Amani), the former deputy commander of the South Kivu FOCA division and who was repatriated to Rwanda in 2006, estimated that in South Kivu alone there could be around 20-25,000 Rwandese civilians⁷², of which the majority have settled in FDLR-controlled territory. He furthermore indicated that there would likely be more refugees in North Kivu than in the South Kivu. Others provided even higher estimates. If we assume that General Bizimungu is a reliable source, then the total number of Rwandan civilian refugees in the DRC can be estimated at somewhere between 45,000 and 60,000. Of those, over one-third of the refugees are in South Kivu, slightly more are in North Kivu and the rest are elsewhere in the DRC, particularly in Maniema, Katanga, Kinshasa and the Oriental Provinces.

68 Various intelligence sources, local contacts, FDLR and ex-FDLR contacts.

69 And sometimes this is not known, resulting in the situation that the number of commanders is often inflated because some observers are not aware that the new battalion commander lieutenant-colonel X is the same person as man who was know as major Y who was in charge of the brigade logistics.

70 For example, the International Crisis Group estimated the number of FDLR fighters at 15-20,000 in their 2003 (23 May) report "Rwandan Hutu rebels in the Congo: A new approach to disarmament and reintegration." The ALIR had even more men.

71 This is further reinforced by FARDC commanders who do not want to mount operations against the FDLR, either out of fear or because of joint businesses. These commanders have an interest in inflating the strength of the FDLR, as a way of convincing their hierarchy that their unit does not have the strength to take on the adversary.

72 He explained that, when he left, the FDLR did not have exact figures on the number of civilians under their control but that they had plans to do a census that should provide those details. We could not confirm whether this census has taken place.

This figure is slightly higher than UNHCR figures, which estimates to around 50,000 the number of Rwandan refugees in the DRC in early 2006. However, we consider it fairly reliable. The high numbers are supported by the fact that there are hardly any locations in the entire Kivu where Rwandans are not present. When travelling through the Kivu provinces, one could easily get the impression that the number of Rwandans is considerably higher than the above estimate.

CTC believes that most civilians who carry guns have not received extensive military training. Usually, they have obtained their arms as a local or even private arrangement between the civilians and the respective FOCA unit commander in the area. The reason for civilians to carry arms is mainly to protect themselves against Congolese militia or FARDC transgressions. Consequently, these armed civilians do not add significantly to the military strength of the FDLR

FDLR membership appears to be obligatory for all Rwandan civilians living in areas controlled by the movement.⁷³ Simultaneously, we only received a few reports about forced recruitment among the refugees. It appears to be an accepted fact among the refugees in the DRC that, as long as they are refugees, they have to maintain their solidarity and strength by supporting the movement. It is also possible that the civilian refugees realise they do not have a choice, considering the harsh treatment meted out to disloyal elements.

Finally, a few words on the relationship between the FDLR's European political structure (mainly based in Western Europe) and the FOCA in the field. Although we did not do research on the FDLR structures outside the DRC, remarks made by interviewees painted an ambiguous picture about these elements. On the one hand, some FDLR members and FOCA commanders in the DRC recognise the movement's president as their ultimate leader. However, others recognise the FOCA commander Mudacumura as the only legitimate and trustworthy defender of their interests. The latter group often criticises the leadership abroad for living comfortably in Europe, while abandoning their followers in the Congolese forests and failing to send the means to fight. It is hard to say which group (the Mudacumura or the Murwanashyaka supporters) is

⁷³ This is concluded from the fact that all Rwandans in FDLR-controlled territory are considered to be members of the movement.

predominant. However, one FDLR colonel explained that when Murwanashyaka visited the DRC after the Rome Declaration signing, he was reporting to General Mudacumura and not in the position to decide anything without consulting the military leader.

Other noteworthy structures of the FDLR are:

- Comité Directeur (presided over by Dr Ignace Murwanashyaka (Bonn; Germany) and the vice-presidents Musoni Straton (Bruxelles; Belgium) and Brigadier General Gaston Iyamuremye, alias Byiringiro Victor Rumuli (Mbeshimbeshi; DRC))
- War council (previously presided over by the late Brigadier General Kanyandekwe alias Komezza; he was also the deputy FOCA commander before he died in mysterious circumstances in December 2006)
- Military tribunal⁷⁴ (presided over by Colonel Sebahinzi, alias Double Z)
- Comité Régional Restraint (political committee of exiles)
- Comité Régional Élargi (idem)
- Commission Electorale Permanente et Indépendante (for internal FDLR elections)
- FDLR cells or satellites⁷⁵ in numerous countries: Republic of Congo, Tanzania (Dar es Salaam and Kigoma), Sudan, Zambia, Cameroon, Uganda, Zimbabwe, Mozambique, South Africa, Germany, Belgium, France, Norway, the Netherlands, Austria, Switzerland, Sweden, Denmark, Canada and the USA.

3.2.2 Training and Recruitment

The FDLR has several training centres, of which the military school at Matembe (Masisi-Walikale border region) is the main facility. The military school includes sections for training officers as well as non-commissioned officers. Training is not restricted to this school. There are also reports of training facilities in Nindja and Mwenga, both located in South Kivu. Examples of training courses completed in 2006 in-

⁷⁴ The military tribunal is mostly occupied with cases of suspected deserters but theoretically also tries suspected rapist, looters, etc.

⁷⁵ These satellite or liaison offices are usually operating discreetly but at least in some countries their whereabouts are known by local security services. We could not obtain reliable information on the functioning of the individual satellite. Some of the offices probably function as networks without a fixed location.

clude the following:

- April - July 2006: A three-month commando training was conducted at Matembe. 78 commandos were trained.
- June 2006: A signal course was completed at Matembe; each unit sent 5 candidates.
- June 2006: A two-week intelligence course was conducted for FDLR HQ staff.
- June 2006: A one-week seminar for FDLR cadres was conducted at Matembe.
- June 2006: A one-month training course for magistrates was completed at Matembe.
- Early 2006: Training of commandos (CRAP) at Butezi in Mwenga. This training was allegedly suspended because there were too few instructors available.

Moreover, in North Kivu the FDLR has started to train civilians in basic military skills like camouflage and the handling of small arms. The objective of this training seems to be twofold. First, the objective may be to increase the military capacity of the FDLR. Second, the aim appears to be ideological. Different FDLR sources indicate that the training serves to indoctrinate women, youth and even children as ‘Interahamwe.’

Several sources in the DRC and Rwanda indicated that the FDLR is increasingly struggling to recruit new combatants. Recent recruitment has not been able to keep up with the rate of desertions, casualties and retirements, and the size of the FOCA has been reduced to approximately half or one-third of its strength in 2000. Recruitment takes place first of all among the refugee population and secondly in Rwanda. It appears to be increasingly difficult to find among the refugee population able and young men to fill the ranks of the FOCA. Most of the young men in the refugee community have already joined the FOCA, while there are also reports that potential recruits are fleeing areas under control of the FDLR to avoid joining the FOCA. Some of these men go to Rwanda, a significant number tries to integrate into the wider Congolese society or to emigrate to countries like Zambia and Malawi.

Recruitment in Rwanda is also increasingly difficult. Before the failure of operation ‘Oracle du Seigneur’ in 2001, the FDLR recruited many young men, especially from the Ruhengeri and Gisenyi provinces. Today this

has become very difficult. This is in part a result of stronger control and improved intelligence on the side of the GoR. More important is the fact that the majority of the Rwandan civilian population has ceased to support the FDLR. Before ‘Oracle du Seigneur’ the ALIR could count on some support from within Rwanda⁷⁶, but the failure of this offensive has changed the dynamic. During our discussions with youth in Ruhengeri, interviewees pointed out that, although they did not agree with the GoR on all points, they preferred to influence the politics of their country through a democratic process. They felt that ‘their people’ occupy all positions in the local administration and that this is enough for now. In any case, they said, they do not want more war and thus prefer to rely on progress in the democratization process within Rwanda.

3.2.3 Intelligence and Control

Like most armies, the FOCA has an intelligence department (Bureau 2). This ‘Bureau 2’ consists of three sections: research, espionage and counter-espionage. Besides ‘Bureau 2’, there is also a civilian intelligence gathering structure. This civilian structure is extensive and powerful; it even spies on the FOCA military. Many interviewees in Rwanda and the DRC confirm that there is a perception that everybody spies on everybody. As a result, nobody has the courage to discuss sensitive subjects, not even with friends or family members. This has resulted in a situation where few dare to discuss the most sensitive issue of all – repatriation. People suspect each other of being ‘moderates’, i.e. willing to repatriate or, at least, to discuss the subject. Some repatriated former combatants explained that even those in favour of *repatriation* may betray others who have expressed the same desire. This contradictory behavior is a result of the informer dilemma – one can never be sure whether the person who raised the subject of repatriation is sincere or a security agent setting a trap.

A repatriated lieutenant-colonel and a former FDLR magistrate explained that most cases brought to trial

⁷⁶ According to some citizens of Ruhengeri province, people also supported the ALIR for pragmatic reasons; the ALIR was for a while strong in the northwestern provinces of Rwanda and people chose their allegiance partly based on their estimate of who they thought would win the conflict. As parts of Ruhengeri and Gisenyi were for some time strongly influenced by the rebel movement, they considered it safer to support the rebels instead of the government. When the government’s armed forces gained the upper hand, they changed their allegiance.

- It is rare that an entire family is allowed to travel. Usually part of the family has to remain in a location where the FDLR is in full control, and until the person who travels returned, the remaining family members are under extreme scrutiny;
- Visitors (e.g. family members) from Rwanda or other parts of the Kivu are interrogated about the objective of their visit and their baggage and clothes are searched;
- All communications, including letters from and between senior commanders, are read and censored by the FDLR security services;
- If the family of a combatant disappears and is suspected of having returned to Rwanda, the person who stayed behind is, after interrogation and sometimes torture, transferred to a location from where it is difficult to escape the control of the FDLR;
- The refugees are not allowed to talk with strangers or people who are suspected of collaborating with institutions that favour repatriation⁷⁸;
- Ordinary combatants and refugees are discouraged from fraternising with Congolese host communities. Contacts with host communities are usually limited to senior members of the FDLR.
- Military and security people are deployed to check whether travellers have the required documents. To this end, the FDLR maintains hundreds of check points, which are also used to raise taxes, throughout the Kivu provinces. Moreover, the FDLR has deployed hundreds of informers, of which several are Congolese, in locations that are considered to be high risk (e.g. in places where the refugees and combatants might encounter MONUC, other foreigners, or Congolese who are suspected of being prepared to assist Rwandans who want to be repatriated).

In some locations, the FDLR is also assisted by Congolese allies. For example, in the territory of Fizi there is strong collaboration between the FDLR and the lo-

⁷⁸ When the Mayi-mayi joined the DRC transition in 2003, the FDLR forbade its members to talk to combatants of this militia. Their former allies had become potential enemies and casual contacts were thus broken off.

cal authorities, often former Mayi-mayi militiamen. It is claimed that the local FARDC brigade commander in Kilembwe (southern Fizi), along with the local PNC (*Police Nationale Congolaise*) chief, assist the FDLR in search operations every time the militias believe that one of their members is trying to escape their control.

Some FDLR officers and other sources alleged that the FDLR has been able to recruit spies within MONUC or that they have managed to place some of their own people within MONUC as local D&R agents. We could not confirm these claims. What is clear is that repatriation candidates appear to trust certain MONUC units and offices more than others. In particular the Indian battalion (In-Bat) in Masisi is regarded with suspicion because of its relations with influential FDLR security agents, including ‘big Patrick’, the younger brother of General Mudacumura.

In sum, the FDLR has an efficient and ruthless intelligence structure within the DRC. Combined with the harsh punishments for suspected deserters, this system is a key factor in slowing the D&R of combatants from the DRC to Rwanda.

3.2.4 Arms and Ammunition

It is essential for a rebel movement to obtain sufficient arms and ammunition for maintenance, defence and any planned operations. Since the Pretoria Agreement of 2002, the FDLR depends on ad hoc opportunities to obtain arms and ammunition. After signing the Pretoria Agreement, the GoDRC, which had been the main supplier of arms and ammunition to the FDLR and ALIR between 1998 and 2002, halted systematic logistical support to the FDLR. Since then, the FDLR has no backers who regularly ship arms or ammunition to the movement. They have tried to overcome this constraint by assigning a major part of the movement’s budget to the acquisition of arms and ammunition, usually from individual FARDC soldiers or units. We were able to obtain the prices of AK-47 assault rifles (US\$10-20), hand grenades (US\$1-2) and AK-47 ammunition (Francs Congolais 10-20 per bullet - to fill a magazine of 30 rounds this amounts to US\$0.6-1.2). There are also some reports indicating that individual UPDF

soldiers⁷⁹ have sold arms and ammunition to the FDLR.

Occasionally there are also opportunities to capture arms in military operations; for example, in the Bunyakiri territory, where the FDLR and the FARDC clashed on several occasions in 2005 and 2006, the FDLR recovered small quantities of arms and ammunition from FARDC positions. As the FARDC is usually low on supplies, it is unlikely that these quantities were sufficient to cover the needs for those operations, let alone provide a stash for future use.

Although these local purchases allow the FDLR to maintain its strength, they are unlikely to be sufficient to mount major offensive operations or to withstand sustained attacks. According to some senior FDLR commanders and the repatriated general Bizimungu, the FDLR has only a limited quantity of ammunition in reserve; it would be exhausted within 1-2 months if the FDLR had to fight for prolonged periods on several fronts at a time.

3.2.5 Logistics, Economic Survival and Enrichment

Before the Rwandan withdrawal from the DRC in 2002, the ALIR and FDLR in eastern DRC were not actively involved in the exploitation of minerals and other resources. They survived largely by looting from civilians and rival military forces, and they also produced some of their own food. Their own food production, however, was often disturbed by the RPA or ANC attacks on their make-shift villages.

The ALIR hierarchy prevented its members from becoming involved in lucrative business, as they were afraid that, once they were distracted with such activities, their military preparedness would rapidly diminish.⁸¹ The ALIR leadership wanted its soldiers to focus on the core mission of toppling the GoR. One senior FDLR commander said that they had learned this lesson from observing Congolese rebel movements and several of the foreign armies involved in the successive DRC wars, all of whom had become less effective because they were distracted by mineral exploitation. This commander further rationalised that the FDLR's reduced fighting ability, following changes in the attitude towards mineral exploitation after 2003, confirmed the ALIR commanders' concerns.

The Rwandans who fought in the western parts of the DRC on the side of the GoDRDC were in a different situation. This is partly explained by their history prior to late President Kabila's call for their help. Before they joined Kabila, many of these Rwandans had settled in various Francophone West African countries where they had set up businesses. Today there are still hundreds of Rwandans, even among those who have been repatriated, who continue to run commercial enterprises (often taxi companies) in countries such as Cameroon and the Republic of Congo. Moreover, it is likely that Kabila offered these Rwandans the right to extract some of the DRC's riches in return for military support.

When a large group of FDLR fighters en route from Kamina to North Kivu crossed through Bunyakiri in

Figure 4: Armoury of the FDLR⁸⁰

Weapons FDLR		
AK-47	Personal arms. Every combatant has at least one handgun and usually some grenades. Every unit has at least one machine gun and RPG.	
Hand grenades		
M-16		
FARI		
MOVE		
PICAM		
Machine gun (various)		
RPG		
82 MM gun		Each battalion
107 MM gun		Each battalion
60 MM mortar	Each company	
And sometimes heavier arms		

79 It is quite certain that Colonel Musare, a FDLR renegade in North Kivu, received at least two shipments of ammunition and some light arms from unknown sources in Uganda in late 2005 and early 2006.

80 The presented list is almost certainly not complete. The FDLR has captured a lot of its weaponry on the battlefield and it probably possesses small quantities of most weapons used in the Great Lakes Region.

81 Based on interviews with several senior FDLR commanders and former FDLR members. Most of the Mayi-mayi adopted a similar attitude to mineral exploitation during the war; civilians would exploit and the rebels would levy some taxes only.

April 2003⁸², they carried stacks of dollars and diamonds. This attracted diamond traders from as far as Bukavu and Goma. As there was little cash in Bunyakiri, local traders could often not provide change to the FDLR when they purchased manioc, chicken or the odd goat with US\$100 bills. The population reported that these FDLR units told the locals to keep the change. This is but one indication that the western FDLR units had access to significant resources and were likely engaged in trading or exploiting natural resources; they were certainly not well paid in the army of the GoDRC.

From 2002 onwards, the attitude of the FDLR in eastern DRC vis-à-vis the development or participation in economic enterprises changed significantly for the following reasons:

- The RDF withdrew from the DRC in October 2002. Without their presence, the FDLR became the strongest fighting force in eastern DRC and could thus permit themselves to conduct other activities;
- It was around this period that external support dried up, and therefore the FDLR was forced to adopt new survival strategies. The most obvious strategy under the circumstances was to become self-reliant; and
- In late 2002 and early 2003 a large group of FDLR fighters came from western DRC (after they had fled the MONUC repatriation site of Kamina). The FDLR commanders from the west were accustomed to the exploitation of minerals and setting up of businesses.

In order to become self-sufficient, the FDLR developed a system of 'non-conventional logistics' (NCL). Every FOCA unit assigned around 20% of its men to the NCL and it became a standing order that each unit had to fend for itself. The leadership also provided guidelines for how the NCL production should be distributed: 20% to 'improve the living conditions' of the company's members, 50% for arms and ammunition, 15% as contribution to the battalion, and 15% as contribution to the movement's functioning. The military nature of the NCL allows the FDLR logistics to control a large part of the mineral trade in eastern DRC, and also any other economic sector in the territories they

control or influence. As was explained above, wherever the FDLR is present, it seeks to dominate every aspect of life.

A number of FDLR commanders work today primarily to enrich themselves.⁸³ First of all, they develop their own businesses, sometimes with loans from the FDLR or their unit's treasury. Secondly, they often divert funds from their units' NCL for personal use. Thirdly, they use their extraordinary powers over the refugees and the Congolese communities to tax any economic activity in the territory they control. Commanders in mineral rich areas are the luckiest, but the FDLR leadership is able to generate money wherever they are present. Their economic activities include the following:

- **Mineral exploitation:** In most cases, the FDLR does not manage mines directly; they usually leave that to private persons. In Masisi, Walikale and Zirhalo (Bunyakiri) there were some reported exceptions, as in those areas the FDLR has its own exploitation teams. Typically, the FDLR makes money from exploitation by imposing heavy taxes on mine owners and managers. It is difficult to estimate which part of the mineral exploitation (and trade) is controlled by the FDLR, as there are no accurate estimates of the actual production outside the main mining centres. However, it likely involves at least a few hundred kilograms of gold⁸⁴, tons of cassiterite (tin ore) and coltan (colombo-tantalum ore), and unknown quantities of diamonds, mercury, semi-precious stones, etc., per month.
- **Mineral trade:** The FDLR is heavily involved in mineral trade in the areas under their control. In territories like Fizi and Walikale they have reportedly monopolised all trade outside the main population centres (which are mostly controlled by the GoDRC). Even when the DRC administration is present, the FDLR of-

82 Observations in a Life & Peace Institute Situation Update of 25 April 2003.

83 It has proven to be impossible for the researchers of CTC to calculate the amounts involved. However, the proceeds for the FDLR and its officers must be several million dollars per year. It is hard to say how much individual commanders gain but it is likely that several commanders (especially those involved in mining and cross-border trade) gain thousands of US dollars per month.

84 As a comparison, South Kivu each month exports around 600 kg of gold (of which less than 50 kg officially). We believe that the FDLR is in South Kivu in control of around a quarter of the gold production and more than that of coltan, cassiterite and diamond production. In North Kivu, the situation is similar.

ten still has a finger in the pot. As the FDLR controls a large part of the hinterland of the Kivu provinces, it can carry minerals from one area to the other. Because of their access to neighboring countries like Tanzania, Zambia, Uganda and Burundi, they are often involved in the smuggling of minerals as well. The FDLR controls over 50% of the local mineral trade in the Kivus. However, their involvement in the export of minerals, as well as in trade within the main mining centres and the towns from where the export takes place, is limited.

- **Taxation:** Wherever the FDLR is in control, it levies illegal taxes from markets, traders, industries, mine exploiters, etc. They do not share the revenues with anybody, except for the occasional pay-off to a local GoDRC official⁸⁵ or local chief. Theoretically, the taxes are for the movement. In practice, the money often ends up in the pockets of the commanders. Taxes are raised on markets, on an individual basis from people living in areas of control, and from travellers (usually at road blocks). The taxation system and levels are linked to what the GoDRC authorities apply in other areas, though less complicated because the FDLR has fewer departments.
- **Animal husbandry:** In relatively safe rural areas, the FDLR and refugees raise cattle, goats, pigs and chicken. Furthermore, wherever they are present, the FDLR control the trade of livestock. For example, in South Kivu they control the main trading routes for cattle from Minembwe to Mwenga, Fizi and Walungu, most of the trading in the Ruzizi Plains and at the high plateau of Kalehe. The refugees also control the butcheries in the region of Nindja (Walungu).
- **Agriculture:** Especially in the forest areas, where the Congolese were traditionally hunters and gatherers, the Rwandans have become the main producers of a wide variety of crops (potatoes, sweet potatoes, manioc, beans, vegetables, etc.). Many Congolese benefit from this production, as it has reduced prices for food in some areas.

- **Marijuana:** At least in the territory of Uvira (at the Moyen Plateau between the Plains and the High Plateau in the vicinity of Lamera and Mulenge), the FDLR grows marijuana. The quantities are not known but are reportedly significant. In collaboration with local traders most of the marijuana is smuggled to Burundi.
- **Trade:** In the territories under its control, the FDLR monopolises all trade. However, its network extends beyond the areas under its control. FDLR representatives attend almost all markets, including the Goma, Bukavu, Butembo and Uvira markets, where they buy and sell whatever produces a profit.
- **Control of river crossings:** The FDLR controls several river crossings, allowing its members to demand a few hundred francs to pass over (liana) bridges or to traverse a river with pirogues.
- **Smuggling:** The FDLR is involved in the smuggling of significant quantities of minerals and divers.⁸⁶ We found several indications that the Rwandans smuggle to, at the very least, Tanzania, Burundi and Uganda. It is likely that they travel with Congolese identity cards (which can easily be obtained and falsified.⁸⁷)
- **Looting:** In addition to the above activities, the FDLR continues to loot. In several parts of the Kivu the local people said “*we [the Congolese] cultivate and the Rwandans harvest.*” Besides looting agricultural crops and sometimes farmers’ household equipment, the FDLR also continues to hijack cars and abduct traders on major routes. In particular, the road from Goma to Butembo via Kanyabyonga is still considered relatively dangerous in this respect. CRAP units usually undertake the major and more risky looting activities.
- **Hostages & ransoms:** In particular the battalion commander major Mitima (a pseudonym), who controls the area of Nindja, Kahuzi Biega and eastern Shabunda, is known to take hostages on a regular basis. He releases them after the families have paid a ransom varying

⁸⁵ As is the case in Kilembwe where the FARDC colonel Ngomanya receives (according to some of his colleague FARDC officers) a weekly ‘envelope’ from his FDLR friends/associates.

⁸⁶ In Congo most traders are ‘commerçants des divers.’ Divers in this case means ‘all sorts of things’ (second hand cloths, batteries, salt, shoes, cigarettes, soap, etc. but not specific items like cattle or minerals).

⁸⁷ Those who managed to obtain an election card use this document to travel. The cards issued by the electoral commission (CEI) are recognised in the entire region, including Rwanda, as ID replacements.

from one or a few cows to cash (US\$ 50 – US\$ 500/person), depending on the importance of the hostage and the estimated capital of the family.

3.2.6 When Does a Refugee Become a Settler?

Some refugees have started to construct permanent or semi-permanent housing, others have planted crops like palm-oil trees (which only start producing after approximately 5 years), or they have constructed schools, health centres or even entirely new villages.

Permanent (or semi-) housing: In Nindja, Mwen-ga, Fizi, Masisi and Walikale housing consists of iron sheets but no bricks; in Lemera and Luhwindja there are some brick houses with iron sheet roofing. It should also be noted that FDLR units usually stay in regions where the local population still lives in traditional housing; the refugees have started to use bricks and/or iron sheets.

Long-term crops: The FDLR or civilian refugees have started to plant crops like palm oil and quinine in, among others, Bunyakiri, Walikale, Mwenga, Uvira and Fizi. These plants will only produce crops after several years.

Construction and management of schools & health centres:

Fizi:

- In the territory of Fizi (Kilembwe, etc.), the refugees have constructed several health centres [Changugu/Kilembwe, Makola, Kagembe, Luchungo] and have staffed them with qualified doctors, nurses and traditional practitioners (who also serve local people);
- In Changugu, they have opened a literacy school; and
- In Fizi, the Rwandans are recognised as the best doctors, pharmacists and the most qualified teachers in the region. Consequently, they occupy a number of remunerated local administration positions in the region.

Nindja (Walungu):

- At Kabuye Ier they have their own primary and secondary schools. At Kitumba they have a protestant primary school. These schools have Rwandan teachers;
- Rwandan medical personnel have opened several private clinics; and
- Rwandans own many kiosks (small shops).

Masisi:

- In Mibaraka and Kibua (and elsewhere), Rwandans have constructed their own schools. Elsewhere they join Congolese schools.

The FDLR and/or refugees have also constructed other schools or health centres in other North and South Kivu locations, e.g. Bunyakiri, Mwenga, Uvira and Walikale.

The refugees have built numerous Protestant and Roman Catholic churches. Sometimes they share their churches with the Congolese neighbors, but this is said to be relatively rare.

Rwandan villages in the DRC:

Kilembwe/Fizi:

- Changugu (1000-1500⁸⁸; HQ brigade), Makola (500-600); Kakunga II (± 250); Luchungo (± 250); Lulimba (± 250); Kasanga (100-200); and other villages mixed with local people in centres.

Nindja:

- Rwandans have constructed their own villages at Kabagala, Kabuye Ier, Ngumbu, and Kitumba.

Uvira:

- MONUC officers identified a new and well-constructed village in the vicinity of Ndolera

⁸⁸ Estimated number of habitants between brackets.

and Igazi. They indicated there were hundreds of occupants.

Although we did not get details of names or number of inhabitants, there are also purely Rwandan villages in Masisi, Walikale, Mwenga, Bunyakiri and Kalehe. Sometimes these villages are also called bivouacs, indicating that those ‘villages’ do not have a permanent status. In locations where the Rwandans have not built their own villages, they cohabit with the Congolese in existing villages. In such cases, however, the Rwandans have replaced the local leaders or have forced the Congolese village chief to operate on their behalf.

In conclusion, some Rwandan refugees and combatants have started to settle, especially in areas where they are under the least military pressure, such as in Fizi, South Kivu. In general, this process is more advanced in South Kivu than in North Kivu because the FARDC units of the 8th Military Region (MR) have been, since the beginning of the transition process (as well as before), prepared to exert military pressure on the FDLR. In the 10th MR (i.e. South Kivu), there are several non-integrated brigades or battalions (often of Mayi-mayi origin⁸⁹) which continue to collaborate with the FDLR rather than exert pressure on them. This permits the FDLR to live in a relatively secure environment, allowing them to settle comfortably.

3.2.7 Locations

The maps on pages 4 and 5 respectively show the areas controlled by the FDLR as well as the areas where the FDLR strongly influences the daily life of the habitants (zones of influence). It is estimated that the FDLR is in full control of around 20% of the Kivu territory, and it has a strong influence on another 30-40% of the terrain. The limits on the maps are approximate.

In particular in South Kivu the FDLR controls a large portion of the province. This does not necessarily suggest that the FDLR in South Kivu is stronger than in the North. At least one explanation for the large area controlled (or influenced) is that the FDLR in South

Kivu has hardly been challenged after the RPA/RDF withdrew to Rwanda in 2002. As a result, the FDLR was able to control a large area with relatively less troops and means than in North Kivu. The North Kivu military region has regularly disrupted the FDLR since the start of the transition and, even when the RPA/RDF was still present in the DRC, the FDLR (and its predecessor the ALIR) had more space to manoeuvre in South Kivu than North Kivu. This was because the RCD troops (ANC) operating in the North Kivu also often engaged the FDLR. Despite the smaller FDLR-controlled territory in North Kivu, the centre of the FDLR’s strength still lies in that province and, in particular, in the border region of Walikale and Masisi. This is also evidenced by the fact that FDLR’s headquarters (the military high command and political leadership) are located in this area.

The zones of influence or limited control are not all of the same nature. In the interior, the FDLR simply lacks the manpower to fully occupy all available territory, but it still is in many cases the only group that has established any authority. This is the case in large parts of Fizi, Mwenga, and Shabunda in South Kivu and Walikale in the North. In these areas, the FARDC and the Congolese administration have not deployed troops or administrators, leaving a vacuum. The FDLR regularly patrols these areas, occupies the most lucrative and strategic spots, and often coexists with the remnants of Mayi-mayi groups.

The situation is different in the border zones of Rutshuru and the Ruzizi Plains. As these areas are also strategic to the FARDC, the FDLR and FARDC compete for control. The minimum FDLR goal in these border zones is to prevent the FARDC from impeding its access to Rwanda and Burundi. In North Kivu, this results in clashes between the FARDC and the FDLR, while in South Kivu the FARDC appears to have adopted a strategy of cohabitation. In the Ruzizi Plains in particular, the FARDC allows the FDLR to move relatively freely, as long as they do not cause incidents in FARDC territory. The FARDC commanders in the Plains claim that they would like to prevent the FDLR from crossing the border to Burundi, but that the military region has ordered them to avoid ‘unnecessary’ confrontations with the FDLR.

Just off the South Kivu map, significant numbers of FDLR and civilian refugees are located in the territory

⁸⁹ The Mayi-mayi cannot be considered a unified movement. Most groups had their own local agenda and allegiances. Currently some Mayi-mayi, who previously operated under the command of general Padiri, have ceased collaboration with the FDLR and have been integrated in the FARDC. Several other Mayi-mayi groups, e.g. in Mwenga and Fizi, did not end their collaboration with the FDLR, although some of those integrated nevertheless (sometimes only partly) into the FARDC.

of Kabambare (Maniema province). Northern Kabambare is controlled by the FDLR battalion that is headquartered in Kilembwe (southern Fizi).

3.2.8 Internal Conflicts and Divisions

There are several conflicts within the FDLR today. Some of these have already led to cleavages, while others weaken the movement and could in the future become sources of further disintegration. Some of the divisions and schisms identified during the research are as follows:

Repatriation: The combatants and dependants who took the most far-reaching stand against the FDLR are the 6,400 who returned to Rwanda, either through the D&R programme or through personal initiatives. Based on our research, we believe that the majority of remaining FDLR combatants would in fact prefer to repatriate to Rwanda. However, they are prevented from doing so by the control systems and obstacles put in place by their own commanders, a lack of information about prospects for life in Rwanda, and in some cases the large distances to be covered to return to Rwanda.

Political Divisions: In the aftermath of the Rome Declaration (see below for details), the tensions within the FDLR mounted, especially once it became clear that the leadership had no intention of implementing the unconditional repatriation as promised. Major Musare, who is actually a battalion commander of the Northern FOCA brigade, was one of the people who challenged the leadership's resistance to repatriation. However, Musare did not follow General Mahoro's example by repatriating; he decided to stay in the DRC. After the flight of Mahoro, Musare became the biggest FDLR 'traitor' in the FOCA's reach. He was attacked by the FOCA on several occasions.⁹⁰ Musare today (i.e. end 2006) remains with 200-300 men in North Kivu.

East ↔ West: Since 2003, there are tensions between 'westerners' (those men who came from Kamina and who operated along with the FAC units) and the 'east-

erners' who never left the Kivu. It is difficult to pinpoint the causes of these tensions, but the fact that Mudacumura (who came from the west) tends to appoint 'westerners' to senior command positions contributes to the dissatisfaction of the 'easterners.' Because most of the 'deserters' and even others who did not desert have been replaced with 'westerners', the remaining 'easterners' hold only a few senior command positions and feel excluded from decision-making. "*Mudacumura has no confidence in the easterners; he thinks they all wait for an opportunity to desert*" said General Kanyandekwe (the FOCA 2nd in command) a few weeks (15 November 2006) before he was assassinated (December, 22 at Mashya in Masisi).

Young ↔ old: The conflict between the younger and older FDLR elements⁹¹ is more than an inter-generational conflict. Those younger than 30 years of age today were minors during the genocide and have nothing to fear from justice in Rwanda. Most of those who are slightly older also have little to fear, because it is unlikely that they were among the leaders of the genocide. Most of the younger combatants still in the DRC would likely be willing to be repatriated as soon as they recognise that they have nothing to fear in Rwanda, that it is unlikely they will ever achieve their political objectives through an armed struggle, and that the personal risks and costs are likely to increase. Among the older combatants, there is a significant minority that is likely to reject any voluntary repatriation due to their culpability in the 1994 genocide.

Extremism ↔ political motivation: There is a distinction between those who are blinded by ethnic hatred and those who are motivated by a desire to establish a different political order in Rwanda. The first group cannot be convinced to participate in any repatriation exercise, while the second group may be open to repatriation in certain circumstances. Some of the repatriated former combatants explained that they decided to return to Rwanda once they realised that it had become impossible to achieve their political aims through military means. One said: "*It is now some time ago that I started to realise that the leadership has all the time been lying to us about the situation in Rwanda*

⁹⁰ Although Major Musare's men were in the minority, so far they have been able to defend themselves. According to a FOCA commander, the FOCA was not able to uproot Musare's group because General Mudacumura did not trust the senior commanders anymore (apparently he was afraid that they might join Musare) and therefore he assigned loyal but less experienced officers to command these operations.

⁹¹ The young ↔ old division is also having its impact on the FDLR political wing in Europe. One of CTC's researchers has been in contact with some of the exponents of the younger group (based in Belgium and France) and those have expressed the wish to work towards the implementation of the Rome Declaration.

and also about an [unidentified] ally who would come to our aid. And ever since I have been looking for opportunities to escape.”

Political motivation ↔ personal interests: There is still a significant group of FDLR and FOCA members committed to their initial political ideals, but there is an increasing number of men and officers who want to stay in the DRC primarily to pursue personal economic interests. Some of these would prefer to settle in the DRC⁹² and may try to gradually integrate into Congolese society (or the FARDC); others do not have such an intention but are just staying to rake in as much money as possible before fleeing to another country (as several of their former colleagues already did).

These internal conflicts have had several effects on the FDLR:

- Desertions (often repatriation) contributed to a reduction in the FOCA’s size, from 20,000 in 2001 to about 7,000 men today.
- The east-west power struggle and personal interest issues are further diluting the fighting capacity of the FOCA. Fewer and fewer men would fight for long if the movement were to come under real and sustained (military or political) pressure.⁹³
- The fighting between the Northern ‘division’ and Major Musare’s ‘battalion’ has had a devastating effect on the morale of the combatants and civilians in North Kivu. For many, it is difficult to accept that large numbers of men and resources have been wasted on an internal fight. In the Mutobo DC for former combatants, a significant percentage of recently repatriated combatants came from North Kivu. They offered this internal fighting as the reason for deciding that it was time to return to their country: *“Fighting Kigali? Yes, that I could understand. But fighting our brothers did not make any sense and made me realise that we were not pursuing a political goal any-*

more but were just serving the interests of our leaders” said one captain in Mutobo DC.

3.2.9 At Ease!

Several FDLR and former combatants explained that the FDLR is able to control a large chunk of the DRC territory and remain operational because it has nothing to fear in its environment, except for the border regions and a few locations in North Kivu and Bunyakiri. Internal strife is the main threat to the FDLR but that does not affect the way they live in the DRC. In part because defectors like Major Musare develop similar modes of living as the core FOCA group. Moreover, the defections and internal divisions weaken the FDLR considerably but it remains strong enough to withstand the limited pressure MONUC and FARDC are applying on them.

The FARDC is mostly friendly and, if the occasional attack occurs, the Congolese army is not persistent. According to these FDLR combatants, MONUC does not exert serious pressure on them either. As MONUC’s interpretation of its mandate is only to facilitate the voluntary disarmament and repatriation of foreign AGs, the FDLR can choose whether or not to accept MONUC’s overtures. As long as the FDLR can maintain a comfortable life in the DRC, a significant portion will opt to stay in the DRC.

The FDLR is so much at ease today that, in some ways, it has started to function like a conventional army again. Combatants fill in leave request forms and some even spend their holidays abroad. An example of this was shown to CTC researchers: the passport, with visas and entry and exit stamps, of an officer who had visited his sister in South Africa. It is easy for the FDLR to obtain travel documents.⁹⁴ We have also seen Congolese and Burundian travel documents that belonged to FDLR members, both military and civilian.

We have also been presented with pictures of wedding ceremonies in make-shift wedding halls, but with enough bottled drinks and food for all the visitors, many of whom, in the case of weddings of senior commanders, came from throughout the Kivu provinces. Such weddings require months of preparation, because

92 Some have tried to take a first step towards acquiring Congolese nationality by registering as voters or by trying to join the demobilisation process of CONADER.

93 The Great Lakes Centre for Strategic Studies (www.glcss.org) estimated in its report: Year in review 2006; DRC January-June, “the current FDLR combat ready troop strength is estimated at between 2,000 and 5,000 soldiers with about 2,000 soldiers forming a core fighting group of seasoned and highly disciplined fighters.” CTC thinks that this is an accurate assessment, even though the GLCSS estimate of the total number of FOCA combatants is higher than ours (10,000).

94 As was reported in the international press, FDLR president Murwanashyaka obtained a Ugandan passport.

visitors from the opposite part of the Kivu have to travel for up to two weeks before they can reach the wedding venue.

In brief, in the past four years the FDLR has only rarely come under significant military or diplomatic threat from either the GoDRC or the international community. They therefore can afford to settle comfortably, take holidays and even allow the elderly combatants to retire. Through these retirements and new recruitments, the FDLR has become an army like any other; the majority of the men are between 20 and 30 years old.

3.3 Disarmament & Repatriation

3.3.1 Attitude of Combatants to D&R and MONUC

The FDLR leadership remains vehemently opposed to the D&R of its combatants and the associated Rwandan refugee population. The loss of any combatant weakens the movement, while the civilian returnees reduce the economic and political base of the movement. Another reason for the FDLR to force the civilians to stay is that the movement needs them as human shields in case of future attacks. The FDLR has a history of exploiting its own people in this manner.⁹⁵ FDLR combatants or even civilian refugees who try to meet MONUC agents are suspected deserters and are punished accordingly.

Despite their opposition to repatriation and a widely expressed dislike of MONUC⁹⁶ (the DRRR section in particular), all FOCA units have written orders to avoid armed confrontation with MONUC. Inflicting casualties on MONUC agents is strictly prohibited, as the FDLR wants to avoid provoking a political or military reaction. Thus, the FDLR allows MONUC officials to move around and even talk to some of its representatives. One of the commanders interviewed by CTC explained that *“although it is forbidden to*

shoot at MONUC staff, there is no order that says that the MONUC cannot be intimidated.” This officer explained that he once refused a MONUC D&R delegation access to Burhinyi in South Kivu (because there was a high-ranking visitor who the delegation was not supposed to see) and destroyed some MONUC communication equipment (walkie-talkies) in the process. He said that he was rewarded later on for his ‘persuasive actions.’ He insisted though that an armed confrontation would have been out of the question and therefore if MONUC had acted more assertively it probably would have reached its destination of that day.

Unless the situation and orders of the FARDC and MONUC change, the FDLR will use intimidation and violence against members or Congolese host communities and even the FARDC to inhibit D&R. However, MONUC will not easily be physically attacked. This of course may change if the pressure on the FDLR increases. Therefore, if a more forceful D&R strategy is adopted, security measures should be stepped up accordingly.

3.3.2 Information and Sensitisation

Most of the refugees have already received details about the situation in Rwanda as well as the D&R procedures. This is, in particular, the case for those refugees and combatants who are based relatively closely to the border or MONUC positions. Only in locations further away (e.g. Kabambare, Kilembwe, Shabunda, Walikale, and Pinga) do refugees and combatants lack information. In these areas, there are fewer travellers with first hand information from Rwanda (Rwandans or Congolese), and also because the D&R activities in those areas, including sensitisation, are less intensive than in, say, the Ruzizi Plains, Walungu, Bunyakiri or Masisi.

Moreover, the information provided to the combatants and their dependants through the official channels does not always address their needs. *“Those pamphlets and pictures of the MONUC we have already seen several times over the past years; we want to have updated information about the situation in Rwanda”* said a FOCA commander in Fizi.

Nearly all people interviewed stated that their main information requirement is to get confirmation from a trusted person that a return is safe and that life in

⁹⁵ For example, when the Rwandan refugee camps were dismantled by the AFDL coalition in 1996.

⁹⁶ Interviews with FDLR commanders in the DRC, as well as with some of their repatriated colleagues in Rwanda. The civilian refugees and rank and file are less opinionated when it comes to MONUC.

Rwanda is bearable. The people they trust are typically relatives and old friends. MONUC, Congolese structures, and most radio programmes or pamphlets cannot satisfy these needs, unless they facilitate contact between the refugees, militias and the people they trust.

A rather striking result of the focus group discussions in Rwanda (see supplement report), was that the repatriated FDLR combatants said that they preferred (several even used the word ‘trusted’) the Radio Rwanda programme *Isange mu banyu* over the (MONUC) Radio Okapi D&R programme *Gutahuka*. To some extent this was confirmed by the results of the questionnaires in the DRC.⁹⁷

This was surprising because Radio Rwanda is a GoR owned radio and it would have been more logical for people to question its credibility. Various refugees and repatriated ex-combatants explained that the *Isange mu banyu*'s format of broadcasts of interviews with ordinary repatriated and reintegrated people, as well as with villagers in the communities hosting the repatriated compatriots, were greatly appreciated. The repatriation candidates in the DRC expressed the need for more programmes such as these because they were perceived as a relatively reliable way to get information about the details of the repatriation and reintegration procedures, as well as about the situation in the country. Moreover, they sometimes knew the people interviewed, which increased the credibility of the information. When asked about the *Gutahuka* programme of Okapi, interviewees explained that it was too focused on interviews with former senior commanders.⁹⁸ These people are suspected of being politicised, and their situation cannot be compared to that of the rank and file.

MONUC officials interviewed agreed that some aspects of the D&R sensitisation programmes could be improved considerably. They indicated that areas for improvement would include enhancing cooperation between the Public Information and D&R sections with respect to these activities, as well as reducing the delay between the gathering and broadcasting of new interviews on the *Gutahuka* programme. A senior

FDLR commander recently also asked MONUC to bring images or films showing how Rwanda has developed since 1994. The South Kivu Information officers have plans to respond to this request.

A number of AG members explained that they would also appreciate receiving more information about the benefits they would receive upon arrival in Rwanda. They explained that they were told by the FDLR propagandists that Rwanda was too poor to support them and that they would be sent home with hardly any support. Some explained that financially they were quite well off in the DRC but, because of the uncertainty about their future⁹⁹ and the continuous possibility of being attacked, they were still interested in returning home. Most of the interviewed FOCA militias lacked information about the details of the standard reintegration package provided by the RDRC and the possibilities of receiving sponsorships for education or starting up businesses.

Another issue that needs more attention in future information and sensitisation campaigns is Gacaca. FDLR propagandists focus claim that it is a way to ‘legally’ get rid off the Hutu.’ The recent arrival of a small number of refugees in the DRC further supports the reasoning of the propagandists. Since the *Gacaca* courts have started to function, several individuals who were mentioned in the trials as suspected génocidaires¹⁰⁰, but who were not arrested, fled the country to escape judgement. Rumours and propaganda spread in Rwanda¹⁰¹, probably by FDLR sympathizers, raising anxiety even among the innocent. The FDLR propaganda machine’s exploitation of the ‘*Gacaca refugees*’ creates the need for better and more reliable information on this subject.

In sum, future information and sensitisation activities should focus more on establishing contacts between the combatants and refugees in the DRC and the people they trust in Rwanda (i.e. well-informed relatives and friends). To achieve this, relatives of refugees living in Rwanda should be encouraged and helped to con-

97 The people interviewed in the DRC often said that they appreciated the ‘Isange mu banyu’ programme but they were less categorical about their preference among the various programmes and broadcasters.

98 The same was said about the interviews held by international broadcasters like the BBC, Deutsche Welle, the Voice of America and Radio France Internationale.

99 The article ‘The Long Road Home’ in the supplement report showed that the refugees realise that, even after obtaining an electoral card, they could still have trouble remaining in the DRC. This was proven, according to them, by the recent expulsion of Rwandans who were far better integrated and who effectively had Tanzanian nationality from Tanzania.

100 Sometimes for murder or rape, but also for relatively minor crimes like looting.

101 About one year ago, a rumour spread that the aim of the Gacaca was to get rid (‘to make minced meat!’) of the Hutu. In some parts of Rwanda this rumour was so persistent that several thousand Rwandans, mainly from Butare, fled to Burundi.

tact their family members abroad. This can happen in person, in writing and sometimes also by telephone.¹⁰² Information on specific subjects, like *Gacaca*, integration packages and the economic situation in Rwanda should still be distributed; this information should target combatant groups and refugee communities that live relatively far away from the border who often lack the most basic information. Sensitisation is less important; the refugees and militiamen want reliable information on which they can make their own judgments. In any case, sensitisers from MONUC or others, who provide unrealistic or incomplete¹⁰³ information on Rwanda, are considered to be ‘propagandists of Kagame.’ Inadequate or poorly-designed information packages are also susceptible to counter-information provided by the FDLR propagandists. The current information and sensitisation material has little impact because it is fairly easy to contradict.

Moreover, radio broadcasters should focus on developing programmes that present a realistic picture of the situation in Rwanda, as well as on the reintegration of (recently) repatriated former armed group combatants. The focus should furthermore shift from the senior commanders to the ordinary combatants and civilians. Finally, it would be useful to produce convincing information that shows how and why the FDLR leaders prevent others from returning to Rwanda. Information about the commanders’ personal enrichment, their personal problems with justice, the hopeless military situation, etc, would have a demoralising effect on most of the younger combatants and civilians, especially when such information is accompanied by tangible proof.

Finally, it should be recognised that information & sensitisation strategies can only work in combination with strategies that put the FDLR structure under further stress. This is because information & sensitisation strategies on their own have little effect on the FDLR control structures, which are the main instruments used by the leadership to prevent their subjects from making their own free choices about staying in the DRC or returning to Rwanda.

102 An estimated 20-40% of the FDLR/FOCA is based in areas with mobile telephone network coverage, although it may sometimes be necessary for them to climb a hill to access the network. In those areas, all commanders and a number of non-commissioned officers and civilians have access to mobile telephones. The generals and several colonels also possess satellite telephones and can thus be reached at any time.

103 Incomplete in the sense that there may be many positive things to tell about Rwanda, but those will not be believed when less positive issues are not acknowledged.

3.3.3 Justice

In the previous section we referred to concerns about the *Gacaca* process. The fact that most of the remaining combatants actually have nothing to fear from *Gacaca* or from others forms of justice in Rwanda makes this bias an even more important subject to address. If the views on the Rwandan justice system reflected the reality, many of the combatants and refugees would realise that, besides personal economic considerations and the FDLR control system, there is nothing that should keep them in the DRC.

In the Mutobo demobilisation centre (DC) of the RDRC we showed recently repatriated ex-AG officers an organizational chart of FOCA commanders, and asked them to point out those who were involved in the genocide. They identified only just over 10%¹⁰⁴ of the FDLR top commanders as being known *génocidaires* (taking into consideration that they might not know the specifics about the activities of their former commanders). They were also able to provide details¹⁰⁵ of the crimes they committed.

The reason why most of the combatants and their dependants have nothing to fear from the Rwandan justice system is because most of them were minors during the genocide. Most of the ex-FAR soldiers and Interahamwe who arrived in the DRC have aged and many have died, retired or fled to other countries. Several interviewees indicated that especially the Interahamwe and other known *génocidaires* perished in great numbers over the past years in battles with the RPA and others. They also explained that many known genocide organisers had since fled to other countries. Another explanation for the relatively low numbers of suspected *génocidaires* and, more generally, the relatively few elderly combatants and dependants, is that life in the forest has been very hard, especially before 2002/2003 when the war was ongoing and the RPA was still present. The harsh circumstances caused the

104 When officials of the RDRC and the RDF were asked to comment on this figure, they confirmed that the number of repatriated ex-combatants indicted by either *Gacaca* or modern courts was low and that only among the leadership of the FDLR the number of *génocidaires* would likely reach the 10% mark. Donors and human rights agencies also confirmed that there were only a few known cases of repatriated ex-combatants jailed or convicted of crimes related to genocide.

105 Colonel Rwanyonga Nubaha (chief of permanent secretariat, FDLR) was identified by these combatants as the commander responsible for the killing of the Belgian blue helmets in 1994 (they added “the Belgians have arrested the wrong guy...”). Others were identified as responsible for specific massacres. Some were also pointed to as ‘not interested in repatriation’ because he or she was known as being very ideologically extreme.

deaths of many older refugees, as well as those in bad health and the very young.

When we asked afterwards whether they could point out the commanders who might be interested in repatriation, the list was longer than the one of the known génocidaires. Some were placed on the latter list because they were known to be moderates and others because the interviewees were convinced that they had not been involved in the genocide. In the latter cases, the interviewees knew that the concerned commander was relatively young or, as was the case with the men at Mutobo DC, they had detailed information about the commander's whereabouts during the genocide (some FAR commanders were in 1994 fully occupied on the front lines trying to prevent the advances of the RPA during the genocide).

In conclusion, it is important to inform the FDLR and dependants in the DRC about the justice system in Rwanda and, in particular, about the *Gacaca* courts. The framing of this information and the mode of its delivery (including choosing the right messenger) need some thought. As this is a subject of utmost importance - it concerns life and death for those who are influenced by the FDLR propaganda - details on *Gacaca* should be provided, and be confirmed by friends and relatives (who sometimes require assistance in doing that; see above).

3.3.4 Extremist Leadership

A number of FDLR leaders are very unlikely ever to repatriate on a voluntary basis. Some of them have well-documented genocide dossiers. These suspects have an important and negative influence on the FDLR as a whole, as they have a personal interest in keeping 'their subjects' misinformed and fearful. In order to solve the FDLR problem in the Great Lakes Region, it may be necessary to develop a strategy to prevent these known génocidaires from undermining future D&R activities. This is complicated because it is undesirable that these men (very few leaders among the FDLR in the DRC are women) escape justice. Still it might be necessary to find an intermediary solution that offers them¹⁰⁶ an alternative to keeping the other FDLR members and the Kivus and Rwanda and the peace building process in

the Great Lakes Region hostage because of the crimes they committed in Rwanda in 1994. It is estimated that this group does not exceed 200-300 persons; a number the FDLR proposed in Rome.

106 E.g. General Mudacumura and those mentioned above as people searched for by the ICTR.

4. FNL

Burundi is one of the world's poorest countries.¹⁰⁷ It has endured dictatorship and conflict since it gained independence from Belgium on 1 July 1962. The control over power and resources are major causes of conflict in Burundi. The ethnic Hutu-Tutsi divide is usually at the centre of this power struggle but regional divisions are a major underlying component of the schisms within the country.

When Burundi gained independence in 1962, the situation initially appeared hopeful. On 18 September 1961, the *Union pour la Progrès Nationale* (UPRONA) won the elections with an overwhelming majority, capturing 58 of 64 parliamentary seats. At the time, UPRONA was not identified as a Tutsi party but rather as a broad-based anti-colonial movement which grouped together most educated Burundians of all ethnicities who participated in the country's politics, including Hutu, Tutsi and members of the aristocratic clan of the Ganwa. The Batwa were not involved and have largely remained excluded from political decision making.

However, the assassination of the UPRONA leader, Prince Rwagasore, nine months before the elections cast a shadow over the electoral victory. He had been premier since 1959, and his successful campaign to unite all the anti-colonial forces across ethnic lines and political convictions had made him a symbol of unity for many Burundians. The assassins were arrested by the Belgian administration, but their punishments were initially relatively light.¹⁰⁸

Despite a relatively good start to independence, the country went to the ballot box for the second time in 1965 in an increasingly tense environment. Eth-

nicity played a more prominent role in the electoral campaign and, unlike during the elections of 1961, Hutu and Tutsi alike were encouraged to vote for their respective ethnic representatives. As a consequence, Hutu politicians, still mostly from UPRONA, won the election. King Mwambutsa asked the moderate Hutu leader Bamina, who was not among the main winners of the elections, to form a government. Under pressure from Hutu radicals Bamina declined this offer and proposed the more radical Gervais Nyangoma.¹⁰⁹ The king decided against this proposal and designated his own secretary, a Ganwa (a prince; for some neither a Hutu nor a Tutsi, but for others clearly a Tutsi) named Léopold Biha, as the government leader. Nyangoma exhorted the Hutu politicians not to participate in Biha's government.

Soon after the Biha government had been sworn in, a coup d'état was attempted under the leadership of Gervais Nyangoma and Antoine Serukwavu. These two men wanted Burundi to be ruled by the majority Hutu, as had occurred in neighboring Rwanda. They tried to seize control of the king's palace but failed thanks to the intervention of Captain Michel Micombero of the presidential guard. When everybody thought this event was over, a group of Hutu civilians, incited by opposition forces, massacred several hundred Tutsi civilians in the central province of Muramvya (18 October 1965). This provoked a violent repression from the government resulting in over 5000 victims.¹¹⁰ These were reportedly the first systematic ethnic killings in Burundian history. These incidents, together with the increasing emphasis on the ethnic origin of politicians, profoundly changed the political landscape in Burundi.

In the aftermath of this attempted coup d'état, the

107 On the Human Development Indicator list of 2006, it is ranked 169th out of the 177 listed countries. Only on the adult literacy rate (rank 109th with 59.3% literacy) and access to improved water sources (rank 69th with 21% of the population having access) does Burundi score relatively well.

108 After independence, the sentences were reviewed and the main actors were hanged by the GoB.

109 Ironically, the prominent Hutu Paul Mirekano had actually won the elections but was not nominated.

110 14 Thibon (C.), "Les origines historiques de la violence politique au Burundi", in Guichaoua (A.), *Les crises politiques au Burundi et au Rwanda (1993-1994)*(Karthala/Université de Lille, 1995), pp. 55-76. (quoted in "The Burundi rebellion and the ceasefire negotiations," International Crisis Group. African briefing papers. 6 August 2002.

government replaced King Mwambutsa with his son, Ntare V. But the new king entered into a power struggle with Captain Micombero, who had been appointed as Minister of Defence as a reward for his decisive intervention during the coup attempt. On 28 November 1966, after he had risen to the position of premier, Micombero proclaimed Burundi a republic with himself as president. This overthrow of the monarchy ironically happened while the king was attending a ceremony in Kinshasa at the invitation of Mobutu, the new president of the DRC, who had himself gained power through a coup d'état a year earlier.

The first years of Micombero's reign were relatively calm, but were characterised by increasing ethnic divisions, which forced several prominent Hutu leaders to flee to neighboring Rwanda. Unfortunately, this was

only a brief calm before the storm. Between April and June 1972, the Micombero government murdered between 100,000 and 200,000 Hutu civilians, targeting the Hutu intelligentsia, allegedly with the aim of depriving this ethnic group of its leaders and potential leaders.

4.1 Background on the FNL

4.1.1 The Origins of the FNL

Events described above, in particular the political wrangling and increased ethnic tensions during the 1965 elections, the massacres in Muramvya, and the acts of genocide committed by the Micombero regime in 1972, are the main contributing factors to the cre-

Figure 5: Burundian heads of state since independence

	Starting date	Remarks
King (Mwami) Mwambutse IV	16 Dec 1915	Succeeded his father
King Ntare V	8 July 1966	Disposed of his father
Col Michel Micombero	28 Nov 1966	Gained power through a coup d'état
Col Jean-Baptiste Bagaza	2 Nov 1976	Gained power through a coup d'état
Maj Pierre Buyoya (I)	3 Sept 1987	Gained power through a coup d'état
Melchior Ndadaye	10 July 1993	Gained presidency through elections Was assassinated on 21/10/93
François Ngeze	21 Oct 1993	Was chosen by the military Committee of Public Salvation, a group of army officers that overthrew the democratically elected government of president Ndadaye
Sylvie Kinigi (acting)	27 Oct 1993	After condemnation of the coup against Ndadaye, the Committee of Public Salvation dissolved and Prime Minister Kinigi became the acting president
Cyprien Ntaryamira	5 Feb 1994	Died in plane crash together with former Rwandan President Juvenal Habyarimana (06/04/1994)
Sylvestre Ntibantunganya	6 Apr 1996	Replaced the assassinated president constitutionally; previously he was president of the National Assembly
Maj Pierre Buyoya (II)	25 July 1996	Regained power through a coup d'état
Maj Pierre Buyoya (III)		First term of the transition
Domatien Ndayizeye	30 Apr 2003	Second term of the transition
Pierre Nkurunziza	26 Aug 2005 onwards	Elected at the end of the transition

ation of the FNL. However, before the FNL was conceived in 1980, Hutu resistance went through several intermediary stages. The ranks of the already considerable number of Burundian Hutu exiles in Rwanda, Tanzania and Zaïre were reinforced with numerous new arrivals in the aftermath of the 1972 massacres. For the Rwandan regime, the Burundian exiles were oppressed ethnic brethren fleeing a Tutsi regime. The Tanzanians were more interested in the political aspects of the Burundian struggle. Tanzania was a socialist country and they saw Hutu refugees as peasants who had fled an oppressive regime. Both Rwanda and Tanzania were supportive of the refugees and tolerated, or even encouraged, their political organisations. Zaïre was more neutral. Politically, Mobutu was of the ‘same political family’ as the Micombero regime; they were both backed by the same powers, notably France, the USA and Belgium. The Congolese population in the Kivu region, however, was relatively sympathetic to the refugees.

The refugees created organisations like UBU¹¹¹, the (Marxist) Movement of Progressive Burundian Students, the *Union des étudiants Burundi and the Comité Solidarité Burundi*. Out of these structures TABARA emerged in Rwanda in 1979. TABARA was different because it functioned more like a political party in exile than as a pressure group. One of its earliest achievements was to provoke President Micombero’s early withdrawal from the *France-Afrique* summit in Kigali in 1979. Micombero wanted the GoR to clamp down on TABARA, but Rwanda refused. TABARA also espoused Marxism as an ideological framework, but it was more focused on the ethnic aspects of Burundian society. TABARA also supported the idea of an armed struggle against the GoB.

On 18 April 1980, the Parti pour la Libération du Peuple Hutu (PALIPEHUTU) was created by members of TABARA. The PALIPEHUTU was more militant; one of the aim of the new party’s leadership was to create a force capable of destabilising the GoB. The first president of PALIPEHUTU was Rémy Gahutu and the former commander of the Burundian Armed Forces (FAB), Donatien Misigaro, a survivor of the 1972 massacres, became its military chief. The PALIPEHUTU forces (which later on became the FNL) were trained in the bush of western Tanzania, but it took several

years before the militia was able to launch significant military operations against the GoB.

The military wing of the PALIPEHUTU gained strength after the violent 1988 repressions by the first Buyoya regime in the Ntega and Marangara communes in Burundi. These events provoked an increasing number of youth, both inside Burundi and among the refugee community, to join the rebellion. But it took until 1991 before the PALIPEHUTU was able to launch military operations in Burundi. The first attack in 1991 failed, mainly due to logistical problems, supplies from Tanzania could not reach the forces that operated in Burundi, and those who were not killed or arrested returned to the refugee camps in Tanzania.

The new PALIPEHUTU leader Etienne Karatasi¹¹² attended a meeting in Paris with President Buyoya while his colleagues were engaged in the first attack on Bujumbura (23-24 November 1991). Rwanda’s president Juvénal Habyarimana had brokered the meeting in Paris. The PALIPEHUTU’s military wing and several of its political leaders considered Karatasi’s participation in the Paris meeting at such a time as treasonable, leading in late 1992 to a split in the movement. Karatasi created FROLINA after he failed to maintain the control over the PALIPEHUTU. To avoid confusion, the other faction, led by Cossan Kabura called their movement the Forces Nationales de Libération (FNL) and later on PALIPEHUTU-FNL. FROLINA failed to become a significant force and after some minor activities in Burundi, Karatasi became a refugee in Denmark.

The failed operations in Burundi in 1991 and the internal power struggle weakened the PALIPEHUTU-FNL (hereafter called FNL) considerably. Only in 1993 was it again strong enough to engage in a military struggle with the government forces. Between the 1991 and 1993 operations, the FNL benefited from increased support of the GoR, which considered the FNL to be an ally against the insurgency of the Rwanda Patriotic Front (RPF) in Rwanda. In order to secure access to training and material support from the GoR, the FNL assigned part of its military capacity to the Byumba front in Rwanda.

After the assassination of the *Front pour la Démocratie*

111 Burundi Workers’ Party; Umugambwe wa’Bakozzi Uburundi.

112 Rémy Gahutu died in 1990 under suspicious circumstances in a car accident in Tanzania.

au Burundi (FRODEBU) party's elected President Melchior Ndadaye and several of his ministers on 21 October 1993, the FNL became fully involved in the Burundian civil war, which then erupted in earnest. The assassination led to massive ethnic massacres which in turn sparked the civil war. Around 30,000 Tutsi civilians were massacred by Hutu peasants; in reaction the FAB launched extremely violent reprisals in which at least 200,000 Hutu civilians were killed. As a consequence of this massive violence, around 300,000 Burundians (mainly Hutu) fled to neighboring countries, most of them to Tanzania and the rest to Rwanda and Zaïre. This crisis also meant that the FNL could count on even more support from the population, while the FRODEBU also created an armed wing, which soon outstripped the FNL in strength.

Since 1993, the FNL has remained active as a rebel movement on Burundian soil. While in the early stages of the conflict its logistics were located in refugee camps in Tanzania, later on the movement operated largely from the south Kivu province of the eastern DRC, where it benefited from a power vacuum caused by a decade of civil war in the DRC. The DRC, and in particular the Ruzizi Plains, was a more convenient rear base area as the FNL struggle focused on Bujumbura and its environs. The FNL however, has never played a major role in the DRC civil war, unlike the CNDD-FDD which fought alongside the FAC and FDLR in several areas, including the Katanga and Fizi fronts.

Today the movement has a political (PALIPEHUTU) and a military (FNL) branch. Agathon Rwasa is the uncontested leader of the movement; he is both the president of PALIPEHUTU and the chief of staff of the FNL. The organizational charts of the PALIPEHUTU and FNL are presented in attachment 3. Outside the region, the FNL members appear to be concentrated in The Netherlands and Belgium.

The FNL has remained focused on its political aims. Its military operations were usually (with the striking exception of the massacre of 160 Banyamulenge refugees at Gatumba in 2004) directed against the FAB and the local administration of the GoB in northwestern Burundi. The movement also largely refrained from becoming involved in mineral exploitation in the DRC.

In 2003, the FNL's vice-president, Jean Bosco Sinday-

igaya was forced to resign from the movement under controversial circumstances. In his own declaration, he explained that he had left for personal reasons, but that he 'was still an active member [of the PALIPEHUTU-FNL] and was ready to assume any function within the party.' Later it became apparent that Sindayigaya disagreed with other leaders of the movement about its political direction. In October 2005 the conflict between Agathon Rwasa and Jean Bosco Sindayigaya climaxed when the latter organised 'an FNL assembly' in which he was confirmed as the movement's leader. Agathon Rwasa and several other prominent FNL members were not present and these elections had little impact on the real organizational structure of the FNL, though they confirmed the existence of an FNL offshoot.

4.1.2 Aim and Objectives

The political objective of the FNL is to institutionalise a Burundian state which is ruled by the ethnic majority in a proportion that reflects the actual ethnic affiliation of the Burundian population. The FNL wants the Hutu ethnic group to have 85% of all positions in the government, army, judiciary, etc. Moreover, the FNL insists on developing policies supporting the empowerment of the rural poor. Although the FNL acknowledges that there are also poor Tutsi, the party insists that the Hutu are generally poorer (as a result of repression and discrimination) and that a new government needs to help them escape the poverty trap.¹¹³ The political objectives of the PALIPEHUTU-FNL have remained the same throughout its existence. Those who wanted the movement to become more pragmatic and thus dilute this original aim were forced to leave the organization. This lack of ideological flexibility from the side of the FNL has been both a source of strength and weakness.

As the FNL has never been prepared to compromise on these two objectives, and in particular on the ethnic proportionality, it has never been able to secure an agreement with the GoB. This might change now because, after the 2005 elections, the ethnic distribution of power in the GoB is dramatically different than before. According to the constitution, the Hutu have the right to occupy 60% of (most of) the political positions

¹¹³ In the September 2006 cease-fire agreement between the government and the FNL, this requirement is referred to as the 'Contrat Social.'

and 50% in the army.

Therefore, the FNL may today be prepared to drop its insistence on the 85% ethnic quota, as it is conceivable that, over time, the Hutu may in fact secure approximately 85% of political positions in the current political system. Ethnic representation in the FDN and the National Police is a different issue because of existing agreements. It is unlikely that the Tutsi minority will in the near future accept quotas less favorable than those agreed upon in the Arusha Agreement of 2000 and the subsequent cease-fire agreement with the CNDD-FDD.

Although the uncompromising stand of the FNL on a number of issues precluded the movement's signature of a peace agreement so far, it has also contributed to its popularity. Many Hutu peasants and also intellectuals felt betrayed by FRODEBU once it participated in the transitional administration of the country after 2000, because the latter did not manage to improve their living standards and was compromised by corrupt practices. Similar concerns are now emerging about the governance of the CNDD-FDD¹¹⁴.

4.1.3 Ideology and Religion

The PALIPEHUTU-FNL is often accused of being an extremist party in a region where extremism is synonymous with ethnic exclusion and violence. The ideology of the FNL clearly has a large ethnic component and is ethnically discriminatory. The ethnic proportionality demand is also anti-democratic. However it is not evident that the FNL has an agenda of ethnic violence or genocide. The FNL claims, for example, that it asked the FRODEBU in 1993 to call upon the population to end the ethnic killings and they deny complicity in these massacres. We could not verify these claims but they would suggest some restraint in the FNL vis-à-vis ethnic killings.

Aside from the Gatumba massacre, CTC was unable to find published records implicating the FNL in systematic massacres against Tutsi civilians in Burundi. However, the FNL has perpetrated targeted killings of government agents or suspected government informants of Tutsi ethnicity. The Gatumba massacre of

Banyamulenge refugees is another case of ethnic violence, but although the FNL has claimed responsibility for this massacre (and this was confirmed by UN and Human Rights Watch reports), additional research suggests that the role of the FNL in this incident was more limited and that other actors carry significant responsibility¹¹⁵. In sum, the FNL may be responsible for acts that have crossed the line between violence as part of war, war crimes, and acts of genocide. However, this was also the case for both the CNDD-FDD and the FAB during the civil war. It is thus probably not fair to stigmatise the FNL as the most or the only ideologically extreme party in Burundi.

Religion also plays an important role in the ideology of the FNL. At times, both the GoB and some political analysts have characterised the FNL as a group of religious fanatics¹¹⁶ linked to the Adventists sect. The FNL claims that its mission is biblical; they identify the poor Hutu peasants with 'the oppressed Jesus came to liberate.' Agathon Rwasa claims to be a Roman Catholic, and other leaders adhere to various Protestant churches. However, the FNL leaders claim that they are not more religious than other Burundians, although they try to live as 'good Christians.' They say that they pray and sing hymns during combat because they are not allowed to attend churches freely. CTC believes that, although the FNL draws upon the Christian belief to justify some parts of its political programme, claims that the movement is motivated by religious fanaticism are exaggerated. The FNL should not be considered in the same category as fundamentalist religious groups such as the Lord's Resistance Army (LRA) of Joseph Kony in northern Uganda.

4.1.4 FRODEBU and the CNDD-FDD

Although not the subject of this study, the history of the FRODEBU and the CNDD-FDD needs to be explained in order to understand the current situation in Burundi, as well as the position of the FNL in the country's political spectre. Although both FRODEBU and the CNDD-FDD have collaborated closely with the FNL and many of their members have a history as activists of the PALIPEHUTU-FNL, there are clear

¹¹⁴ These accusations can be read about in reports of the International Crisis Group and Human Rights Watch; they are also discussed by ordinary civilians and officials.

¹¹⁵ Including research from Pole Institute, some South Kivu civil society organisations and the Life & Peace Institute. Also some of the ONUB's staff expressed doubts about the FNL's claim that it carried the full responsibility responsible for the attack.

¹¹⁶ Some have characterized it as being similar to the Lord's Resistance Army.

distinctions.

FRODEBU was created in 1986 from the remnants of the Burundian Workers' Party (UBU). The party was allowed to function in Burundi after 1992 when President Buyoya began a process of political liberalization in advance of the democratic elections of 1993. Before then, the FRODEBU operated in a clandestine manner in Burundi, while its leadership lived mostly in exile (the majority in Rwanda). After the violence of 1993, FRODEBU continued to participate in the country's administration. Consequently, some have considered FRODEBU to be a moderate party, though several of its members have been accused of participating in the Rwandan genocide of 1994, and also of having incited the population during the massacre of around 30,000 Tutsis following the assassination of President Ndaye.

President Buyoya of UPRONA was confident that he would win the elections in June 1993. However, Melchior Ndadaye of FRODEBU won the elections capturing over 64% of the votes, while Buyoya got only 34%. Ndadaye received the tacit support of the then still illegal FNL.¹¹⁷ The FNL had endorsed Ndadaye because he was a Hutu and, its members claim they had made a deal with him whereby, in exchange for their political support and protection during and after the elections, FRODEBU would help to legalise the FNL. According to FNL sources, FRODEBU failed to live up to its promises after it won the elections.

As a result of the violence after the president Ndadaye's assassination, a number of FRODEBU leaders created an armed wing in December 1993. This military wing, the *Forces pour la Défense de la Démocratie* (FDD) was set up as a separate entity from the FRODEBU because the latter was still the governing party in Burundi. In February 1994, the FDD split from FRODEBU and created its own political arm, the *Conseil National pour la Défense de la Démocratie* (CNDD). Several former FRODEBU politicians including the minister of Internal Affairs, Léonard Nyangoma, joined the CNDD-FDD. Nyangoma became the first leader of the CNDD, while the FDD was initially led by Jean-Bosco Ndayingengurukiye. The first FNL military chief,

¹¹⁷ The main reason for the FNL's inability to participate in the elections was a law on political parties that was adopted for the occasion (15 April 1992), which prevented parties with an ethnic connotation in their name or an explicit ethnically exclusive agenda to participate in politics. Other parties were also ethnically based but they were officially not ethnically aligned. In the case of the PALIPEHUTU the name is clear about its ethnic identity and its agenda is explicitly ethnic.

Misigaro, who had been the commander in chief of the Burundian Armed Forces till 1972, also joined and became the chief commander of the FDD.

From the outset, there were tensions between FRODEBU and the CNDD-FDD. FRODEBU, in charge of the government from July 1993 - July 1996, had to be pragmatic in its dealings with UPRONA and other Tutsi parties, while the CNDD-FDD could afford to be less compromising. Moreover, some FRODEBU politicians misused public funds and this provoked strong reactions from the CNDD-FDD and the FNL. The CNDD-FDD and FRODEBU entered the 2005 electoral campaign as bitter adversaries. After the CNDD-FDD won the elections, it offered a vice-president post in a government of national unity to UPRONA but not to FRODEBU. It is also striking that all three FRODEBU ministers in the new government switched membership to the CNDD-FDD.¹¹⁸

Considering the accounts about differences in 1993 and afterwards, the recent improvement in the relationship between FRODEBU and the FNL is somewhat surprising. As the FNL was not allowed to participate in the 2006 elections, it encouraged its supporters to vote for FRODEBU. This was likely a tactical move due to rising tensions between the FNL and the CNDD-FDD. After the elections, which left FRODEBU empty handed despite being the second largest party in the country, there were rumours of a strengthening alliance between the FNL and FRODEBU. This alliance has not been proven, but the shifting coalitions and animosities between parties show that the Burundian conflict is not just about ethnicity.

4.2 An overview of the FNL

4.2.1 Military Strength and Structure

The estimated military strength of the FNL is somewhere between 1,000 and 3,000 combatants. It is unlikely that the number of combatants exceeds 1,500, even though there may be more companies than the five identified by CTC. The structure of the FNL is unconventional and adapted to its guerrilla mode operation. As the FNL has a rather small fighting force, it

¹¹⁸ International Crisis Group. Burundi: Democracy and peace at risk. Africa Report N° 120 - 30 November 2006.

generally avoids conventional confrontations with the *Forces de la Défense Nationale* (FDN). Because there are few areas where the FNL can move freely in Burundi, it operates in small units and has organised its forces with companies as their largest units. During its covert operations, these already small units are further divided; mostly only small units are involved in each operation.

There is some controversy about the strength or even the existence of the FNL splinter group (possibly a rebel movement) led by the FNL's former vice-president Jean Bosco Sindayigaya. There is little evidence that this offshoot of the FNL has been able to mount a fighting force since its inception in 2003. There are no reports of military actions launched by this group. However, the movement exists politically and it claims to have combatants present in the Randa camp managed by the Ministry of Defence of the GoB.

4.2.2 Supplies and Economic survival

When the CNDD-FDD was still a rebel movement¹¹⁹, it shared some of its resources with the FNL. Since 2004, when the CNDD-FDD signed a cease-fire agreement and subsequently participated in elections, the FNL has been struggling to obtain arms and ammunition. While not confirmed, it is likely that the FNL receives some material from the FDLR as the FNL continues (at least until the signing of the Dar es Salaam agreement in September 2006) to facilitate the infiltrations of the FDLR into southern Rwanda via Burundi (Cibitoke, Kibira, Kayanza and Ngozi). Repatriated former FDLR combatants explained that the FDLR typically repaid and assisted allies like the FNL with military support. As the FDLR was often low on supplies as well, the support was frequently provided in the form of fighters assigned to specific operations but occasionally included material.

Nonetheless, it is likely that the FNL purchases its arms and ammunition mostly from informal weapons markets in the DRC and other countries of the region. Like the FDLR, the FNL assigns a considerable part of its modest budget to arms purchases from individuals in the FARDC. Until March 2006, the former Mayimayi commander Nakabaka was the main supplier

of the FNL in the DRC, but since he has joined the FARDC *brassage* process other suppliers have likely replaced him. A number of senior FNL commanders are permanently assigned to the purchase of arms and ammunition from the FARDC and other groups in the DRC.

For food and money, the FNL depends on a combination of gifts, illegal taxes and loot obtained in their operational areas in Burundi and the DRC, as well as on money transferred by FNL sympathisers living abroad, mainly in Europe and the refugee camps in Tanzania. Reports of looting by the FNL in the Ruzizi Plains have declined in 2006, suggesting that the financial position of the FNL may have improved lately.¹²⁰ The FNL also extorts food and taxes from the population in the areas where its forces exert enough control. In the eastern DRC, kidnapping was previously a popular extortion tactic from the FNL, but this practice has ceased since mid-2006. The FNL does not control any territory in the DRC in which it could exploit minerals or cultivate food for its own use.

4.2.3 Location

The FNL forces in the DRC are limited to approximately 300 men along the border with Burundi in the Ruzizi Plains at any given time. There are some indications that when the FDN intensified its attacks on the FNL in Burundi in 2005 and 2006, the FNL temporarily withdrew a larger number of its troops to the eastern DRC. The FNL uses the DRC both as a logistical rear base and as a place where its combatants can rest and recuperate from the harsh circumstances they endure in Burundi.

FARDC commanders in the Ruzizi Plains¹²¹ indicated that FNL forces in the eastern DRC were previously concentrated in a single camp in the vicinity of Sake, not far from Uvira town. The deployment in the first trimester of 2006 of a MONUC contingent next to the FNL camp led to this camp being abandoned. Since then, FNL combatants apparently live among the civilian population in the Ruzizi Plains bordering Burundi. With the FNL dispersed and mixed within the population, surveillance of its actions has become more dif-

119 In order to participate in the elections, the CNDD needed to be registered as a political party.

120 Another explanation could be that the FNL is afraid to provoke the FARDC.

121 Interview 10 August 2006.

ficult. This is further complicated by the fact that part of the population in the Ruzizi Plains appears to protect and hide the FNL. In addition, the FARDC units come from elsewhere and rarely have ethnic or family links with the local population. It also appears that several FNL combatants have married Congolese women, creating a bond between the foreigners and the hosts, complicating possible D&R activities as well as surveillance.

Congolese sources explained that most FNL combatants do not stay in the Ruzizi Plains longer than a few weeks at a time. According to them, a given group of fighters is replaced in just one night by another group. This would suggest that the FNL uses the DRC as a rest and recuperation location. Congolese sources explained further that it seems as if there are four or five distinct groups that rotate in and out of the DRC. Although this information could not be verified, it suggests that the FNL could have between 1,200 and 1,500 combatants (4 or 5 times 300).

The Ruzizi Plain in the Uvira territory of the DRC's South Kivu province is the only location in the DRC where the FNL has a permanent presence. There are also reports that some FNL combatants are present on the Ubwari peninsula in the Fizi territory but this is unlikely. CTC believes that any Burundians remaining in Fizi are probably former combatants of the CNDD-FDD who preferred to stay in the DRC for economic or social reasons. The FNL also insists it has no fighters in Fizi, whereas it acknowledges its presence in the Ruzizi Plains.

Inside Burundi, the FNL's presence is strongest in the provinces of Cibitoke, Bubanza and Bujumbura Rurale, where it also enjoys most of its popular support, and where parts of the population protect its members. In order to cross the DRC-Burundi border, FNL members rely on secret passages through the Ruzizi Plains on either side of the border. Although these Plains are flat, there are many opportunities to hide in forests, swamps and a national park. Moreover, the population density on the Burundian side of the Plains is fairly low. The FNL also occasionally operates in other parts of Burundi. Throughout 2006, there were reports of FNL recruiting efforts in nearly all provinces of Burundi, allegedly because they needed more men to ensure that, once cease-fire agreement was implemented, they would be able to present the 3,000 men they claim to have.

4.3 An Overview of the Current Situation

The CNDD-FDD won the elections and Pierre Nkurunziza was sworn in as Burundi's president on the 26 August 2005. The country was united in the hope that the newly elected government would lead the country to a more prosperous and peaceful future. The majority of the Tutsi population was also optimistic, as President Nkurunziza had reached out to them in his election speeches and because the CNDD's good relationship with the GoR and the RPF suggested that the CNDD was moving away from an ethnic agenda. In addition, the CNDD integrated several Tutsis into its political party and some of these actors play quite prominent roles in the political discussions within the party.

Following the elections, the PALIPEHUTU-FNL was seen as the last remaining 'spoiler' for comprehensive peace. The new GoB was pressed by both Burundian and international parties to negotiate a settlement with the FNL. Some development assistance was even conditioned on this. For example, the Dutch minister for international cooperation stated at the inauguration of the new president that the Netherlands would finance the opening of a training centre for international peacekeepers in Burundi once a deal had been negotiated with the FNL.

However, the new GoB initially tried to solve the 'FNL problem' militarily. When this proved difficult and when international pressure mounted, negotiations ensued. Regional leaders, led by President Yoweri Museveni, appointed South Africa as the main facilitator in the Burundi conflict. Negotiations took place in Dar es Salaam, Tanzania. It is not clear when these negotiations actually began as the initial stages happened behind closed doors, without many people knowing that they took place.

The GoB initially appeared reluctant to engage in negotiations with the FNL, leading some analysts to speculate that the CNDD-FDD considered the PALIPEHUTU to be a political threat. It certainly appeared that the incoming Government initially struggled to assume the responsibility for governing the country effectively, and for the first 18 months of its rule the

CNDD-FDD was also distracted by an internal power struggle between the President and the Secretary-General of the party. Accusations of human rights abuses and corruption¹²² colored the perception of the party in some quarters. Some leaders of the CNDD-FDD appear to have been concerned that, unless their performance improved rapidly, they would suffer the same electoral fate as FRODEBU did at the end of the political transition. One possible reason for the CNDD-FDD's reluctance in the negotiations with the FNL is due to the fact that they are likely to lose more from an agreement with the PALIPEHUTU-FNL than other parties because of the shared ethnic base.¹²³

The FNL was also initially reluctant to enter negotiations, but realised that it had little choice. With an elected Hutu president in power, many of its followers questioned the ideological justification for continuing the armed struggle. In addition, the FNL suffered heavy casualties in FDN offensives in 2006. For many FNL cadres, the time had come for the movement to pursue its aims through peaceful means. Once the FNL entered the negotiations, it showed more flexibility than it had done in the previous 25 years of its existence.

After an arduous negotiation process, a comprehensive cease-fire agreement (CFA) was concluded between the GoB and the FNL on 7 September 2006 in Dar es Salaam, Tanzania. There was some confusion about the precise nature of the agreement. Although it was called a 'Comprehensive cease-fire agreement between the government of the Republic of Burundi and the Palipehutu-FNL', the document included some clauses more appropriate for a peace agreement than for a cease fire. At the same time, many important elements of a peace deal were left out or were not resolved clearly, and several key elements necessary for the implementation of a cease fire were also missing.

Subsequently, although the CFA was well received, there was a general understanding that more negotiations would be required before a comprehensive and durable agreement could be reached. It has therefore not been surprising that the implementation of the CFA

has been protracted. On a positive front, there have hardly been any armed confrontations between the FDN and the FNL¹²⁴ since the conclusion of the CFA.

4.4 Disarmament and Repatriation

Within the framework of the CFA, the FNL is required to canton its fighters in assembly areas where the candidates for army integration and demobilisation will be identified and separated. Because of delays in the implementation of the CFA, the assembly areas have not yet been established. It is likely that this will change only after outstanding political issues are addressed. To date, the FNL has ordered its units to cease all hostilities but not to come forward for demobilisation and army integration.¹²⁵ The FNL wants its combatants to wait until some of the outstanding political subjects have been addressed to its satisfaction. Key subjects in this respect are identified above.

In the meantime, some individuals claiming to be FNL combatants have come forward and asked for demobilisation assistance. As the assembly areas have not been prepared, some of these spontaneous arrivals were sent to a camp managed by the Ministry of Defence (Randa, just north of Bujumbura). We visited this site in November 2006. According to lists that were provided, there were 584 combatants on the camp, of which around 50 claimed to be members of the FNL splinter-group of Jean Bosco Sindayigaya; the remaining combatants were supposed to be affiliated with the main (or only) FNL AG (headed by Agathon Rwasa). However, the stories of these men were confusing and contradictory. Many stated that they were not from the FNL but rather from the CNDD-FDD (including some who said that they had recently come from the DRC). Interviewees were unable to answer questions about the FNL's structure, mode of operation or other technical issues. In addition, several of those who insisted that they were FNL combatants had never been in the DRC. Thus, a stringent verification of the actual combatant status would be important prior to the consideration of these people for demobilisation.

122 Read for details: International Crisis Group, Burundi: Democracy and Peace at Risk. Africa Report N°120 – 30 November 2006. And: Human Rights Watch. "We flee when we see them" Abuses with impunity at the National Intelligence Service in Burundi. October 2006.

123 Although the CNDD has been transformed in a party with officially no ethnic affiliation, its roots are within the Hutu community and in particular the armed wing (FDD) was almost 100% Hutu.

124 We found proof only of FNL fighters holding up some cars, probably because they needed the supplies.

125 Interviews with FNL representatives in Uvira.

In the DRC, neither the GoDRC nor MONUC are pro actively seeking to repatriate FNL combatants in the Ruzizi Plains. MONUC only occasionally visits the FNL combatants who are accessible (and identifiable). However, both MONUC and the FARDC have occasionally repatriated some FNL combatants. MONUC repatriates only those who come forward and ask for assistance with their voluntary repatriation. No sensitisation or information materials have been developed for this group and MONUC does not have a programme to convince the FNL to accept repatriation. The D&R of the FNL fighters thus does not seem to be a priority for MONUC. On the other hand, MONUC did establish a military base next to the FNL encampment, likely with the objective of monitoring the FNL in the DRC, though this action led to the dispersal of the combatants.

complained that neither the orders nor the material had yet arrived. They believe that it would not be militarily difficult to expel the FNL from the DRC side of the Ruzizi Plains.

The FARDC has on occasion expelled individuals or small groups of Burundian combatants who stray too far away from their usual areas of operation near the Ruzizi River. We were informed about a case of fourteen armed Burundian men who were arrested by the FARDC in nearby Lemera and then handed over to the Burundian authorities at Gatumba in October 2006.¹²⁶ FARDC commanders indicated that they preferred to hand these men over to the GoB rather than MONUC. According to them, *“the MONUC only repatriates voluntary candidates and the men concerned did not want to return to their country but they had committed a crime [of walking around with a gun] and we wanted them out of the way once and for all.”* The MONUC repatriated at around the same time ten other FNL combatants.

The FARDC units deployed in the Ruzizi Plains have been strengthened as a result of the brassage process. Most former local Mayi-mayi commanders were re-deployed elsewhere in the DRC. These Mayi-mayi commanders had been close allies of the FNL (and FDLR) for years. As a result of their joint history and business interests they were not supportive of the D&R of foreign AGs. The new FARDC officers have a different attitude. In particular the commanding officers of the coordinating body for the southern part of South Kivu claim that they have requested orders and material to push the FNL across the border, and they

¹²⁶ These men were not encountered at Randa DC.

5. ADF/NALU

5.1 The History of ADF and NALU¹²⁷

Since their establishment in 1996, the Allied Democratic Forces (ADF) have adopted the Ruwenzori Mountains in western Uganda as their theatre of operations. Between 1997 and 2000, the ADF successfully destabilised several western Uganda districts and displaced large parts of the local population (e.g., up to 85% of the population in the Bundibugyo district alone). Even if the ADF lacked serious local support, it was able to attack and loot local urban centres and impede local economic activities. The ADF had no clear political objectives and failed to take political advantage of the conditions it had created. Its strategy of calculated and random terror, however, attracted a maximum of publicity and put the Government of Uganda (GoU) under considerable pressure. Direct confrontation with the Ugandan People's Defence Force (UPDF) was avoided as much as possible and the ADF was able to survive until the UPDF increased its counter-insurgency efforts after 1999. By 2000, most ADF units were either eliminated or forced to retreat to camps in the north-eastern part of the DRC's North Kivu province, from where it tried to regroup.

Even if the ADF leadership originated in central Uganda and the movement had few direct links with local political actors in western Uganda, it was no coincidence that it became active mainly in western Uganda. The ADF established its military bases in nearby eastern DRC and was partly composed of remnants of the Ruwenzururu movement and the National Army for the Liberation of Uganda (NALU), two armed movements with origins in the Ruwenzori Mountains. This last element explains why the dynamics behind the formation of ADF cannot be understood without

a comprehension of the local tradition of armed resistance in western Uganda. In Ruwenzori, two different dynamics were behind the institution of AGs: tensions within the local kingdom and the rejection of the power of the central government. During the colonial period, Kasese (predominantly occupied by the Bakonjo ethnic group) and Bundibugyo districts (mainly populated by the Baamba ethnic group) were linked to the Kabarole district (populated by the Batoro). The Bakonjo and Baamba were thus arbitrarily made subjects of the Tooro Kingdom, which was led by a Mutoro king. The Tooro monarchy supported the colonial occupation, in contrast to the other communities in this region, and it was used by the British to reinforce their territorial control over western Uganda. In 1919, the first armed rebellion of the Bakonjo against the Tooro Kingdom started. In the early 1950s, the Bakonjo and Baamba again asked for their own district, which was again refused by the British. This refusal provoked the start of a low-intensity guerrilla struggle against the colonial administration, which came to be known as the Ruwenzururu resistance movement.

After independence, this Ruwenzururu group evolved from an anti-colonial force to a peasant guerrilla movement, which continued fighting for political autonomy. In 1962, the Bakonjo and Baamba declared Ruwenzururu an independent state under the leadership of Isaiiah Mukiranya. The GoU responded to the demand for sub-regional autonomy by arresting the Bakonjo leader, which in turn triggered the start of a low-scale peasant guerrilla campaign. The headquarters of the Ruwenzururu movement were located in the forest areas across the Zaïrian border, where its members established contact with rebels who supported the Congolese political dissident, Mulele. In western Uganda, the movement succeeded in challenging the authority of the Ugandan state and turned local peasant communities into popular assemblies which appointed, censured and acclaimed village chiefs without state interference. During the period of Idi Amin's rule (1972-1979), attempts were made to end the local con-

127 The section on the background on the ADF and NALU (5.1 – 5.2.4) was drafted by Dr. Koen Vlassenroot, a senior professor at the University of Gent, Belgium and director of the Africa Programme of the Royal Institute for International Relations in Brussels, Belgium.

flict between the Batoro and the Bakonjo through the creation of the Kasese district. However, only in August 1982 did the Ruwenzururu movement leadership agree to hand over their arms and administration to the GoU following a political settlement. As part of this deal, the Ruwenzururu movement's leader, Omusinga Mumbere, was recognised as a local cultural leader and was given a post in the District Council (he later joined NALU but left this movement in 1994; claims that he also associated with ADF were denied). Isai'ah Mukiranya, the founder of the Ruwenzururu movement, fled to political exile in Zaïre.

In the late 1980s, a splinter group restarted operations in the same region. This group, the National Movement for the Liberation of Uganda (NALU), was led by Amon Bazira, a former member of the Ruwenzururu leadership and a supporter of the Ugandan president, Milton Obote, who was forced into exile when Museveni seized power in 1986 (Bazira served as a vice-minister in the last Obote government). The main objective of NALU was to overthrow the new GoU, which did not recognise the rights of the local customary chiefs. Though it attracted some Bakonjo youth, NALU was not able to generate the same popular support as the Ruwenzururu movement. Bazira, however, succeeded in securing the support of the Kenyan and Zaïrian governments.

The Government of Zaïre's (GoZ) support for NALU angered GoU President Museveni, who in return started looking for Zaïrian allies who could help him destabilise the Mobutu regime. In Kasindi (the Zaïrian border town across Kasese), the GoU helped to mobilise local youth under the leadership of the son of Joseph Marandura (a former leader of the Mulele rebellion of the 1960s). This group, the *Parti de la Libération Congolais* (PLC), was not able to pose a serious threat to the GoZ and was eventually forced to withdraw into the forests in the late eighties after being attacked by the Zaïrian army. The Ugandan strategy to overthrow Mobutu by supporting Zaïrian opponents was reinvigorated in 1994, when the GoU attempted to transform the PLC from a small guerrilla force into a serious military movement. Meanwhile, the GoU tried to deal with the NALU threat directly. In 1992, NALU attacked Kasese (western Uganda) but was repulsed by the UPDF. The same year, the NALU leader Amon Bazira was killed under mysterious circumstances in Nairobi.

In 1995, NALU's remnants in Zaïre attracted the attention of the Uganda Freedom Fighters Movement, an AG established by the Islamic Salaf Foundation in 1994; it was largely composed of members of the Tabliq sect. The origins of this sect date back to the overthrow of the Amin regime (1979), when Muslims in south-western Uganda were persecuted. Its recruitment of militants through a large network among Ugandan Islamic youth in the 1980s turned the Tabliq into an important political pressure group. The Sudanese Embassy in Kampala provided the group with resources. It focused its campaigns on the marginalised position of the youth and the exclusion of Muslims from key political positions.

In the early nineties, a struggle between the Ugandan Muslim Supreme Council and the Tabliq over the leadership of a mosque in Kampala turned into violent attacks, after which Museveni imprisoned a number of Tabliq members. Upon their release in 1993, these former prisoners moved to western Uganda. Under the leadership of Jamil Mukulu, and with the presumed support of the Government of Sudan (GoS), they set up a military camp and started launching attacks against the GoU. In 1995, a Tabliq training camp located in Hoima was overrun by the UPDF. The survivors of this attack fled to the Bunia region in eastern Zaïre, where they met with the GoS Security Services that were using the Bunia airstrip to supply another Ugandan rebel movement, the West Nile Bank Liberation Front.

After they were ousted from western Uganda, the Tabliq formally constituted the Allied Democratic Forces (ADF). In September 1995, several of these members met with NALU remnants in eastern Zaïre and agreed to form an alliance against the GoU.¹²⁸ Joint training camps as well as shared supply lines were set up. The GoS offered intelligence support, weapons and coordination, as well as access to training facilities in Juba (Southern Sudan). The main rationale for the GoS support of the ADF/NALU alliance was the destabilization of Museveni's government, which was itself supporting the armed struggle of the Sudan People's Liberation Army (SPLA) against the GoS. The Mobutu regime also offered assistance to this movement, as this new rebel movement represented a counter force to the growing Ugandan-Rwandan collaboration against Hutu militias in eastern Zaïre.

¹²⁸ The two delegations were headed by Yusuf Kabanda of the Tabliq and NALU-Commander Ngaimoko respectively.

The first joint ADF/NALU attack on Ugandan territory was launched on 13 November 1996. From their bases in eastern DRC, ADF/NALU forces attacked the Mpondwe border post. This attack was repulsed by the UPDF but was soon followed by numerous small-scale incursions in the Kabarole, Bundibugiyi and Kasese districts, as well as by bomb attacks in Kampala. The ADF targeted police posts, UPDF encampments and the GoU civilian administration, but it also attacked civilians. The ADF was soon feared for its raids and ambushes on unprotected civilian homes, mutilations, abductions (to carry looted goods or to recruit combatants) and random killings. Also, land mines were planted in the Ruwenzori mountain region of Uganda with the aim of disrupting local trade and preventing farmers from harvesting.

ADF/NALU attacks in western Uganda only increased after the defeat of Mobutu's government by the AFDL and its allies, including the GoU, in 1996. Even if the AFDL military campaign cut the supply lines and support of the GoZ, the ADF/NALU continued to receive supplies from the GoS. Between 1996 and 2001, more than 1,000 people were killed and more than 150,000 people were displaced.¹²⁹ The local socioeconomic impact of the ADF/NALU rebellion on the Ruwenzori mountain region was disastrous. According to GoU officials, tax revenues in the Kasese district dropped by 75 % during this period. Local farmers suffered continuous insecurity and the threat of land mines or being abducted or killed by ADF/NALU rebels. In addition to small-scale raids on individual farmers or small groups of civilians, schools were also targeted. In February 1998, 30 students were abducted from the Mitandi Seventh Day Adventist College in Kasese. In June 1998, at least 50 students were burned to death and more than 60 others abducted when ADF/NALU attacked the Kichwamba Technical College in Kabarole district. In the same month, 100 schoolchildren were abducted from a school in the Hoima district. In addition to these brutal acts of violence in western Uganda, the ADF/NALU also tried to destabilise public life in Kampala. A number of bomb attacks killed almost 100 people and injured several hundred others in Kampala during this time.

Besides UPDF operations against ADF/NALU camps based in the DRC, the GoU army also tried to track down ADF/NALU rebels during their actions in the Ruwenzori mountain region. In 1999, the UPDF initi-

ated 'Operation Mountain Sweep', which seriously degraded the rebel movement's military capability. According to the Ugandan newspaper 'The Monitor', the UPDF killed between 1,500 and 2,000 rebels in this operation. In May 2000, UPDF forces in the DRC also captured the secretary general of the movement, Ali Bwambale Mulima. One month later, the UPDF killed a large number of rebels during clashes along the Congolese border. Several rebel leaders were arrested or captured, while a number of ADF/NALU rebels voluntarily surrendered. Arms caches were seized and abducted children were rescued. Even if the remnants of the movement continued to target civilians in the Ruwenzori mountain region (killings were reported at the end of 2000 in Kibonga district and Kabale¹³⁰, by 2001 the ADF/NALU rebel movement was reduced to a few hundred combatants. It lost most of its operational capacity and only the remote terrain of the Ruwenzori Mountains allowed it to survive and harass civilians. An Amnesty Law offered blanket amnesty to its members, which further weakened the rebel movement. By 2001, the ADF/NALU no longer posed a serious security threat to the GoU. The remaining combatants retreated to their camps in the DRC, where they tried to reorganise through the mobilisation of Congolese recruits after the withdrawal of the UPDF from the DRC in 2003.

In November 2005, the GoU opened an office of its Amnesty Commission (AC) in the north Kivu town of Beni, in an attempt to convince remaining ADF/NALU fighters to leave their camps and return to Uganda. While Congolese militia members were to be handled by the *Programme Nationale de Desarmement, Démobilisation et Réinsertion* (PNDDR) of the GoDRC, Ugandan combatants that presented themselves before the AC would be repatriated, granted amnesty, and would receive a civil starter kit and a small amount of cash. Some ADF/NALU fighters were also offered positions within the UPDF. This demobilisation campaign failed. Only 50 or so rebels came forward and most of these turned out to be of Congolese origin.

For MONUC, this was the final argument to step up its military activities against the ADF/NALU. In December 2005, a large joint FARDC-MONUC military offensive destroyed most ADF/NALU camps and killed more than 90 rebels. The military campaign further weakened ADF/NALU but failed to dismantle the movement. Many ADF/NALU cadres appear to have

129 Lancaster, 2006.

130 ICC, 2001.

fled the camps well before the operation. FARDC-MONUC did succeed in dispersing most rebels deeper into the bush around the Ruwenzori Mountains and disrupted ADF/NALU command and control for several months. However, since the spring of 2006, new skirmishes between the rebels and the UPDF have been reported in western Uganda. According to a UPDF spokesman, 70 ADF rebels were intercepted by the UPDF in Bundibugyo district as they crossed into Uganda, in an attempt to establish bases in Uganda in May 2006.

Other sources also indicate that the ADF/NALU are trying to move their forces into Ugandan territory, which has caused some tension between the Ugandan leadership and the Congolese fighters who do not want to settle in Uganda. Meanwhile, the D&R/DDR office of MONUC continues its efforts to convince ADF/NALU rebels to voluntarily disarm and repatriate. Several sensitisation missions and military operations (such as the operation 'North Nationalist') have been aimed at securing and mobilising the Congolese population. During these missions, the Congolese people are urged to be vigilant and report ADF/NALU elements if they cross into their villages. Leaflets are distributed seeking to inform the ADF/NALU rebels about the possibilities of voluntarily disarmament. So far, these efforts have not resulted in large-scale D&R of ADF/NALU combatants.

5.2 An Overview of the ADF/NALU

5.2.1 Aim and Objectives of ADF/NALU

The ADF/NALU insurgency is often described as a rebellion without a cause. Besides the stated objective of both NALU and the ADF to overthrow the GoU, neither seem to have a clear political programme. In the past, NALU leaders published a number of documents and letters and the ADF used to have its own website. Today, it has become difficult to trace these movements' recent statements and documents.

In 1997¹³¹, the ADF leadership issued a manifesto in

¹³¹ When the movement was much less focused on mining in the DRC and when it had not yet integrated a large number of Congolese.

which it claimed that the movement was created to overthrow the GoU. Ugandan President Museveni was invited to meet the movement's leadership. On several occasions, the ADF/NALU have threatened to target Ugandans and citizens of western countries that support President Museveni. Using leaflets and a mobile radio (now dismantled), both groups tried to turn the population in southwestern Uganda against the GoU by attacking its policies. One such statement, issued in 1998 and signed by the ADF chairman Frank Kithasamba, warned that the group would 'crack down' on those responsible for the deaths of its members and urged local people 'to be on the lookout for politicians who kill and intimidate opponents and voters for their own interests.'

One element that merits further attention is the alleged link between ADF/NALU and Islamic terror networks. Both the ADF and NALU are listed internationally as terrorist organisations. On 5 December 2001, the U.S. government added the ADF to its 'Terrorist Exclusion List.' Several sources point to the Islamist ideology of the Tabliq leadership and the objective of the rebel movement to establish an Islamic state in Uganda. Other sources claim the existence of a link between the ADF/NALU and Osama Bin Laden, especially during the period when Bin Laden lived in the Sudan (1988 - 1996). Some argue that ADF/NALU received financial support from Al Qaeda groups as well as from the Salaf Tabliq Sect. It is questionable whether Al Qaeda is still assisting the ADF/NALU forces today. Nevertheless, Uganda's acting chief of military intelligence recently claimed that the ADF continues to receive funding, operational training, and weapons from Islamic fundamentalist groups.

One issue often cited as proof of the Islamic agenda of ADF/NALU is the distribution of recent tape recordings by the exiled ADF leader Mukulu, in which he incites his supporters to attack the GoU. He also has criticised ADF members who surrendered to the UPDF. According to UPDF intelligence officers, Mukulu also preached that 'Muslims should kill non-Muslims, and kill also Muslims who are not fighting for jihad.' According to these sources, Mukulu recently sent funds to the ADF and NALU to help them recruit new members. This information is seen as proof by the GoU that ADF/NALU is currently regrouping and preparing new attacks. However, some international observers doubt that the ADF/NALU is receiving enough support to restart its armed campaign. Since the dismantling of their camps in December 2005, it is believed

that the ADF/NALU no longer pose a serious security threat to Uganda.¹³²

5.2.2 Leadership and Military Organization

Until the joint FARDC-MONUC operation of December 2005, the ADF/NALU alliance consisted of a political (the Allied Democratic Movement) and a military (the Allied Democratic Forces) branch. The military branch reported to the political branch, which was made up of joint ADF/NALU leadership. The overall political leader of ADM was believed to be Jamil Makulu (a former Catholic, also known as Kyagulanyi or Talengelanimiro). Makulu was believed to be the driving force behind the creation of the ADF, together with a number of ex-commanders of the former army of former president Idi Amin. Most of its political leaders were operating between Africa and Europe. Their whereabouts remain unknown but there are indications that some of them live in Nairobi and London.

The overall military leader (or chief director) of the ADF was Abdallah Yusuf Kabanda, who was based in the Beni-Butembo region of the DRC. He was assisted by a deputy-chief, Dr. Kyeyune. Other military commanders included Isiko Barahu (chief of military general headquarters, also known as Commander Bosco), Kayiira Mohammed (chief of administration and director of military intelligence), Mohammed Batambuze (Army commander), Mohammed Isabirye (overall field commander, also known as Commander Tiger) and Hassan Musa (chief of military operations and logistics). These leaders use aliases and their real names are often not known. The real names and origins of field commanders are even less known.

The ADF/NALU used to have a well-developed military structure located in the Beni area and the Ruwenzori Mountains (eastern DRC) and spread over numerous locations and camps. The general staff headquarters, which before the December 2005 attacks were located in Bundiguya, included three staff chiefs: chief of administration (who was also the director of military intelligence), chief of military operations and

logistics, and chief of military general headquarters (chief of staff). Besides the general military headquarters, the movement comprised three different brigades each numbering four to six companies (each company also had a number of detachments). These brigades reported to the overall commander and were located in the Mwalika, Bundiguya and Chuchubo camps, all of which were attacked by combined FARDC-MONUC forces in December 2005.¹³³ This joint FARDC-MONUC operation destroyed many of these camps, making it difficult to locate the present positions of the different ADF/NALU components.

Only limited information is available about the current military strength of the ADF/NALU. Estimates range from a few hundred to around 2,000 but most sources suggest that this alliance today has no more than 900 fighters. In 1996, ADF/NALU was much stronger, counting between 4,000-5,000 well-trained and armed members. The UDF campaigns inflicted considerable losses and in 2003 reduced the number of fighters to only a few hundred. Since then, ADF/NALU has tried to re-group and re-organise, mainly through the recruitment of Congolese fighters. This explains why, while originally composed of Ugandan fighters, today the majority of the movement's combatants (about 60 %) are Congolese, almost all from the Nande tribe. The large proportion of Nande fighters is explained by the location of ADF/NALU camps, but also by regional ethnic affiliations: Congolese Nande and Ugandan Bakonjo (who represent the majority of NALU forces) share the same ethnic background language. In addition, the Congolese civil war and the military control of the APC over the Congolese part of the Ruwenzori facilitated the mobilisation of local youth. There are also indications that some former Mayi-mayi rebels have joined ADF/NALU. In some cases, recruitment has taken place through abduction. ADF/NALU families also have to provide those of their children who are older than 12 years to the alliance.

Most fighters receive training in military tactics with an emphasis on guerrilla tactics. They have individual weapons, but the ADF also has access to other weapons, including anti-personnel mines, grenades, mortars and explosive devices, as well as communication

132 This statement requires re-evaluation considering recent developments (several ADF incursions and confrontations with UDF in Uganda). It is not likely though that the ADF has managed to increase its strength considerably. There may be a link between the recent attacks and the rumours about (renewed) contacts with Somali Islamic groups.

133 The companies of the Mwalika brigade were believed to be located specifically in Mayango, Libano, Irungu, Mwerere, Isongo and Nyaleke. The companies of the Bundiguya brigade were in Musu, Kombo, Bovata and Ndama. The Chuchubo brigade had companies in Makembe, Kainama, Abia, Kokola and Makoyoba.

equipment such as mobile telephones and satellite phones. Some of these weapons are purchased through informal arms trafficking networks in the region. Initially, financial resources came from ADF supporters in Uganda and remittances from sympathetic elements of the Ugandan diaspora. It is further believed that the ADF also received support from the GoZ, GoS and Islamic networks in Pakistan and Kenya. According to ICC sources, the United Arab Emirates were in the past the main arms supplier, while Iran also supplied arms to the movement via an Islamic foundation based in South Africa.¹³⁴ Today it is believed that the movement has lost most of its external backing. It now relies mainly on resources from its own income-generating activities in the eastern DRC.

5.2.3 ADF/NALU and its Local Social Setting

From their arrival in Zaïre at the end of the 1980s, NALU forces have received considerable support from the GoZ under Mobutu. The rebel movement was given access to Mumbiri (Beni region) in eastern Zaïre, from where it was allowed to run a destabilisation campaign against the GoU in western Uganda. The GoZ also supplied arms and ammunition, while the FAZ provided intelligence and logistics support for the military operations of NALU. These contacts between the NALU leadership and Mobutu were facilitated by Enoch Nyamwisi, a former minister and powerful local politician in the Beni region who was killed in Butembo in January 1993. His younger brother, Mbusa Nyamwisi, later became the leader of the RCD-K-ML rebel movement that controlled the northern parts of North Kivu until 2003.

This support of the GoZ and then by the RCD-K-ML facilitated the integration of NALU forces into local society. The NALU was able to enter economic activities such as the cultivation of coffee and the smuggling of agricultural products into Uganda, and to descend from its bases to local markets in order to purchase food and other necessities. According to local sources, these extensive contacts between the rebels and the Zaïrian population facilitated the recruitment of Congolese youth. Following the death of their leader Bazira in Nairobi in 1992, however, NALU rebels increas-

ingly turned against the local population. After 1992, the NALU suffered a serious lack of resources, leading fighters to loot villages in the immediate vicinity of their camps.

After the defeat of the Mobutu regime in 1996 and the establishment of the territorial control of the Congolese side of the Ruwenzori Mountains by the UPDF in 1997, the ADF/NALU was forced to rely on the support of the local population for its survival. One source of support was the local Muslim population, especially along the Erengeti-Beni axis. Another strategy to strengthen the relationship with the local population was the recruitment of Congolese fighters and intermarriages, which have provided ADF/NALU fighters freedom of movement and facilitated their access to food, medical assistance, arable land, etc. In their areas of control, land has been cultivated in order to guarantee the food security of the forces and to generate some local income. The ADF/NALU was also engaged in the harvesting and commercialisation of timber and coffee, often illegally exported to Uganda through local commercial networks. Local sources have also mentioned the cultivation of ‘chanvre’ (a local brand of marijuana) in the Ruwenzori Mountains; it was sold at the Watalinga market. In addition, the rebel movement generates revenues from local businesses and stores in Butembo and Beni and through levying taxes on traders in its areas of control. Claims that ADF/NALU rebels were involved in the extraction and trading of mineral resources (other than timber) could not be confirmed.

Medical assistance was offered by Congolese supporters working in local health centres, while taxes on traders were levied with the help of Congolese chiefs. Although this collaboration suggests a peaceful coexistence between the local population and the ADF/NALU fighters, survivors of the December 2005 attacks declared that a number of women living in the rebel camps were abducted from villages in the DRC or Uganda and often forced into marriage with ADF/NALU commanders. When the FARDC and MONUC attacked these camps, many of these women and their children were abandoned by the escaping militia fighters and left to fend for themselves.

Also, local Congolese chiefs have tried to resist the Ugandan rebels on several occasions. One local source states: “*the relations with local chiefs were not peace-*

¹³⁴ ICC, 2001.

*ful due to the lack of legitimization of power. Being holders of the customary power at the local level, the chiefs saw themselves losing their power to the ADF leaders. The rebels also wanted to act as new lords and as economic managers and no longer wanted to be held accountable or to pay taxes to the chiefs.”*¹³⁵

Several local chiefs were forced to leave the region controlled by the ADF/NALU. Other local chiefs collaborated.

While the survival of the ADF/NALU in the Ruwenzori region was due mainly to its good relationships with several of the local leaders and local population, this situation changed drastically after the joint FARDC-MONUC operation against the rebel bases in December 2005. One of the major effects of this operation was the dispersion of ADF/NALU fighters and the loss of their supply lines, forcing them to change their attitudes towards the Congolese villagers. Since the end of 2005, an increasing number of incidents of looting and violence by ADF/NALU combatants have been observed. Several suspected MONUC informants have been killed and Congolese civilians have been recruited by force. The joint FARDC-MONUC military operation also displaced more than 40,000 Congolese civilians, many of whom have hesitated to return to this area because of fears of retribution by FARDC forces. Several reports confirmed that FARDC troops have also attacked the displaced population or forced Congolese villagers to work for them. Other civilians have been accused of collaborating with the Ugandan rebel movement and severely punished. As one local observer stated, “since the MONUC-FARDC attacks, life has become unlivable due to the atrocities committed on the population by the rebels and the FARDC.”

5.2.4 Analysis of ADF/NALU’s Political importance

Recent claims by intelligence and army sources in Kampala that ADF/NALU sections are trying to establish new bases in western Uganda seem to be confirmed by a growing number of confrontations between ADF/NALU units and the UPDF in western Uganda. In September and October 2006, Ugandan newspapers reported that several ADF rebels had been tracked down by the UPDF. According to UPDF sources, 22

rebels were killed in various operations in Bundibugyo and Kyenjojo districts (The New Vision, 16 October 2006). Another indication of renewed ADF activity is in the intensified contacts, emerging in October 2006, between ADF, People’s Redemption Army (PRA) and Lord’s Resistance Army (LRA).

Ugandan security sources claim that LRA leaders in Garamba National Park met recently with representatives of the ADF and PRA and agreed to form a new umbrella structure comprising several Ugandan opposition groups opposed to the GoU. This information allegedly was confirmed by a senior commander of the Congolese Revolutionary Movement (MRC), who declared that the Ugandan rebel groups had agreed to merge and were ‘currently operating together in parts of Ituri and are moving towards the border’ (New Vision, 6 October 2006). Growing links among several Ugandan rebel movements are also echoed in the LRA’s draft proposal on a ‘Comprehensive and sustainable peace agreement on the resolution of the armed conflict in Uganda.’ In this document, the LRA suggested that the peace deal between LRA and the GoU should accommodate ‘recognised AGs in Uganda such as ADF and PRA for integration into the national army’.¹³⁶

However, it would be misleading to conclude that the ADF/NALU still poses a serious security threat to the DRC or Uganda. The military capacity of both groups has been diminished and is today limited to sporadic small-scale hit and run operations. Their detailed local knowledge allows them to survive in the western Ruwenzoris. The joint FARDC-MONUC operation of December 2005 deprived the ADF of its traditional bases and supply lines. It also alienated the rebels from the local Congolese population, which has increasingly become frustrated with the presence of this rebel force.

These developments may help to explain recent shifts in the movement’s strategy. According to local sources, the December 2005 offensive caused a rift between Muslim and non-Muslim fighters within the ADF/NALU alliance, the latter apparently less motivated to resume the armed struggle. Since December 2005, a considerable number of NALU fighters are apparently trying to resettle in western Uganda. Another group led by Commander Kagwa has recently split off and

¹³⁵ Email interview with local observer in Butembo, October 2006.

¹³⁶ New Vision, 6 October 2006.

migrated to the Nyankunde, Tchomia and Marabo regions of Ituri. This group is believed to have close contacts with the LRA and the MRC. Other ADF/NALU elements are still based in the Ruwenzori Mountains, trying to survive amidst declining resources and diminishing local support.

In sum, the recent increase in armed confrontations between the ADF and UPDF should not necessarily be interpreted as evidence of a growing military capacity of the ADF. The movement appears to have splintered into disparate smaller groups since December 2005. While these small groups may still cause some localised disruption, they are not likely to be capable of posing a serious national security threat to Uganda.

5.3 The Current Situation

The ADF and NALU leadership have remained largely intact despite the operations against them and their relative inactivity. The short-term objectives of the movements have shifted, from toppling the Museveni regime to maximising economic gain. However, this shift could be temporary, depending on the amount of support each group could get and the alliances in which they can participate.¹³⁷ At this time, only remnants of the movement still appear to be striving for their initial political aims.

Since operation ‘Mountain Sweep,’ the NALU is the less active of the two movements and is mainly focused on maintaining its positions in the DRC. Information from the Beni-Butembo region indicates that many of the NALU members (the ADF apparently less so) have merged with the local communities. This is not surprising, as the Nande and the Bakanjo are of similar ethnic origins. Still, this does not mean that the population is fully supportive of the integration of the Ugandan rebels in their society.

The ADF/ NALU are heavily involved in the exploitation and trafficking of diamonds and minerals, mainly gold and coltan. Local sources explained that the illegal exploitation of mineral resources in the Beni-Butembo region and in parts of southern Ituri is a joint venture of local businessmen, former RCD-MLK leaders and

the Ugandan rebels.¹³⁸ In this enterprise, the Congolese businessmen equip the rebels militarily and with the materials required for mineral exploitation. They also ensure that the rebels are largely left alone by the FARDC and, indeed, that they benefit from a certain degree of FARDC protection. The ADF and NALU elements, each in their respective regions, use the military and mining equipment as well as the political and military support to occupy mineral-rich territory, often in remote national park regions. The digging is done by the rebels themselves as well as by Congolese and Ugandan civilians. The immediate security of the mining areas is guaranteed by the rebels. The Congolese receive the exclusive rights to the marketing of the minerals.

5.4 Disarmament and Repatriation

On 21 January 2000 the Ugandan Amnesty Act 2000 (AA) went into effect. Under the AA the Ugandan Amnesty Commission (AC) was created. The AA offers a blanket amnesty for all former AG members who:

- report to an authority such as a police or army officer or to local government officials,
- renounce and abandon involvement in the war or armed rebellion, and
- surrender their weapons.

Under the AA, reporters are pardoned for their participation in combat [against the GoU], collaborating with AGs, and for committing any crime, as long as the crime was committed in ‘the furtherance of war or armed rebellion.’ All combatants who abandon their respective rebellion and report to the AC receive an Amnesty Certificate.¹³⁹ ‘Reporters’ also receive some cash, an agricultural starter kit, and social support from AC offices located in Kasese, Arua, Gulu, Kitgum, Mbale or Kampala. Considering the lenience of the GoU vis-à-vis its adversaries, the threshold for Ugandan AG members to abandon their armed struggle is low. However, in the absence of military pressure, and given their lucrative economic interests, there is little

¹³⁷ There are some reports indicating that the ADF, NALU and the LRA recently met in Nairobi. If the peace process between the LRA and the GoU were to fail, these meetings could presage a future alliance.

¹³⁸ Recall that Koen Vlassenroot already wrote that the majority (60-70%) of the ADF/NALU forces are Congolese. This was confirmed by CTC sources in the field.

¹³⁹ Although many will argue that the blanket amnesty results in impunity and is thus a reason for concern.

incentive for the Ugandan rebels to disarm and repatriate to Uganda. MONUC has been able to repatriate no more than a few dozen of ADF/NALU fighters or combatants.¹⁴⁰ Those combatants who repatriated were often those who had been forcibly recruited in Uganda. A UPDF spokesperson expressed doubts as to how many of the 1976 ADF *reporters*¹⁴¹ were indeed former combatants, though it should be noted that the AA provides broad eligibility criteria for ‘reporter’ status and thus limiting access to amnesty and material assistance.

140 Although we did not have access to overall statistics, we have seen some North Kivu DDRRR reports and the figures in those reports (in several no mention of repatriation to Uganda in others only a few (20 January 2006: 6 combatants and 4 dependants, 29, January-4 February 2006: 1 dependant) along with statements from the AC and GoU security personnel suggest that the number of repatriated AG members from the DRC to Uganda is limited.

141 The AC calls the reintegration candidates reporters and not, as e.g. in Rwanda former armed group members.

6. Disarmament and Repatriation Efforts in the DRC

This chapter offers observations on the D&R process to date from the perspective of AG combatants, ex-combatants who have repatriated, host communities, local officials, and some of those involved in the implementation of D&R activities. Moreover, it includes some reflections on the Sant’Egidio initiative of 2005 and a section reflecting on the potential of military operations against foreign AGs as seen by former combatants and host communities.

6.1 D&R by the GoDRC

The role of the GoDRC in D&R activities to date has so far been most striking by its absence. No government structure appears to have a clear mandate to actively pursue D&R. The army has only sporadically repatriated or (at least) arrested limited numbers of foreign AG members. Moreover, the FARDC lacks procedures and systems to identify combatants of foreign AGs during the military integration (*brassage*) process. Credible reports suggest that a significant number of FDLR combatants have been integrated into the FARDC during the *brassage* process. This should be addressed as a matter of priority in any future *brassage* activities.

The role of CONADER, the GoDRC’s demobilisation and reintegration commission, in D&R of foreign AGs is unclear. Some of CONADER’s personnel believe that their organization has a D&R mandate, while others disclaim any such mandate. CONADER neither received a budget or political backup for D&R activities, nor did it develop any D&R initiative.¹⁴² While COFS are not eligible for benefits under the national disarmament, demobilisation and reintegration programme (PNDDR), and CONADER has established mechanisms to screen for foreigners, referral linkages to actors responsible for D&R of foreign AGs have been uneven. In some cases, MONUC has assumed

responsibility for COFS when they have been identified during the screening process, while in other cases they have been handed over to the FARDC. Systematic screening systems appear to be absent though. Decisions on what to do about COFS who seek to join the PNDDR are apparently made on an ad hoc basis when identified.

This lack of clarity suggests that there is a policy and institutional D&R vacuum in the GoDRC concerning this issue, despite the commitments made by the GoDRC to dismantle and repatriate foreign AGs. The first such commitment was made in the Lusaka ceasefire agreement of 1999. Subsequently, the GoDRC and the GoR signed the bilateral Pretoria Agreement in July 2002. Under this agreement, the GoR was required to withdraw its army from the DRC within ninety days, while the GoDRC committed itself to ‘tracking down and repatriating’ the Rwandan foreign AGs within the same timeframe (with the support of MONUC, GoR and the Joint Military Verification team). The GoR complied with its obligations, while the GoDRC did not make significant progress in the D&R of the FDLR. In retrospect, the commitments made by the GoDRC were unrealistic. Most of the stakeholders had difficult relations (MONUC-Rwanda, GoDRC-GoR, FAC-RDF) and the GoDRC at the time did not control the areas in the eastern DRC where most FDLR combatants were located.

Overall, during the transition period of 2003 - 2006, D&R was apparently simply not a priority for the GoDRC. The transitional GoDRC had to manage severe internal political divisions, a score of internal security challenges, the preparation of elections, etc. In addition, the GoDRC lacked the necessary institutional capacity, and some military commanders and local officials were actively collaborating with foreign AGs¹⁴³.

142 Interview with CONADER representative in Bukavu.

143 Details on these relations and their consequences were presented in previous chapters (chapters 2.3.2 and 5.3). The last chapter of the supplement report provides further details on this subject.

Consequently, the GoDRC largely left D&R to MONUC and local actors.

Before the transition, the rebel RCD administration had played a slightly more active role in D&R, especially in the North Kivu province. The North Kivu governorate and a local NGO (*Tous pour la Paix et le Développement*) worked with local communities to sensitise and repatriate FDLR (and ALIR in earlier stages) combatants. The fact that many among the Congolese Hutu combatants and the civilian population supported the RCD rebellion, either as members of the ANC or as local defence forces, was critical, as they had collaborated closely with the ALIR from 1994–1997. Therefore, they knew the FDLR and Rwandan refugees personally and were well placed to approach them. *Tous pour la Paix et le Développement* and the North Kivu governorate, in close collaboration with the RPA/RDF, helped to repatriate several hundred combatants, including several FDLR and ALIR leaders, and dependants between 1998 and 2002.

The rebel administration in the other eastern provinces was less active on this front. In South Kivu province it was only during the brief period of Governor Xavier Chirabanya’s reign in the second half of 2003 that the province had an active D&R policy. The policy had barely begun to show results when the RCD-appointed governor ran into political problems and was replaced by presidential decree. In Maniema and the Beni-Butembo regions, there was no active support of D&R activities by the local authorities.

6.2 D&R by MONUC/UN

At the end of 2007, MONUC¹⁴⁴ claimed to have assisted with the repatriation to Rwanda of 4,834 combatants and 4,559 dependants¹⁴⁵ from the North and South Kivu provinces of the DRC. MONUC repatriated the majority¹⁴⁶ of these men, women and children and handed them over to the GoR. The repatriation efforts to date have helped to weaken the rebel groups, in par-

ticular the FDLR. Recently, MONUC has also managed to repatriate a number of more senior FDLR¹⁴⁷ commanders.

However, the D&R to date has not been able to dismantle the foreign AGs in the eastern DRC. Several foreign AGs still operate throughout the Kivu provinces, regularly inflicting grave human rights abuses on the local civilian population, undermining the authority of the Congolese state, and planning or launching attacks against their respective countries of origin. It is thus not surprising that a significant proportion of Congolese, Rwandan, Burundian, and Ugandan combatants, officials, and stakeholders interviewed by CTC expressed frustration at the relative lack of progress in D&R efforts to date.¹⁴⁸

Indeed, a number of Kivutiens interviewed expressed doubts about the commitment of MONUC to effectively concluding the D&R of foreign AGs in the DRC. For example, one citizen of Mwenga stated: “*the MONUC staff do not want to solve the D&R issue as that would mean an end to their justification for being in the DRC and consequently would mean that the individuals who work for the MONUC would cease to receive their handsome salaries.*” Others cited examples of specific D&R opportunities that were apparently not exploited optimally. An inhabitant of Bunyakiri explained that, in 2004, “*several dozens ‘Interahamwe’ wanted to be repatriated from Bitale and, although MONUC passed there almost on a daily basis, those guys were only repatriated after several months of waiting. In the meantime many of them had returned to the bush as they could not afford to sit idle at Bitale with nobody taking care of them.*” In Fizi one interviewee asked: “*how does MONUC think they will end the presence of those Rwandans by drinking beer together?*” Government officials from the DRC, Rwanda and Uganda privately expressed similar frustrations regarding the effectiveness of the D&R process to date.

Several repatriated ex-FDLR combatants, as well as

144 For the details of the MONUC please check the resolution on www.un.org. Resolution 1649 (adopted on 21 December 2005) is of particular interest.

145 MONUC D&R quoted in the Humanitarian Action Plan for 2007 (link: [http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2007_DRC_ActionPlan_ENG/\\$FILE/2007_DRC_ActionPlan_ENG_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2007_DRC_ActionPlan_ENG/$FILE/2007_DRC_ActionPlan_ENG_SCREEN.pdf?OpenElement)).

146 There seems to be no estimate of which percentage of these were repatriated by MONUC. Nevertheless CTC believes that MONUC has repatriated the majority.

147 Earlier cases of repatriation of senior commanders were usually facilitated by other parties, like the RDF/RPA and the North Kivu governorate in conjunction with the local NGO *Tous pour la Paix et le Développement*.

148 CTC was unable to determine whether MONUC has conducted an evaluation of its DDRRR efforts to date. Certainly no such evaluation is publicly available. Nor is the budget allocated by MONUC to DDRRR activities readily available. If one considers the centrality of DDRRR to MONUC’s mandate, and if one includes a percentage of the costs of MONUC’s military deployments in the Kivu provinces in these calculations, estimated costs of MONUC’s DDRRR efforts to date would easily surpass several hundred million dollars..

Congolese community members and dependants of FDLR combatants in the DRC, cited the lack of collaboration between MONUC and UNHCR as a constraint to D&R. They explained that would-be defectors often prefer to send their relatives ahead, but that these regularly run into difficulties concerning their status. They are civilians but also dependants of combatants. On the one hand, they appear to struggle to convince MONUC that they are related to AG combatants, while on the other hand they claim that UNHCR frequently refuses to recognise them as civilian refugees because of their relationship with the combatants. The GoDRC, MONUC, UNHCR and the respective recipient governments should harmonise their efforts and procedures in this regard to advance the D&R process more effectively.¹⁴⁹

Another common concern was that MONUC has established too few collection or transit centres for repatriation candidates. Moreover, (ex-)combatants claim that these transit centres are difficult to access as they are located close to major towns and are often ‘protected’ by FDLR military police and security agents (e.g. in Nyabiondo). This could be overcome if MONUC would transport any combatant they meet in the ‘bush’ who wants to be repatriated. However, (ex-)combatants interviewed indicated that MONUC field teams usually refuse to take persons seeking to defect on board in their cars or planes when they are on a mission in FDLR territory.¹⁵⁰ This discourages individual repatriation candidates who would like to leave from approaching MONUC, as they risk prosecution by FDLR security structures as soon as they speak with MONUC personnel. Some ex-combatants indicated that FDLR combatants have been killed by FDLR military police after speaking with MONUC.

Repatriation on ‘rendez-vous’ is an alternative tactic used by MONUC. This strategy works sometimes, but is risky for the combatants unless the rendez-vous is arranged outside the view of FDLR security agents (e.g. by telephone). The use of telephones is only an option for the wealthier and often senior FDLR fighters

or politicians. This ‘rendez-vous repatriation’ can take place in any location accessible by car or helicopter where the FDLR lacks the military ability to prevent MONUC from departing with repatriation candidates; it has already facilitated the repatriation of several commanders. However, there were some complaints from some of the repatriated commanders about the lack of punctuality of MONUC agents, which can have fatal consequences.

Several (ex-)combatants expressed concerns about perceived fraternization between some MONUC personnel and the local FDLR leadership. Concerns were especially recorded with respect to the Nyabiondo transit site in Masisi, in North Kivu province, where the brother of the FDLR’s overall military commander General Mudacumura, Big Patrick, has at times been seen visiting the MONUC battalion deployed in this location (*“Patrick est un grand ami de l’In-Bat [Indian MONUC battalion]”*). Recently repatriated ex-AG members in Rwanda testified that FDLR repatriation candidates in North Kivu try to avoid this site because they fear it is infiltrated by FDLR security agents commanded by Big Patrick. Those who want to leave and possess a telephone prefer to call contacts (Congolese D&R agents of MONUC) in Goma. One of the repatriated officers in Mutobo DC who had been repatriated via Nyabiondo (assisted by a Congolese MONUC D&R agent) said: *“The In-Bat did not know what I was doing at Nyabiondo, otherwise they would certainly have informed ‘big Patrick’ the brother of Mudacumura.”*

Similar perceptions were recorded among FDLR (ex-) combatants and Congolese civilians in the Fizi area of the South Kivu province. They indicated that although MONUC regularly sends teams into FDLR held territory and these teams spend time meeting with the FDLR leaders, MONUC rarely repatriates FDLR combatants from this area. One Fizi citizen said: *“The MONUC and the FDLR spend a lot of time together but instead of repatriating those guys they rather share a drink and a laugh.”* This provokes doubts among FDLR combatants and Congolese civilians as to MONUC’s commitment to pushing for D&R in this area. Several MONUC officials confirmed that repatriation is not a regular subject for discussion of MONUC mis-

149 It is worth noting in this regard that the RDRC provides reinsertion support to both returning combatants and their dependents.

150 CTC is aware that UNDPKO regulations forbid MONUC personnel from carrying “nationals” in their vehicles. However, one could imagine compromise solutions. For example, missions that have a reasonable chance of encountering foreign AGs should travel with an extra vehicle for the purpose of transporting repatriation candidates. Another possibility could be to always have vehicles and/or a helicopter on standby to collect AG members who indicate they want to be repatriated.

sions into Fizi territory.¹⁵¹

A striking finding in this regard is the scepticism expressed by several MONUC officials regarding the prospects for significant further D&R through the current 'voluntary' D&R approach in the absence of further military pressure. These officials also complained about a lack of internal cooperation among different MONUC sections supporting D&R activities (e.g. the DDRRR unit, the Public Information Office and the military). For example, in their view, some of the sensitisation materials used by MONUC do not respond to the needs of the FDLR and some materials (see communication & sensitisation section of this report) were not used effectively.

MONUC has also sometimes lacked the flexibility to adapt to local differences. Most Rwandan AG combatants have been repatriated from the North Kivu province, at least in part as a result of the military pressure applied on the FDLR by the FARDC. In the South Kivu province, especially in areas like Fizi, Mwenga and Shabunda, this military pressure was absent, yet MONUC failed to develop alternative strategies to exert pressure on the FDLR.

Utilisation of local knowledge and working with communities to advance the process appears to be another area of weakness. One local NGO staff member from Walungu mentioned: *"On several occasions we have offered help and information but they [the MONUC] always turned it down and never acted upon the information. Apparently they prefer to work alone. But they cannot because the situation is very complicated in our territory. The few times they collaborated with a local person, they always choose somebody with personal interests and therefore it never produces any results. Perhaps that our organization knows too much for the MONUC?"*¹⁵²

151 See also the supplement report.

152 In the supplement report, researchers from the NGO platform of Bunyakiri (PADEBU) this as follows: "Sa [the MONUC] stratégie vis-à-vis du rapatriement consiste à utiliser des individus en lieu et place des organisations locales capables d'influer et de rendre actif et participatif le processus DDRRR lui-même. Mais, au contraire, tout conseil ou suggestion étaient considérés comme une attaque et provoquait une attitude défensive. A chaque instant, une réponse ou réaction vigoureuse y était réservée. Cela n'a pas pu « pragmatiser » le travail de DDRRR. Le gros de personnel MONUC impliqué dans le DDRRR passait son temps à sillonner la ville. Le personnel du DDRRR était souvent incapable d'arriver dans les zones d'interventions des humanitaires. Cette attitude frisait une contradiction flagrante vis-à-vis de leur mission aux yeux de presque toute la population à Bukavu comme à l'intérieur de la province. A Bukavu, elle ne recevait que des informations à travers les acteurs volontaires de terrains, mais sans pour autant s'y rendre pour une sensibilisation et/ou rapatriement efficace."

People interviewed by CTC in several host communities of foreign AGs had hardly any information (though they had wrong or biased information) on MONUC, and were clearly not being involved in D&R activities. We see the MONUC as "... many rich people in white cars who do not talk to us and do not help us, instead they feed the Interahamwe," said a customary chief in November 2006 to a CTC researcher in Bunyakiri. In North Kivu this was partly compensated through the development of a network of local collaborators who report to the MONUC DDRRR. In South Kivu, such a network existed in the past but was dismantled.

The military operations which MONUC led (e.g. in Walungu), or in which MONUC participated (e.g. Bunyakiri) did not lead to the D&R of a significant number of combatants. However, no evaluation of these operations was available. It would be important to fill this gap as the lessons learned in these operations could be useful for future operations, whether conducted by the MONUC or other parties. The fact that these operations did not succeed either in terms of improving security for the local population or in terms of D&R¹⁵³ does not mean that military force is necessarily ineffective. There is no doubt room for improvement and it is essential that the remainder of the FDLR be put under military, political and economic pressure until they accept D&R. The FDLR, the ADF/NALU and the FNL are unlikely to disarm and repatriate as long as they believe there are other options and they can sustain themselves.

To summarise, MONUC's D&R activities are viewed critically by (ex-)combatants and local communities. Various interviewees made constructive suggestions for improvement. From this study, it is clear that the D&R operation would benefit from a better collaboration with local capacities, a better coverage of the terrain, more flexibility, and the evaluation both of specific operations and the overall approach. The relationship between specific MONUC units and the FDLR also merits attention.

153 Although we have not seen the operational plan or the objectives of the missions we believe the operations have failed. Accounts from eyewitnesses interviewed by CTC show that MONUC and FARDC failed to disarm and repatriate a significant number of combatants. Furthermore, the local civilian population was not protected from FDLR retribution for their alleged 'collaboration.' Therefore, even if the aim was not to repatriate but to protect the population, the mission was still not successful. [For additional details we refer to the supplement report.]

6.3 D&R by Others

Besides MONUC and the GoDRC, several other structures are or have been involved in the repatriation of COFS in the DRC. The most important are briefly discussed below.

TPVM

The Third Party Verification Mechanism was a joint MONUC-South African government structure that was most active in 2003. The TPVM was instituted as a mechanism to monitor the implementation of the bilateral Pretoria Agreement of July 2002. The South African government and MONUC, which co-chaired this mechanism, differed on the mandate of the TPVM. Besides monitoring the Pretoria Agreement, the South Africans used the TPVM to develop their own D&R activities in eastern DRC. They had a number of representatives who developed networks in the DRC with the aim of repatriating FDLR combatants. Though constrained by limited resources, the South Africans worked closely with local capacities and also benefited from access to GoR intelligence resources. The South African part of the TPVM managed to repatriate about 400 FDLR combatants between January 2003 and February 2004.¹⁵⁴

African Union

The African Union (AU) has on several occasions made plans to complement the MONUC D&R effort with a military force. So far this has not materialised on the ground. The RDRC indicated that the AU's interest - particularly statements made in 2004 and 2005 about a possible AU military intervention to track down the FDLR - led to higher repatriation figures. FDLR sources explained that at least one of the AU military evaluation missions that was sent to plan a possible military intervention conveyed intimidating messages to the FDLR; for example, claims were made that the mission would come with sophisticated weaponry and equipment to block all telecommunication in the FDLR territory. Merely the threat of a serious military intervention convinced some FDLR combatants to repatriate. One former FDLR officer said that

they “feared being tracked and killed as occurred with Jonas Savimbi in Angola” because “there were many South Africans in the AU mission.” This suggests that the AU could play a useful role in solving the foreign AG problem in the DRC, if there is the political will and the means to deploy a small African force capable of mounting more forcible D&R operations in the eastern DRC.¹⁵⁵

Mayi-mayi

When the transition started in 2003, most Mayi-mayi factions had numerous Rwandans in their ranks. These were typically recruits from refugee communities who contributed to the protection of the communities to which they belonged by joining the Mayi-mayi. The political unification and military integration processes in which most Mayi-mayi groups participated required the expulsion of foreigners from their ranks. Although not all Mayi-mayi units released the Rwandans in their midst, in 2003 and 2004 there was a marked increase in repatriation figures. From this, however, it can also be concluded that a considerable percentage of repatriated COFS were ‘Rwandan Mayi-mayi’ rather than FDLR.

Civil society initiatives

Throughout the Kivu provinces, a number of Congolese civil society organisations have been involved in aspects of the D&R operation. Some have both the ability and the interest to contribute to the D&R of the COFS. Local NGOs and churches, as well as individuals (e.g. local chefs, former Mayi-mayi or businessmen) in places such as Bunyakiri, Walungu, Mwenga and Walikale, have played significant roles in the sensitisation of the combatants in their respective home areas, helping to convince them to present themselves to MONUC for repatriation. Civil society organisations also occasionally have played important roles in establishing local arrangements between the FDLR and Congolese communities to reduce violence. Some of these organisations also claim that they have tried to lobby and advise MONUC on local particularities and opportunities, though they indicated that their attempts were usually unsuccessful. With the exception of the Life & Peace Institute, international NGOs have

154 MONUC includes these combatants in statistics showing returns it has facilitated.

155 The AU planned coercive military operations and it could thus be expected that they would try to force the rebels to lay down their weapons.

hardly been involved in the D&R process to date.

GoR: RPA/RDF

When the RPA (or RDF) was still present in the DRC, it maintained pressure on ALIR (the FDLR was created after they left). The RPA operations weakened but did not destroy the movement. Still, RPA operations were the primary factor behind the reduction of ALIR's strength from perhaps over 40,000 in the late 1990s to between 12,000 - 15,000 when the RPA left in 2002. On several occasions, the RPA managed to take considerable numbers of prisoners. It was mainly the sustained military pressure that had the most impact, as it caused a sense of desperation among and losses to the ALIR fighters and its structures due to war fatigue, hunger, casualties, a lack of medical care and the disruption of supply chains. The FDLR's command and control structure survived this period relatively intact, however. With the benefit of hindsight, a senior RPA officer indicated that the RDF should have focused more on destroying FDLR command and control at the time.

Since its withdrawal from the DRC in October 2002, the RPA/RDF has continued to collect intelligence on the FDLR. The RDF uses this information to monitor the military threat to Rwanda, and also to convince senior and influential FDLR leaders to return home. Since the installation of mobile telephone networks in many of the Kivu's remote areas, RDF intelligence personnel, as well as former AG members who have returned to Rwanda, maintain a network of contacts with FDLR combatants and try to convince them to return home. The RDF sensitisation has led to some significant returns, including the repatriation of the FDLR military chief General Paul Rwarakabije and his deputy Jérôme Ngendahimana (alias Akim) in November 2003. Over time, the RDF's efforts have led to the repatriations of several colonels and other senior commanders. Often, FDLR combatants sensitised by the RDF return with the logistical assistance of the MONUC.

Another GoR strategy to positively influence the D&R operation is by appointing several of the former AG members to senior military or political positions. The FDLR propagandists try to downplay this fact by either stating that the former AG appointees are traitors or by saying that it not true altogether, but through contacts with relatives and friends in Rwanda many

of the AG members are aware that some of their former comrades have indeed obtained senior positions in the Rwandan administration. This helps to generate doubts, especially amongst those FDLR combatants and dependants who are less convinced by the FDLR ideology and those untainted by the 1994 genocide.

The Rwandan Demobilisation and Reintegration Commission (RDRC) is primarily responsible for the reintegration of former combatants and civilian returnees. The Commission however is also involved in cross-border sensitisation activities and is as such involved in the preparation of Radio Rwanda's D&R programme "*Isangye mu Banyu.*" The RDRC's involvement, especially in sensitising the COFS in the DRC is likely to expand.

Civilians from countries of origin

Rwandan civilians living in Rwanda visit their relatives in the Congolese bush, sometimes attempting to convince them to return home. Although such visits are watched with suspicion by the FDLR security services, they cannot be entirely stopped. These civilians, who usually operate on their own initiative, have played a role in the repatriation of many former combatants¹⁵⁶, whether (officially) repatriated by MONUC or otherwise. The FDLR combatants in the DRC often lack reliable information about Rwanda and the only people who can convince them that the FDLR propaganda is false are trusted relatives or friends.¹⁵⁷

Amnesty Commission office in Beni

The Amnesty Commission (AC) of the GoU has opened an office in the northern North Kivu city of Beni. The purpose of this office is to sensitise and facilitate the repatriation of ADF and NALU fighters based in the Grand Nord region and southern Ituri. This office collaborates closely with MONUC, but to date their efforts have borne only limited fruit. The ADF/NALU is probably too comfortable in security and economic terms to be susceptible to D&R in the current context. The North Kivu D&R statistics from the MONUC

¹⁵⁶ Interviews with armed group combatants who have returned in the Mutobo DC and with RDRC personnel.

¹⁵⁷ This was also one of the findings of a recent MDRP/RDRC communication and sensitisation study. One of the conclusions of this study is that the potential of these civilian sensitisers from the country of origin is underexploited and should be reinforced.

show a trickle of, at most, a handful of repatriated Ugandan rebels each month. The AC and the UPDF have expressed their concerns about the combatant status of some of these repatriated AG members. Nonetheless, the mere presence of a Ugandan government institution in the Kivu provinces is a positive sign of regional cooperation.

6.4 The Rome Declaration

The Sant'Egidio community of the Roman Catholic church facilitated a meeting between the GoDRC and the FDLR leadership in Rome in March 2005. This initiative culminated in the signing of a declaration by the FDLR.¹⁵⁸ Under the declaration, the FDLR leadership committed itself to a voluntary return of the entire FDLR within three months. To date, however, the process initiated by Sant'Egidio has not led to sustained repatriation. The most important reason for the failure of the Rome initiative has been the FDLR leadership's lack of political will. Recently repatriated FDLR officers interviewed for this study suggested that the political leadership of the FDLR never intended to implement the Rome Declaration. For at least part of the leadership, the Rome process was "*primarily an opportunity to delay the feared deployment of AU forces in eastern DRC,*" said a colonel in Mutobo DC. They calculated that, if they faked a willingness to repatriate voluntarily, the international community would delay the deployment of an AU force in the DRC. Unfortunately, the ploy succeeded even better than the FDLR hoped, as the possibility of an AU intervention seems to have been forgotten and appears to be unlikely in the short-term as the AU is tied down in Darfur and Somalia.

Notwithstanding the negative attitude of a good part of the FDLR leadership, the Sant'Egidio initiative also brought some positive results. Over one hundred of FDLR combatants were repatriated as a result of the Rome Declaration, including General Séraphin Bizimungu (alias Mahoro or Amani) and even more dependents. Secondly, the Rome Declaration briefly opened a window for discussion on repatriation within the FDLR. This had previously been, and is again, a taboo subject, but the short opening helped FDLR com-

batants and associated dependents to better gauge the attitudes of other individuals and leaders vis-à-vis repatriation.¹⁵⁹ Consequently, the Rome Declaration has resulted in fissures within the FDLR and there are still numerous elements within the FDLR who would like the Rome initiative to be implemented. A good number of combatants are awaiting the next opportunity to repatriate in an organised fashion.

6.5 Potential of Military Interventions

CTC also collected information on the views held by combatants and local populations concerning the utility of military pressure against the FDLR. Specifically, CTC researchers assessed views on three different cases¹⁶⁰:

- **Walungu** an area where MONUC led military operations against the FDLR;
- **Bunyakiri**; an area where the FARDC led operations against the FDLR;
- **The Ruzizi Plains**; part of the territory of Uvira where no military operations have taken place.

Ironically, our researchers found that the environment for forceful D&R is most favorable in the Ruzizi Plains where no military operations have taken place to date. This is in part because the Ruzizi Plains are located on the border with Rwanda. FDLR members thus have easy access to information from Rwanda and it would also be easier to escape the control mechanisms of the FDLR leadership. In addition, cross-border cooperation in such an exercise would allow FARDC or MONUC to fairly easily push the FDLR elements directly towards the frontier and for the GoR and GoB to cut escape routes.

According to MONUC military officials, the main objective of the Walungu and Bunyakiri operations was to reduce the human rights abuses committed by the FDLR in that territory. This may explain why MO-

158 At the presentation of the Rome Declaration, observers of donor countries, the EU and UN were present.

159 Many FDLR members celebrated the signing of the Rome Declaration openly. According to local sources in Bunyakiri, the FDLR bought all the beer that was available in the territory and celebrated their anticipated 'return home' for several days.

160 The detailed accounts of these researchers are presented in the supplement report.

NUC's D&R unit was only marginally involved in this operation. Although it may have been a good idea to push the FDLR out of Walungu, the net effect of this operation was to temporarily disperse and push the FDLR forces westwards into new host communities of Mwenga, where they continued to perpetrate the same abuses with impunity.

In both military operations, collaboration between MONUC and FARDC was not sufficiently smooth. In Bunyakiri the operations were started by the FARDC without the agreement of MONUC. In Walungu, although the operations had been jointly prepared, both MONUC and FARDC felt that the other did not live up to its respective commitments. Moreover, neither MONUC nor the FARDC managed to hold the territory they had 'swept clean', resulting in the FDLR's quick return to most of its previous positions. The FDLR then exacted revenge against the local communities, whom they accused of having 'collaborated with MONUC.' Neither MONUC nor the FARDC were able to protect the local population against these acts.

The military operations conducted to date have had no significant impact on D&R of foreign AGs. Instead, they have resulted in an increased suspicion of the AGs vis-à-vis the MONUC and the FARDC and provoked additional human right abuses committed by the FDLR in particular. Nevertheless, it would be unwise to conclude that military operations could not contribute to D&R because the operations to date were not focused on D&R nor implemented under an adequate mandate. As long as MONUC is not mandated to disarm and repatriate FDLR combatants by force, its ability to advance a more robust D&R process will be hampered.

7. The Way Forward

7.1 D&R Should Become a Priority for All Parties Again

From the humanitarian, protection, and regional political perspectives, the continued presence of foreign AGs has been and continues to be catastrophic for the region and for approximately eight to nine million Kivutiens. Hundreds of thousands Kivutiens have lost their lives in the past years and thousands continue to die or lose relatives and friends. The D&R activities that started as early as in 2000, and (arguably) the end of the war in 2002, could not prevent what the International Rescue Committee¹⁶¹ reported in December 2004: that “31,000 people continue to die every month as a result of the conflict.” A considerable number of these deaths, of which the vast majority occurred in the eastern provinces of the DRC, are attributable to the continued presence of the FNL, ADF/NALU and, in particular, the FDLR.

The enhanced protection of the Kivu population alone should be reason enough to prioritise and strengthen D&R efforts. In addition, D&R will be necessary for economic recovery and growth in these potentially wealthy provinces. The foreign AGs’ hold on a large chunk of the Kivu territory must be loosened for the GoDRC to re-establish its authority in this part of the country. Moreover, the D&R of foreign AGs is both a legal obligation to which the GoDRC committed in the Lusaka and Pretoria agreements and a pre-condition for durable peace and security in the DRC - as well as for the consolidation of regional peace and stability.

For the GoR, the presence of a significant force on its borders, including several individuals deeply implicated in the 1994 genocide, is a threat that continues to affect developments within the coun-

try. The persistence of this menace obliges the GoR to maintain a large military and intelligence network, and it can only afford to make limited progress on political liberalization and economic development. The FDLR would seek to exploit any perceived openings or weaknesses to revive its destabilisation campaign within Rwanda.

This same reasoning is applicable to Uganda and Burundi, although the impact of the ADF/NALU and the FNL are both on the DRC side and within the countries of origin less far-reaching than is the case with the FDLR. In Burundi, there is hope that the current Dar es Salaam cease-fire agreement will be implemented. However, as long as the FNL is not fully integrated into the national structures or demobilised, D&R planning exercises in the DRC should include provisions for this AG.

7.2 Opportunities & Constraints

Although the end of the transition and the successful elections do not imply the end of difficulties faced by the GoDRC, they do signify a new start for this troubled country. Ending the quandary caused by the presence of foreign AGs will be one of the issues the newly established government will have to confront in order to reassert its sovereignty and extend its control over the entire territory of the DRC, and to end the suffering of millions of people in the country’s eastern region. This new start for the DRC is a great opportunity to review and revitalise the approach to D&R. The new GoDRC has indeed already signalled that it will approach D&R as a priority issue. The significant improvement in the regional relations is another development offering important opportunities for the D&R operation.

The atrocious state of the DRC’s infrastructure and the

¹⁶¹ See: <http://www.theIRC.org/> or e.g. Coghlan B, Brennan RJ, Ngoy P, et al. Mortality in the Democratic republic of Congo: a nationwide survey. *Lancet* 2006; 367:44-51.

limited capacity of the country's administration are important constraints for its capacity to tackle D&R issues. Targeted support to the GoDRC and the development of a strategy that takes these limitations into consideration should enable the development of an effective nationally owned D&R process. MONUC has played a prominent role in the D&R effort so far, and will continue to play an important contributing role in the coming year or two, even if its capacity is likely to gradually be scaled down. In the medium-term, it will be essential to re-direct some of the resources now allocated to MONUC towards the development of the GoDRC's capacity for addressing D&R issues, and the continuation and reinforcement of initiatives aimed at the enhancement of regional cooperation and stabilization.

Another possible constraint could be if the GoDRC does not manage soon to dismantle the remaining irregular Congolese AGs. Political tensions and military confrontations between the GoDRC and the opposition parties could provide an environment in which the foreign AGs find renewed allies and would divert attention from their presence and its consequences.

Other opportunities and constraints are intrinsic to the respective AGs and their countries of origin:

FDLR

Some of the greatest opportunities for the D&R operation lie in the FDLR itself. Those include:

- There are divisions at several levels (see 3.2.8) within the FDLR and those should be used to weaken the organization and advance D&R.
- Increasing numbers of FDLR combatants and dependants receive information about Rwanda that contradicts the FDLR propaganda. Together with the internal conflicts, possibly increased military and political pressure on the FDLR, and the different degrees of culpability vis-à-vis genocide crimes, the increasing awareness about the situation in Rwanda could, if exploited effectively, offer an opportunity to repatriate a large part of the young and moderate combatants and civilians.
- Over half of the FDLR combatants and de-

pendants in the DRC want to return home.¹⁶² Although some pose minor conditions¹⁶³, the moment is opportune to approach this segment. This is the case now more than ever because the DRC's transition has been relatively successful and it is likely that the democratization processes will continue, leading to a more efficient administration and less manoeuvring space for the FDLR. Moreover, the FDLR is increasingly isolated from external logistical or political support.

The approach of the GoR is constructive and does not impose major constraints on the D&R operation. In addition to a number of senior commanders who have been appointed by the GoR to influential military or administrative positions¹⁶⁴, the vast majority of the former AG members reintegrate relatively smoothly in the Rwandan society with the support of the RDRP. The main constraint on the side of Rwanda is the overall state of the economy. Despite considerable growth in the past years, Rwanda remains a relatively poor country with limited economic opportunities.

The biggest internal FDLR constraint lies in the continued control of the movement by a small but still powerful group of extremists and génocidaires. It will be difficult to develop a strategy that sidelines these men (and some women¹⁶⁵) and overcomes the control mechanism they have established. Options that would encourage this group to cede their power and diminish their opposition to the D&R process should be explored in the interests of the larger regional and national stabilization and recovery agenda.

162 All FOCA commanders in the field interviewed by CTC (which is a biased sample as the more extreme elements refused to talk to us on the subject of repatriation) as well as the repatriated ex-COFS subscribed to this opinion. Some said 60%, others insisted that even 80% of the refugees and COFS would accept unconditional repatriation as long as they would get a chance. Many however said that most did not have the courage or the means to 'sneak out' and were waiting for a secure occasion.

163 Several interviewed FDLR combatants stated that they wanted to have information about the circumstances of their relatives or former comrades who repatriated before them.

164 For example, General Paul Rwarakabije is a commissioner of the RDRC, General Jérôme Ngendahimana is the Military Assistant to the RDF's Chief in Command and the vice-president of a government commission and General Séraphin Bizimungu (alias Amani or Mahoro) has been recognised as a general despite the fact that he only received his rank a few weeks before his repatriation. His promotion was not a decision by the FDLR high command but a decision from a splinter group that appeared after the FDLR's Rome Declaration.

165 E.g. there is a female colonel in the vicinity of Burhinyi (the border region of Walungu and Mwenga).

FNL

The best opportunity for the repatriation of the FNL, the only remaining Burundian AG, from the DRC is the full implementation of the existing CFA (Comprehensive cease-fire agreement). If the CFA is implemented, the FNL presence in the DRC will likely come to an end. If the implementation of the CFA collapses, the presence of the FNL in the DRC will have to be resolved militarily. In such a scenario, military action will likely be required because FNL leaders appear to be strongly ideologically motivated. In the absence of a political agreement or a military defeat, it would be difficult to convince such fighters to give up their struggle and volunteer for repatriation.

ADF/NALU

The main reason for the persistence of the ADF/NALU in the DRC - and perhaps even their only remaining *raison d'être* - is because the leadership has lucrative business opportunities in the DRC thanks to their good relations with local businessmen, militias and politicians. In this context, most dependents and lower ranks are better off in the DRC than in their home areas in Uganda as long as they are allowed to live in relative security. The establishment of the new GoDRC provides the necessary opportunity to sever the relationships between the ADF/NALU and their local allies in the Grand Nord of North Kivu province and the Ituri District.

Considering the above mentioned opportunities, the internal problems of the FDLR, and the Dar es Salaam peace process in which the FNL and the GoB are engaged, we conclude that at this time opportunities for D&R outweigh constraints. If these opportunities are pursued proactively, there is a good chance that the foreign AG problem in the DRC can be substantially resolved in the foreseeable future.

7.3 Policy Requirements

A *pre-condition* for the development of an effective D&R programme is that all parties recognise the importance of the presence of foreign AGs in the DRC. Some officials and diplomats today appear to believe that the matter of foreign AGs is largely a problem of the past. Some appear to believe that the reduction of the FDLR force (in particular) from an initial strength

of over 20,000 to around 7,000 now is sufficient; and that other issues such as government reforms, army reforms, good governance programmes, anti-corruption campaigns, elections and so forth are today the critical path for the stabilization of the DRC and the consolidation of peace in the region. However, none of these programmes are likely to succeed in the eastern DRC as long as the state is unable to establish security and territorial control. Furthermore, the normalization of regional ties will be hampered, and efforts to reform the armies in the region and the respective demobilisation and reintegration programmes will be jeopardised as long as there is a perceived military threat emerging from the DRC. Finally, it is high time to put an end to the violence and oppression endured by the Kivutien civilian population at the hands of the foreign AGs.

The *second requirement* for any significant improvement in the D&R operation is to apply more systematic and consistent political and military pressure on the FDLR, FNL and ADF/NALU. This pressure should come both from the GoDRC and the international community, and should be coordinated closely with the movements' respective countries of origin. Various European, North American and African countries that host an FDLR political (or logistical) network should close these down, seize their assets and legally prosecute those members who have been accused of genocide (or transfer them to their home-countries, the International Criminal Court in The Hague or the International Criminal Tribunal for Rwanda in Arusha).

This would certainly have impact as is demonstrated by the remark of a FOCA field commander: "*Since the arrest of Murwanashyaka I have started to realise that we have nowhere to go and it is only because I have heard that I am suspected of having committed genocide crimes that I have not left the forest yet.*" International laws and agreements offer the opportunity to act against groups that organise armed opposition against recognised governments. Moreover, if those groups use methods that cause human rights abuses, as is the case for all the AGs discussed in this report, legal action against those groups is possible and in some instances even an obligation.

The GoDRC should visibly and unambiguously state that the presence of the FDLR and other foreign AGs will no longer be tolerated on Congolese soil. These statements should be reinforced with the deployment

of FARDC forces in or near areas controlled by the respective foreign AGs. Moreover, MONUC and any other forces invited to assist should provide a solid back-up to the FARDC deployments.

Neither the FARDC nor MONUC has applied sustained military or economic pressure on the AGs to date. As a result, the FDLR is today relatively comfortable in the DRC. This must change if D&R is to succeed. But there are also risks. If pressure is applied on the FDLR in the wrong way, they could, as they have shown on several occasions in the past, simply temporarily disperse temporarily and exact revenge on the local population.

The role of the GoDRC in D&R

By signing the Lusaka and Pretoria Agreements and the ICGLR Security Pact, the GoDRC has accepted responsibility for the presence of foreign AGs in the DRC and has made firm commitments to its neighbors and the international community to resolve this issue. The GoDRC is furthermore obliged to intervene because of its responsibility to secure the population living on its territories. Therefore, the GoDRC should proactively assume responsibility for leading D&R efforts in the DRC. An encouraging sign is that the newly elected GoDRC has already shown the willingness to play an active role in the D&R of foreign AGs.

If the DRC administration would indeed be willing and able to play a more prominent role in the D&R of COFS, this should be welcomed and supported by the country's international partners because the international community has an interest in:

1. the DRC to fulfill its existing commitments;
2. strengthening regional peace and relationships;
3. ending the suffering of the population in Kivu and initiating recovery efforts in this potentially wealthy area;
4. extending state authority and supporting recovery in Kivu; and
5. removing threats to the consolidation of democracy in the DRC.

Moreover, the DRC administration has many assets that, if fully utilised, will enhance the D&R operation, including:

1. local knowledge of the terrain;
2. the capability to deploy a sufficiently large force to apply the necessary military pressure on the FDLR.
3. scope for cooperation among key stakeholders in the DRC and regionally. Discussions with officials in the Kivu provinces, as well as with customary chiefs, churches or civil society organisations, highlighted the need for a greater utilisation of local civil society and other local capacities in D&R activities.

To this end, the GoDRC should develop a policy and a strategy to tackle D&R. In order to lead and coordinate the D&R activities in the DRC, the GoDRC should establish a small unit with strong political and security links. This unit could be embedded in a ministry or have a direct link to the presidency. It should be set-up as a (Repatriation and Sensitisation) Commission or Task Force with a limited number of staff, who coordinate and guide the efforts of other departments and ministries and foreign or UN initiatives. This entity should have far-reaching powers over other structures involved, including local civil administrators, the security services (ANR), the army (FARDC), police (PNC), and, ideally, also relevant non-governmental sources such as customary chiefs, churches and some NGOs. It should also be mandated to cooperate with relevant counterpart agencies (e.g. RDRC, AC of the GoU, the GoB and the facilitation of the Dar es Salaam cease-fire agreement, etc.) as required to accomplish the D&R objective.

As this problem has dragged on for far too long - at considerable human, economic, and political cost to the DRC - the new GoDRC strategy should focus on rapid interventions and results. The international community should provide the necessary security, financial, and technical assistance as soon as GoDRC develops a policy and strategy to address this issue. MONUC, as long as it remains engaged in these issues in the DRC, should assist this national D&R unit¹⁶⁶ with capacity-building and logistical support as required. Donor organisations, in particular the WB/MDRP, could also assist the GoDRC in strengthening its capacity to deal with foreign AGs.

¹⁶⁶ The coordination for the DRC's D&R unit is not necessarily in Kinshasa; ideally it would be located near the problems and thus either in Goma or Bukavu.

Further strengthening of regional cooperation

Regional relations have improved considerably over the past two years. For the D&R operation it is important, among other reasons, for initiatives such as the TPP Joint Commission to continue, and indeed to extend, to the executive and decentralised levels of the relevant governments. In order to make the D&R operation more effective, it is important to have a continuous flow of information and exchange on approaches and strategies among the respective units responsible for D&R, intelligence agencies, the military and the local administrations.

Of particular importance is that the GoR shares the information it has collected over time with Congolese counterparts. Partly through the repatriated AG members, Rwanda has collected a wealth of information on the FDLR and this can be used more effectively if it is shared with the people working on the ground in the DRC. After modalities have been worked out on the political level, information sharing should happen primarily on the operational level. Furthermore, the RDRC has expressed the wish to intensify direct contacts with FARDC and D&R officials in the DRC with whom they could share information on a daily or ad hoc basis (e.g. when they are aware of a repatriation opportunity for an individual with whom they are directly or indirectly in contact). The same desire was expressed by members of CONADER and some FARDC officers.

7.4 Strategies to Enhance D&R

7.4.1 On the FDLR

Despite the difficulties confronting the FDLR leadership, D&R will not happen by itself. A continuation of the slow but steady stream of defections over time is likely but this will not necessarily lead to the collapse of the FDLR or improve the security of civilians in the Kivu provinces. The FDLR will continue to recruit. Furthermore, it will still be able to control large parts of the two Kivu provinces and surrounding territories for the foreseeable future if it is not put under increased pressure.

Try first to secure implementation of the Rome Declaration

CTC recommends that the GoDRC tries to revive the implementation of D&R provisions of the Rome Declaration by setting up a high-level meeting between the DRC authorities and the FDLR. This meeting should be announced as a follow-up to the Rome Declaration and focus on the modalities for the execution of the declaration's provisions. Such a meeting should preferably be held at a mutually agreeable location in the DRC. This approach would build on an existing initiative and could have a great and quick impact if it succeeds. Results should be visible within one month of such a meeting. If the FDLR leadership continues to refuse to disarm and repatriate, more robust measures should be initiated.

The GoDRC would have to prepare well for such a meeting and may require political, logistical and financial support from its international partners. There are still some loose ends that were not resolved during the Sant'Egidio initiative. One critical issue will be how to address the fate of the 200-300 men who 'cannot' return to Rwanda.¹⁶⁷ As long as there is no way out for them, they will oppose the D&R of the FDLR. On the other hand, it should be clear to all that such a solution does not imply an abandonment of efforts to bring the organisers of the genocide and notorious killers to trial. The GoDRC also needs to have information on resources available to rapidly and flexibly implement the D&R of the FDLR in the event that the leadership agrees to its implementation. At the time of the Rome initiative, few donors came forward with assistance for implementation (e.g. the financing of mixed FARDC and FDLR committees that were supposed to organise the logistics of the repatriation operation).

Improving D&R Efforts

If a meeting between the GoDRC and the FDLR does not take place or does not lead to the desired results, current D&R efforts should be significantly strengthened. The effects of increased pressure on the FDLR and the realization among combatants that their armed struggle is increasingly unlikely to succeed would open new windows of opportunity for repatriation interven-

¹⁶⁷ When in Rome, the FDLR was asked by the Sant'Egidio facilitation to give an estimate of the number of its members that would in no case accept a return voluntarily to Rwanda; they responded that this group consisted of 200-300 men.

tions of parts of the movement. However, it should be recognised that the improvements of the D&R operation proposed below are, when not combined with other measures, unlikely to lead to a comprehensive repatriation of the entire FDLR.

*Improved intelligence gathering, expanded territorial occupation, and a show of strength*¹⁶⁸

The FARDC, PNC and ANR have a wealth of information, although this is not properly centralised and analyzed. The GoDRC should improve its intelligence gathering and analysis, and this information should be used to make decisions about the course of action. The existing intelligence Fusion Cell could play a role in this if its focus shifts to the collection of information on the ground, rapid analysis and immediate use for (D&R) operational purposes.

Furthermore, the GoDRC, whenever possible, and if necessary aided by MONUC logistics and the MONUC Force, should occupy as much territory as possible in the Kivu provinces. The reasons are the following (amongst others):

- If the FARDC occupies more territory, it will increase its ability to protect the Congolese population.
- A reinforcement of the FARDC and a clear mandate to support the D&R operation will reinforce the doubts within the minds of the FDLR combatants and dependants about the chances of their struggle's success. Together with other difficulties, like the lack of external logistical and political support, this will further encourage of those FDLR members who have no judiciary concerns in Rwanda to repatriate.
- If the FARDC is deployed to more locations, FDLR members seeking an opportunity to repatriate will have more opportunities to escape the control mechanisms the FDLR has put in place to prevent its members from deserting.
- In particular, if the FARDC deploys in those areas of strategic and economic importance, the financial base of the FDLR will weaken considerably.

In order to make the above possible, it is essential that the FARDC soldiers are paid regularly and that troops in the field receive sufficient logistical support. More troops than currently planned would have to be deployed to the Kivu provinces. Moreover, it is important that mechanisms are developed to minimise corruption and human rights abuses against the local population. To that effect, it is necessary that the non-integrated FARDC units are removed from the Kivu provinces and replaced by units that have undergone brassage. It would also be an asset if a significant share of the military, police and security personnel have some local knowledge of the Kivu provinces, as this will improve collaboration between the military and the population. Finally, the GoDRC and its partners have to recognise that the FARDC's capacity is limited. Therefore it would be important to ensure that the FARDC receives sufficient support to execute its obligations. MONUC, also if its forces are reduced, should assign a larger share of its capacity to assist with these operations. Furthermore, additional support should be sought from other African or European countries.

Communication: information and sensitisation

The objectives, target groups and focus of sensitisation efforts should be refined and professionalised. Information sharing should receive priority over the distribution of sensitisation materials. Many of the interviewed FDLR representatives expressed the need to have specific information from reliable sources before they can become open to calls for repatriation. This includes information on issues like:

- The demobilisation and reintegration package in Rwanda;
- Gacaca; and
- The current situation in Rwanda. (For example, D&R advocates could show pictures of construction or development projects in the country. However, it would be important to not show only positive images, as the FDLR combatants will not believe that Rwanda is a perfect country. The presented picture must be realistic in order to be credible.)

Perhaps the most important opportunity for convincing Rwandese refugees and FDLR combatants that they can return home is through the development of a mechanism that facilitates communication between friends and family members who live on either side of

¹⁶⁸ This part is not yet about military interventions but merely on the support of Congolese security organisations to the D&R operations.

the border. To enable this, the RDRC should collect the names and addresses of people living in Rwanda with contacts amongst the FDLR in the DRC. They should either give them the opportunity to call their contacts (this is only possible for a limited number of FDLR AG and dependants) or to write letters. In other cases, people should be provided with limited support to allow them to pay personal cross-border visits. To make this work possible, the RDRC requires a willing partner on the DRC side of the border. On the DRC end, messages from Rwandans interested in repatriation can be collected and sent to Rwanda. This is a proven concept but has so far not been exploited systematically.

Other

- Not all D&R attention should be focused (as is currently the case) on the eastern areas with the FDLR (e.g. Baraka, Lemera, Burhinyi, Walungu, Bunyakiri, Masisi, Rutshuru, Lubero). It would be useful too also invest resources in the regions further away from the DRC-Rwanda border, including Kabambare (Maniema), Kilembwe, Mwenga, Shabunda, Lulingu, Walikale and Pinga where there are significant numbers of FDLR combatants and dependants, some of whom having been sent there precisely because the FDLR hierarchy considers them susceptible to repatriation.
- Instead of maintaining transit centres, it would be more efficient if all FARDC, MONUC and local administration outposts receive orders, material and the logistical support to facilitate at any time the repatriation of any combatant and dependent who wants to return home.
- MONUC forces should be assigned almost entirely to the D&R operation. Currently, the MONUC Force is deployed in large numbers near major towns like Bukavu; which are not optimal locations to support D&R operations.
- It would be helpful for the D&R operation if senior GoR officials would continuously send positive signals encouraging refugees to return to Rwanda.

Military options

The concept of voluntary repatriation has critical limitations in a context in which the leadership of the FDLR does not agree to disarm and repatriate. The GoDRC should be willing to use force to repatriate

armed combatants as a last resort. This option should be considered and prepared. The threat of a robust military intervention would in itself have an important psychological impact on the morale of the remaining FDLR combatants in the DRC. If the threat is compelling, it is likely that those FDLR leaders who can afford it (as several key leaders can) will flee to third countries; others who have nothing to fear from the justice system in Rwanda will in many instances opt to repatriate rather than risk their lives again for a cause in which many have lost faith. If the military option is pursued, it is essential that adequate planning and measures are in place to minimise the security risks to the local civilian population.

However, the FARDC is not likely to be able to tackle this challenge without external support. The GoDRC should seek such support from a strong military force. The RDF would probably be the most efficient partner, as it knows the terrain and the FDLR, is motivated and knowledgeable about the necessary counter-insurgency techniques. This might be politically unacceptable to the GoDRC at this time. However, it should not be rejected completely out of hand, as representatives of the FARDC and RDF meet regularly and even work together in the Intelligence Fusion Cell in Kisangani. Other options for military support could include an African Union force or support from another strong African army like the South African or Angolan armed forces. Unless the mandate provided to MONUC is modified to allow for forced D&R of foreign AGs, it is unlikely that MONUC could play a more offensive role and effectively contribute to forced repatriation operations.

It is also conceivable that the GoDRC will opt for a combination of targeted military operations - e.g. against the FDLR's leadership (preferably based on all available information, including intelligence gathered by the GoR) - and an intensification of other D&R activities. This is a possibility worth considering but would require detailed planning and a considerable force to protect the civilian population from FDLR retaliation.

7.4.2 On the FNL

The best solution to end the presence of the FNL on Congolese soil is a successful evolution of the Dar es Salaam deal. In case the CFA fails, however, there will be few opportunities for voluntary repatriation be-

cause the FNL extremist core is extremely politicised and committed to their cause. Consequently, forced expulsion is the only real option to repatriate the FNL if the Dar es Salaam process fails. Before that option is applied, the GoDRC could give the FNL an ultimatum, e.g. ‘you have to leave our territory within two weeks.’ In any case, it would be important to enhance the collaboration between the GoDRC and GoB so that the GoDRC government gives a higher priority to the D&R of the FNL.

7.4.3 On the ADF/NALU

The first and most important step that needs to be taken to end the presence of the ADF/NALU militia in the northern part of North Kivu and southern tip of Ituri is to cut the ties between the rebels and local politicians and businessmen. This will require decisive action against the politicians and businessmen concerned (some are still warlords as well). However, without such action, the ADF/NALU is unlikely to abandon its armed struggle in the foreseeable future.

A second important step would be to invite the ADF/NALU to a meeting to make it clear that their presence will no longer be tolerated and to discuss the modalities for repatriation. If the ADF/NALU refuses to be repatriated, the same methods as proposed for the FDLR could be tried. If the military threat is strong enough, it is unlikely that the ADF/NALU will resist and it may decide to repatriate itself before it comes to a confrontation. In this case, close collaboration between the GoDRC and GoU is important. Finally, the GoDRC government should acknowledge the presence of the ADF/NALU as an attack on its territorial integrity.

7.5 Other - Issues Requiring Special Attention

Military pressure and support to FARDC

We would like to stress specifically the need to step up the support for the further integration of the FARDC and the enhancement of its capacities. Linked to this, there is the need for regular payment and a zero-tolerance regime on human rights abuses and corruption practices. The GoDRC, with the support of interna-

tional partners, should work together to make a reality of these requirements.

Justice

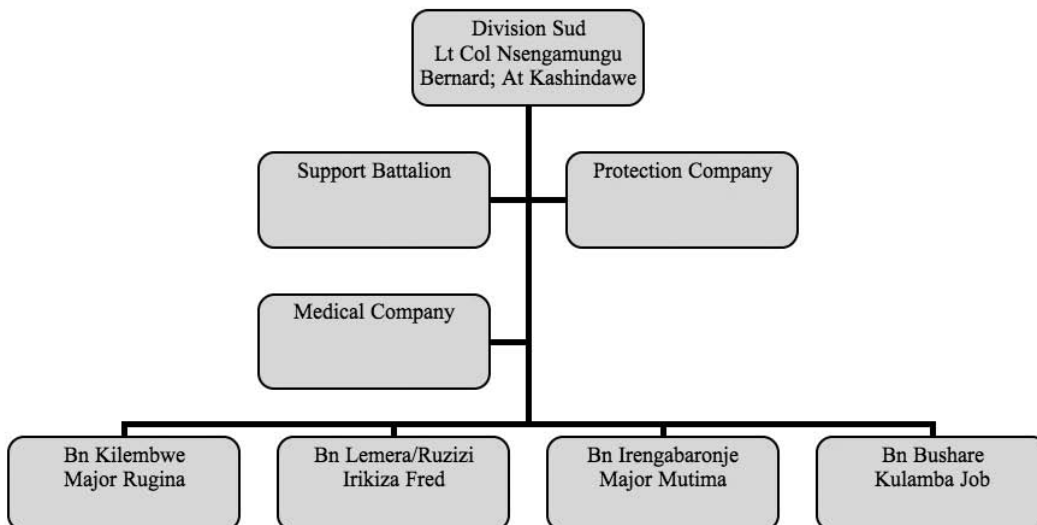
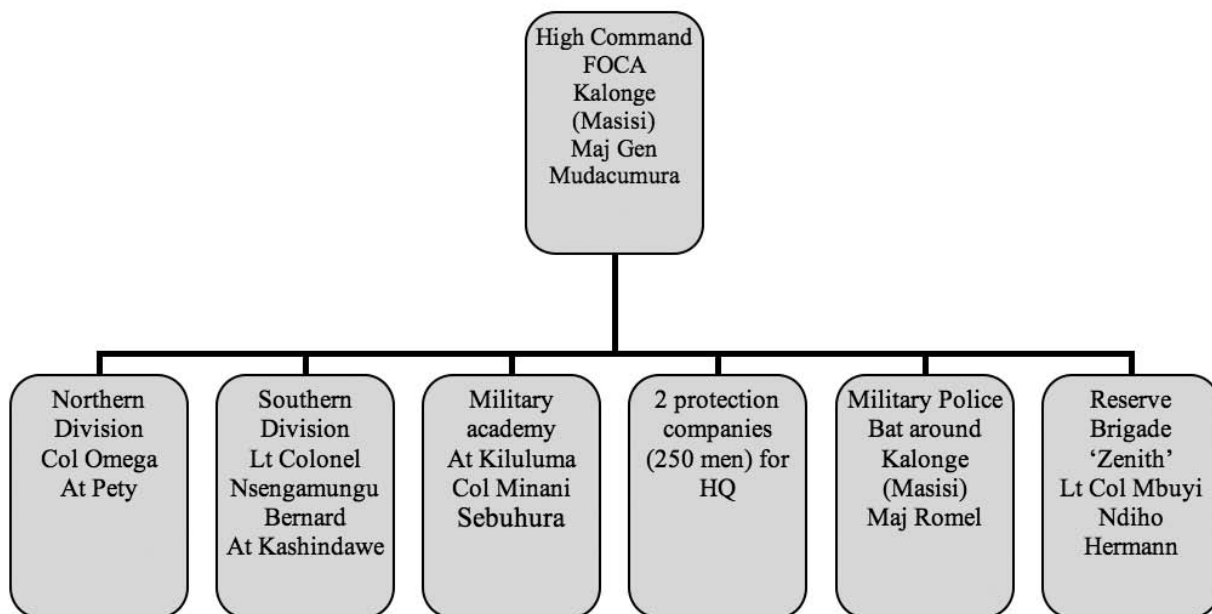
The imperative of ending the presence of AGs in the DRC should not imply an acceptance of impunity for human rights abusers and certainly not for crimes against humanity. Our proposal to find a temporary ‘solution’ for 200-300 FDLR members who have either been accused of crimes against humanity or who acknowledge their own guilt, should not be seen as a proposal to help them elude justice. Legal specialists, regional governments and international organisations should try to identify politically and legally acceptable options to overcome a situation in which 200-300 extremist combatants destabilise two provinces of the DRC, undermine regional security and continue to perpetrate abuses against civilian populations. Aside from the issues of justice and crimes committed in the country of origin, the countries of the Great Lakes region should also agree on legal measures for crimes committed against the Congolese population by the foreign AG combatants.

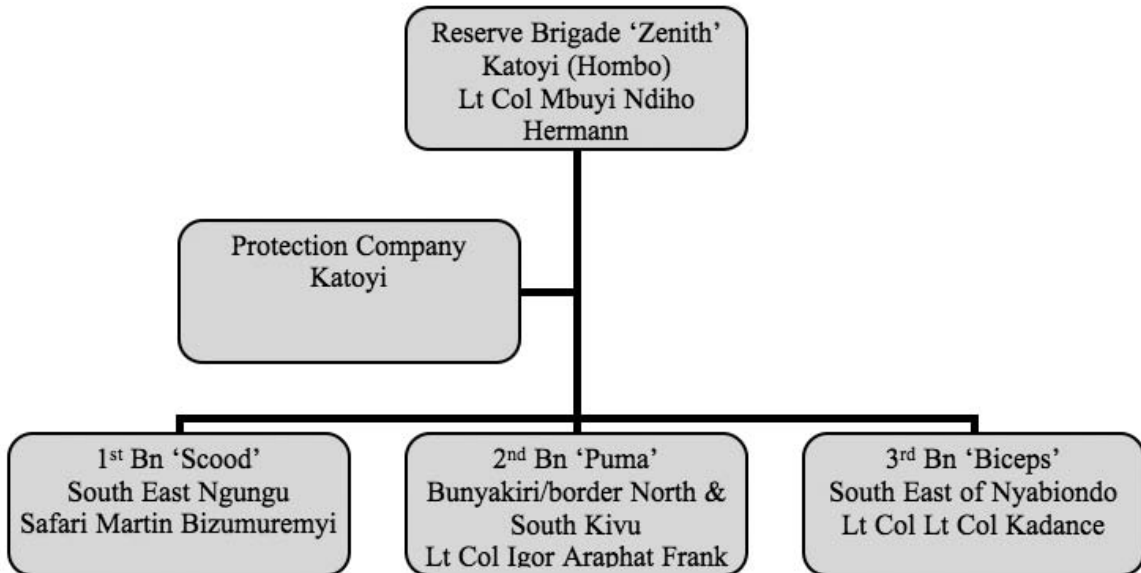
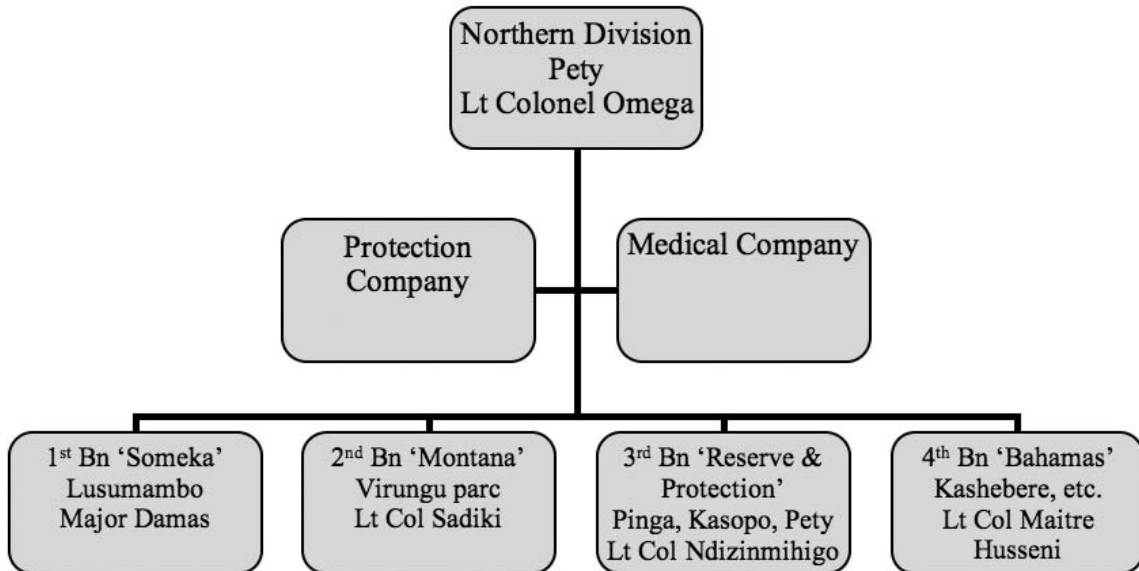
‘Settlers’

Another issue that will have to be addressed concerns the likelihood that significant numbers of Rwandans, Ugandans and, to a lesser extent Burundians, may want to remain in the DRC for legitimate reasons. Some have established a family in the DRC. Others may want to remain in the DRC because of the country’s economic potential or because they have already developed livelihoods and purchased fixed assets. Migration from the densely populated areas to less or unexploited places has occurred throughout the history of the Great Lakes Region and it may even be desirable in this era. The governments of the region should agree on a way to allow and manage this while ensuring that such migrants do not engage in activities that threaten the security of their countries of origin, nor that of their new host. Finally, none of the Great Lakes countries has an interest in allowing such a mechanism to be misused by suspected criminals and génocidaires hoping to escape justice. Thus, the countries should work together to ensure that such a mechanism credibly screens and weeds out criminals.

Annexes

Annex 1: Organigramme FDLR





Annex 2: FDLR plan « Amizero » to destabilise Rwanda

FOCA
MARTEAU
MONTANA

LN° 001/33.3.1

AUX UTTES MONTANA

INFO: MARTEAU - MARTEAU 01

Objet: TR 00 "AMIZERO" complémentaire à 00 "HABURUKA" LA FRONDE
 RÉF: - LN° 001/63.3.5 du 25 JAN 06 de MARTEAU 01 POUR MONTANA
 - LN° 018/33.3.1 du 14 FEV 04 de P'EX - CUBA POUR UTTES CUB
 INFO EX - ROQUETTE
 - LN° 016/33.3.5 du 05 DEC 05 de EX-ROQUETTE POUR EX-
 MONTANE toutes relatives à OPS "HABURUKA" LA FRONDE"
 - RT INT OPS / POK / 06 / 032 du 07 12 05 6 JAN 06 de MARTEAU

A. Vous TR 00 "AMIZERO" complémentaire à 00 "HABURUKA" LA FRONDE
 COMPOSITION ET ARTICULATION DES FORCES

DOUVE	PAON	COLOMBE	FOUDRE	MULETTE
DOUVE	PAON	COLOMBE	FOUDRE	MULETTE

1. EXPOSÉ DES MOTIFS :

- RBC sous pression de la C.I pour dater désarmes et rapatrier les FDLR/FOCA après échec VIT NOTÉ D2 R3
- Ultimatums successifs de la RBC et la MONUC pouvant se concrétiser même plus tard.
- Naissance des nouvelles rebellions en ITURI et dans région Luvudophone qui rejoindra NKUNDA dans RUTSHURU et qui menacent de rendre la guerre.
- Infidelité à RBC.
- Grande probabilité qu'une nouvelle guerre imminente en RBC soigne, Rwanda être derrière

2. Sit

- Sit générale EMI: déploiement et activités émi (voir SITREP)
- Sit générale AMI:
 - Objet et possibilité (voir 00 HABURUKA LA FRONDE)
 - Faiblesses:
 - Crise dans FDLR/FOCA
 - Faiblesse et misère suite suspension OPS RAW et LNC
 - Désertion massive
 - Manque de répétition de recrutement
- Sit particulière EMI:
 - Faiblesse Possibilité:
 - Utilisation de gros moyens pour démonstration de force pour compenser les faiblesses.
 - S.P. Ho par MONUC et mercenaires de tout genre
 - Faiblesse:
 - Moral bas suite désertion, Salaire insuffisant et cbe régulier
 - Certains ne veulent pas exécuter brassage de peur abandonner leurs villages et familles
 - Combativité non épuisée

- (d) Bcp des civ autochtones ne le soutiend pas dans OPS contre armé
- (2) FARDC - MONUC
- (a) possibilités :- utilisation de gros moyens
- démonstration de force pour intimider, distension et occuper FOCA dans forêts inhospitalières pour enfin adhérer à D2R3
- (b) Faiblesses :
- FARDC (voir 2 e U) (b)
- MONUC ne maîtrise pas le terrain et pas habitués aux OPS de guérilla.
- (3) FARDC & MONUC : Coord OPS parfois difficile car hétérogènes
- (3) FARDC - APR et UGANDA.
- (a) possibilités
- APR et UGANDA maîtrisent le terrain et disposent de moyen
- APR pouvoir exploiter nos déserteurs et disparus
- (b) Faiblesses
- Coord OPS difficile car hétérogènes
- Manque de confiance de FARDC et civils autochtones à l'égard APR et UGANDA quant à leur retour
- FARDC complexés par APR et UGANDA
- Relation Rwanda & Uganda n'être pas au bon fixe
- (4) FARDC appuyées par forces UA Union africaine.
- Possibilité peu probable suite absence forces UA constituées
- Disponibilité forces UA peut prendre un peu de temps
- Proche collaboration peu certaine suite complexité de la MONUC
- d. SIT PARTICULIERE AM)
- (1) SOMECA - SABENA - BAHAMA et HIRSHIMA dans zone arrière dans leurs quartiers respectifs dans le cadre de la continuité OO en cours
- (2) MONTANA : Man en deux phases avec ses S/U
- (a) 1^{ère} PHASE
* Relève toutes les unités de la zone avancée
* Guérilla active dans zone avancée
* Recce couloir d'infil et objectif à frapper à l'intérieur du RdA
* Vaquer aux travaux de routine et exécuter tout autre Msn de hiérarchie.
- (b) 2^{ème} PHASE
* Frapper les obj sensibles et médiatisables reconnus à l'inté. au RdA dans zone comprise entre RN CYANIKA - KIDATO - RUHENGERI - MUKAMIRA - BIEBOWE - NYUNJO - GITIRA - GISENYI et frontière RWANDA - UGANDA - CONGO-LAISE dans le cadre de la continuité de l'OPS HAGURUKA LA FRONTE.
* Intensifier guérilla active dans zone avancée et au Rwanda
* élargir zone d'action au RdA jusqu'à la rivière MUKU NEWA - NYABARONGE
* Vaquer aux travaux de routine et exécuter tout autre Msn de hiérarchie.
- (2) Instruction de Coordination
1. Relève terminée dans 1^{ère} quinzaine Fev 06
2. dispositif des S/U MONT dans zone avancée
- a. au CONGO
- KIRANA : PAON (en réserve)
 - BINZA : DOUVE
 - URUTARE (KIWANJA) FOUDRE + MULETTE + ELMDOUVE de Recce du couloir d'infil et obj à frapper au RdA (RUHENGERI)
 - NYAMURAGIRA. COLOMBE + ELM FOUDRE de Recce du couloir d'infil et obj à frapper au Rwanda (GISENYI).

B. AU RWANDA

* DOUVE : L.G. : Frontière Rda - Uganda incluse
 L.D. : limite GISENYI - RUTENGERI
 Zone d'action : RUTENGERI Effort principal
 KIBAHU - NKUMBA - KINIGI - MUKINGO - NKURI

* COLOMBE : L.G. DOUVE non incluse
 L.D. ville GOMA frontière RWANDA - CONGO incluse
 Zone d'action GISENYI effort principal - KARAGO
 MUTURA - RWERERE - RUBAVU - KANTAKA

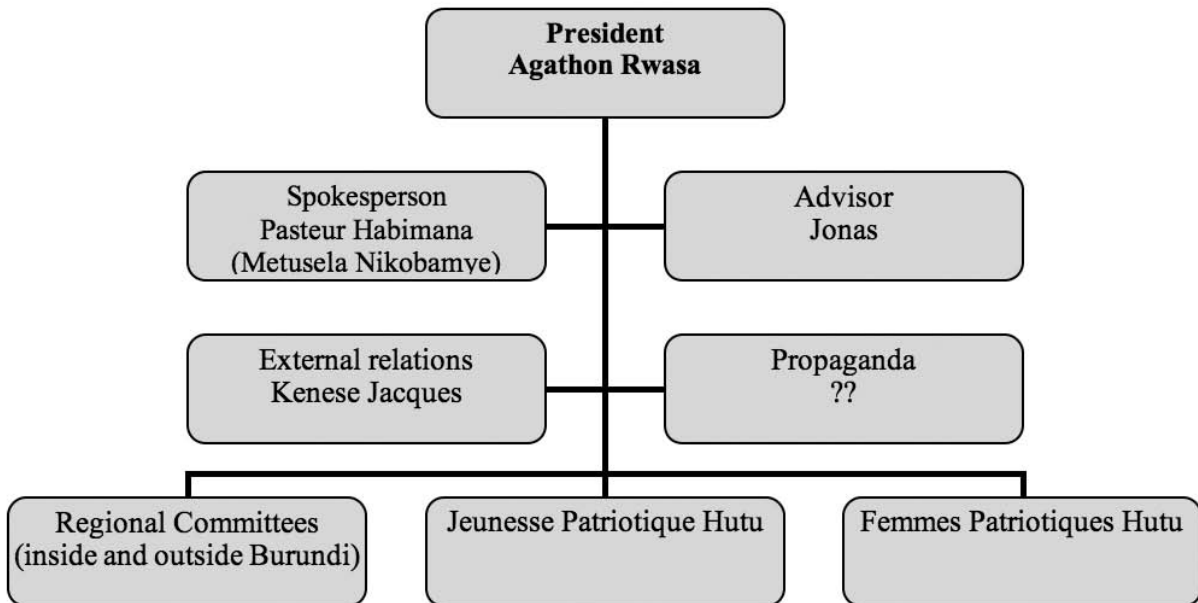
* FOUDRÉ : Couvrir toute la zone des Couloirs RUTENGERI
 GISENYI pour défrichement du terrain
 des S/G MONTANA et exécuter les ops CAP
 ponctuelles au Rwanda

3. Début Recce Couloir et obj sensibles et médiatisables au Rwanda
1^{er} quinzaine Feu ob
4. Fin 1^{er} PHASE fin Feu ob
5. Début frapper des obj sensibles et médiatisables reconnus
au Rwanda 1^{er} quinzaine Mar ob
6. Favoriser le travail de nuit et mobilité
7. Economie de mun être très recommandée
8. Etre le plus léger possible surtout pour les ops à l'inté
rieur du Rwanda.
9. Préparation minutieuse des ops ponctuelles à l'intérieur du
Rwanda.
10. DOUVE et COLOMBE doivent préparer et envoyer ASAP ELMA de
Recce de son couloir chacun sous comde à un cadre
offr de taille (Comd ou Comd 2nd Cdr)
11. FAN se tenir prêt à intervenir et/ou renforcer dans l'un
ou l'autre des S/G des U engagés à l'intérieur du
Rwanda sans oublier relève régulière.
12. Doit maintenir la fierté et la combativité sans faille
de notre BU MONTANA au sein des FDLR/FOCA
encourager les actions d'éclat et des mérites exceptionnels
13. Autres instructions voir directives antérieures contenues
dans DO HAGURUKA : LA FROUDE (C.)

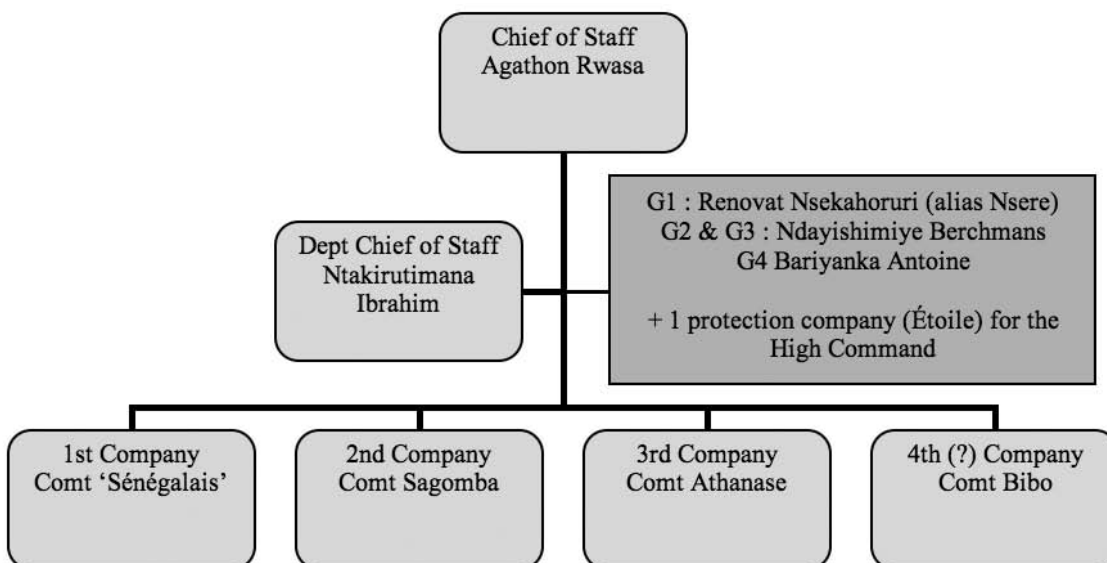
B. FORT POUR LE RWANDA (C.) = 1 =

Annex 3: Organigramme PALIPEHUTU- FNL

Political (PALIPEHUTU)



Military (FNL)



Annex 4: Selected Bibliography Background ADF/NALU

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See also The New Vision, The Monitor, OCHA Updates and IRIN.



MDRP Secretariat

The World Bank
1818 H Street, NW
MSN J11-1102
Washington, DC 20433 USA
phone : + 1 (202) 473 3328
fax: +1 (202) 473 8229
email: info@mdrp.org



www.mdrp.org