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PAST DUE

Remove the FDLR from Eastern Congo

By Rebecca Feeley and Colin Thomas-Jensen

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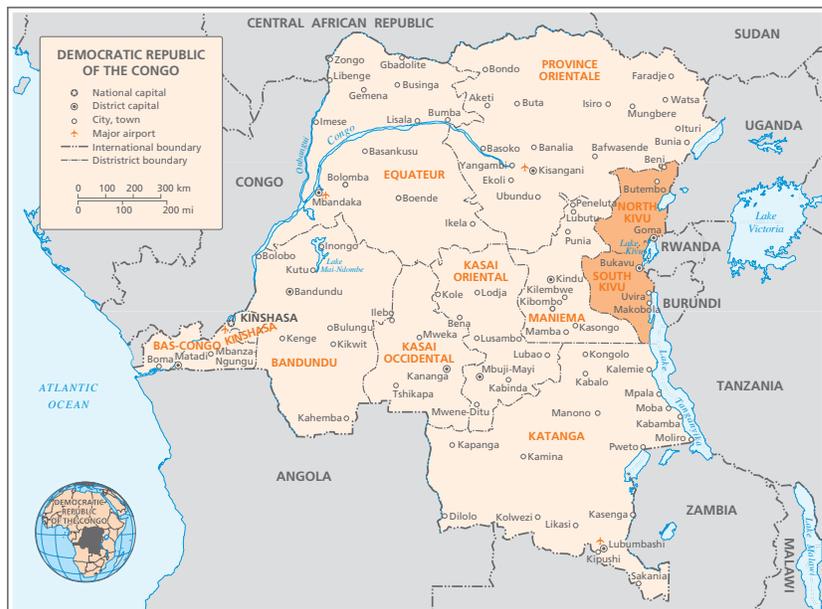
In 1994, at Rwanda’s moment of greatest need, the world turned its back. The Rwandan genocide and the subsequent flight of the *genocidaires* into the Democratic Republic of the Congo spawned eastern Congo’s complex crisis—one that has led to the deaths of 5.4 million Congolese and threatens the future of millions more. The world has had 14 years to take action against the perpetrators of the genocide and those who now terrorize eastern Congo in their name, but the international response remains sorely inadequate. Absent an international action plan to finally remove this scourge, eastern Congo will continue to suffer.

Renewed efforts to resolve the crisis in eastern Congo have not gained momentum; the humanitarian and security situation remains dire and diplomatic progress is at risk of erosion unless the international community locks these gains in through sustained high-level diplomacy, more effective civilian protection, aggressive measures to halt impunity for human rights abuses, and a long-term approach to the country’s greatest challenges: security and justice sector reform.

The most urgent issue, however, is the destabilizing and threatening presence, more than 14 years after the slaughter of nearly 800,000 Tutsis and moderate Hutus in Rwanda, of Rwandan armed groups in eastern Congo. These groups—namely the *Forces Democratiques de Liberation du Rwanda*, or FDLR, and their many offshoots¹—have been responsible for terrible atrocities in eastern Congo, including widespread and systematic sexual violence.

When the Tutsi-led Rwandan Patriotic Front, or RPF,² took control of Rwanda and ended the genocide in July 1994, the forces largely responsible for the orchestration and execution of the Rwandan genocide escaped to eastern Congo. Although the Congolese had battled issues of land ownership and citizenship long before the events of 1994, the arrival of these *genocidaires*—former Rwandan Armed Forces, or ex-FAR and a Hutu extremist militia called the *Interahamwe*—set into motion a regional war in which ethnicity, citizenship, control of land, and lucrative natural resources pitted communities against one another.

The conflict has many layers. The FDLR are a source of harassment, violence, destruction, and rape in eastern Congo. Their presence is the *raison d’être* for some Congolese rebel groups, including Laurent Nkunda’s National Congress for the Defense of People, or CNDP³, who purport to protect their communities from the FDLR threat but are also guilty of atrocities. The FDLR also potentially



Source: Map adapted from United Nations Department of Peacekeeping Operations Cartographic Section, Map No. 4007 Rev. 8.

1 Unless otherwise specified, the term FDLR will be used in this paper as an umbrella term for the Rwandan armed groups in Congo, including the ex-FAR, Interahamwe, ALIR, FDLR, RUD-URUNANA, etc.

2 The RPF is the political party currently in power in Rwanda.

3 For more on Nkunda and CNDP, reference ENOUGH’s strategy paper “Averting the Nightmare Scenario in Eastern Congo” by John Prendergast and Colin Thomas-Jensen, available at: http://www.americanprogress.org/issues/2007/09/eastern_congo.html

threaten Rwanda and is thus are a major impediment to peace and security in the Great Lakes region more broadly.

As a foreign armed group, the FDLR were not involved in the January peace conference in Goma, the capital of North Kivu province. This conference was intended to advance dialogue between the Congolese government and Congolese armed groups in North and South Kivu, including Nkunda's CNDP. The resulting cease-fire agreement between the government and 22 Congolese armed groups is just the first step of what will be a long and challenging process.

To build momentum *now* for an inclusive peace process that addresses the root causes of conflict in eastern Congo, the international community must urgently pursue a "3Ps" strategy for neutralizing the FDLR. In particular, the international community must build on the November 2007 agreement between the governments of the Democratic Republic of the Congo and Rwanda—the so-called Nairobi Communiqué—and begin dismantling these deadly rebel forces.⁴

Peacemaking: The United States, European Union, and United Nations must work with the Congolese and Rwandan governments to implement a "carrots-and-sticks" approach to deal with the FDLR. This includes increased support for demobilization, disarmament, repatriation, resettlement, and reintegration, or DDRRR. In addition, the international community must put sustained high-level diplomatic pressure on the Congolese government to sever its ties with the FDLR and on the Rwandan government to demonstrate that the individual FDLR combatants *not* wanted for genocide can safely return to Rwanda.

Protection: The U.N. Peacekeeping Mission in Congo, known as MONUC, must increase its presence in FDLR-controlled areas and expand FDLR defection "corridors" where defectors and their dependents are safe and can start the demilitarization process. MONUC must also begin to deny the FDLR and other armed groups access to the minerals and other natural resources that fund their movements and expand its special forces capabilities for possible offensive operations, in coordination with the Congolese army, against the FDLR. Furthermore, ENOUGH joins Human Rights Watch and 61 other international and Congolese human rights groups to call upon the international community to endorse and immediately fill the position of a special human rights advisor for eastern Congo.

Punishment: Because of the current atrocities the FDLR are committing in eastern Congo, the international community has a responsibility to disrupt the command and control of FDLR leadership over combatants on the ground. This leadership includes exiles living in the United States and Europe. First, the U.N. Security Council should expand the list of individuals for targeted sanctions—the freezing of financial assets, limiting lines of communication, and imposing travel bans—and U.N. member states must aggressively enforce those sanctions. Second, those countries where FDLR political leadership live and work—specifically the United States, France, Germany, and Belgium—must investigate those individuals to determine how their political activities affect their resident status. To help end impunity on the ground, the International Criminal Court, or ICC, should focus its investigation on FDLR leadership in the Kivus. Additionally, the international community should work with the Congolese government to establish a special court to try war crimes and crimes against humanity committed by all armed parties in eastern Congo since 1993.

⁴ Representatives of the governments of the Democratic Republic of Congo and Rwanda met last November in Nairobi, Kenya, to discuss the foreign armed groups in Congo. On November 9, 2007, both governments released a joint communiqué addressing the threat to the security of Rwanda, eastern Congo, and the stability of the Great Lakes Region as a whole. See the ENOUGH report, "Report Getting Serious about Ending Conflict and Sexual Violence in Congo," by Rebecca Feeley and Colin Thomas-Jensen, available at http://www.americanprogress.org/issues/2008/03/getting_serious.html, for a discussion of the pluses and minuses of the deal.

A HISTORY OF ACRONYMS: HOW THE FDLR BECAME THE FDLR

When the ex-FAR/*Interahamwe* and Rwandan Hutu authorities crossed into eastern Congo in 1994, more than a million Hutu refugees who feared reprisal killings by the Rwandan Patriotic Army, the armed wing of the RPF, accompanied them. The refugees settled in unsanitary camps, largely in North Kivu, and the humanitarian disaster quickly developed catastrophic proportions. However, these conditions did not deter the ex-FAR/*Interahamwe* and their leaders from their original agenda. Former Rwandan authorities, who recognized themselves as a government in exile, began making preparations to return to power in Rwanda; refugee camps in eastern Congo were ideal grounds for new recruitment. Mugunga refugee camp (not far from Goma), became the military headquarters. Administrative and political networks quickly took shape.

By the spring of 1995, conscious that their responsibility for the genocide was damaging to their political efforts and relationships with the international community, the *genocidaires* adopted a new name—the Rally for the Return of Refugees and Democracy in Rwanda, or RDR. The RDR developed into a political body whose main objective was to mobilize the international community in the return of refugees. Rwandan exiles created a separate movement to focus on military matters—Armed People for the Liberation of Rwanda, or PALIR.

When international efforts to facilitate the demilitarization of the camps and the return of the refugees stalled in the fall of 1996, Rwanda took matters into its own hands. Supporting an uprising by Congolese rebel-leader Laurent-Désiré Kabila and his Alliance of Democratic Forces for Liberation of Congo, or ADFL, Rwanda launched a war with the objective of forcibly closing the refugee camps and destroying the ex-FAR/*Interahamwe*. The majority of Hutu refugees returned to Rwanda at this time, when the ADFL and its Rwandan and

Ugandan sponsors routed Congolese President Mobutu Sese Seko and took control of the country in only seven months. Some Rwandan Hutu fled deeper inside Congo rather than return home, and many, including civilians, were massacred by the Rwandan army.

The congenial relationship between the President Kabila and Rwanda did not last long. War broke out again in August 1998 when Kabila attempted to gain independence from his regional backers and moved to purge Rwandan elements from his government. Backed by Rwandan and Ugandan troops, a newly-formed Congolese rebellion known as the Rally for Congolese Democracy, or RCD, took control of the Kivus and targeted Kabila's economic lifelines: the diamond towns of Mbuji-Mayi and the minerals of Katanga. Kabila responded by absorbing a large number of ex-FAR/*Interahamwe* into the Congolese army, where the group renamed themselves the Liberation Army of Rwanda, or ALiR.

Two branches of ALiR developed at this time. One group, located in western Congo, fought alongside the Congolese army on the frontline of the conflict. Another branch, allied with PALIR, remained on the Congo/Rwanda border, launching guerilla incursions against Rwanda and its Congolese Tutsi allies. During the years that Rwanda was at war in the Democratic Republic of the Congo, ALiR/PALIR also tested the strength of the Rwandan army by attacking provinces in northwestern Rwanda. ALiR/PALIR had infiltrated the area until a Rwandan offensive forced them back into eastern Congo in the early fall of 1998. In 1999, ALiR fighters killed a group of American and British tourists in Bwindi National Park in Uganda. The U.S. State Department soon placed ALiR on a list of terrorist organizations.⁵

The FDLR was born out of the two branches of ALiR around 1999, following the signing of the Lusaka Accords, the peace agreement that would eventually provide for the withdrawal of foreign armies from the Congo. Dr. Ignace Murwanashyaka, who

⁵ The ALiR is on the State Department's Terrorist Exclusion List, available at <http://www.state.gov/s/ct/rls/fs/2004/32678.htm>

had been the RDR representative in Germany, became the president of the FDLR. The FDLR renamed its military wing Combatant Forces *Abacunguzi*, or FOCA. Following Laurent Kabila's assassination in 2001, his son and successor Joseph recognized that the presence of *genocidaires* among his official fighting forces

could hurt his fragile reputation. Kabila facilitated the movement eastward of the western forces, led by Col. Sylvestre Mudacumura,⁶ consolidating the FDLR-FOCA in its hideout in eastern Congo, where they waged a proxy war against the RCD and Rwanda. Under international pressure, the Congolese government outlawed the FDLR-FOCA in 2002. Yet they remain in the Kivus, where they commit appalling atrocities.

The 14 years of failure to aggressively deal with the presence of the *ex-FAR/Interahamwe* is a tragic piece of the international community's legacy in eastern Congo. Although a legitimate threat to Rwanda's security, the *ex-FAR/Interahamwe* provided a pretext for Rwanda's invasions of Congo and the awful wars that ensued. And by failing to denounce Kinshasa's support for the FDLR, the world turned a blind eye to this bad behavior, implying that all parties to the Congo conflict could pay lip service to the peace process while undermining it through continued violence against civilians.

UNDERSTANDING THE FDLR TODAY

The FDLR are an estimated 6,000 to 8,000 combatants, many with families and other dependents. The majority are strategically settled in mountainous or rainforest terrain in North and South Kivu.

GLOSSARY OF ACRONYMS IN ENGLISH

Ex-FAR—former Rwandan Armed Forces

RDR—Rally for the Return of Refugees and Democracy in Rwanda

PALIR—Armed People for the Liberation of Rwanda

AFDL—Alliance of Armed Forces for the Liberation of Congo

RCD—Rally for Congolese Democracy

ALiR—Liberation Army of Rwanda

FDLR—Democratic Forces for the Liberation of Rwanda

FOCA—Combatant Forces *Abacunguzi*

Although geographically isolated, the FDLR have excellent communication networks, enabled by solar power, that keep them in touch with the outside world and their leadership abroad. Combatants go through a strict indoctrination process, and follow orders. They function, as one U.N. demobilization officer described to ENOUGH, as “a state within a state.”

This “state” is able to financially function because of the abundance of mineral resources—largely gold, coltan, and cassiterite—in the regions under their control. A recent report by the U.N. Group of Experts on the Democratic Republic of the Congo found that the FDLR either dig for the minerals themselves or they tax local diggers.⁷ Minerals are then either transported by road or by air to buyers in larger cities like Goma or Bukavu, the capital of South Kivu. The FDLR, like many other rebel groups in eastern Congo, are also known to set up roadblocks along supply routes under their control and tax traders.

The FDLR often collaborate with local defense militias called “*Mayi-Mayi*” and the Congolese army. Congolese soldiers, paid little to nothing, sell their weapons to the FDLR in exchange for minerals or other resources. Some army units have also been accused of giving uniforms to the FDLR. The poorly trained and ill-equipped Congolese army

⁶ Mudacumura is the current FDLR force commander.

⁷ S/2008/43. “Final Report of the Group of Experts on the Democratic Republic of Congo,” to the UN Security Council, February 13, 2008. <http://www.security-councilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S%202008%2043.pdf>

THE RESOURCE CURSE

The Democratic Republic of the Congo's wealth of natural resources is a principle driver of conflict and violence. Profiteers from colonial Belgium in the late 1800s to the FLDR of 2008 have committed horrific atrocities for the sake of making a buck. And you might be carrying a piece of eastern Congo—and a source of conflict—in your pocket.

Cassiterite: Also known as tin oxide, cassiterite is the most important source of the metallic element tin, and the Democratic Republic of the Congo is home to nearly one-third of the world's known supply. Cassiterite rock is a vital element in the manufacturing of many electronic products.

Coltan: Short for Columbite-tantalite, coltan is a metallic ore comprised of niobium and tantalum. Some 80 percent of the world's known coltan supply is in the Democratic Republic of the Congo. After a refining process, coltan becomes a heat-resistant powder—metallic tantalum—that has unique properties for storing electrical charge, and can later be developed into a tantalum capacitor, which controls the electrical current flow in cell phone circuit boards.

Gold: Illegal gold mining by armed groups in eastern Congo enables them to buy weapons and to continue their brutal activities. While this has been most noted in Ituri province, the FDLR control many lucrative gold mines in the Kivus. Gold from Congo is often sent to Uganda where it is then shipped to global gold markets abroad.⁸

sometimes uses the FDLR as a “backup” force and participates with them in joint patrols. As one senior MONUC official told ENOUGH, “Everyone knows that the [Congolese] army collaborates with the FDLR.”⁹ Plans by the Congolese government to deploy more of its army to monitor FDLR-controlled areas are illogical unless this collaboration ends.

FDLR-FOCA combatants today include *genocidaires* as well as younger men from the Rwandan Hutu refugee community who had no involvement in the Rwandan genocide. FDLR leadership is dominated by former Rwandan army commanders and politicians who declare that their goals are to “liberate Rwanda, plead in favor of the oppressed and the excluded, open a new era of peace, and bring back into the hands of citizens the planning and management of their lives.”¹⁰ However, the hateful ideology that justified the killing of 800,000 people in

1994 is still the driving force behind the FDLR; their rhetoric about “a new era of peace” is grotesque in the context of their murder, rape, and looting in eastern Congo.¹¹ Rwanda's Special Envoy to the Great Lakes Region, Ambassador Richard Sezibera, told ENOUGH “What [the FDLR] really mean to do is to liberate Rwanda from Tutsis. They want to dominate or kill those who refuse submission.”¹²

In 2004, a disagreement within the leadership of the FDLR led to the development of a splinter faction: the *Rally for Unity and Democracy-Urunana*, or RUD. ENOUGH interviewed a RUD Colonel who stressed that RUD employs and defends both Hutu and Tutsis. “RUD is not part of FDLR but we share the same objective: power-sharing in Rwanda. We will not return to Rwanda until there is real dialogue.”¹³ Although RUD spouts much the same rhetoric as the FDLR, RUD leadership recently

8 For more detailed information please see Human Rights Watch's 2005 report “The Curse of Gold,” available at <http://www.hrw.org/reports/2005/drc0505/drc0505text.pdf>.”

9 ENOUGH interview, Goma, North Kivu, March 2008.

10 Document “Who Are the FDLR,” can be found at www.fdlr.org

11 See “We have to kill Tutsis wherever they are,” Chris McGreal, in *The Guardian*, May 16, 2008. <http://www.guardian.co.uk/world/2008/may/16/congo.rwanda>

12 ENOUGH interview, Kigali, Rwanda, May 13, 2008.

13 ENOUGH Interview with RUD Commander, March 20, 2008. Binza, North Kivu.

agreed, during a meeting in Kisangani, to disarm *without political prerequisite*. RUD signed off on a disarmament “roadmap” and timeline for their roughly 400 combatants, supported by the Congolese government and MONUC. Once disarmed, the combatants and their dependants will choose between relocation within the Democratic Republic of the Congo or repatriation to Rwanda.

After the Nairobi Communiqué, RUD’s agreement to disarm could be considered a “first crack” into the FDLR. This success can be attributed to the combination of military pressure, increased international attention, and MONUC’s DDRRR sensitization program. A MONUC DDRRR officer told ENOUGH, “The Kisangani meeting is important because some people belonging to the FDLR have understood that their best option is going

through disarmament. Regretfully, there are other FDLR leaders still holding hostage their troops and the Congolese population for their own personal agenda.”¹⁴ This small victory must not diminish efforts and pressure applied on FDLR-FOCA leadership and combatants to disarm.

AN ACTION PLAN TO NEUTRALIZE THE FDLR

The FDLR are both a grave threat to civilians *and* a spoiler to the Goma process. As ENOUGH has argued in previous papers, if the FDLR are not dealt with now, Laurent Nkunda and the CNDP can continue to justify their rebellion. Nkunda’s CNDP forces will almost certainly refuse to disarm and reintegrate into the Congolese army, and conflict will drag on indefinitely. It is thus essential that all par-

THE ROME AGREEMENT, MARCH 31, 2005

In February 2005, a meeting between the Congolese Government and the FDLR leadership was held in Rome and facilitated by Sant’Egidio, an international conflict resolution group. Rwanda refuses to engage in dialogue with the FDLR—what it terms a “genocidal military organization”—and declined the invitation to attend.

On March 31, 2005, the FDLR released a declaration condemning the 1994 genocide and agreeing to voluntary disarmament. In their declaration after the Sant’Egidio talks, the FDLR asserted the following four main points.

1. Agreed to end the armed fight, to voluntary disarmament, and to no longer engage in an offensive against Rwanda.
2. Condemned the genocide and its authors. Agreed to fight against genocide ideology and ethnic hatred. Vowed to cooperate with international justice mechanisms.
3. Condemned terrorism and human rights violations in the Great Lakes region. Vowed to fight impunity.

4. Wished for the return of Rwandan refugees to their country according to international norms, and with the help of DRC, Rwanda, and the international community.

“In conclusion, in opting for the political fight to the detriment of the armed fight, the FDLR expresses the firm will to bring their struggle to a sustainable and peaceful resolution from conflict not only in Rwanda but also in the Great Lakes Region. And to do so, an opening in political space is necessary.”¹⁵

This agreement, signed by FDLR President Ignace Murwanashyaka, was hailed by the international community as a small victory. However, Murwanashyaka’s agreement was contingent upon the “opening of political space” in Rwanda and the FDLR have not implemented the deal. Murwanashyaka lives in Germany, and, according to a United Nations panel of experts, he maintains command and control over the FDLR forces and has been involved in arms trafficking.¹⁶ The U.N. Security Council has ordered Murwanashyaka’s assets frozen and imposed a travel ban. The Rwandan government wants him extradited to face genocide charges.

14 ENOUGH Interview, Goma, May 31, 2008.

15 FDLR Declaration at the Sant’Egidio talks between the FDLR and the Government of the DRC.

16 S/2008/43.

ties concerned with peace and security in Congo—the United Nations, the African Union, the United States, the European Union, the governments of Rwanda and the Democratic Republic of the Congo, and other concerned actors—take immediate steps to dismantle the FDLR from the inside out by incentivizing defections, severing lines of support, and preparing for possible military action.

Peacemaking

1. *The international community must pressure the Democratic Republic of the Congo to end collaborative activities with the FDLR.* The FDLR has continued to operate in eastern Congo for over a decade in part because there is a lack of political will in Kinshasa to solve the problem. However, there is an opening for greater international pressure on the Congolese government. The November 2007 Nairobi Communiqué commits the Congolese government to “refrain from aiding and abetting any armed group.” In a March 2008 follow-up meeting between the heads of the Rwandan and Congolese Armies, the Congolese vowed to investigate the collaborations between Congolese army units and the FDLR. If the international community is serious about peace in eastern Congo, it must exert serious and sustained diplomatic pressure on Congolese President Joseph Kabila, his government, and his security forces to match words with actions. Individuals or army units found to be associating with the FDLR should be punished and redeployed from eastern Congo. The U.S. State Department in particular should reiterate to the Congolese government the implications of that support for what the United States considers a terrorist organization.

2. *The international community must pressure Rwanda to publicly identify FDLR members wanted for genocide charges and specify the*

level of the crime for each. While the FDLR commit massive atrocities against Congolese citizens, its demand for an “opening of political space” in Rwanda as a precondition to disarmament is unacceptable. Rwanda refuses political talks with the FDLR as a whole, but it is willing to welcome combatants on an individual basis. There are four categories of genocide crimes; if individuals know that they are wanted for lesser crimes like stealing property during the genocide (an example of a category four crime), they might be more likely to return to Rwanda to face the traditional *gacaca* courts.¹⁷ As it has previously, the Rwandan government should also consider positions in the Rwandan army to individual FDLR commanders not accused of genocide or crimes against humanity.

3. *International donors and MONUC must further ramp up efforts to encourage FDLR combatants and their dependents to return home.* Most combatants fear persecution in Rwanda and are afraid to return. ENOUGH applauds MONUC for recent sensitization efforts that have encouraged more FDLR combatants to begin the demobilization, disarmament, repatriation, resettlement, and reintegration process and return to Rwanda.¹⁸ Numbers of deserters have doubled in recent months because of MONUC efforts, but more international support is needed. At present, a combatant who makes the decision to return to Rwanda will receive roughly \$600 with which to begin a new life. Donors should significantly enhance these reintegration packages and tailor them to assist former FDLR and their families to establish new livelihoods in Rwanda. The United Nations should make funding for the process of demobilization, disarmament, repatriation, resettlement, and reintegration part of assessed contributions for peacekeeping in 2009, which would require U.N. member states to fully fund this important program.

¹⁷ Gacaca means “justice on the grass” in Kinyarwanda. The gacaca courts are traditional community courts that try lesser genocide crimes categories 2-4. Category 1 cases (which try the planners, organizers, instigators, and leaders of the genocide) are tried in conventional courts.

¹⁸ The sensitization campaign includes details on their rights, the Rome Agreement, and the Nairobi Communiqué. Intermediaries in the field encourage FDLR combatants to return to Rwanda by playing audio of testimony from repatriated combatants informing them that it is safe to return to Rwanda.

Protection

- 1. MONUC should more effectively protect FDLR deserters and more aggressively patrol areas where civilians—particularly women and girls—are vulnerable to attack.** A U.N. demobilization officer told ENOUGH that roughly 70 percent of FDLR foot soldiers would like to return to Rwanda, but they are afraid of trying in case their attempt is unsuccessful. If caught, combatants and their families are likely to be killed. MONUC should increase security for deserters through the creation of larger desertion “corridors”—zones where combatants are protected by MONUC forces and transported to demobilization centers. MONUC forces must also provide a deterrent military presence to protect civilians at roadblocks, rivers, unofficial IDP sites, and other vulnerable locations.
- 2. MONUC should enhance its ability to launch and support offensive operations against the FDLR, in coordination with specially trained Congolese forces.** Although any counterinsurgency operation is fraught with significant risk of civilian casualties, and military action against the FDLR must only be used as a last resort, a credible military threat must remain on the table to create leverage for effective DDRRR. The Congolese army is too weak and too compromised to successfully attack the FDLR. The spring 2007 offensive launched by General Nkunda’s “mixed” brigades was characterized by rampant human rights abuses and sparked a new humanitarian crisis. The attacks failed to make a real dent in the FDLR’s capacity; they simply melted into the forest and left civilians to bear the brunt of the attack. With that in mind, MONUC should seek to both enhance its special forces capabilities—ideally with military assets from the European Union and/or the United States—to a) strike at FDLR command and control, and b) work with selected Congolese army units to train and equip a rapid reaction force to deploy with MONUC in the Kivus.
- 3. The United Nations and the actors that helped negotiate the Goma agreement must appoint a special advisor on human rights for eastern Congo.** The Goma agreement lacks strong provisions to address rampant human rights abuses and impunity, and violations of the ceasefire continue apace. The victims of the conflict lack a strong voice in the process. A high-level special advisor would concentrate minds and press for action to protect civilians at risk, specifically women and girls threatened by sexual violence, and help to build local capacity to reduce women’s exposure to sexual violence and deal with the trauma it inflicts. Although the FDLR are not party to the Goma Agreement, this advisor should investigate FDLR atrocities and put pressure on the United States and European governments to take action against FDLR political leaders living and working in their countries.

Punishment

- 1. The U.N. Security Council must expand the list of Rwandan exiles for targeted sanctions; U.N. member states must aggressively enforce those sanctions, determine how those exiles’ political activity affects their resident status and take appropriate action.** Expanded sanctions against individuals with known ties to the violence in eastern Congo will isolate the military leadership from their political masters, and is likely to encourage more FDLR deserters. A small group of Rwandan exiles still exerts enormous influence over their associated militia operating in eastern Congo. ENOUGH researchers were even asked to obtain permission from a Europe-based FDLR leader for a meeting with a mid-level military commander in North Kivu. FDLR leaders abroad are master propagandists and can provide material support to their movements. In cases where exiles are providing direct support, the Security Council should impose asset freezes and travel bans and member states should aggressively enforce them. Some Rwandan exiles

are already facing sanctions (or international arrest warrants), but many others are operating with impunity. Countries where these exiles are living—particularly the United States, France, Germany, and Belgium—should thoroughly investigate the relationship between those exiles and FDLR groups in eastern Congo and review their legal options and obligations.

2. *The International Criminal Court must focus its investigation in eastern Congo on crimes committed in North and South Kivu.* ENOUGH applauds the ICC’s work in the Ituri region of Congo and the recent arrest of Congolese rebel and former vice-president Jean Pierre Bemba for crimes committed in the Central African Republic. Currently the ICC is observing and monitoring crimes in the Kivus. Given the scale of the crisis, the ICC should open a full investigation in the Kivus, with special focus on rape and sexual violence. The international community must also support efforts to arrest the ICC’s most recent indictee, Bosco Ntaganda.

3. *The international community must support the creation of a mixed chamber within the Congolese justice system to try crimes against humanity in the Kivus.* Because the ICC only has a mandate to investigate crimes that have occurred since 2002, an additional mechanism is needed to punish the crimes against humanity in the Kivus. A mixed chamber would fit into the current justice system in Democratic Republic of the Congo—staffed by Congolese judges and international advisors—and would try war crimes and crimes against humanity committed by all armed parties since 1993. The chamber would also establish smaller tribunals throughout Congo to provide greater accessibility to justice for the Congolese population. The creation of this judicial body should occur within a broader framework of justice reform, which ENOUGH will address in a forthcoming report.

ANNEX A—OTHER ARMED GROUPS ASSOCIATED WITH THE FDLR

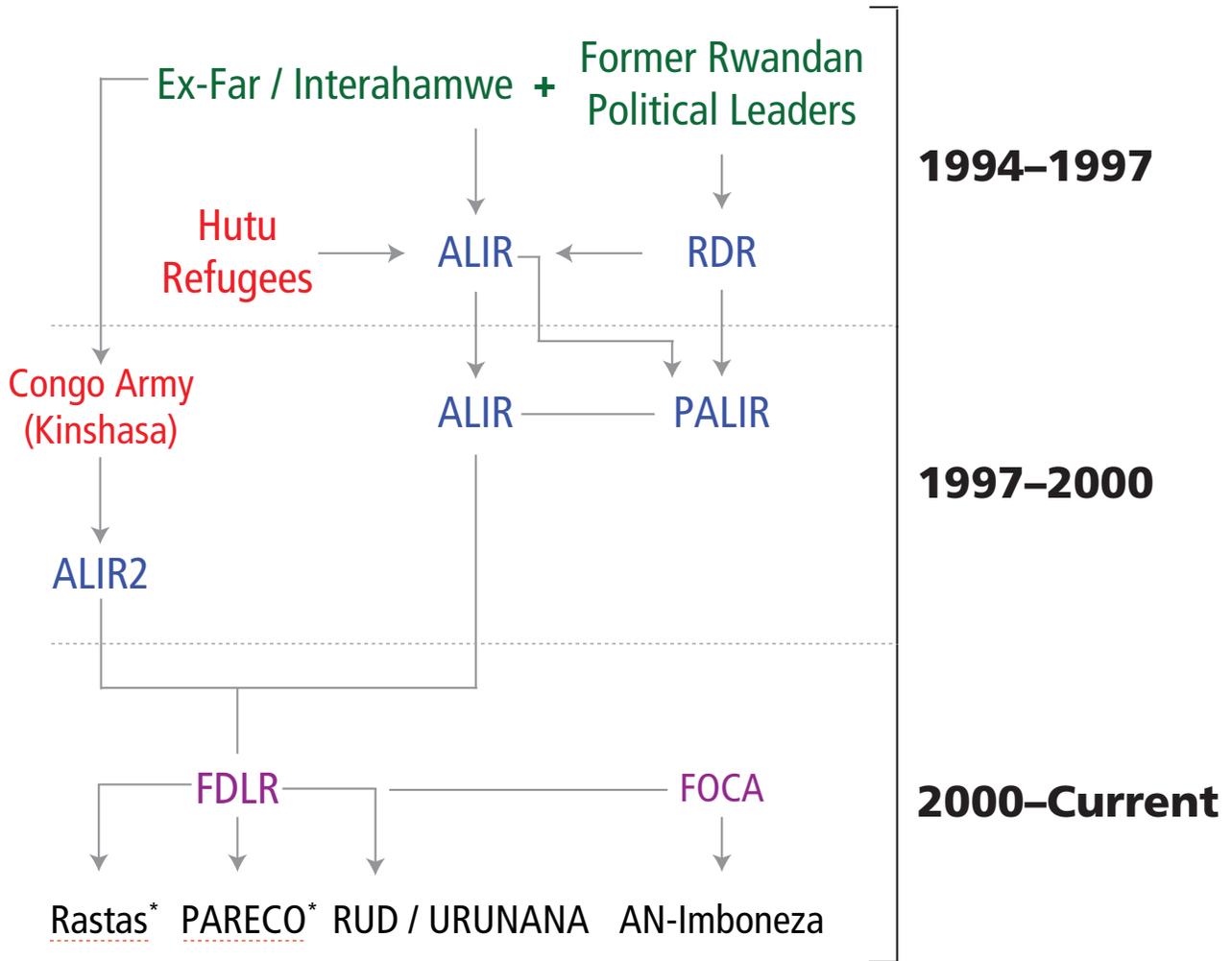
Some ex-FAR//*Interahamwe*/FDLR have broken off and formed new groups, sometimes joining forces with Congolese militias. The following combatant groups are related to FDLR-FOCA and pose a serious threat to the safety and security of the Congolese population:

- ***Rally for Unity and Democracy (RUD)-Urunana***¹⁹ appeared on the scene in 2004 when the former FDLR 1st vice president Jean Marie-Vianney Higiroy, in a likely disagreement with Murwanashyaka, left the FDLR. Together with ex-FDLR treasurer Félicien Kanyamibwa, Higiroy founded RUD and set up political headquarters in the United States. A leadership disagreement within FOCA led to a splinter group named AN-*Imboneza*, which joined RUD as its military wing. After a recent meeting in Kisangani with RUD, MONUC and the Congolese government, RUD agreed to begin the disarmament process for their roughly 400 combatants.
- The “*Rastas*” are the most violent and destructive of the groups with links to the FDLR. They are composed of ex-FDLR combatants and Congolese Hutus and operate mainly in South Kivu. Notorious for their random acts of brutality, they are also known to gang-rape girls and then keep them as sex slaves.²⁰
- ***Coalition of Congolese Patriotic Resistance, or PARECO***, is a recently formed faction that consists principally of ex-Congolese *Mayi-Mayi* militia but also includes some ex-FDLR combatants. PARECO was present at the Goma peace conference and signed the January ceasefire agreement. Since then, they have been responsible for many ceasefire violations, provoking the CNDP by stealing cows in CNDP controlled areas.

19 “Urunana” means “chain” in Kinyarwanda.

20 A forthcoming ENOUGH report will provide background on the conflict dynamics in South Kivu.

ANNEX B—EVOLUTION OF RWANDAN ARMED OPPOSITION AND AFFILIATED GROUPS IN EASTERN CONGO



* These groups are a mix of local Congolese militias and ex-FDLR. See Annex I for more information.



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ENOUGH is a project of the Center for American Progress to end genocide and crimes against humanity. With an initial focus on the crises in Sudan, Chad, eastern Congo, Somalia and northern Uganda, ENOUGH's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. ENOUGH works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about ENOUGH and what you can do to help, go to www.enoughproject.org.



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