

**RWANDA'S RESPONSE TO THE ALLEGATIONS CONTAINED IN THE ADDENDUM  
TO THE UN GROUP OF EXPERTS INTERIM REPORT**

**EXECUTIVE SUMMARY INTRODUCTION**

1. On 21<sup>st</sup> June 2012, the UN Group of Experts (GoE) for DRC submitted its interim annual report to the UN Sanctions Committee. Five days later, on 25<sup>th</sup> June the GoE submitted a 48-page addendum to the interim report under intense pressure from the media and non-state actors who had been aggressively touting the baseless claim that the hastily-drafted addendum was being withheld for political reasons or as the result of illegitimate intervention on the part of Rwanda or its allies at the Security Council. The addendum contains a raft of allegations to support the theory of active involvement by the Government of Rwanda (GoR) in the current armed conflict between the Congolese Army (FARDC) and a group of mutineers known as M23. It is alleged that this support violates the UN Arms Embargo and Sanctions Regime that applies to the Democratic Republic of Congo (DRC). The addendum was officially published on the UN Security Council website on 27<sup>th</sup> June 2012.

2. By the time the addendum was officially published, however, the allegations it contained had been extensively aired in the media. Indeed, the release of the addendum served as the latest act of a carefully orchestrated media and political strategy to cast Rwanda as the villain in this new wave of tensions in eastern DRC. In effect, it served only to add a UN stamp of approval to a narrative that had been actively and deliberately propagated since the beginning of this latest crisis, months earlier. The addendum beats a familiar drum, and plays to an audience that has been primed over several years to believe any accusation of wrongdoing on the part of Rwanda when it comes to the region. Thus, Rwanda is rendered guilty from the outset, as reflected most obviously by the lack of interest shown by the GoE in Rwanda's response to the compendium of allegations made by FARDC sources, self-declared defectors/deserters/PoW and other unnamed parties.

3. It is in this way that "evidence" is retrofit to suit a predetermined narrative. Inconvenient or contradictory facts are ignored or, most often, never sought in the first

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place. As this response will demonstrate, most of the specific claims made in the addendum are easily disproven; what remains are a series of assertions based on dubious and self-serving that are unfalsifiable in nature. For example, the addendum builds an elaborate story of alleged RDF-backed troop movements that hinge on the testimony of anonymous FARDC soldiers who recall sighting particular boot tracks. This kind of allegations places the Government of Rwanda in something of a logical blind: it is impossible to prove affirmatively the absence of boot tracks. Such claims permeate throughout the addendum – accusations that are as impossible to definitively disprove as they are to verify – and this is the report’s fundamental weakness. Among the accusations are: direct assistance in the creation of M23 through the transportation of weapons and soldiers through Rwandan territory; recruitment of Rwandan youth and ex-combatants as well as Congolese refugees for M23; provision of weapon and ammunitions to M23; mobilization and lobbying Congolese politicians and businessmen to the benefit of M23; support to several other armed groups as well as FARDC mutineers in the eastern DRC; and finally, violation of an assets freeze and travel ban through supporting sanctioned individuals.

4. The GoR response seeks to provide facts and perspective on each allegation contained in the addendum. Wherever possible, the GoR response provides clear evidence to disprove claims and highlights methodological flaws, oversights, misrepresentation and outright falsehoods found throughout the addendum. In some cases, the GoR provides background information that places the carefully (mis)constructed narrative in proper context, with due respect to the complexity of the issues involved.

5. Another glaring weakness of the addendum is that it contains damning allegations against named Rwandan civilian and military officials without providing them with any opportunity to respond. The fact that the reports could afford to cite DRC “Intelligence Sources” and anonymous “Congolese Officials” more than 50 times without, at any single point, feeling compelled to consult their Rwandan counterparts, some of whom stand directly accused, is one of the most telling aspects on the nature of this addendum. The

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GoR has extensively interviewed each individual concerned and has provided a detailed, comprehensive rebuttal.

6. Beyond hearsay and anonymous witness testimonies, the physical evidence presented in the addendum is utterly unpersuasive. A photograph purporting to prove the presence of RDF forces in the DRC amounts to nothing more than a uniformed torso, not to mention the reality that uniforms of all stripes are easily able to be procured in the region. Similarly, photographs of bullets establish nothing in an area with dozens of armed militia and a largely unchecked black market for such items. Perhaps even more self-evident is the fact that extensive interactions between Congolese and Rwandan militaries have provided extensive opportunities for either side to get uniforms and ammunitions from the other. If, as the addendum claims, the Rwanda Defence Force (RDF) is involved in large-scale territorial incursions in the eastern DRC, as well as highly sophisticated recruitment and training operations on both sides of the border, there would be a plethora of physical evidence available to the GoE – and yet none is produced.

7. The allegations contained in the addendum rely almost exclusively on unreliable, anonymous or compromised sources. Many have obvious motivation to fabricate, manipulate or distort information about Rwanda – FARDC intelligence and other DRC officials feature prominently – while others, such as deserters and captured rebels, have been interrogated under circumstances that raise severe questions. In many cases, the incentive to provide fictitious evidence to suit the interests of their captors/handlers is self-evident, and often comes to the fore when alleged foot soldiers provide highly specific operational details that would be far out of reach for a person of their rank and position.

8. Finally, the GoE addendum fails to address basic common sense questions such as: what would Rwanda be seeking to achieve through M23 that it could not achieve through other means? What would be Rwanda's end goal in supporting an army mutiny? What strategic purpose would be served by active involvement in destabilizing and subverting the central government of the DRC? Why would Rwanda have invested so much over the last three years in consolidating its partnership with the DRC central government if it eventually aimed to undermine it?

9. Given the deeply flawed and illegitimate nature of the process described above, the GoE's interim report, addendum and anything that builds on it should be treated publicly and privately as biased and devoid of integrity. Nevertheless, the GoR stands ready to work with the DRC government and the international community in assessing the real causes of the current conflict in eastern DRC and in the course of this, contribute towards solutions which are relevant to the situation. It will do so in the best interest of its people and regional stability.

## **BACKGROUND**

10. In mid-June, Human Right Watch's Executive Director Kenneth Roth, introduced the notion of an "annex" (or addendum) to the GoE's interim report and accused the United States and Rwanda of suppressing its submission to the GoE's overseers on the DRC Sanctions Committee.<sup>1</sup> A series of tweets from Roth illustrate this unfortunate pressure from non-state actors.

11. Human Rights Watch, with its long-standing anti-Rwanda rhetoric, was only building on previous attempts to use the new wave of tensions in Eastern DRC to tarnish Rwanda's reputation and stimulate international outrage and action against it.

13. On 28<sup>th</sup> May 2012, the *BBC* broke the story of "an internal UN report seen by the BBC", which concluded that Rwanda was providing material support to the M23 rebels in the DRC.<sup>1</sup> Though refuted by MONUSCO itself<sup>2</sup>, the BBC story triggered similar pieces in both the *Financial Times*<sup>3</sup> and the *New York Times*.<sup>4</sup>

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<sup>1</sup>"Rwanda supporting DR Congo mutineers," *BBC*, May 28, 2012. Available at <http://www.bbc.co.uk/news/world-africa-18231128>

<sup>2</sup>Two days later, UN spokesman Penangnini Toure knocked down the *BBC* story, arguing that the "report" in question resulted from a routine interrogation of eleven men who appeared at a facility belonging the UN's Organization Stabilization Mission in the DRC (MONUSCO) asking to be repatriated to Rwanda. "That's all we reported and that's where it stops," said Toure. "The UN did not produce a report saying that Rwanda is directly involved in what is happening in eastern Congo." He further denied claims that the UN tried to cover up the report.

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14. In spite of UN denials and forewarning by the GoR against such irresponsible and inflammatory behaviour, HRW and some of its sister-NGOs were not dissuaded. On June 4<sup>th</sup> the INGO released a report not only referencing the *BBC*'s disputed reporting, but also made a series of unsubstantiated and even more outrageous accusations of their own.<sup>5</sup> Soon, major news organizations, without doing any research of their own, echoed allegations of Rwandan support for M23 and Bosco Ntaganda, a renegade Congolese General indicted by the ICC for war crimes.<sup>ii</sup> Instead of deliberately and responsibly conducting an independent examination of the facts, journalists, NGOs, researchers and diplomats, began citing each other.

15. The ensuing international frenzy had dire consequences on the ground. DRC officials soon felt emboldened enough to bypass the processes of a Joint Verification Mechanism specifically set, on Rwanda's suggestion, to address conflict-related allegations from both sides in order to avoid sensational reporting that would fuel tension.<sup>6</sup>

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<sup>3</sup>Wallis, William. "Congo probes claim of Rwandan role in violence." *Financial Times*. 29 May 2012. Available: <http://www.ft.com/intl/cms/s/0/fd0d525a-a998-11e1-9772-00144feabdc0.html> - axzz1wHAdo5xy

<sup>4</sup>Kron, Josh. "U.N. Report Says Rwandans Recruited to Fight in Congo." *The New York Times*. 28 May 2012. Available: [http://www.nytimes.com/2012/05/29/world/africa/un-says-rwandans-recruited-to-fight-in-congo.html?\\_r=1](http://www.nytimes.com/2012/05/29/world/africa/un-says-rwandans-recruited-to-fight-in-congo.html?_r=1)

<sup>5</sup>"DR Congo: Rwanda Should Stop Aiding War Crimes Suspect." HRW. 4 Jun. 2012. Available: <http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-0>

<sup>6</sup>On June 14 2012, the DRC Minister of Information Lambert Mende bypassed the Joint Verification Mechanism process to announce, during a press conference, his country's position on allegations under investigation.

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16. The almost instantaneous rise in ethnic-based hate rhetoric can still be observed in Congolese media and social networks, with predictably dramatic consequences for Kinyarwanda-speaking Congolese<sup>7</sup>:

17. Some of the political and ideological agendas behind this disinformation campaign became more visible when, on June 18<sup>th</sup>, HRW sought to build on the carefully-staged anti-Rwanda sentiment to challenge the Country's bid for a seat on the UN Security Council. Phillippe Bolopion, the organization's UN Bureau Director, told the *Associated Press*,

*"By allowing its territory to be used to protect and arm an ICC-indicted war criminal, Rwanda is making a mockery of the decisions of the same Security Council it is slated to join next year...Bosco Ntaganda is not only implicated in horrendous crimes against civilians including children, he is also undermining everything the Security Council has tried to achieve at great expense in the region for the last decade."*<sup>8</sup>

18. Notwithstanding the fact that not a single journalist had seen the "annex/addendum" nor had a single official gone on record to provide concrete information about its contents, news organizations transformed unverified allegations from an interim document into the central element of the GoE's findings; namely, that Rwanda was secretly supporting militia groups in eastern DRC.

### **PROCEDURAL FLAWS**

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<sup>7</sup>Opinion leaders are on record, uttering the most virulent hate speech in DRC. A glaring example is Bishop Elizee calling for a "Holly War against Tutsis" and urging Congolese to "Kill Tutsis everywhere in the world".  
<http://www.youtube.com/watch?v=eOqV5pxcnmo>

Physical attacks, abductions and torture targeting Rwandophone populations have also taken place throughout the Kivus. For example, on June 11 Rwandan migrant workers were dumped at the border post after 3 weeks of systematic beating, torture and starving under FARDC hands in Goma. On July 12 2012, a large number of physical attacks, witch-hunting against Rwandans were reported in Goma, DRC.

<sup>8</sup>"Rights Group criticizes Rwanda's council selection." KENS5. 18 Jun. 2012. Available:  
<http://www.kens5.com/news/world/159497335.html>

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19. In its interim report, the GoE asserts its adherence to a “rigorous investigative methodology.”<sup>9</sup> In particular, the GoE claims to follow the evidentiary standards recommended by the “Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006.”

20. Moreover, the addendum contained language describing an “elevated” methodology, suggesting that the addendum was assembled with greater care and impartiality than the interim report to which it was attached citing the serious nature of the GoE’s findings. In particular, while the GoE’s standard methodology requires a minimum of three sources, assessed to be credible and independent of one another, it has raised this to five sources when naming specific individuals involved in these cases of arms embargo and sanctions violations.”<sup>10</sup>

21. Strikingly however, none of the sources interviewed – be it three, five, or fifty – included Rwandan officials. The same set of sources -Congolese politicians, DRC intelligence officers and former CNDP officers who did not join M23, are replicated throughout the report producing a powerful cumulative effect and dissimulating the lack of alternative perspective on the events under scrutiny. This simply suggests that when it came to the addendum, the GoE dumped the standards which they claimed to follow; namely those of the “Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006.

22. Under a section titled “Opportunity to review, comment and respond” (Para 28 of S/2006/997, dated 22 December, 2006, the document, states that:

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<sup>9</sup> *Ibid.* P. 5.

<sup>10</sup>“S/2012/348.” United Nations Security Council. 21 Jun. 2012, p 5. Available: [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/348](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/348)

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“Monitoring mechanisms should emphasize impartiality and fairness during the report drafting process, and make available to relevant parties (State authorities, entities or individuals), if appropriate, any evidence of wrongdoing for their review, comment and response, within a specified deadline. Rebuttals, with an assessment of their credibility, and corrections regarding already published allegations, should be included in subsequent reports.”<sup>11</sup>

23. The GoE further failed to properly source its report and addendum. It almost exclusively relies on sources with obvious motives in the DRC context to provide inaccurate, manipulated or partial testimonies.

24. The GoE acknowledges that it maintains relationships with the “security services principally from the Democratic Republic of the Congo” – a source upon which many allegations are based.<sup>12</sup> The GoE should have been aware of the evident temptation from such services to blame their own professional failures on external factors, thereby attracting domestic and international sympathy in order to gain support against a “powerful aggressor from outside”. Remarkably, in no case were corresponding services in Rwanda called upon to provide alternative accounts on grave accusations. At no stage was the Government of Rwanda provided with an opportunity to offer substantive input.

25. The addendum to the GoE report also makes extensive use of other sources with a heavy potential for partiality and strong motives to distort facts. The testimonies of self-declared M23 defectors are referred to as highly reliable sources even though, as the GoE is or should be aware; accommodating testimonies, fabricated evidence and dictated narratives, often represent the only life-ticket for ‘former enemies’ in the hands of the notoriously abusive Governmental services and armed forces.

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<sup>11</sup>“S/2006/997.” United Nations Security Council 22 Dec. 2006. Available: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WG%20Sanctions%20S2006997.pdf>. P. 12.

<sup>12</sup>“S/2012/348.” P. 5.



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27. The statements of FARDC officers eager to justify their challenges on the military frontline are referred to as believable and according to the GoE, constitute “overwhelming evidence”.

28. Reference is frequently made to the large number of testimonies gathered from these kinds of sources, but no or very limited effort is made by the GoE to collect corresponding amounts of testimonies from the Rwandan side where most of the alleged events occurred.

29. Perhaps even more startling, when Rwandan officials met the GoE coordinator, Steven Hege, in New York on June 25<sup>th</sup> 2012, the latter claimed that the GoR perspective was considered because “online statements by Rwandan officials on the matter were retrieved and referred to in the addendum”. The GoE coordinator also offered to include in the report any comment from his Rwandan interlocutors, notwithstanding the fact that, even at that stage, he declined to present anything beyond the “general categories of allegations” against Rwanda.

30. Additionally, when asked how the abrupt submission and publication of the so-called “addendum” to the interim report came about, despite assurances to the contrary from members of his team, Mr. Hege admitted that the GoE did not initially intend to present the allegations at this stage but bowed to demands by members of the DRC Sanctions Committee some of whom confessed to Rwandan officials that they were, themselves, under pressure from “certain activists and organizations”.

31. Thus, the GoE not only feigned interest in Rwanda’s side of the story - while not accepting Rwanda’s offer to share it -, but also repeatedly misled Rwandan officials of the maturity and confidentiality of their findings.

32. The logical conclusion from the above is that the GoE is guilty, intentionally or unintentionally, of grave breaches of their own standards of procedures.

33. In the end, the GoE proved in abundance what the 2006 Working Group warned against i.e. “Insufficiently supported allegations of non-compliance and sanctions

violations publicized in a United Nations report could call into question the integrity of the entire report.”

34. By failing to consult the accused individuals or any other Rwandan official, by systematically favouring incriminating testimonies, and by deceiving GoR officials on the scope, content and development of the report, the GoE evidently failed to display the most basic standards of impartiality and fairness.

35. Importantly, for the purpose of this document, the 2006 report warns against the result of the GoE’s failure to adhere to these standards;

“Insufficiently supported allegations of non-compliance and sanctions violations publicized in a United Nations report could call into question the integrity of the entire report.”<sup>13</sup>

The addendum should therefore be treated publicly and privately as lacking integrity.

### **FACTUAL FLAWS**

37. The addendum to the interim report amounts to a compendium of accusations and rumours derived from highly dubious sources, each with a clear agenda to produce a predetermined outcome. Taken one by one, these claims are easily disproven when placed in context or tested against exculpatory evidence or alternative scenarios.

38. The following paragraphs expose the inaccuracy or poor reliability of the “evidence” provided for each category of allegations against Rwandan individuals or their Government. Where necessary, alternative scenarios to those presented in the addendum are presented.

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<sup>13</sup>*Ibid* P. 10.

39. The GoR has never recruited young people to join rebel movements or groups in the Democratic Republic of Congo (DRC); nor has it mobilised funds to support them. It is not impossible, however, that M23 cadres or Kinyarwanda-speaking FARDC officers living in the proximity of the DRC- Rwanda border could have clandestinely mobilized and recruited some youth to join its movement. It cannot be ruled out either that Rwandan citizens with family backgrounds linking them to FARDC Army officers or M23 fighters could have organized covert recruitment operations.

40. The GoE has no tangible pieces of evidence other than what they have derived from confessions and anonymous accounts from sources that include; FARDC intelligence, FDLR ex-combatants, and a group of so-called 30 ex-mutineers by FARDC.

a. With respect to the 30 Rwandan nationals referred to in paragraph 15 of the addendum, officials from both Rwanda and the DRC interviewed them as part of the Joint Verification Mechanism to which MONUSCO was a signatory.<sup>14</sup> According to their statements, none of them claimed involvement by the RDF or any other official of the GoR yet the GoE asserts that the defectors "... stated that RDF Officers directly participated in their recruitment process". This kind of reporting by the GoE does not only render the referenced evidentiary standard (Para 24 above) questionable, but also raises questions over the motives behind such hasty conclusions.

b. As for the other 19 individuals that remain under FARDC custody, Rwanda has not been given a chance to interview the subjects or examine their testimonies. The GoE has not provided details of the remaining 19 individuals and their testimonies cannot be used in the report and the addendum as credible evidence

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<sup>14</sup>Only 10 out of 11 defectors were interviewed since the 11<sup>th</sup> defector was a minor not legible for such an interview.

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of RDF involvement. The actual Joint Verification Report signed by representatives of the DRC, Rwanda and MONUSCO after interrogating the 11 defectors is at Annex A to this submission.

c. The GoE fails to provide any details of RDF officers or government officials and circumstances details regarding their participation in any coordinated recruitment activities on behalf of M23.

d. In paragraph 31(a) of the addendum, the GoE cites allegations of a two-week training provided to a RDF unit in Kanombe barracks located near Kigali International Airport, before deploying it to Runyoni as Gen. Ntaganda's advance party. Regardless of the irrational suggestion that General Ntaganda, one of the most senior FARDC Commander in the region, would require RDF support in order to establish his advance party to Runyoni, it is common (and verifiable) knowledge that Kanombe is a garrison-type barracks that comprises living quarters; a referral military hospital also open to civilian patients; a cemetery; and five service support units' headquarters and related facilities. It wouldn't require any form of expertise to find out that this barracks cannot host the training of recruits or any other force preparation activity. A simple tour of Kanombe barracks would have led the GoE to easily discard this allegation wherever they got it from.

d. Refugee camps in Rwanda are administered by UNHCR. Claims that refugee camps in Rwanda were used for M23 recruitment ignore the fact that it is UNHCR, and not Rwandan civilian or military officials, who monitor and approve access and egress to the camps in question. There is no evidence provided, beyond shoddy allegations from self-interested parties, that such recruitment activities took place.

e. Paragraph 123 of the interim report as well as paragraphs 18, 21 and 42 of the addendum awkwardly link Ex-FDLR combatants repatriated through the Mutobo transit centre with the RDF Reserve component to allege RDF recruitment

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for M23. Interviews with the RDF on the matter would have led the GoE to understand that the RDF is an all-volunteer force including its reserve component which is jointly commanded and controlled by the RDF Chief of Defence Staff. The RDF Reserve is not an independent force, and would not be in a position to provide unilateral support to the armed groups. Furthermore, enrolment of Ex-FDLR combatants into the RDF including in its reserve component is not automatic as the GoE insinuates. Finally, over many years Rwanda, working with its partners in the DDR program, has shown an unwavering commitment to the peaceful reintegration of FDLR combatants into mainstream society. Rwanda would not upend such a long standing policy objective to engage in a short term recruitment drive for M23.

f. As with many other aspects of the report, the GoE fails to provide evidence, such as names or intake numbers in Mutobo of any ex-FDLR allegedly sent to reinforce M23.

41. The display of photographs of an AK 47 rifle, AK47's ammunition, gumboots and camouflage pants attributed to the RDF is exceedingly simplistic. There is no shortage of credible scenarios that the GoE would have considered before engaging into such far-fetched deductions. First, the RDF and the FARDC, like most militaries in the region tend to acquire their small arms from nearly the same sources; Second, the RDF having operated in DRC for about seven years with over 20,000 troops, left in 2003 leaving behind significant amounts of equipments including isolated AK 47 rifles and ammunitions, a single rifle cannot constitute credible evidence of weapon supply to M23; Third, the illustrated gum-boots are not a signature dress for the RDF. It is a verifiable fact that gumboots were recently acquired and supplied by FARDC for operation UMOJA-WETU; Fourth, the camouflage pants and any other military uniforms cannot be

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attributable to the RDF unless proper verifications establish that they bear RDF insignia or serial numbers; Fifth and finally, the GoE distinguishes the “RDF AK 47” in image 7 under paragraph 25 by its *“barrel muzzle that is larger than those used by FARDC”*. This constitutes another preposterous claim since such barrels, whose purpose is to fire rifle grenades, are found in limited numbers among all users of AK 47 rifles including FARDC and RDF. It is difficult for the GoR to figure out how the GoE could miss such obvious points and refer to the most inconsequential elements as credible evidence of RDF support to M23.

42. Similarly, at Part II (C) at p.9 of the addendum, the GoE provides a concoction of details of what they refer to as “RDF Logistical Support to M23”. As evidence, they present pictures of 75mm canon rounds at Annex 37 to the interim report as well as in paragraph 24 and at Annex 4 to the addendum. The following illustrates how fictitious the evidence provided is:

a. In paragraph 119 of the interim report, the GoE had expressed their intent to further investigate and *“...determine which weapon and ammunition Gen. Ntaganda and Col. Makenga would have been able to obtain through diversion from FARDC stockpiles and which weapons must have resulted from deals with arms trafficking networks”*. The GoE seriously suggests that it was able to establish, in about a week’s time, that Col. Makenga’s could not obtain 75mm canons and their ammunition from FARDC and concludes that these were instead provided by RDF.

b. As a matter of fact, RDF does not hold 75mm canons in ordinance stores and has never purchased such canons or their ammunition. Remnants of these weapons and ammunition from the 1990 - 94 war of liberation were disposed of in 2008, which is well documented by the RDF ordinance regiment. Relevant documented evidence can be availed for in-situ review. Moreover, through RDF participation in several joint-operations with FARDC including the recent operations codenamed AMANI-LEO and UMOJA-WETU, the GoR has credible information that FARDC, unlike RDF, maintains 75 mm canons and anti-tank rifle grenades on

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their arms/ammunition inventory. It is irresponsible to make serious allegations against a UN member state on the basis of such flimsy associations.

43. The GoR categorically denies allegations that Colonel Makenga used Rwandan territory, or made contact with any RDF Officers in Gisenyi, as alleged by the GoE. Unverifiable claims that FARDC officers and intelligence officers stationed at the same border saw “*clear boot tracks of Makenga’s troops crossing the border into Rwanda*” have no value whatsoever, and should be considered with the contempt they deserve.

44. In paragraph paragraphs 8 – 13, the GoE alleges direct assistance by RDF in the creation of M23 using RDF resources and Rwandan territory. More specifically, the GoE (i) accuses Brig Gen. Emmanuel Ruvusha of having received M23 Col. Makenga in Gisenyi on May 4<sup>th</sup> upon the latter’s desertion from FARDC; (ii) alleges that Brig Gen. Ruvusha accompanied Makenga to coordinate the movements of his troops; (iii) the GoE further alleges that Col. Makenga’s 60 troops and tones of equipment were transported on Rwanda’s territory using RDF trucks while clad in RDF uniforms.

a. In his summary of statement at Annex B to this submission, Brig Gen. Ruvusha denies all allegations. He states that he was on leave and out of Gisenyi from 3 - 14 May 12 and provides an incontrovertible evidence of his whereabouts during the period. He however accepts maintaining official communication with DRC Officers of the 8<sup>th</sup> Military Region since 2009 for purposes of facilitating integration.

b. The alleged facilitation of M23 troops and equipment from Bukavu to Gisenyi is not only untrue but technically impossible to (i) use RDF motorised zodiac boats to carry 60 personnel and tones of equipment back and forth at night without detection by FARDC border patrols; (ii) it is equally impossible to drive RDF

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15 tonner trucks along the route reported by the GoE. The alleged route is under major construction and there is no way it could support night movement involving heavy trucks. Moreover, it is inconceivable how offloading of troops in RDF uniforms on RDF trucks on the Rwandan side of the border with DRC at a time of tension is out of order, extra-ordinary and linked to Col. Makenga. Detailed specifications and technical data regarding all types of boats held by Rwanda Marines is at Annex C to this submission.

45. The GoE makes numerous out-of-context allegations of Rwandan officials involved in mobilization and lobbying in favour of M23. Based on circumstantial evidence, unnamed witness testimonies, and internal FARDC intelligence files, the GoE addendum to the interim report claims in its paragraphs 26 – 30 of the addendum that Generals James Kabarebe, Charles Kayonga, Jack Nziza, Captain Celestin Senkoko as well as Bishops John Rucyahana and Colini were actively involved in mobilization and lobbying activities in favor of M23. Reference is made of the accused carrying out extensive phone calls and holding a series of meetings with Congolese politicians and businessmen to promote and rally support for M23 while conveying the Rwandan Government's political and military support to M23.

It was found that some of the meetings and phone calls did not take place at all. Others that did take place were deliberately taken out of context. This approach is particularly malevolent considering that, from the onset of this crisis, the GoR did more than any other entity to prevent key actors on the ground from resorting to violence. A deliberate interaction with Rwandan government, before the publication of the addendum, would have helped the GoE understand the following facts:

- a. Since February 2009, following operation UMOJA-WETU, a direct line of communication between various RDF officers and their FARDC counterparts was established. This was aimed at consolidating mutual confidence through regular



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exchanges of information and perspectives. With this opportunity and considering the nexus of Rwanda's political, social and economic interests, stability of Eastern DRC is critical to Rwanda's investments in the North West, business with DRC and harmony between Congolese and Rwandans including Kinyarwanda speaking Congolese.

b. Gen. James Kabarebe: It was found that Gen Kabarebe never made phone calls or participated in any meeting to benefit M23. Conversely, most of the phone calls and meetings were made in the larger context of efforts aimed at avoiding a return to violence and promote political dialogue. Most of the calls and/or meetings were either solicited by the DRC Government or pursuant to mechanisms established in the spirit of the UMOJA-WETU framework. Key meetings include those requested by President Kabila via his special envoy, late Mr. Katumba Mwanke (RIP) in which he requested the GoR to leverage its influence over ex-CNDP and PARECO officers in order to facilitate their integration. He also requested the GoR to mediate between the DRC Government and Gen. Ntaganda; as well as getting CNDP troops to accept redeployment away from their regions of origin.

Gen. Ntaganda did not seek, directly or indirectly, any financial support for M23 during a meeting reported by the GoE on paragraph 30 of the addendum.

Regarding allegations of mobilization meetings with Congolese businessmen, further verification with the Rwanda migration department indicates that the two businessmen mentioned in the addendum did not travel to Rwanda during the period mentioned in the addendum. Only Mr. Dieudonne Komayombi travelled through Rwanda to Nairobi between 24 and 28 of June 2012. For a detailed account of the nature and purpose of these calls and meetings, see Annex D to this submission.

c. Gen. Charles Kayonga. The RDF Chief of Defence Staff made a few phone calls within the UMOJA-WETU framework especially at the beginning of the crisis when tensions were being fomented in the Eastern DRC. The purpose was never

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linked to the establishment of M23. Quite the opposite, Gen. Kayonga's intention was to call for restraint while encouraging local commanders to seek solutions to their claims through existing political mechanisms. Due to a language barrier between Gen. Kayonga and his Congolese counterpart Gen. Didier Etumba who speaks neither English nor Swahili, Gen. Kayonga usually spoke to Col. Makenga and the head of operations Col Delphin Kahimbi and used every opportunity to back-brief the FARDC Land Forces Commander, Maj. Gen. Gabriel Amisi who would pass messages to the Chief of Defence Staff. For details of the summary of statement by Gen. Kayonga, see Annex E to this submission.

d. Brig Gen. Jack Nziza. In paragraph 27, 28 and 33 of the addendum, the GoE alleges that Gen. Nziza made threatening phone calls to Congolese officials and participated in meetings intended to mobilise support for M23. Gen. Nziza denies making any threatening phone calls to any Congolese Officials. He states that he has no motivation or capacity to engage into such acts, and considers inherently preposterous, the mere idea that he could threaten politicians in a foreign country. Details regarding this and other allegations against the General are covered in his summary statement at Annex F to this submission.

e. Capt. Celestin Senkoko. In addition to several alleged phone calls and meetings, the Captain is alleged to have convened and addressed a meeting in Gisenyi during which he would have delivered an official message from Gen. Kabarebe urging the participants to join M23. In his summary statement, Capt Senkoko admits having made and received numerous phone calls to and from different Kinyarwanda speaking Congolese with whom he is related and maintains friendship since childhood and mainly since late 1990s. He denies making phone calls to do with mobilization in favour of M23. Capt. Celestin similarly denies having convened and addressed a meeting in Gisenyi to deliver an official message from Gen. James Kabarebe. In fact the Captain travelled to Gisenyi in a private capacity. During his stay, he met different friends at Mr. Gafishi Semikore's home as they were mourning the death of the latter's brother who had recently passed

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away in Canada. Predictably, informal discussions on the implications of the ongoing conflict on their families both in DRC and in Rwanda ensued. During the heated discussions, Captain Senkoko noted some extreme views relating to break-away, federative structures etc. The Captain reported the nature and tone of these conversations back to Gen. Kabarebe. Captain Senkoko finds it difficult to fathom how a normal social gathering would be taken out of context and framed as a political forum associated with M23. Capt. Senkoko was later informed of subsequent harassment by DRC security officials of at least two of the people present at Gafishi's house. The Captain denies having ever threatened anyone as indicated in the addendum. Instead, he states having received several calls from different politicians including Mr. Robert Seninga and Bertin Kilivita who are loyal to the GoDRC but expressed a lot of anxiety with regards to the ongoing M23 related developments citing the activities of M23 sympathisers. Captain Senkoko challenges the GoE to provide evidence of calls involving threats to foreign politicians and accuses the authors of such allegations of putting him in a very precarious situation especially in the way he relates to his relatives and friends. Details with regard to the alleged meeting are in Captain Senkoko's summary statement at Annex G to this submission.

f. Bishop John Rucyahana. The Bishop acknowledges having convened meeting with the Kinyarwanda speaking Congolese for purposes of fostering unity like he frequently does in different fora including universities. The Bishop views unity of all Rwandans as a calling, one that he will continue to pursue with or without UN reports. He referred to the GoE addendum as a deceitful and dangerous document. He finds it hard to accept that such a document containing injurious allegations to his name and the institution he represents, could be published without seeking his perspective and explanations.

46. The GoE states that their investigations have systematically gathered testimonies from former M23 combatants, ex-RDF officers, Congolese Intelligence Officers, FARDC Commanders and politicians who confirm direct involvement in M23 support from senior levels of the Rwandan Government. The GoE's conclusions are merely based on registered narratives by DRC security officials and random witnesses most likely coached by the same officials. The GoE is or should be aware of the notorious propensity in DRC and beyond to generate and propagate all forms of rumours and elaborate conspiracy theories whenever there is a perceived conflict between DRC and Rwanda. The interested parties that spin information have knowingly or unknowingly exacerbated the situation. Rwanda has consistently cautioned both the DRC Government and the international community to guard against this dangerous trend of events. Below is a review of each of the allegations/accusations:

- a. General Jacques Nziza, the Permanent Secretary of the Ministry of Defence is alleged to be supervising all military, financial and logistic support as well as mobilization activities related to M23. It is stated that he has recently been deployed to Ruhengeri and Gisenyi to coordinate assistance and recruitment. Gen. Nziza dismisses these allegations as demonstrably false and nonsensical. As the Permanent Secretary of Ministry of Defence, he is in charge of daily accounting. Deploying him away from his office to support M23 would amount to grounding most of the Ministry's core activities. General Nziza provides incontrovertible evidence that he has not been in Ruhengeri or Gisenyi of late. As part of his statement, Gen. Nziza provides detailed documentary evidence covering his daily activities. The General has provided copies of his daily meetings including detailed logs of 114 people that he met at the Ministry of Defence during the same period of the alleged deployment to Gisenyi at Annex F to this submission. The GoE is invited to review the annex and hopefully realise how important it would have been to carry out their own verifications rather than rely on undependable sources.

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b. Gens. James Kabarebe and Charles Kayonga. As mentioned in the summary of his statement, General Kararebe and General Charles Kayonga have played an active role in promoting peace in the region. That either individual was in contact with senior officials of the FARDC and or M23 will come as no surprise to anyone familiar with the dynamics at play in the eastern DRC. The distortions raised in paragraph 33 of the addendum presented as evidence about their involvement in coordinating or overseeing Col. Makenga's operations is misleading and cynical. A detailed account of their involvement in repeated attempts to avert the crisis is provided at Annex D and E respectively.

c. Gens. Alex Kagame and Emmanuel Ruvusha. The GoE alleges that RDF military support on the ground was channelled by General Ruvusha, Division Commander based in Gisenyi and General Alex Kagame, Division Commander based at Ruhengeri. The GoE further alleges that both facilitated recruitment of civilians and demobilised soldiers to M23 as well as coordinating with M23 RDF reinforcements in Runyoni.

As indicated, there is strictly no tangible evidence to support the allegation of RDF reinforcement and/or recruitment for M23. The two officers seemed to have been named in the report for the mere reasons that they are the two senior commanders based in proximity to the conflict area (Ruhengeri and Gisenyi) and they have taken part in Rwanda-DRC defence and security meetings.

d. Lt. Col. Jomba Gakumba. According to the GoE, Lt Col Jomba was recently deployed from Gako Military Academy, where he has been an Instructor, to Ruhengeri since the creation of M23. He was allegedly put in charge of commanding locally military operations in support of M23. Lt Col Gakumba states that he was never deployed to Ruhengeri and remains an instructor at Gako Military in Bugesera. He provides incontrovertible evidence to support his statement. These include daily and weekly training activities in which Lt. Col. Gakumba was involved, as well as details of all visits by foreign delegations handled by the officer while at Gako The relevant statement and supporting documents are available at Annex H.

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He also states that at least one of the members of the GOE should have been in a position to confirm this fact for the following reasons. First, Marie Plamadiala, a member of the GoE, paid a visit to Lt Col Jomba on 20<sup>th</sup> April, 2012. They discussed several issues including various aspects of the M23 rebellion. Ms Palmadiali followed up on her visit with a telephone call and later an SMS in which Ms. Plamadiala claimed to have information regarding Jomba's relocation from Gako. Lt Col Gakumba responded that he was never deployed to the North West and was still in Gako. He states that he actually invited her to pay him another visit to Gako.

47. Paragraph 32 of the GoE addendum alleges that Ex-RDF officers, politicians and M23 collaborators provided information of how Ntaganda and Col Makenga regularly cross the border into Rwanda to carry out meetings with the above mentioned senior RDF officers at Kinigi in order to coordinate operations and supplies. The same sources allege that former CNP Chairman General Laurent Nkunda often comes from Kigali to participate in these meetings. These allegations are based on widespread rumours in Goma and Kinshasa that cannot be substantiated. No details of such meeting are provided in the entire report to support this conclusion. The exact source of the information is vague as no witness who attended such meetings is mentioned.

48. General James Kabarebe has consistently played a key role in the stability of the region. He has been at the helm of mediating between FARDC and CNDP in 2009. The FARDC officers even after the integration process have maintained a good relationship. He has not only provided counsel to individual officers but also to the FARDC leadership either when solicited or on his own initiative when he detected an emerging problem. Gen Kabarebe regularly briefs western Diplomats on his role in this process. Gen. Kabarebe's role was clearly illustrated when he chaired a mediation meeting between DRC

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government delegation led by President Kabila's Envoy, Mr Kalev Mulond and FARDC Colonels Makenga, Zimurinda, and Faustin Muhindo in Rubavu on 8 April 2012. In his various engagements, Gen Kabarebe consistently stressed that the GoR's position is to promote the peaceful resolution of the grievances rather than military confrontation. He communicated this to President Kabila and some of his top advisers handling security issues. It is unfortunate that, the DRC government, having opted for a military solution chose to twist Gen Kabarebe's positive contribution and paint it in a negative light. The false accusations in paragraph 46 of the addendum in connection with Col Bernard Byamungu are a case in point. Gen Kabarebe states that he never gave him orders to rebel against government. On the contrary, he tried to convince him not to enter into mutiny. He also advised him not to surrender to MONUSCO and managed to convince him to hand himself over to FARDC instead. His statement covering other false accusations including those referring to the coalition of armed groups in Ituri (COAGI) and others are available at Annex D to this submission.

49. Regarding the claim that "the Group has gathered evidence indicating that Rwandan officials have been supporting other armed groups and mutinies often using Ntaganda and other ex-CNDP commanders to foster such alliances." There is no tangible evidence provided to support the allegation of collaboration between Rwanda and the armed groups in DRC for the purpose of targeting the FDLR. It is a matter of public record that the RDF engaged in joint operations with the FARDC against the FDLR and has no interest in aligning with small rebel groups to achieve its security objectives. As a matter of fact, such joint operations continue to take place on DRC territory

50. This allegation is based on information from M23 deserters, FARDC officers, intelligence services and ex-RDF officers, all unnamed. In such a polarized context as the

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Eastern DRC, prone to rumours and distortions, such information should be subjected to thorough verifications before they can be labelled “credible”. Requested details should include units’ designations, names of operation commanders, areas of operations, etc. This, unfortunately, has not been done. The GoE and the UN at large should instead aim at defusing tension rather than giving credence to rumours and conspiracy theories. Provision of evidence regarding units’ designations, names of their commanders, areas of operation and other identifiers and operational details may be the only way this allegation can be credible.

51. Paragraph 31 (a) describes information from an alleged RDF soldier who surrendered on 14 June 2012 from Ntaganda’s position in Runyoni. The RDF has never engaged in any operations in support of M23. All RDF personnel are accounted for and their whereabouts are consistently recorded. In this particular case, the onus to prove the identity of the alleged surrendered and his belonging to the RDF is on the GoE and/or its sources.

52. In paragraph 31 (i) of the addendum, the GoE refers to the signal interception by FARDC of radio communications between RDF and M23. The so-called signal interception by FARDC indicated the reception of RDF troop reinforcements by M23, and request for additional reinforcements. The evidence provided is one of the most unsophisticated pieces of fabrication in the entire report. On the basis of “image 10” on p.16 of the addendum, (i) the mode of communication indicated is a single frequency per channel also referred to as a ‘direct mode operation’; (ii) encryption seems to be based on a manual cipher system also known as SLIDEX; (iii) the frequency is VHF (high) and the frequency range (159,500.00 KHz – 160,900.00 KHz – 161,000.00 KHz) indicates some equipment of commercial standard. Hence, it is technically incompatible with the RDF VHF communication system which uses PRC family military standard with low VHF range operating from 30 – 80/108 MHz which means that a two-way communication would be impossible; (iv) Furthermore, RDF uses digital encryption imbedded in its communication assets which confirms that a two way communication is not possible in this case. Additional details confirming that the intercepted radio communication cannot refer to a



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communication between an RDF communicator and that of M23 is available at Annex I to this submission.

53. Just like previous assertions by the GoE, this last assertion that Rwanda is supporting sanctioned individuals was made without undertaking basic investigations and inquiries with the GoR, despite a background of cooperation between the GoE and the in the past.

54. The evidence adduced on Rwanda supporting Gen. Bosco Ntaganda, as indicated in paragraphs 28, 49 and 50 of the addendum do not support the charge. Hearsay evidence from Congolese officials and anonymous witnesses stating that Gen Ntaganda crossed the border from Runyoni to Rwanda is a worthless claim that would require corroboration before being stated as a fact. The so-called evidence of a house pictured allegedly belonging to Ntaganda is demonstrably inaccurate. Investigations on the matter indicate that the house presented as image 15 in the addendum is owned by Mr. Innocent Ndagano alias "Cent Kilos". The certificate of registration of emphyteutic lease title No. UPI 3/03/04/05/217 is available at Annex J to this submission. It further alleged in the addendum that Hotel Bushokoro located at Kinigi is co-partially owned by Gen. Bosco Ntaganda. As a matter of fact, the property is actually owned at 50% each by Mr. Enock Munyajabo and his wife Mrs. Nyiramana Kesie under the certificate of registration of emphyteutic lease title No. UPI 4/03/07/03/329 available at Annex K to this submission. The assertion that the named properties belongs to Bosco Ntaganda is a typical baseless allegation from information peddlers.

55. The GoE accuses the GoR of having held a meeting with the Government of DRC on 9 April 2012, as indicated in paragraph 51. Col. Zimulinda is said to have attended the meeting. The said meeting took place on the 8 April 2012 in Rubavu. The purpose of the meeting was Rwanda's efforts to bring the two parties, now at war, to avert armed

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confrontation. The said officer came in an official Congolese delegation, headed by President Kabila's Envoy, Kalev Mutondo, who is the Head of Agence Nationale de Reinseignement (ANR). Other officers that attended included Col. Yav J Claude, FARDC officer, Col Sultan Makenga and Col Innocent Zimulinda. Both sides presented their grievances, and Rwanda made pertinent proposals, reaching common ground that could have prevented the current conflict. It is unfortunate that extensive efforts deployed by the GoR in order to preserve peace are now being turned against it to paint Rwanda as an aggressor. Similar incidences occurred, for example, when Gen. Ntaganda travelled to Rwanda with an official DRC travel authorization, to bury a family relative. The visit was framed as the Government having been in the wrong. Yet, DRC Government officials who have been protecting Gen Ntaganda for years and UN officials, who have been frequently interacting with the General in Goma, are exonerated from any blame.

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<sup>i</sup>The group's official title is the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. See: <http://www.un.org/sc/committees/1533/>

<sup>ii</sup>See, for e.g., Hogg, Jonny. "Rwanda army officials supporting Congo rebels: HRW." *Reuters*. 3 Jun. 2012. Available: <http://www.reuters.com/article/2012/06/03/us-congodemocratic-rwanda-hrw-idUSBRE8520FU20120603>; Larson, Krista. "Group: Rwandan Military Aiding Congo Fugitive." *Associated Press*, 4 Jun. 2012. Available: <http://abcnews.go.com/International/wireStory/group-rwandan-military-aiding-congo-fugitive-16489286>; "Report: Rwanda Arming Rebels in Eastern DRC." *VOA*. 4 Jun. 2012. Available: [http://www.voanews.com/content/hrw\\_reports\\_rwandan\\_government\\_ams\\_drc\\_rebels/1147003.html](http://www.voanews.com/content/hrw_reports_rwandan_government_ams_drc_rebels/1147003.html); Campbell, John. "Rwanda's East Congo Involvement." *Council on Foreign Relations*. June 4, 2012. Available: <http://blogs.cfr.org/campbell/2012/06/04/rwandas-eastern-congo-involvement/>; "Rwandan military 'aiding war crimes suspect' in Congo." *The Guardian*. 4 Jun. 2012. Available: <http://www.guardian.co.uk/world/2012/jun/04/rwandan-military-war-crimes-suspect>; Allison, Simon. "Darkening the DRC: the long, deep shadow of Rwanda." *The Daily Maverick*. 6 Jun. 2012. Available: <http://dailymaverick.co.za/article/2012-06-06-darkening-the-drc-the-long-deep-shadow-of-rwanda>; Kagire, Edmund and Rodrigue Rwirahira. "Fresh suspicions over hand in DR Congo war haunt Kigali." *The East African*. 10 Jun. 2012. Available: <http://www.theeastafrican.co.ke/OpEd/Fresh+suspicions+over+hand+in+DR+Congo+war+haunt+Kigali+/-/434748/1424420/-/syhqf1/-/index.html>