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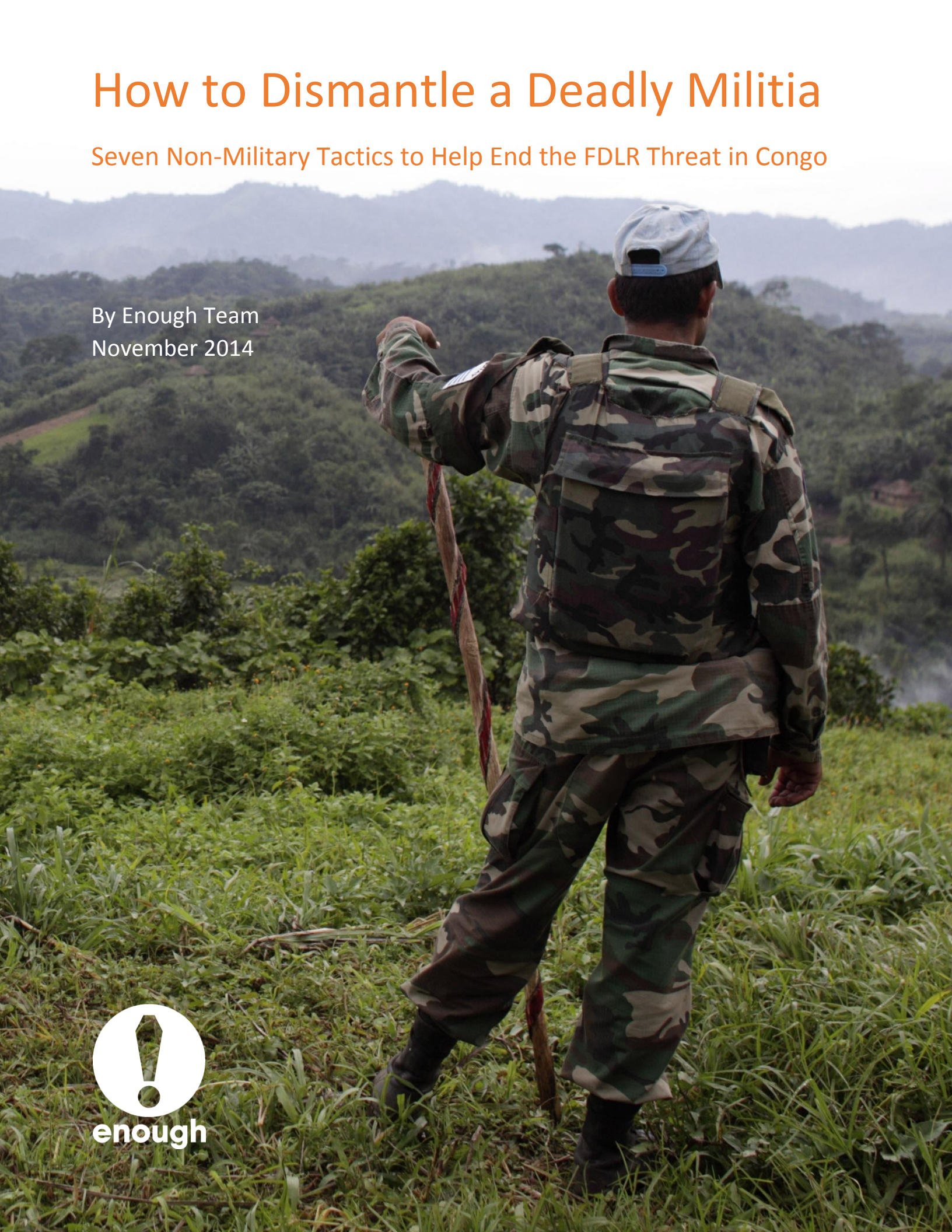

By Enough Team
November 2014

enough

enough
The project to end genocide and crimes against humanity

COVER PHOTO:
United Nations peacekeeper standing watch on a hill near a peacekeeper encampment in the heart of territory held by the FDLR, in the village of Kimua, eastern Congo, in 2009.
Rebecca Blackwell / AP Image

How to Dismantle a Deadly Militia

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Executive Summary and Recommendations

Facing a deadline from the UN Security Council and regional African governments to fully demobilize or face military operations by January 2, 2015, the rebel group in the Democratic Republic of the Congo known as the FDLR[1] is currently regrouping, mobilizing political support, and continuing to pose a regional security threat. The FDLR is one of the most significant and abusive armed groups in Congo and Rwanda, several of its leaders were involved in helping to perpetrate the Rwandan genocide, and it has committed repeated massacres against civilians in Congo. Combatting the FDLR has become the stated *raison d'être* for several active Congolese armed groups.[2] An important reason to focus on the FDLR is that Rwanda has repeatedly cited the FDLR threat as a justification to intervene in eastern Congo. Ending the FDLR would counter that justification and eliminate one of the major drivers of instability in eastern Congo and the region.

Evidence from U.N. experts and findings from six months of Enough Project field research in Congo suggest that the FDLR's current strategy is focused on reorganizing itself in three main areas: generating more income to trade for ammunition and weapons, mobilizing political support in an attempt to gain greater legitimacy, and preparing to avoid military defeat through alliance-building and recruitment. Despite the

group's rhetoric that its fighters are in the process of disarming, the FDLR has failed to meet several deadlines to demobilize set by regional governments and the international community. Fewer than 200 rank-and-file soldiers have laid down their weapons to date, and the group has refused to relocate to designated demobilization camps.

The FDLR continues to generate revenue mainly by trading gold through North Kivu and Uganda and by illegally producing and trading charcoal from Virunga National Park, a trade worth an estimated $32 million per year.[3] The group is using part of that revenue to purchase ammunition and arms from Congolese army officers, with whom it continues to collaborate and share intelligence. The U.N. Group of Experts and interviewees around Virunga Park also note that the FDLR continues to recruit foot soldiers.[4] The FDLR has also struck military alliances with Congolese armed groups, including Maï-Maï Lafontaine and others. Finally, the FDLR is gathering political momentum by having created new alliances with four Rwandan political parties that are frustrated with the increasing lack of political space in Rwanda. Anecdotal evidence from Enough Project field interviews shows that these alliances are boosting morale within the FDLR, though some of the enthusiasm has dissipated recently in the wake of strong disarmament messages from regional governments and the international community.

The FDLR's current strategy is consistent with its longtime pattern of responding to military pressure. In this pattern, the group promises to disarm and reiterates its political aspirations for recognition as a Rwandan opposition group.[5] The FDLR then uses any reprieve to regroup by building military alliances and increasing economic activity and recruitment.

Since the defeat of the M23 rebel group in November 2013, the FDLR has received significant attention in both the region and the broader international community as the next main armed group to address. This attention, however, has translated into very little policy action to date, and the rebels' promises to disarm have gone largely unfulfilled. Efforts to end the FDLR have suffered from a lack of consensus to undertake military operations or other non-military steps in part because of the group's position at the center of regional tensions. The Congolese government, which would have to play a critical role in efforts to counter the FDLR, hesitates in part because its ties to the FDLR are economically and politically beneficial. Several Congolese army officers, for example, continue to benefit from the FDLR's illegal gold and charcoal trade. South Africa and Tanzania, the chief troop-contributing countries to the U.N. Intervention Brigade in the Congo, have supported Kinshasa to date in large part due to business interests related to the Inga III mega-dam and because of strained relations with Rwanda. South African and Tanzanian leaders have also bristled at Rwanda's alleged attempted assassinations of political opponents in South Africa. The current chair of the International Conference on the Great Lakes Region, Angola, has attempted to push the region to act more forcefully on the FDLR, preferring military force but stopping short of contributing troops to the U.N. brigade.

A significant issue with the military option is that the FDLR embeds itself in local communities and refugee populations, creating a legitimate risk that counter-FDLR operations will cause civilian casualties on a scale that is similar to past operations that used conventional military strategies. The risk of civilian casualties can be mitigated if operations using special forces target the FDLR leadership and also incorporate strong civilian protection measures. Lessons from the African Union's mission to counter the Lord's Resistance Army (LRA) should be applied.

Defeating the FDLR will require a comprehensive strategy that incorporates both targeted military approaches and more concerted diplomatic action on non-military areas, including high-level diplomacy, economic measures, incentives to increase defections, humanitarian steps, and criminal accountability. In particular, the FDLR's collaboration with the Congolese army and its economic lifelines must be significantly curtailed. This report sets out key non-military approaches to ending the FDLR's ability to continue to threaten peace and security in the region. A follow-up report will review military steps necessary to address the FDLR.

Recommendations

1. **Regional diplomacy.** U.N. Special Envoy Said Djinnit should continue to proactively repair relations between Rwanda and South Africa as well as relations between Rwanda and Tanzania. The aim should be to forge regional consensus for both targeted military operations and urgently-needed non-military measures to neutralize the FDLR. In addition to shuttle diplomacy and bringing key officials together for talks, initiatives could include confidence-building measures, such as facilitating increased economic ties among the countries, issuing common statements on the FDLR, and/or possible diplomatic retreats, such as a new round of the Oyo Process in Congo-Brazzaville.[6]

2. **Cutting off the FDLR's economic lifelines: charcoal.** U.N. Special Envoy Said Djinnit, U.S. Special Envoy Russ Feingold, and U.N. Special Representative Martin Kobler should press the U.N. peacekeeping mission (MONUSCO) and the Congolese police to support the Virunga park rangers of the Congolese Institute for Nature Conservation (ICCN) in interdicting the FDLR's supply routes for charcoal from Virunga National Park to Goma. The envoys should also press MONUSCO to provide peacekeepers to patrol the park with the Virunga park rangers to help curtail charcoal production in the park.

3. **Accountability for Congolese army officers.** Djinnit, Feingold, Kobler, and Angolan President José Eduardo dos Santos should escalate pressure on the Congolese government to investigate, suspend, and indict Congolese military officers who are suspected of collaborating with the FDLR. The issue should be placed on the agendas of the ICGLR high-level talks and the U.N. Security Council. Such collaboration is a major issue, because it enables the rebels to avoid attacks and resupply. Despite several years of such collaboration documented by U.N. experts, no Congolese army officer has ever been suspended for collaboration with the FDLR.

4. **Work to apprehend FDLR leader Sylvestre Mudacumura and encourage public indictments.** Djinnit, Feingold, and dos Santos should urge MONUSCO and the Congolese government to cooperate with the International Criminal Court, apprehend Mudacumura, and strengthen the case against him. Work on this area can help both break down the structures of impunity that allow FDLR's leadership to thrive and also restore dignity and security to victims. The envoys should also encourage regional governments to develop investigations and public indictments against FDLR, M23, and other high-level persons accused of committing grave atrocity crimes. Public indictments will help encourage non-indicted FDLR and other armed combatants to defect without fear of apprehension.

5. **Third-country resettlement.** Djinnit, European Union Representative Koen Vervaeke, and Feingold should finalize negotiations with countries outside the Great Lakes region and develop concrete options for resettlement for FDLR combatants who are not indicted for atrocity crimes and who have a fear of return to Rwanda. Such offers should include the protective measures necessary to encourage increased defection.

6. **Refugees.** Djinnit, Feingold, and Kobler should work with the U.N. High Commissioner for Refugees (UNHCR) to set up protected camps for refugees in eastern Congo. The envoys should also ensure that MONUSCO provides security for the camps. The current internal displacement camps where Rwandan refugees stay serve as recruitment pools for the FDLR. The creation of U.N. refugee camps with much stronger security and protection provided by MONUSCO would help counter FDLR recruitment from these camps.

7. **Security guarantees.** Djinnit, Feingold, and dos Santos should work with Rwanda to provide an improved security plan that is co-signed by international actors and to issue a new statement that would outline more concrete plans for security and non-prosecution guarantees for FDLR combatants not indicted for grave crimes. Rwanda has had a policy to date, but security deals that have been reportedly broken have made FDLR fighters not trust the current arrangements. A new revised program, co-signed by the United Nations and/or the Southern African Development Community (SADC), could help spur more defections from the FDLR.

Introduction

The FDLR is one of the most important and destructive armed groups in eastern Congo's conflict. Rwanda has justified its interventions in Congo by referencing the FDLR, the rebel group has exacted a heavy toll on Congolese communities, and both Rwanda and Congolese civilians continue to be threatened by the group's presence in eastern Congo. Ending the FDLR threat must therefore be one of the main focuses of efforts to resolve the conflict. Several of its leaders were involved in the Rwandan genocide that claimed 800,000 lives, and the severity of their atrocities against civilians in Congo has been extreme. Its chief military commander Sylvestre Mudacumura is wanted by the International Criminal Court for war crimes and crimes against humanity.[7] The group is under U.N. sanctions because of its repeated atrocities against civilians, and it is also on the U.S. list of terrorist organizations.[8] According to U.N. experts and human rights organizations, the FDLR has perpetrated several massacres of civilians, for example the Busurungi massacre, in which FDLR combatants allegedly killed 96 civilians, including 25 children, 23 women, and seven elderly men while burning 702 houses, health centers, schools, and churches in one day.[9] The group's attacks have been characterized by particularly brutal practices, including rape, burning civilians alive, and other forms of torture.[10]

Seven leaders of the FDLR or its predecessor organizations have been convicted of genocide crimes by the International Criminal Tribunal for Rwanda.[11] Some current FDLR leaders also allegedly participated in the Rwandan genocide, though they have not yet been indicted.[12] The FDLR influences alliances among other armed groups in eastern Congo and increases the threat they pose. Several Congolese armed groups state that the reason for their existence is to fight the FDLR,[13] and several armed groups are allied with the FDLR according to local civil society reports.[14] The FDLR's presence in eastern Congo and its violent attacks within Congo and previously in Rwanda have allowed the Rwandan government to justify its military interventions against the group and its support for the anti-FDLR Congrès national pour la défense du peuple (CNDP) and M23 rebel groups. Rwanda considers the FDLR and its collaboration with Rwandan opposition groups to be a continuing threat.

The Congolese government hesitates to address the group directly, in part because its ties to the FDLR have been economically and politically beneficial. South Africa and Tanzania, the chief troop-contributing countries to the U.N. Intervention Brigade in the Congo, have largely supported Kinshasa to date and have strained relations with Rwanda.[15] South Africa is deepening commercial ties with Congo to prepare for the planned Inga III hydroelectric mega-dam, for possible construction contracts and the powering of its economy from the dam. South African leaders have also bristled at Rwanda's alleged attempted assassinations of political opponents in South Africa.[16] The promise of decisive action by the current chair of the International Conference on the Great Lakes Region (ICGLR), Angola, remains uncertain. Angola has attempted to push the region to act more forcefully on the FDLR issue, preferring military force but stopping short of contributing troops to the U.N. brigade.

The FDLR Today: Weakened but Reorganizing

Military developments. Today, the FDLR is significantly weaker than it was five years ago, but it maintains powerful political, economic, and military networks, and it retains the ability to commit mass atrocities.

The number of FDLR fighters has significantly decreased over the past two decades, from 30-40,000 in 2001 to 6,500 in 2009 to approximately 1,200-1,500 today.[17] Military operations by the Congolese army, U.N. forces, Rwandan special forces, Congolese armed groups, and Virunga park rangers, as well as U.N. defection campaigns and financial pressure from the Dodd-Frank legislation and other conflict minerals pressure, have contributed to the decline. The FDLR's command structure has also been weakened, as 43 of its senior commanders have been killed or have defected since late 2009.[18]

Nevertheless, the FDLR is far from a spent force, and it is currently reorganizing. Its commanders know the terrain and forests in eastern Congo well from having operated there for 20 years. They collaborate with some officers in the Congolese army, and they continue to generate financing from gold and charcoal. The military operations against the M23 rebel group in 2012 and 2013 gave the FDLR both a reprieve from military assaults and increased strength. The Congolese army partnered with some FDLR units to fight the anti-FDLR M23 rebel group,[19] and previous joint military operations against the FDLR by the Congolese army and U.N. were halted to focus on the M23. In 2012 and 2013, the FDLR committed three attacks on Rwandan territory.[20] Even in small numbers, the FDLR has committed atrocities against civilians, posed security threats inside Rwanda, and it regularly splits into smaller groups as part of its guerrilla warfare hit-and-run tactics.[21] It maintains recruitment pools mainly in internally displaced persons (IDP) camps and actively collaborates with other Congolese armed groups such as Maï-Maï Lafontaine while illicitly trading natural resources, particularly gold and charcoal. It also blends in with Rwandan refugees and/or the Congolese Hutu population by hiding its weapons and wearing civilian clothes. The FDLR is likely to do so if it faces military attack.

Delaying, not disarming. Recent evidence suggests that the FDLR is using its promise to disarm as a delay tactic to regroup militarily and build political support for its demands. The FDLR's lack of willingness to voluntarily disarm must be reversed with increased pressure and policy action. A senior FDLR officer told Enough, "Demobilization is not surrender. There will be no rounds of combatants turning themselves in if there's no progress on our demands."[22] Currently there is no indication that the FDLR is voluntarily demobilizing. Interviews with its commanders indicate little willingness to do so at present. False promises of FDLR disarmament are nothing new. The group never delivered on public promises made in April 2014 to lay down arms. Only 186 out of its 1,200-1,500 combatants have voluntarily disarmed since May, and combatants relinquished very little weaponry.[23] The FDLR also failed to meet the disarmament deadlines set and communicated to it by the Congolese government and a team of regional ambassadors in early August. Demobilization terms instructed the FDLR to transfer some of its troops to a designated demobilization site in Kisangani and begin disarmament of further troops by August 8 to 11.[24] Another senior FDLR officer told Enough, "We don't want to go to the Kisangani 'deportation camps.' But the [Congolese] government decided on its own that it will be Kisangani… and maybe they'll say on planet Mars."[25]

These actions fit into the FDLR's long-standing pattern of promising to disarm while instead regrouping: reorganizing itself militarily, empowering itself economically, and strategizing about how to counter attacks and avoid military defeat. For example, one week after the anti-FDLR M23 rebels were defeated, in late 2013, the FDLR issued a press release asking Congo and the U.N. forces not to conduct military operations against it and instead help it pursue political negotiations to be recognized as a political group in Rwanda.[26] Shortly after issuing the request, the FDLR worked to strengthen military alliances with Maï-Maï Lafontaine in Lubero, North Kivu.[27] Currently, some members of local civil society report that the

military alliances appear to have expanded in recent weeks to fend off attacks by the rival armed group Maï-Maï Sheka.[28] The U.N. Group of Experts documented in June 2014 that FDLR rebels continued to recruit foot soldiers, illegally trade and smuggle gold and charcoal, purchase weapons and ammunition, and hold significant arms caches, all while claiming to disarm.[29]

Civil society in eastern Congo is also expressing skepticism that the group will surrender without additional pressure. Echoing the views of many that Enough interviewed in Masisi and Rutshuru, one Congolese Hutu community leader said, "Their demobilization offer is only going to help them buy time as usual."[30] Many interviewees said the FDLR has never followed through on disarmament promises in the past,[31] and North Kivu civil society recently called on the U.N. Security Council to launch military strikes against the FDLR.[32] Their reasoning is complex, but it is borne in large part out of personal experiences of living through the 20 years of atrocities that the FDLR has committed in eastern Congo.

Collaboration with Congolese army officers. The relationship between the FDLR and the government of Congo is complex. At times Congo has taken military action against the group, but several Congolese army officers have and continue to collaborate with the group for economic and military gain. The FDLR has at times been a bulwark of support against Rwandan-supported groups such as the M23.

The FDLR continues to trade with and receive intelligence from Congolese army officers, reflecting a long history of collaboration between the two groups documented by repeated U.N. Group of Experts and media investigations.[33] In June 2014, the U.N. Group of Experts highlighted that "FARDC[34] soldiers continued to sell or barter their material with FDLR, including ammunition, weapons and/or uniforms."[35] Over the past 15 years, hundreds of FDLR fighters have joined Congo's army through the 'brassage,' 'mixage,' and integration processes. Furthermore, many FDLR combatants were able to secure Congolese identification documents during voter registration in 2005 and were then able to join the army through recruitment campaigns. In 2014, FDLR ex-combatants that Enough spoke to confirmed recent support from Congo's army, although they confessed that they wished it were greater. As one FDLR defector told Enough, "We helped the FARDC defeat M23 [in 2013] with its allies. Only ex-CNDP fighters pursuing a Rwandan agenda to exterminate Hutus would turn against us."[36] Another former fighter added, "Sadly, Joseph Kabila has let us down. However, some FARDC officers have remained cognizant of the vital support we gave to prevent the divide of the country… in 1998."[37] Park rangers working in Virunga National Park observed the collaboration as well. As one park ranger told Enough, "Yes, we see the collaboration on a daily basis. The FDLR and FARDC work with local traders, and both profit from the charcoal trade from Virunga to Goma."[38]

The Congolese army's support is vital to maintaining the FDLR's intelligence capacity and arms and ammunition supplies. An officer with the U.N. Intervention Brigade told Enough, "The FDLR has good weapons, including AK-47s, RPGs, mortars, and machine guns,"[39] and a Western military expert noted, "the FDLR is a more effective combat force than the FARDC."[40] It will be impossible to end the FDLR unless the Congolese government curtails its support for the FDLR much more significantly.

Political mobilizing. Meanwhile, the FDLR is gathering new momentum for its political agenda in Rwanda through alliance-building with Rwandan political parties and regional governments that are increasingly frustrated with the current government in Kigali. The FDLR is under U.N. and U.S. sanctions and faces possible military action in its weakened state, and the group is now mobilizing support from political

parties and outside government—a classic strategy by insurgent groups in weak positions.[41] A group born of leaders from the pre-Kagame Rwandan power structure, the FDLR's underlying interest has long been to take or share power in the Rwandan government.[42] Dissatisfaction with the Rwandan government is increasing because of its increasing restriction of civil and political freedoms and the assassinations and assassination attempts of dissident Rwandan military officers outside Rwanda that some allege to have been perpetrated by Rwanda.[43] The FDLR is attempting to ally itself with some of the disenfranchised Rwandans by building political alliances with diaspora political groups in an effort to build legitimacy as a political contender. An FDLR officer told Enough that the recent support by other political opposition groups has increased morale within the FDLR: "A common front with other important [Rwandan opposition] parties is the way the international community will take us seriously. We're glad the alliance with other parties is a done deal today."[44] The June 2014 talks in Rome through the Catholic lay group Sant'Egidio likely also fit into this pattern of reorganizing when under threat. A recent report by journalists Dominic Johnson and Simone Schlindwein highlights, "The past history of negotiation attempts with the FDLR leadership shows: The FDLR always claims to want to talk when it is put under military pressure."[45]

Morale. Testimony from FDLR commanders and combatants suggest that morale within the FDLR is relatively high, though it is waning somewhat. FDLR officers have expressed for several months their confidence that the main countries contributing troops to the Intervention Brigade, South Africa and Tanzania, would block military action against it. An FDLR officer told Enough, "The Intervention Brigade means South Africa and Tanzania. We believe those states understand our grievances and claims better. We know they'll make the right decisions."[46] Another officer added, "SADC [Southern African Development Community][47] knows the DRC crisis inside out… They know the FDLR is the fictitious excuse [for Rwanda] to continue invading the DRC while benefitting from its minerals by any means."[48]

However, the FDLR's morale is starting to dissipate somewhat following tougher international and regional messaging. Following various strong messages to "disarm soon or face military action" by the U.N. Security Council, ICGLR defense ministers, and a committee of regional ambassadors who visited FDLR leaders in August, several FDLR leaders expressed a lowering of expectations. A senior FDLR officer told Enough in late August, "I'm realizing that [SADC] can't do anything by itself without the approval and support of the international community… SADC's representative [with whom we spoke] doesn't seem optimistic that the international community will agree to our agenda of direct talks with Kagame."[49] Other FDLR commanders now also express increasing doubts that they will get both South Africa and Tanzania to fully support them and that they will be able to hold direct talks with Rwandan President Paul Kagame.[50]

The Comprehensive Approach: Five Main Non-Military Steps and Added Pressure

A military solution alone will not end the FDLR rebellion; the solution must be comprehensive and include several non-military steps beyond what is being done currently. Those steps will have to be coupled with targeted military operations against top FDLR commanders. Without increased pressure to complement the non-military policies, the FDLR will continue to regroup, attack civilians in the Congo, spawn new Congolese armed groups, and prepare for attacks against Rwanda. However, if military operations are conducted using similar conventional military strategies to those that were employed in the past and without concrete new plans to ensure civilian protection, the military operations will cause more harm

than good. While the political will for military operations is still being built up, and civilian protection plans are being developed, policymakers can and should act now to take action on four main non-military areas. These approaches should counter the FDLR's access to financial revenues, help increase defections from the rebellion, improve humanitarian conditions for defectors and refugees, and ensure implementation of criminal accountability mechanisms. More focused work in these areas would put greater pressure on top FDLR leaders. These strategies would also create divisions between the top brass and mid-level officers, make it more difficult for the FDLR to recruit foot soldiers, and weaken the rebellion overall.

Economics: Interdict lucrative charcoal trading routes and sanction conflict gold traders. Throughout the 2000s, the FDLR was involved in large-scale minerals trafficking operations that generated hundreds of millions of dollars in revenue.[51] While these activities decreased significantly with military operations against it and with the 2010 Dodd-Frank legislation on conflict minerals,[52] the FDLR continues to generate revenue today, mainly from gold and charcoal in and around Virunga National Park. According to the United Nations, gold is traded through Butembo and then smuggled to Uganda through the border post [of] Kasindi.[53] The FDLR uses the gold, or the profits from it and other commodities, to trade for arms and ammunition with Congo's army, paying either in cash or directly in gold.[54] A leaked U.N. intelligence report from late August stated that "FDLR money-making teams work with officers within the FARDC 85th Military Sector hierarchy for obtaining weapons and ammunition supply."[55]

This revenue may not be as high as before, but it is still several millions of U.S. dollars, according to the leaked U.N. report.[56] This is enough to sustain the group, together with farming, other looting, illegal taxation of refugees, fishing, poaching, and the running of other small businesses.[57] The 2013 U.N. Group of Experts documented that "several ex-combatants told the Group that FDLR sustains itself in North Kivu primarily through looting, gold mining and illegal taxation, as well as agriculture and charcoal production. … In South Kivu, former FDLR combatants told the Group that FDLR mines gold at Birara and collects taxes from mines at Miki and Kitopo."[58] According to more recent reports, the FDLR's main unit in charge of revenue collection, in particular gold, is called "Miroir" and is based in Kasugho, southern Lubero, North Kivu, not far from Virunga. Meanwhile, a second unit controls charcoal production in the Virunga park, cutting down trees, burning wood to make charcoal and trading it, and splitting profits with Congolese army officers and Maï-Maï groups.[59] According to the U.N. report, "An estimated 92% of charcoal used in North Kivu comes from the Virunga National Park supplied by the FDLR."[60] Enough Project field interviews corroborated these findings, as FDLR officers admitted to gold, charcoal, and small business trading, and locally-based U.N. officials confirmed the same.[61] Interviewees said the FDLR was involved in the gold trade in Luofu and the tantalum trade around Mpati.[62] As a U.N. official told Enough, "the FDLR are much settled here. They're running businesses."[63] The group also reportedly continues to receive aid from the diaspora, mainly in Europe, though it is unclear exactly how much revenue this generates.[64]

Three strategies would help cut off the FDLR's remaining sources of financing. First, MONUSCO should conduct regular joint patrols inside Virunga National Park, in close consultation with the park rangers of the Congolese Institute for Nature Conservation (ICCN), to curb the charcoal and timber trade without damaging conservation efforts. ICCN has worked for several years to try to do this with some level of success,[65] but it lacks the resources, adequate equipment, and personnel to conduct the necessary number of patrols on its own. Efforts to curtail illegal charcoal production and trade in the past have had some success and should be strengthened. As ICCN noted in 2008, "The flow of charcoal coming out of the park and going into Rwanda has diminished with enforcement measures taken on the Rwandan

side."[66] Second, the U.N. Security Council should place targeted sanctions on the Butembo, Bukavu, and Uganda-based gold traders who are dealing in FDLR-traded gold, and Special Envoys Djinnit and Feingold should place pressure on the Congolese and Ugandan governments to suspend the licenses of these traders. Action against the traders would help cut off the FDLR's market access for gold, which would make it significantly more difficult for the FDLR to trade. Third, Belgium and the European Union should place sanctions against and indict diaspora figures who give financial support to the FDLR.[67] Judiciaries with jurisdiction over such diaspora figures should investigate those individuals for direct perpetration or aiding and abetting the war crime of pillage, and other relevant serious economic crimes like money laundering.

Encouraging and protecting defectors: Offer third-country resettlement for FDLR officers not indicted for grave crimes, and enhance protection for ex-combatants returning to Rwanda. While it is clear that some FDLR leaders must stand trial for grave crimes, it would also be helpful to offer incentives and/or assurances for non-indicted, disarmed FDLR fighters. Many FDLR fighters express fear of being arrested or killed if they return to Rwanda. As one FDLR fighter said, "We have the option of fighting [or] returning to what many think would be certain arrest in Rwanda."[68] Some such fears are justified. For example, despite a reported deal with Kigali to be granted amnesty and then serve as an officer in Rwanda's army in 2005, former FDLR commander Amani Amahoro was tried in a Gacaca court and then jailed in Rwanda.[69] As journalists Johnson and Schlindwein commented, "To the FDLR, the Amohoro case became proof that returning home can end badly and that Kigali's promises are not to be trusted."[70] As an FDLR officer told Enough, "We need guarantees that combatants who return to Rwanda won't be arbitrarily jailed or killed, as Rwanda considers every dissident a genocide suspect."[71] Rwanda has a policy of reintegrating in Rwanda former FDLR fighters not indicted for genocide crimes. Because of the FDLR's strong distrust of this policy, however, it would be helpful to update the policy with international guarantees in order to incentivize defections from the FDLR.

Two policy tracks could help address these fears and further divide the FDLR's leadership. First, providing resettlement in a third country outside the region would give FDLR officers a different option for the future—the opportunity for a secure civilian life in a different country. Over the past two months, SADC has called on the international community and U.N. to develop resettlement offers for FDLR fighters. Western diplomats informed Enough in late August 2014 that international negotiations are taking place on that issue, but that no concrete agreement has yet been reached.[72] It would likely only work, however, when the FDLR is under military pressure, as FDLR officers express very little interest in leaving Congo under present conditions. As a mid-level FDLR officer told Enough, "That third country asylum proposal is deportation, and we're against it… There's no FDLR officer who will concede to that deportation. We all want to go back home, that's it."[73]

Second, Djinnit, Feingold, and others could work with Rwanda to devise an improved plan that would include enhanced assurances that non-indicted FDLR fighters would not be arrested or killed if they return to Rwanda. Rwanda has such policies in place, but because of reportedly failed past incidents such as those of Amani Amahoro, FDLR fighters do not trust the current policies. To help, for example, the envoys could, with agreement from Rwanda, arrange for international observers to back the security guarantees and communicate the arrangement with a joint statement. Another possibility could be that the returning non-indicted FDLR combatants be given security by U.N. personnel or teams from the ICGLR Expanded Joint Verification Mechanism that monitors the border between Congo and Rwanda.

Refugees and defections: Set up U.N. refugee camps and increase defection campaigns. Marginalized refugees and internally displaced persons in Congo, mainly Rwandan and Congolese Hutus, continue to be a key source of recruitment for the FDLR. If policymakers do not address this important source of support for the rebellion, the FDLR will continue to have willing and able foot soldiers at its disposal. As more global research has shown, taking away the recruitment pools of rebel groups is a critical tool in successfully ending rebel groups around the world.[74] The FDLR "controls the security of IDP camps in several areas," according to a regional analyst.[75] Since Rwandan Hutu refugee camps were dismantled by the Rwandan army and Rwandan-backed rebels in 1996, the United Nations no longer organizes camps for refugees in the Kivus. Hutu refugees have since then been assimilated into local communities or camps for internally displaced persons, and the refugees make up the bulk of the populations of such camps in Masisi and Rutshuru, with 185,000 people in total.[76] As an official of Congo's National Commission for Refugees told Enough, "No outside visitors can venture into the camps without prior ok from the leaders of FDLR combatants."[77] Despite being international refugees, the vast majority of the Rwandan Hutus are treated as internally displaced persons and do not have pending cases with UNHCR, contradicting UNHCR global refugee policy. This double standard, combined with the poor conditions in the current camps, lead many of the refugees to feel abandoned by the international community. As Enough Project interviews in the camps revealed, many Hutu refugees therefore turn to the FDLR for support. As Janvier, a former refugee recruited by the FDLR, told Enough, "In front of the abandonment of the Hutu refugees by the international community, [FDLR/]FOCA is the only rampart we have remained with. And we know it's not a dream they'll take us back home."[78]

To prevent continued FDLR recruitment of refugees, and to address refugee grievances about international abandonment and alleviate poor living conditions, the United Nations should set up camps for foreign refugees. These camps should include not only Rwandan Hutus but also other refugees, and the camps could be established outside the Kivus where the FDLR recruit. The camps should provide refugees and those in nearby local communities with adequate shelter, water, sanitation facilities, food, medical care and recreational centers for children. Camp security is critical, and FDLR leaders indicted for grave crimes would need to be denied entry. MONUSCO peacekeepers and U.N. DDR/RR, and UNHCR monitors could secure and monitor the camps to prevent armed combatants from entering the camps, abusing and recruiting refugees, hiding themselves, and hiding weapons. The Congolese army should not secure the camps because of its ties to the FDLR. While past proposals for such camps have not advanced, a renewed push could help reduce the FDLR recruitment pool. These steps should be coupled with increased defection campaigns by the U.N.

Increasing Defections: Lessons from the Counter-LRA Mission

The African Union Regional Task Force for the Elimination of the LRA and U.S. military advisors to the mission have been highly successful in increasing defections from the LRA rebel group over the past three years. The following are five lessons from the mission, drawn by Enough Project LRA and CAR field researcher Kasper Agger, which could be helpful for MONUSCO and the U.N. DDR/RR teams to further implement when addressing the FDLR:

1. **Linking to intelligence.** Defection messages must be fused with intelligence to make sure that the messages actually reach the armed groups.

2. **Flyer drops and helicopter and radio broadcasts.** Defection messages may be disseminated by flyers dropped from the sky, broadcasting from airborne speakers mounted on helicopters, and radio broadcasts. The U.S. advisors and Invisible Children have set up several high-frequency radio stations, and they also run programs on the short-wave radio system.

3. **Personalized messages.** The most successful defection messages have been those that are personalized to individual members and specific groups. Recent defectors or family members have recorded messages, including pictures or flyers, which describe their new lives, developments in Uganda, and opportunities for education. These messages are then directed to the LRA groups. Many LRA defectors have explained that they came out after hearing their friends or family on the radio. The key is to ignite a desire for home, which finally convinces a person to escape.

4. **Combining with military pressure.** Creating opportunities for escape is the other important factor. These opportunities often happen in conjunction with military pressure, which keep the rebel groups on the run and make it harder for the commanders to monitor those around them all the time.

5. **Safe reporting sites.** The U.S. advisors have helped set up Safe Reporting Sites where local communities have been sensitized in how to receive LRA defectors and prevent retributive lynchings of defectors, which has happened several times. The sites are small villages with local military deployment and are shown on flyers dropped over areas with LRA activity. Defectors then walk towards the sites and can surrender peacefully.

Accountability: Indict high-level perpetrators of atrocity crimes. The FDLR has committed a number of atrocity crimes in eastern Congo over the past two decades, yet justice for the victims of such crimes is severely lacking. Indictments of FDLR leaders by the International Criminal Court (ICC) and other courts have reportedly helped put pressure on the group in the past. Given the limited jurisdiction of the International Criminal Tribunal for Rwanda (ICTR), its indictments targeted only perpetrators of crimes committed during the 1994 Rwandan genocide, not crimes on Congolese soil committed after the genocide. The ICC's only currently active FDLR case involves charges against current FDLR commander Sylvestre Mudacumura for crimes committed in the Kivus. Field interviews in Congo reveal that within the FDLR, fighters' uncertainty over who the key suspects are has helped extremist leaders within the group tighten their grip over other fighters. Uncertainty has impeded repatriation of fighters not implicated in the genocide. If domestic and international investigators and prosecutors could identify key perpetrators and distinguish them from those who are not allegedly implicated, this would divide the FDLR leadership, encourage defections, and mark an important step in ending impunity and providing justice for the victims of atrocity crimes. More sophisticated investigations into atrocity crimes in Congo, regardless of the association of the perpetrators, are critical to removing high-level criminals from theater, providing measures of reparation and truth to victims, and developing international jurisprudence.

First, Djinnit, Feingold, Kobler, dos Santos, and Vervaeke should press the Congolese government to investigate, indict, and prosecute military officers suspected of collaborating with the FDLR. These investigations are within the exclusive jurisdiction of the military justice system, which should maintain independence from executive branch influence as it pursues cases. In the absence of prosecutions, an alternative option would be to suspend military officers found to be collaborating with the FDLR. MONUSCO should provide support to the military system to this end, providing capacity and helping to ensure that witness protection is provided and judicial independence is preserved. Congolese army officers continue to provide intelligence to and trade weapons with the FDLR, according to both U.N. Experts reports and FDLR officers themselves. Despite several years of documented evidence on this issue, no Congolese army officer has ever been prosecuted or suspended for FDLR collaboration. Ending impunity for such collaboration is critical for FARDC accountability, and cutting off that support is vital to putting pressure on the group. The Congolese government has prosecuted or suspended some of its officers for various crimes, including sexual violence and the pillage of personal property, and thus taking action against the army officers who collaborate with rebels would be one more initiative along that same line. Congolese leaders have not yet expressed interest in this area, but added pressure from the envoys could help change minds. Furthermore, with independence and resources severely lacking in the current Congolese military justice system, the envoys should continue to press Congo to establish the Specialized Mixed Chambers to prosecute FDLR leadership and other perpetrators of atrocity crimes.

Second, the envoys and President dos Santos should urge the Congolese government to cooperate with the ICC to apprehend Mudacumura. Congolese and MONUSCO authorities should work to preserve and turn over evidence related to his case, particularly with respect to the pillage of minerals and related atrocities. The Congolese government, with MONUSCO's support, should ensure adequate in-country protection of witnesses and victims cooperating with the court.

The Rwandan government has made broad accusations against FDLR leadership for atrocity crimes[79] without releasing public indictments. Transparent, public indictments must be based on thorough independent investigations, rather than a bare list of names, in order to fulfill due process rights, prevent

reprisal attacks and ensure that the correct individuals are named. Rwanda reportedly had a private list of suspected genocidaires in 2005 that was never publicly released.[80] The creation of simple lists of accused individuals, without a full investigation, and transparent charges violates international due process standards and fails to fulfill basic tenets of a functioning justice system, instead promoting vigilante justice, baseless accusations, and rumors. Investigations should be carried out by independent investigators appointed by the judiciary or military court system and with the help of MONUSCO justice units and prosecution support cells. Investigations should only go forward with proper witness protection and victim support, with particular measures in place for witnesses and victims testifying to crimes of sexual violence.[81] Some action is being taken on this front, but it must be accelerated significantly by the Rwandan and Congolese justice ministries. In mid-August, regional defense ministers directed a regional 'joint intelligence fusion cell' made up of regional officials "to identify the leaders of negative forces and their associates to be sanctioned and/or blacklisted and eventually arrested."[82] It is helpful that the regional leaders are beginning to address this issue. However, the ICC must also be strongly encouraged to further investigate atrocity crimes linked to the FDLR and indict those suspected of being most responsible for the gravest crimes based on the evidence that emerges.

Third, the envoys should press the U.N. Security Council to investigate and consider levying sanctions against Congolese community leaders, politicians, and army commanders who have been distributing weapons to members of their ethnic groups, including FDLR-allied armed groups such as the Nyatura and its offspring groups, particularly in Masisi, North Kivu. Distribution of weapons to ethnic allies will likely continue and accelerate in the lead-up to the elections. MONUSCO should conduct searches for weapons and arms caches in Masisi and Rutshuru, as the FDLR would likely seek weapons hidden here, in displacement camps, and in Congolese Hutu communities and nearby arms caches.

Conclusion

If there is to be hope for ending the conflict in eastern Congo, the FDLR must be a target of concrete, robust, and comprehensive policy action. Such action is particularly important to removing any reason or excuse for Rwandan interference in Congo and in reducing threats to Congolese communities. While regional actors and stakeholders from the international community have delayed in taking action against it, the FDLR has reorganized itself and recruited troops and allies. The FDLR can be defeated with concerted, targeted military pressure but also through a series of non-military steps aimed at cutting off the group's finances, splitting off the leadership from other parts of the group, administering justice for its serious crimes, and cutting off its recruitment pool. The FDLR has survived for 20 years, and addressing it will not be easy, but the international community also has many new tools that it can and must use to deploy in this effort—with the U.N. Intervention Brigade, a new U.S. sanctions regime, and senior U.S. and U.N. envoys. Focus and collective action, if taken now, can yield lasting results.

Endnotes

[1] This report refers to the FDLR/FOCA, the Forces Démocratiques de Libération du Rwanda (FDLR, Democratic Forces for the Liberation of Rwanda) / Force Combattante Abacunguzi (FOCA, Combatant Force for the Liberation of Rwanda), which currently represents the main armed wing of the rebellion. There also two other FDLR splinter groups, the FDLR/RUD (Rally for Unity and Democracy) and FDLR/Soki.

[2] The groups that have said the FDLR is the purpose behind their struggle have included Maï-Maï Sheka, Raïa Mutumboki factions, Maï-Maï Kifuafua and Maï-Maï FDC (Force de Défense du Congo).

[3] Enough interview with Virunga National Park official, Goma, October 21, 2014; News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers," August 28, 2014, available at http://allafrica.com/stories/201408290133.html.

[4] U.N. Security Council, "Midterm report of the Group of Experts submitted in accordance with paragraph 5 of Security council resolution 2136 (2014)," S/2014/428, June 25, 2014, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/428; Enough interview with Virunga park ranger, Goma, October 21, 2014.

[5] A recent FDLR letter to the international community expresses its political interests and grievances. Letter from Victor Byiringiro, Acting President, Democratic Forces for the Liberation of Rwanda (FDLR) to U.N. and African Union leaders, Congolese and regional heads of state, and representatives of regional economic blocs, October 16, 2014, on file with the Enough Project.

[6] Republic of Congo President Denis Sassou Nguesso hosted regional leaders twice at his home town of Oyo for negotiations on regional issues in 2012 and 2013.

[7] These charges include the crimes of murder, mutilation, cruel treatment, torture, outrage upon personal dignity, attack against the civilian population, pillaging, rape, and destruction of property. See International Criminal Court, "Case Information Sheet: Situation in Democratic Republic of the Congo: The Prosecutor v. Sylvestre Mudacumura, Case n° ICC-01/04-01/12," July 3, 2014, available at http://www.icc-cpi.int/iccdocs/PIDS/publications/MudacumuraEng.pdf; International Criminal Court, "FACTSHEET Situation in the Democratic Republic of the Congo Sylvestre Mudacumura," May 14, 2012, available at http://www.icc-cpi.int/NR/rdonlyres/ECE74EE3-6791-425F-9EBF-D839021508D9/0/FactsheetSM14052012Eng.pdf.

[8] Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, "List of Individuals and Entities Subject to the Measures Imposed by Paragraphs 13 and 15 of Security Council Resolution 1596 (2005), As Renewed by Paragraph 4 of Resolution 2136 (2014)," p. 53, last updated June 30 2014, available at http://www.un.org/sc/committees/1533/pdf/1533_list.pdf (last accessed November 2014). The FDLR is listed on the U.S. terrorist exclusion list under its previous name, Army for the Liberation of Rwanda (ALIR) and is also listed as Interahamwe (paramilitary group), and ex-FAR (Forces Armées Rwandaises, the national armed forces in Rwanda prior to the 1994 genocide). U.S. Department of State, "Terrorist Exclusion List," December 29, 2004, available at http://www.state.gov/j/ct/rls/other/des/123086.htm.

[9] Human Rights Watch, "You Will Be Punished," December 2009, p. 96 available at http://www.hrw.org/sites/default/files/reports/drc1209webwcover2.pdf. Amnesty International and Human Rights Watch documented a number of FDLR atrocities between 2010 and 2012 that appear in the description of the FDLR on the U.N. sanctions list. In addition to the killing of 96 civilians in Busurungi, the reports describe 60 cases of rape in June 2010 in southern Lubero in attacks by armed groups that included the FDLR; documentation of at least 83 forcibly recruited children; killings, rape, and large-scale abductions in Masisi, numerous attacks in May 2012 in which the FDLR hacked to death dozens of civilians, including children; attacks in South Kivu with victims burned alive, decapitated, or shot, and numerous other specific instances of documented atrocities. For the summary descriptions of these attacks see Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, "List of Individuals and Entities Subject to the Measures

Imposed by Paragraphs 13 and 15 of Security Council Resolution 1596 (2005), As Renewed by Paragraph 4 of Resolution 2136 (2014)," p. 53.

[10] According to Human Rights Watch, between late January and September of 2009 the FDLR was responsible for at least 701 civilian deaths. Human Rights Watch, "You Will Be Punished," p. 12. According to the U.N. Group of Experts, between December 2011 and November 2012, the FDLR was responsible for at least 282 civilian deaths. U.N. Security Council, "Final report of the Group of Experts on the DRC submitted in accordance with paragraph 4 of Security Council resolution 2021 (2011)," S/2012/843, para. 150, November 15, 2012, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/843.

[11] These leaders are Tharcisse Renzaho, Augustin Ngirabatware, Idelphonse Nizeyimana, Gregoire Ndahimana, Aloys Ntabakuze, Augustin Bizimungu, and Callixte Nzabonimana. An eighth indicted FDLR leader, Protais Mpiranya, is at large. Cases for Renzaho, Ndahimana, Ntabakuze, and Bizimungu are complete. Cases for Ngirabatware, Nizeyimana, and Nzabonimana are being appealed. Records of each case are available at http://www.unictr.org/Cases/tabid/204/Default.aspx (last accessed November 2014).

[12] See indictment of Sylvestre Mudacumura, International Criminal Court Pre-Trial Chamber II and Office of the Prosecutor, "Situation in the Democratic Republic of the Congo: Public Corrigendum to 'Public redacted version of Prosecution's Application under Article 58' With Explanatory Annex A, May 15, 2012, available at http://www.icc-cpi.int/iccdocs/doc/doc1398587.pdf. See also the study funded by the Rwandan Demobilization and Reintegration Commission, Rakiya Omaar, "Leadership of Rwandan Armed Groups Abroad With a Focus on the FDR and RUD/URUNA," pp. 236-281, December 2008, available at http://www.francerwandagenocide.org/documents/LeadershipOfRwandeseArmedGroupsInDRC.pdf. See also Hans Romkema De Veenhoop, "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," (Washington: Multi-Country Demobilization and Reintegration Program, June 2007), available at http://www.wilsoncenter.org/sites/default/files/MDRPDRCCOFSStudy_Final_ENGL.pdf.

[13] The groups that have said the FDLR is the purpose behind their struggle have included Maï-Maï Sheka, Raïa Mutumboki factions, Maï-Maï Kifuafua and Maï-Maï FDC (Force de défense du Congo).

[14] Enough interviews with civil society in Muhanga and Bunyantenge, September 27, 2014.

[15] See Kevin J. Kelley, "Kigali alleges 'hidden agenda' to protect FDLR, The East African," November 1 2014, available at http://www.theeastafrican.co.ke/news/Kigali-alleges--hidden-agenda--to-protect-FDLR-/-/2558/2507628/-/2lpjqt/-/index.html.

[16] Peter Cox, "Murder Leads to Tension Between South Africa, Rwanda," Voice of America, March 20, 2014, available at http://www.voanews.com/content/murder-leads-to-tension-between-south-africa-rwanda/1875360.html.

[17] The first number comes from Human Rights Watch interviews in 2001. Human Rights Watch, "Rwanda: Observing the Rules of War?" December 2001, available at http://www.hrw.org/reports/2001/rwanda2/Rwanda1201-02.htm#P98_13107. The other estimates come from the U.N. Group of Experts and field interviews in Congo. Rwanda gives much higher estimate. News of Rwanda, "Rwanda: Inside FDLR Policy to Remain Exclusively 'Nordists' Only," October 1, 2014, available at http://www.newsofrwanda.com/featured1/25001/rwanda-inside-fdlr-policy-to-remain-exclusively-nordists-only/.

[18] In March 2014, the Democratic Republic of the Congo Affinity Group published a list that compiled 32 two names of FDLR leaders that had been killed, defected, or disappeared since 2009. Social Science Research Council Democratic Republic of Congo Affinity Group, "FDLR: Past, Present, and Policies," March 2014, pp. 6-7, available at https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/%7BCD664AA5-24B4-E311-93FD-005056AB3675%7D.pdf. According to the U.N. Group of Experts, since that time two individuals named on this list, Hamada Habimana and Ferdinand Nsengiyumya, have returned to the FDLR. U.N. Security Council, "Midterm report of the Group of Experts submitted in accordance with paragraph 5 of Security council resolution 2136 (2014), S/2014/428, para. 43. After accounting for a few repetitions on the Affinity Group list, the number has been increased to 43 based on the findings of Enough field interviews with FDLR commanders, Goma, Sept. 2014, and UNDRRR reports from 2009 to 2012 viewed by the Enough Project.

[19] In its January 2014 report, the U.N. Group of Experts notes, "MONUSCO military sources reported that FDLR clashed with M23 on several occasions at Rubare and Rugari. The Group received information that FDLR coordinated attacks and ambushes against M23 with local FARDC commanders, notably in August. By November, however, when FARDC defeated M23, evidence of FARDC-FDLR collaboration diminished. In November, FARDC ended its passivity and attacked FDLR rebels at several locations in South Kivu." U.N. Security Council, "Final report of the Group of Experts submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)" S/2014/42, para. 98. In its July 2013 report, the U.N. Group of Experts notes, "Faced with the rapidly evolving M23 rebellion in 2012, the Congolese army first abided by a tacit non-aggression agreement with FDLR. The deteriorating security situation… however, enhanced the collaboration between some Congolese army units and FDLR in areas of close proximity to M23-controlled territory. The Group has documented local-level collaboration between the Congolese army and FDLR and continues to investigate the extent to which the Congolese army hierarchy may be involved in such collaboration." U.N. Security Council, "Midterm report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)," S/2013/433, para. 106, July 19, 2013, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/433.

[20] According to the U.N. Group of Experts in a July 2013 report, "Since M23 took control of the area along the border with Rwanda in Rutshuru territory, FDLR concentrated its troops adjacent to M23-controlled areas and carried out three attacks on Rwandan soil in late 2012 and mid-2013. FDLR officers told the Group that the objective of these attacks was to show the FDLR was not a dying force. The same sources stated that the incursions into Rwanda have boosted the morale of FDLR troops, and encouraged their leaders to plan other attacks." U.N. Security Council, "Midterm report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)," S/2013/433, para. 101.

[21] For example, according to Human Rights Watch, it killed 701 civilians in between January and September of 2009. Human Rights Watch, "You Will Be Punished," p. 12. According to the U.N. Group of Experts, between December 2011 and November 2012, the FDLR was responsible for at least 282 civilian deaths. U.N. Security Council, "Final report of the Group of Experts on the DRC submitted in accordance with paragraph 4 of Security Council resolution 2021 (2011)," S/2012/843, para. 150.

[22] Enough interview with senior FDLR officer, Kanyabayonga military camp (COB), July 29, 2014.

[23] Voice of America, "UN to Congolese Rebels: Disarm or Face Force" August, 7, 2014, available at http://www.voanews.com/content/un-to-congolese-rebels-disarm-or-face-force/2406474.html.

[24] The group communiqué, issued from Kinshasa on August 4, 2014 and on file with Enough stated: "Strong messages to send to the FDLR leadership from the joint delegation of DRC-SADC-ICGLR-MONUSCO: 1. The transfer of FDLR elements stationed in Walungu bound for Kisangani via Kavumu must begin on Friday August 8, 2014. 2. The transfer of FDLR elements stationed in Kanyabayonga bound for Kisangani via Beni must begin on Saturday August 9, 2014. 3. A next voluntary disarmament ceremony of additional FDLR elements needs to begin in South Kivu Sunday August 10, 2014. 4. Another voluntary disarmament ceremony of additional FDLR elements needs to begin in North Kivu Monday August 11, 2014. 5. If the above actions do not take place by the respective indicated dates, the DRC government, the SADC, the ICGLR, and MONUSCO will take action and report the FDLR's inaction to the relevant authority."

[25] Enough interview with senior FDLR officer, North Kivu, eastern Congo, August 2014.

[26] FDLR, "Press release Nr. 1/SE/November/2013 of the FDLR," November 12, 2013, available at http://ikazeiwacu.k.i.f.unblog.fr/files/2013/11/fdlr-press-release-1-november-2013.pdf.

[27] U.N. Security Council, "Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo," S/2014/450, p. 5, June 30, 2014, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/450.

[28] Enough interviews with civil society in Muhanga and Bunyantenge, September 27, 2014.

[29] U.N. Security Council, "Midterm report of the Group of Experts submitted in accordance with paragraph 5 of the Security Council resolution 2136(2014)," S/2014/438, pp. 14-17.

[30] Enough Project interviews with Congolese Hutu community leaders in Masisi and Rutshuru, June and July 2014.

[31] Enough Project interviews, June and July 2014.

[32] On September 29, official civil society structure of North Kivu stated, "Civil Society of North Kivu deplores the slow process of voluntary surrender of the FDLR. … The two-month extension that the ICGLR has given… is an additional punishment for the civilian victims of the abuses of the rebels… Civil Society of North Kivu urges the Congolese government and MONUSCO, to envisage a rapid deployment of the FARDC and the Intervention Brigade of the UN throughout the region, occupied local militias and negative forces." Radio Okapi, "Reddition des FDLR: la société civile du Nord-Kivu déplore la lenteur du processus," September 29, 2014, available at http://radiookapi.net/actualite/2014/09/29/reddition-des-fdlr-la-societe-civile-du-nord-kivu-deplore-la-lenteur-du-processus/

[33] BBC News, "DR Congo Hutu front 'helps' army," October 2, 2007, available at http://news.bbc.co.uk/2/low/africa/7023708.stm.

[34] Forces Armées de la République Démocratique du Congo (Armed Forces of the Democratic Republic of Congo), the Congolese national army.

[35] U.N. Security Council, "Midterm report of the Group of Experts submitted in accordance with paragraph 5 of the Security Council resolution 2136(2014)," S/2014/438, p. 16.

[36] Enough interview with FDLR senior commanders in Kanyabayonga military camp (COB), July 29, 2014.

[37] Ibid.

[38] Enough interview with Virunga park ranger, eastern Congo, October 22, 2014.

[39] Enough Project interview with military officer of the U.N. Intervention Brigade, eastern Congo, June 2014.

[40] Enough Project interview with western military expert on central Africa, October 9, 2014.

[41] Max Boot, *Invisible Armies* (New York: Liveright Publishing Corporation, 2013), p. 566.

[42] As an officer in an FDLR splinter faction told the Enough Project, "we share the same objective: power-sharing in Rwanda. We will not return to Rwanda until there is real dialogue." Enough interview with RUD Commander, March 20, 2008. Binza, North Kivu. For a recent FDLR letter to the international community expressing its political interests and grievances see Letter from Victor Byiringiro, Acting President, Democratic Forces for the Liberation of Rwanda (FDLR) to U.N. and African Union leaders, Congolese and regional heads of state, and representatives of regional economic blocs, October 16, 2014, on file with the Enough Project. This letter, like others before it, expresses the sentiment that the FDLR considers itself and its dependents Rwandan, with Rwanda as its homeland. The FDLR letter describes the problems as being political in nature, needing political solutions. The FDLR frames itself as an important political stakeholder in Rwanda's government and political structure that seeks inclusion in an inter-Rwandan dialogue between the government and opposition groups. The letter underscores the FDLR's desire for hundreds of thousands of people to return voluntarily, under conditions that are not forced, to a Rwanda that allows opponents to live in safety and security. The letter conditions disarmament and relocation to Kisangani transit camp on an inspection of the camp and an inter-Rwandan opposition dialogue with the government (considered by many to be highly unlikely). The letter also underscores the FDLR's opposition to the DDR/RR roadmap and its concern for the safety, care, and protection of its armed people and dependents.

[43] These are PS-Imberakuri, RDI-Rwanda Rwiza, FCLR-UBUMWE, and the Rwandan Democratic Union (RDU-UDR). U.N. Security Council, "Midterm report of the Group of Experts submitted in accordance with paragraph 5 of Security council resolution 2136 (2014)," S/2014/428, p. 16. Other supportive statements include, for example, a letter signed by Paul Rusesabagana, now leader of the party PDR-Ihumure, in November 2013. He stated, "In many ways, today's FDLR is an exact replica of the RPF (Rwandan Patriotic Front) rebel group that invaded Rwanda from Uganda in 1990.... The only difference is that the RPF was a Tutsi rebel group, while the FDLR is a Hutu rebel group." "Letter to MONUSCO leaders," November 27, 2013, available at http://hungryoftruth.blogspot.com/2013_11_01_archive.html.

[44] Enough interview with mid-level FDLR officer, Kanyabayonga military camp (COB), July 29, 2014.

[45] Dominic Johnson and Simone Schlindwein, "2014 Endgame or Bluff: The UN's Dilemma with the FDLR in DRC," August 2014, available at http://democratiechretienne.org/2014/08/15/endgame-or-bluff-the-uns-dilemma-with-the-fdlr-militia-in-drc-simone-schlindwein/.

[46] Enough interview with FDLR senior commanders in Kanyabayonga military camp (COB), July 29, 2014.

[47] The FDLR identifies the Southern African Development Community (SADC) as the regional platform where South Africa and Tanzania can advocate for FDLR interests. Both countries have concerns about Kigali's aggression against opponents.
[48] Enough interview with FDLR senior commanders in Kanyabayonga military camp (COB), July 29, 2014.
[49] Enough interview with FDLR senior commander, August 28, 2014
[50] Enough interviews with three FDLR commanders, August 28, 2014.
[51] According to the 2007 U.N. Group of Experts, "The principal method used by FDLR to raise funds is through illegal trade of mineral resources." U.N. Security Council, "Final report of the Group of Experts on the DRC submitted in accordance with paragraph 18(d) of Security council resolution 1807(2008)," S/2008/773, para. 72, December 12, 2008, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2008/773. The 2008 UN Group of Experts added, "FDLR-FOCA reportedly earns substantial revenue from its control and taxation of mineral deposits in North and South Kivu (see paras, 37-65). In addition, both FDLR-FOCA and CNDP indirectly profit from natural resources via roadblocks and forced or voluntary contributions from companies, comptoir owners and others involved in their trade (see paras. 66-80)." U.N. Security Council, "Report of the Group of Experts submitted pursuant to resolution 1771(2007)," S/2008/43, para 81, February 13, 2008, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2008/43 The Pole Institute in 2007 noted, "The Rwandan FDLR is present in the mines of Shabunda, Mwenga, Walungu, Uvira and Fizi. They run mines, occasionally demand taxes or engage forced labour." See Pole Institute, "Rules For Sale: Formal and informal cross-border trade in Eastern DRC," May 2007, available at http://www.pole-institute.org/sites/default/files/regard19_anglais.pdf The 2010 UN Group of Experts documented that FDLR Montana unit "has become one of the richest units in the movement because of pillaging [of minerals from Walikale]." U.N. Security Council, "Final report of Group of Experts on DRC, submitted in accordance with paragraph 6 of Security Council resolution 1896 (2009)," S/2010/596, para. 181, November 29, 2010, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/596.
[52] The full name of the law is the Dodd-Frank Wall Street Reform and Consumer Protection Act, and the conflict minerals reporting requirements are included in Section 1502 of the Act. It was signed into law on July 21, 2010. In 2010 the U.N. Group of Experts stated that, "Military operations against FDLR have disrupted its control over a number of economic activities. The access of FDLR to mines has been blocked or at least complicated by the presence of the FARDC and in many cases by the flight of civilian labourers...However, the Group does not doubt the organization's ability to recover and re-establish its territorial control and revenue base if military pressure by FARDC subsides." U.N. Security Council, "Final report of the Group of Experts on the DRC, submitted in accordance with paragraph 6 of Security Council resolution 1896(2009)," S/2010/596, para. 89. The 2011 Group of Experts stated that "In comparison with previous years, financing of FDLR through tin and tantalum ores has decreased." "Final report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 1952(2010)," S/2011/736, para. 92, December 2, 2011, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/738. Furthermore, on the basis of an interview with a former FDLR logistics officer interviewed in January 2013, journalists Johnson and Schlindwein state that "The FDLR no longer earns anywhere near as much as it once did through taxation, road blocks." Johnson and Schlindwein, "2014 Endgame or Bluff," p. 16.
[53] This is according to a recently leaked U.N. Joint Mission Analysis Cell intelligence report, discussed in the article below. Enough confirmed the report with UN officers in eastern Congo. News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers." Enough interviews with UN officials, Goma, October 25, 2014.
[54] According to the 2013 UN Group of Experts, "In its midterm report, the Group documented examples of such collaboration, including provision of ammunition (see S/2013/433, paras. 106-109). In September and October, three ex-combatants told the Group that FDLR buys ammunition from FARDC soldiers for between 50 and 100 Congolese francs ($0.05-$0.11) per bullet. The Government of Rwanda informed the Group of examples of the provision of ammunition to FDLR in late 2012 and early in 2013." U.N. Security Council, "Midterm report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 2078

(2012)," S/2013/433, paras. 108-109; U.N. Security Council, "Final report of the Group of Experts submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)" S/2014/42, para. 97. This was confirmed by Enough Project interviews with Congolese army officers who traded weapons with the FDLR for gold, November 2011. Furthermore, according to the Affinity Group, "a large source of [the FDLR's] income comes from gold mines—including areas around Kasugho, Mangurudjipa, and Mukungwe, although it also derives substantial profits from illegal timber, charcoal, and cannabis rackets. Nonetheless, its supply of weapons and ammunitions is limited, as it depends on the piecemeal purchases from corrupt FARDC officers and raids against their enemies. Social Science Research Council Democratic Republic of Congo Affinity Group, "FDLR: Past, Present, and Policies," p. 8.

[55] News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers."

[56] The headline of the article states that the FDLR generates an estimated $71 million per year from the trade in those goods. However, the details of the leaked report from the U.N. Joint Mission Analysis Cell in North Kivu state that these profits are shared among the FDLR, FARDC, and local Maï Maï groups. News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers."

[57] News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers," U.N. Security Council, "Final report of the Group of Experts submitted in accordance with paragraph 4 of Security council resolution 2078 (2012)," S/2014/42, para. 96.

[58] U.N. Security Council, "Final report of the Group of Experts submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)" S/2014/42, para. 96.

[59] Interview with Virunga Park official, Goma, October 22, 2014; News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers."

[60] News of Rwanda, "Rwanda: FDLR Generating U.S. $71 Million From Businesses With Wives of DRC Officers."

[61] Enough interviews with a community leader in Kirolirwe and with MONUSCO in Kitchanga, June 17-18, 2014; Enough interviews with several mid-level FDLR officers, Kanyabayonga, July 28, 2014.

[62] Enough interviews with MOUNSCO in Kitshanga, June 18 and 19, 2014, with a former miner in Nyanzale, June 20, and with government officials in Binza, June 21-22, 2014.

[63] Enough interview with U.N. Force Intervention Brigade intelligence official in Rwindi, June 2014.

[64] U.N. Security Council, "Final report of the Group of Experts submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)" S/2014/42, para. 108.

[65] Virunga National Park, "Impact of the ICCN Checkpoint at Kibati," available at http://virunga.org/archives/impact-of-the-iccn-checkpoint/ (last accessed November 2014).

[66] Institut Congolais pour la Conservation de la Nature, "The Latest News on the Charcoal Interdiction," March 2008, available at http://virunga.org/archives/the-latest-news-on-the-charcoal-interdiction-effort/.

[67] U.N. Security Council, "Final report of the Group of Experts submitted in accordance with paragraph 5 of Security Council resolution 2078 (2012)" S/2014/42.

[68] Interview by the Democratic Republic of Congo (DRC) Affinity Group with FDLR Commander, semi-structured telephone interview, Mwenga, Congo, June 5, 2013. Social Science Research Council Democratic Republic of Congo Affinity Group, "FDLR: Past, Present, and Policies," p. 12.

[69] Johnson and Schlindwein, "2014 Endgame or Bluff: The UN's Dilemma with the FDLR in DRC," p. 12.

[70] Johnson and Schlindwein, "2014 Endgame or Bluff: The UN's Dilemma with the FDLR in DRC," p. 12.

[71] Enough interview with mid-level FDLR officer, Kanyabayonga military camp (COB), July 29, 2014.

[72] The September 15, 2014 SADC Heads of State "Summit urged the International Community, the United Nations and its Agencies to initiate a resettlement program in countries outside the Great Lakes Region to accommodate those FDLR elements who have voluntarily disarmed but unwilling or not allowed to repatriate to Rwanda." Communiqué of the Double Troika Summit of Heads of State and Government plus the Democratic Republic of Congo and the United Republic of Tanzania, Pretoria, South Africa, 15 September 2014, available at http://www.dfa.gov.za/docs/2014/sadc0916.html; Enough interview with Western diplomat by phone, August 27, 2014.

[73] Enough interview with mid-ranking FDLR officer, North Kivu, July 2014..

[74] Boot, *Invisible Armies*.
[75] Enough interview with regional analyst, Goma, August 17, 2014.
[76] Enough interview with DRC CNR official Jerome Chirhuza in June 2014
[77] Enough interview with DRC CNR official Jerome Chirhuza in June 2014
[78] For security purposes, Janvier is a pseudonym. Enough interview in Kanyabayonga, July 28, 2014.
[79] See, for example, Republic of Rwanda, "Rwanda's Foreign Minister discusses DRC extraditions, FDLR and evicted Rwandans from Tanzania," August 8, 2013, available at http://www.gov.rw/Rwanda-s-Foreign-Minister-discusses-DRC-extraditions-FDLR-and-evicted-Rwandans-from-Tanzania.
[80] For more detail, see Johnson and Schlindwein, "2014 Endgame or Bluff: The UN's Dilemma with the FDLR in DRC," p. 12.
[81] Such measures should be guided by the International Criminal Court Office of the Prosecutor's "Policy Paper on Sexual and Gender-Based Crimes," June 2014, available at http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf.
[82] "Final Communiqué of the 2nd Mini Summit of the ICGLR Head of States and Government on the Security Situation in the Democratic Republic of Congo and the Great Lakes Region," August 14, 2014, available at http://www.icglr.org/index.php/en/homepage/135-laast-news/487-final-communique-mini-summit-luanda-august-2014.