

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	108
Land:	Rwanda
Kilde:	Human Rights Watch
Titel:	Democratic Republic of Congo: Rwanda Should Stop Aiding War Crimes Suspect.
Udgivet:	4. juni 2012
Optaget på baggrundsmaterialet:	24. august 2012

- Text size    
- Email this document
- Printable version

Title	Democratic Republic of Congo: Rwanda Should Stop Aiding War Crimes Suspect
Publisher	Human Rights Watch
Country	Democratic Republic of the Congo Rwanda
Publication Date	4 June 2012
Cite as	Human Rights Watch, <i>Democratic Republic of Congo: Rwanda Should Stop Aiding War Crimes Suspect</i> , 4 June 2012, available at: http://www.unhcr.org/refworld/docid/4fcf3aa02.html [accessed 21 August 2012]
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Democratic Republic of Congo: Rwanda Should Stop Aiding War Crimes Suspect

Rwandan military officials have been arming and supporting the mutiny in eastern [Democratic Republic of Congo](#) (DRC) of Gen. Bosco Ntaganda, who is wanted for war crimes by the International Criminal Court (ICC), Human Rights Watch said today.

Rwandan military officials have allowed Ntaganda to enter [Rwanda](#) and supplied him with new recruits, weapons, and ammunition. Ntaganda is sought on an ICC arrest warrant for recruiting and using child soldiers.

“The role played by some Rwandan military officials in supporting and harboring an ICC war crimes suspect can’t just be swept under the rug,” said [Anneke Van Woudenberg](#), senior Africa researcher at Human Rights Watch. “The Rwandan government should immediately stop all support to Ntaganda and assist in his arrest.”

Field research conducted by Human Rights Watch in the region in May 2012 revealed that Rwandan army officials have provided weapons, ammunition, and an estimated 200 to 300 recruits to support Ntaganda’s mutiny in Rutshuru territory, eastern Congo. The

recruits include civilians forcibly recruited in Musanze and Rubavu districts in Rwanda, some of whom were children under 18. Witnesses said that some recruits were summarily executed on the orders of Ntaganda's forces when they tried to escape.

One Rwandan, forcibly recruited into Ntaganda's forces and who later escaped, told Human Rights Watch, "I saw six people who were killed because they tried to flee. They were shot dead, and I was ordered to bury their bodies."

Witnesses told Human Rights Watch that weapons provided to Ntaganda's forces by Rwandan military officials included Kalashnikov assault rifles, grenades, machine guns, and anti-aircraft artillery. New recruits brought these weapons to Runyoni in eastern Congo, the main base of the mutiny.

The recruits, weapons, and ammunition coming from Rwanda have provided important support to Ntaganda and his forces, Human Rights Watch said. The support has helped them hold their military positions on the hills of Runyoni, Tshanzu, and Mbuzi, and surrounding villages, against military assaults from the Congolese army ([see map](#)).

Providing weapons and ammunition to Ntaganda's mutiny contravenes the United Nations Security Council arms embargo on Congo, which stipulates that all states shall "take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals [...] of arms and any related materiel, and the provision of any assistance, advice or training related to military activities [...] to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo."

Rwandan officials also permitted Ntaganda and members of his forces to enter Rwanda on a number of recent occasions to evade capture, to elude attacks by Congolese armed forces, or to seek military support for their mutiny. On May 26, witnesses saw Ntaganda in Kinigi, Rwanda, meeting with a Rwandan military officer at Bushokoro bar. Kinigi is Ntaganda's home town and he retains family connections there. Human Rights Watch found no evidence that Rwandan officials tried to arrest Ntaganda while he was in Rwanda.

When contacted for comment, the spokesperson for the Rwanda Defence Force referred Human Rights Watch to a May 28 public statement by the Rwandan foreign minister that denied any involvement in eastern Congo.

"Permitting Ntaganda to move in and out of Rwanda without fear of arrest sends a message that Rwanda is not serious about helping deliver justice to victims of the war

crimes he and his troops have committed,” Van Woudenberg said. “Rwanda’s allies should insist that Rwanda help end impunity in the region, not encourage it.”

In addition to being sought on an ICC arrest warrant, Ntaganda is on a United Nations Security Council sanctions list, barring him from any travel outside Congo. Under the UN sanctions, Rwanda – like other countries – is obligated to “take the necessary measures to prevent the entry into or transit through their territories of all persons” on the sanctions list.

Ntaganda, a powerful general in the Congolese army, began his mutiny in eastern Congo at the end of March, following government attempts to weaken his control and increased calls for his arrest for alleged war crimes. He was joined by an estimated 300 to 600 troops in Masisi territory, North Kivu province, and at least [149 children and young men recruited by force around Kilolirwe](#). Ntaganda’s forces were defeated and pushed out of Masisi by the Congolese army in early May.

On May 3, another Congolese army officer, Col. Sultani Makenga, began a separate mutiny in eastern Congo. Makenga had previously served with Ntaganda in the National Congress for the Defense of the People (CNDP), a former Rwandan-backed rebel group responsible for numerous atrocities against civilians in Congo. A spokesman for Makenga said in a news release on May 6 and in an interview with Human Rights Watch that Makenga was not with Ntaganda, and that his mutiny – known as M23 in reference to the March 23, 2009 peace agreement between the CNDP and the Congolese government – was intended to highlight the grievances of the Tutsi ethnic group and conditions in the Congolese army.

But mutineers who have escaped or defected told Human Rights Watch that the two mutinies are not separate, and that Ntaganda and Makenga operate together from the Runyoni area. These witnesses told Human Rights Watch that Ntaganda remained in overall command of the forces.

Ntaganda has publicly denied being in Runyoni. On May 29, he told the BBC’s Kinyarwanda radio service that he was in Masisi territory, and denied fighting alongside Makenga’s M23 forces. His claims are contradicted by numerous witnesses interviewed by Human Rights Watch who saw him in the Runyoni area in May.

The United Nations peacekeeping mission in Congo, MONUSCO, has also gathered information about recruitment for Ntaganda’s forces in Rwanda. On May 28, the BBC reported on a leaked UN internal report saying that 11 Rwandan citizens, one of them a child, had gone to a UN base, saying they had been recruited under false pretenses in

Rwanda to join Ntaganda's forces.

The Rwandan government has denied providing support to Ntaganda's forces. In a public statement on May 28, in response to the BBC report, the Rwandan foreign minister, Louise Mushikiwabo, said the reports were "categorically false and dangerous." In a statement on May 31, Mushikiwabo accused MONUSCO of "spreading false rumours aimed at aggravating the volatile situation in Eastern DRC," and further asserted, "The irresponsible words of lobbies like Human Rights Watch are no less dangerous than bullets or machetes."

"Arming Ntaganda enables further grave abuses by a man already wanted for war crimes," Van Woudenberg said. "The Rwandan government should investigate the serious allegations of support for Ntaganda by its military officials and help the Congolese government arrest and transfer him to the ICC."

Recruitment in Rwanda

Human Rights Watch interviewed 23 people who escaped or defected from Ntaganda's mutiny after the mutineers arrived in Rutshuru in early May, as well as other witnesses to abuses, Congolese civilian and military officials, members of Ntaganda's forces, UN officials, and other sources. These included nine people recruited in Rwanda, seven in Congo, and one in Uganda, all Rwandan civilians; two Congolese children recruited in Congo; and four Congolese defectors who had initially joined the mutiny but later changed their minds. Interviewed separately, the witnesses said that hundreds of people recruited in Rwanda were among Ntaganda's forces.

Those recruited in Rwanda were either recruited by force or under false pretences that they would earn money or join the Rwandan army. Some were demobilized former combatants from the Democratic Forces for the Liberation of Rwanda (FDLR), a largely Rwandan Hutu rebel group operating in Congo. Others were civilians with no previous military training. According to some accounts, a number of those forcibly recruited were children under 18.

Several of those recruited in Rwanda described being taken by force from roadsides and markets near the towns of Musanze (formerly called Ruhengeri) and Kinigi in Musanze district, northwestern Rwanda, to Kinigi military camp. Others were recruited in Mudende sector in Rubavu district. Kinigi hosts a large Rwandan military presence as well as the headquarters of Volcanoes National Park, from where mountain gorilla tours are launched. The military presence in Kinigi helps protect the important tourism trade.

Two Rwandan civilians from Musanze district, ages 19 and 22, told Human Rights Watch

that Rwandan soldiers forcibly took them from a street-side cinema in the early evening around May 19. Soldiers rounded up about 30 young men and boys who were watching a film and forced them into a truck, the two young men said.

Another 31-year-old Rwandan recruit told Human Rights Watch he was taken by Rwandan soldiers in late April from Kinigi market, where he had gone in search of food. Soldiers brought him to a Rwandan military position with about 30 other civilians.

Former FDLR fighters said they were told by demobilization coordinators or other former fighters to attend meetings for demobilized combatants, which they did in the hope of receiving financial support or finding employment. They told Human Rights Watch that they reported directly to a military camp in Kinigi.

At the military camp, Rwandan soldiers provided weapons and ammunition to the new recruits before dividing them into groups of about 40 to 75. Carrying the weapons and ammunition, the recruits were then forced to march through the national park to the Congolese border, escorted by Rwandan soldiers. At the border, the Rwandan military escorts handed over the new recruits to waiting Ntaganda forces, who then escorted them to Runyoni in Congo.

“From Kinigi, 40 Rwandan army soldiers escorted us into the forest,” one of the recruits who later escaped told Human Rights Watch. “In total there were 54 of us, including 15 under 18 years old and 10 who were less than 15 years old. Some of us carried grenades. Others carried boxes of ammunition, and bigger people like me carried the ‘Mututu gun,’ a big machine gun that four of us carried together on a log.”

When the new recruits arrived in Runyoni, those with military training were quickly deployed to front-line positions to fight the Congolese army. Some civilian recruits received basic military training, such as how to use a gun, and then were also deployed to front lines. Others were ordered to build shelters, prepare food, fetch water or steal food and other belongings from homes in the largely abandoned villages around Runyoni.

One Rwandan civilian recruit told Human Rights Watch: “After we brought the ammunition to Runyoni, they [the mutineers] gave us guns and told us to go fight. There wasn’t any training. They just showed us how to use a gun and shoot. I myself then went to the front.”

In most instances described to Human Rights Watch, the Rwandan soldiers returned to Kinigi military camp after handing over the recruits to Ntaganda’s forces. Recruits told Human Rights Watch that, on several occasions, however, Rwandan soldiers continued

with them to Runyoni and participated in combat operations alongside Ntaganda's forces, sometimes after changing into Congolese army uniforms.

A Rwandan civilian recruited in Musanze around May 19 told Human Rights Watch: "We saw many other Rwandan army soldiers [in Runyoni] too. I don't know how many. When they arrived, they took off their Rwandan army uniforms and put on the uniform of the mutineers." He was able to identify one of the Rwandan soldiers by name as he knew him as an officer who had served in his home town in Rwanda.

Summary Executions of Recruits

Those who tried to flee Ntaganda's forces or refused to work or fight because they were tired faced severe penalties. Based on accounts collected by Human Rights Watch, some of them were summarily executed.

One Rwandan civilian who was forcibly recruited told Human Rights Watch: "I saw six people who were killed because they tried to flee. They were shot dead, and I was ordered to bury their bodies. All of us wanted to flee to the government troops, but many of us didn't know how and we were scared." He later escaped when those guarding him were sheltering from a rainstorm.

A Rwandan civilian recruited while herding cows in Masisi, eastern Congo in April by Col. Baudouin Ngaruye, an officer close to Ntaganda, told Human Rights Watch that he witnessed Colonel Ngaruye order his escorts to kill seven recruits with an *agapfuni* (small hammer). "Some of the civilians were tired because of the long distance we had to walk," he said. "So Colonel Baudouin gave the order to kill them."

In another case, a witness told Human Rights Watch that Colonel Makenga ordered him to kill three people who had tried to flee and were caught. "We killed them with the *agapfuni*. We tied them up first and then killed them. One was about 25 years old, one 18, and the third about 20. Four of us got the order to kill them. Then we buried them there in Runyoni."

A number of officers who joined Ntaganda's mutiny, including Colonel Makenga, Colonel Ngaruye, Col. Innocent Zimurinda and Col. Innocent Kayna, have past records of serious human rights abuses in eastern Congo. Human Rights Watch, UN human rights monitors, and local human rights organizations have documented ethnic massacres, torture, abductions, widespread sexual violence, and forced recruitment of children committed by these individuals while they were rebel group commanders or officers in the Congolese army.

Rebel Leaders Visit Rwanda Unhindered

Apart from Ntaganda's visit to Rwanda on May 26, described above, other former Congolese army officers who have joined the mutiny, such as Colonel Makenga, have been to Rwanda since the mutiny began, according to witnesses interviewed by Human Rights Watch, who saw them cross the border, communicate and meet with Rwandan military officers.

Soldiers who joined the mutiny but later defected told Human Rights Watch that, on May 3, Colonel Makenga defected from Goma with a group of soldiers loyal to him. Upon leaving Goma, the small force crossed the border into Rwanda at an unofficial crossing north of the city and traveled along the Rwandan side of the border until they reached a Rwandan military position. The following day, the witnesses said, Makenga met with Rwandan military officials and received weapons, ammunition, and other supplies. They were then escorted by Rwandan soldiers to the Karisimbi volcano area, where they crossed the border back into Congo. In the following days, Makenga was joined by Ntaganda's forces from Masisi.

On May 11, the mutineers began a military assault on Runyoni, and after defeating a small unit of Congolese army soldiers based there, set up their main military position. Passing through Rwanda not only gave Makenga the opportunity to get military supplies, it also meant that his forces could avoid interception by Congolese soldiers by not travelling along Congolese roads and footpaths.

Attacks by the FDLR

Since Ntaganda and his forces began their mutiny in late March, numerous areas in North and South Kivu have been taken over by other armed groups, most notably by the FDLR, a largely Rwandan Hutu rebel group operating in eastern Congo, composed in part of individuals who took part in the 1994 genocide in Rwanda. The FDLR and other militias were able to take new ground when soldiers joined Ntaganda's mutiny and abandoned their military positions, leaving villages and towns, such as Pinga, Nyabiondo, Mpati, and Kivuye in North Kivu unprotected. The Congolese army focused its efforts on defeating the mutiny rather than taking back these locations from the FDLR and their allies.

The arrival of the FDLR and other groups in areas previously defended by the Congolese army has resulted in numerous attacks on civilians whom the FDLR has accused of collaborating with their enemies. The attacks have been particularly severe in Kalehe territory, South Kivu, as well as the Ufumandu area of Masisi territory, North Kivu, where FDLR fighters with machetes and knives have brutally massacred dozens of civilians, including many children. In revenge, a local defense group, known as Raia Mutomboki, has attacked wives and children of FDLR fighters.

Background on the ICC Arrest Warrant

Ntaganda has been sought on an ICC arrest warrant since August 2006 on charges of war crimes for recruiting and using child soldiers in active combat in 2002 and 2003 in the northeastern district of Ituri, when he commanded another armed group. In March, the ICC in its first case found Ntaganda's co-accused, [Thomas Lubanga](#), guilty of the war crime of recruiting and using child soldiers.

Despite the ICC warrant, the Congolese government integrated Ntaganda into its army and in 2009 promoted him to the rank of general. Until his mutiny, Ntaganda moved about freely in eastern Congo, playing tennis and dining at top restaurants in Goma in full view of Congolese government officials, UN peacekeepers, and foreign diplomats. No efforts were made to arrest him, although he continued to commit human rights abuses, many of which were documented by Human Rights Watch, including [targeted killings](#), rape, torture, and [recruitment of child soldiers](#).

Following Ntaganda's mutiny, President Joseph Kabila suggested, on April 11 during a public speech in Goma, that the Congolese government was considering arresting Ntaganda. In the weeks that followed, senior Congolese military and government authorities told Human Rights Watch that Kabila had issued an instruction for Ntaganda's arrest. The order for his arrest signified an important change in the Congolese government's policy toward Ntaganda, whom the government had previously insisted was needed for the country's peace process.

On May 14, the ICC prosecutor formally requested additional charges for Ntaganda of crimes against humanity for his alleged role in murder, persecution based on ethnic grounds, rape, sexual slavery, and pillaging in connection with his activities in eastern Congo's Ituri district in 2002-2003.