Laurent Nkundabatware, His Rwandan Allies, and the Ex-ANC Mutiny: Chronic Barriers to Lasting Peace in the Democratic Republic of the Congo.

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13 February, 2007.
1st Edition.

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Foreword

People often ask me why I chose Laurent Nkundabatware as the focus of this book. Why does this so-called "warlord" receive so much attention? What makes him more unique than other militia leaders in the Congo?

First and foremost, when examining armed groups in Congo, his militia (partly comprised of what are technically Congolese government soldiers) is one of the biggest threats to the peace process in the Congo. While most militia groups have the ability to cause great instability in a specific area of the country, General Nkundabatware has the ability to spark a full-scale regional war that could draw in Rwanda, Burundi, and Uganda. That list does not include the nations who would intervene to defend the Congo from another foreign invasion (like Angola). For this reason, General Nkundabatware and his followers should be subject to a detailed analysis. The *Forces Démocratiques de Libération du Rwanda* (FDLR)/ *Forces Combattantes Abacunguzi* (FOCA) is also a major barrier to the Congo's peace process and possesses the capability to start a regional war, but there are already a number of published reports dedicated to describing their role as a regional threat.

Additionally, it is important to understand the figurehead behind a rebel movement as an individual in order to comprehend their motives. A comprehensive understanding of a militia leader often allows one to understand the group's activites and predict their future actions. By predicting future actions, preventative measures can be taken to help those caught in his destructive path and more effective plans for finding a solution to the problem can be generated.

Another reason General Nkundabatware is the focal point of this book is to demonstrate once-and-for-all the level of involvement Rwanda still has in the Congo, which is in violation

of a U.N. arms embargo on the Congo and the Pretoria Accords. Considering General Nkundabatware and his army act as Rwanda's proxy, this book aims to demonstrate the solution to ensure lasting peace in the Congo does not lay entirely within its borders. It was the initial influx of Rwandan refugees fleeing the Rwandan Patriotic Army's (RPA) invasion of Rwanda during the early 1990s and the secondary wave of refugees fleeing the Rwandan Genocide of 1994 that set the stage for subsequent outbursts of war in Congo-Zaire. Until the international community holds Rwandan officials accountable for their invasion of Zaire in 1996, the Congo in 1998, and their direct support of General Nkundabatware from 2003 onward, the Congo will never know peace.

A third reason is to provide a detailed account of events General Nkundabatware was involved in. Such a chronology has never been compiled before. While several reports by different humanitarian agencies have addressed individual events in detail, these events have never been compiled together chronologically to provide a wholistic perspective. This compilation can also serve the purpose of providing background information for interested reporters, journalists, researchers, and other media members who are interested in covering, researching, or writing about any of the topics related to this book.

Additionally, people in the Congo and abroad have asked questions about certain aspects of these events. Some of the events have very conflicting reports and/or psychological operations involved that clouded the truth. I aspire to answer as many questions as I can and hopefully bring a clearer picture of what happened during certain pivotal events.

A fourth reason is to raise public awareness for the plight of child soldiers. When I began researching General Nkundabatware, it was this issue that originally drew me to him. I had come across intelligence detailing his soldiers' abduction of innocent children in the

Congo and Rwanda to use in his army, usually against their will. I consider this among the most abominable crimes and by demonstrating his militias' complicity in this terrible crime, I hope to incite people to demand immediate and meaningful action on this issue throughout the world and demand justice and rehabilitation for the innocent victims. I can never possibly say or do enough to condemn these crimes properly.

I have made a point to include Congolese sources in this book in order to allow their perspectives to be heard. Too often, western writers, journalists, and scholars rely only on material written and/or statements given by "westerners" and I feel this is a mistake. Africans are acutely aware of the events going on around them and they are the most valuble resource.

As a word of caution, the events in Part 1 of this book are presented chronologically. As a result, some paragraphs may seem disjointed and out-of-place at times. One topic may seem to jump to another without an obvious visible relationship between the two. This is not intended to confuse or mislead the reader and I have done my best to keep it coherent, yet chronological.

The copious footnotes are intended to provide additional information that often goes beyond the scope of the main topic of the book. They are also used to provide translations of certain words, phrases and important background or historical information on individuals, events, and armed movements. Special emphasis is given to certain subjects, including, but not limited to: the current status of other armed militia in the Congo; the current situation in South Kivu Province; profiles of key individuals and corporations (especially the mining sector and private military contractors [PMCs]); additional information on Rwandan history, culture, and how it pertains to the current situation in the Congo; details of the Rwandan refugees' plight as they escaped into Zaire in 1994; the current status of the most lucrative mining concessions in

Northeast Congo; and details of key minerals smuggled in the Congo and the participating networks. The reader is also shown regional, continental, and international connections between events. This is particularly important for individuals who are just beginning to study the African continent and will aid them greatly when reading news articles in the future.

In the footnotes, the contemporary history of U.S. military intervention in the Congo and Rwanda is outlined in very specific detail. As an American, I feel it is necessary to acknowledge and take responsibility for the role my country has in the pain and suffering of millions of Africans. Every American should be aware of this relationship and realize many material things "westerners" have, especially in the defense, electronics and technology industries, has not only tangible monetary and resources costs, but the additional and incalculable human costs that includes millions of innocent African victims. It is imperative to understand all the contemporary conflicts Rwanda and Congo-Zaire have endured were provoked, aided, and/or instigated by "western" international powers for their own geopolitical and industrial/corporate reasons. Readers who do not want such background information are encouraged to scroll (page) through the footnotes and I apologize in advance for certain stretches of continuous footnotes that detract from the main body of the book.

The sources consulted for this book do not necessarily reflect my political, philosophical, or personal beliefs. They were chosen solely for the information provided and their use does not necessarily reflect my endorsement of the individual(s), organizations, or political party(ies) that provided the information. Newspapers, magazines, and/or newsletters with political, ideological, religious, and/or governmental leanings I referenced does not reflect my endorsement of the source or the factions and/or individuals behind it. Private interviews and confidential sources were protected for security reasons.

General Summary

Since the beginning of the Transition Period in 2003, few armed factions in the Democratic Republic of the Congo have been a greater threat to provoking another regional war than Laurent Nkundabatware and his various allies. His militias, with the backing of Rwanda, have become a formidable military and political barrier to lasting peace.

This book begins with a brief biography of Laurent Nkundabatware, from his humble beginnings as a Congolese farmer and cattle herder to his transformation into a dissident general. Seminal contemporary events in Rwanda's history are also included to demonstrate how the Rwandan War of 1990-1994 eventually led to the subsequent wars in the Congo and influenced the current political landscape of the entire region.

Next, a chronological description of events involving General Nkundabatware and his Rwandan allies is given to provide history and context for examining the current situation in the Congo. The story begins with the ex-ANC mutiny in February 2004. Special emphasis is given to key events over the last four years (2004-2007) including the Bukavu crisis of June 2004, the Gatumba massacre of August 2004, the Rwandan invasion of December 2004, the ex-ANC offensive of December 2005, the siege of Rutshuru Territory in January 2006, and recent post-election violence in North Kivu Province.

The measures General Nkundabatware utilized to ensure he was well-equipped to continue his campaign of violence are outlined as are the roles the United Nations (U.N.) and the Congolese armed forces play in bringing him and his dissident soldiers to justice. His role in relation to the Congolese presidential election is examined as is the birth of his politico-military movement.

Broad solutions to a wide range of peripheral problems associated with the threat General Nkundabatware and his allies pose to the Congolese peace process are explored. Without addressing these crucial issues, it will not be possible to implement a lasting political solution with General Nkundabatware and Rwanda. In particular, the need for a solution to the FDLR/FOCA issue is addressed. While the entire history of the FDLR movement is not mentioned, post-2004 events relating to the FDLR/FOCA are explored as is the their role in regional instability, particularly with regards to Rwanda and how FOCA's presence in the Congo has been used to further their own personal and national goals.[1] To a lesser degree, the current so-called "Mai-Mai"[2] soldiers' relationship with General Nkundabatware's men is also examined. In addition, this book also explores the role of the often forgotten Rastas armed group supposedly linked to the FDLR.

[1] Note: The FDLR is the political component of the movement, but its leaders are in exile abroad. FOCA is the armed wing located in the Congo, and they are regarded as the immediate threat in the region.
[2] Note: "Mai" means "water" in Kiswahili.

Part 1: Chronology

Chapter 1: Background

Laurent Nkundabatware Mihigo[3] was born on 6 February, 1967 in the village of Mutanda in Rutshuru Territory of North Kivu Province in the Democratic Republic of the Congo (DRC).[4] He is the son of a Tutsi cattle herder from the village of Masisi, located northeast of Goma in Masisi Territory[5] of North Kivu Province.[6] Laurent began working at a young age in a coffee plantation in Mutanda. He now owns three farms and at least 800 Sanga cattle of his own.[7] He jokes that the milk produced by his goats is so good soldiers he commands happily use his cheese as supplimentary dry rations in the bush.[8] He is married with four children, including a son who reportedly received a Congolese scholarship to attend school in China.[9]

Little else is publicly known about his early years. After finishing his secondary schooling, he attended the University of Kisangani in the Congo[10] to study psychology and he also had the opportunity to study in Mudende, Rwanda.[11] During his university studies he

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[3] Note: Westerners often refer to him as "Nkunda," while the Congolese call him by his full surname "Nkundabatware". He purposefully truncated his name in order to mask his Tutsi origins.
[4] "Laurent Nkunda," Wikipedia. Accessed 21 July, 2006. http://de.wikipedia.org/wiki/Laurent_Nkunda.
[5] Note: In the Democratic Republic of the Congo, territories bear the same name of the largest village, city, or town within its borders.
[6] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N°108. 27 April, 2006. pg. 14.
[7] "Profile: General Laurent Nkunda," Rob Walker. BBC News. 8 June, 2004.
[8] "While His Soldiers Rape and Pillage, the Rebel General Insists: 'We Come in Peace'," Declan Walsh. The Independent. 5 June, 2004.
[9] Ibid; *"Le Ministre Lola Kisanga Octroie une Bourse d'Études pour la Chine au Fils Nkundabatware,"* DigitalCongo 3.0. English Translation. 1 August, 2005. http://www.digitalcongo.net/article/28363.
[10] Note: In this book, the word "Congo" used alone refers to the Democratic Republic of the Congo, not the Republic of the Congo a.k.a. Congo-Brazzaville.
[11] "Laurent Nkunda," Wikipedia. Accessed 21 July, 2006. http://de.wikipedia.org/wiki/Laurent_Nkunda.

learned English. After graduating, he returned to the Congo and spent his time teaching in a school near Masisi town.[12]

Laurent Nkundabatware, himself of Tutsi ethnicity, is also classified as a Banyarwanda. In the Congo, "Banyarwanda" generally refers to the Kinyarwanda speakers born in Northeastern Congo, but the term is also generically used to refer to all Kinyarwandan speakers of Rwandan descent that do not live in Rwanda.[13] In Rwanda, Tutsi (Batutsi) make up the minority and Hutu (Bahutu) the vast majority.

Many Tutsis fled Rwanda for southern Uganda during the mass exodus of 1959-1961 during a time period known as the "Hutu Revolution." The "Revolution" occurred when the Tutsi monarchy was removed when Belgian colonial powers left the country. During the monarchy, Hutus were enslaved by Tutsis. Now that they were free and had education provided by the Belgian Christian missions, Hutus were eager for a chance to take the new seat of government.

The Tutsi exodus began in November 1959 after the severe beating of the Gitarama Prefect's[14] Hutu administrative sub-chief Dominique Mbonyumutwa, a member of the Party of the Hutu Emancipation Movement (PARMEHUTU). He was attacked by Tutsi political

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[12] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report Nº108. 27 April, 2006. pg. 14.

[13] Note: The term "Banyarwanda" refers to all *ikinyarwanda*-speaking people of Rwandan heritage. In the Congo, it generally refers to Hutu and Tutsi living in the northeast, particularly the North Kivu Province. It is a form of cultural and abstract ethnic identity in the Congo. However, a Banyarwandan is still ethnically a Hutu or Tutsi.

There are many minority ethnic groups in North Kivu, including the Konjo (Bakonjo), Nduda (Banduda), Pere (Bapere), Komo (Bakomo), Bira (Babira), Lendu (Balendu), and Tembo (Batembo). Banyarwanda form the majority in Masisi, Rutshuru, and Nyiragongo territories of North Kivu. Rutshuru Territory is primarily Hutu. Walikale Territory has a split between Nyanga (Banyanga) and Nande (Banande). The Nande form the majority in Beni and Lubero territories. They are also found dispersed around the Ituri District, but they are not native to the area and considered "*non-originaires*."

[14] Note: In Rwanda, a prefect was equivalent to a province in the Congo.

activists from the *Union Nationale Rwandaise* (UNAR).[15] As false rumors of his death spread, Hutu civilian militia retaliated. Seemingly endless reprisal attacks from both sides followed.[16] Hutus burned down Tutsis'homes and many of them fled in fear. Among the Tutsi who were forced to flee was a 3-year-old boy strapped tight to his mother's back named Paul Kagame. The Kagame family originally fled to Mutara from Ntambwe, but when the violence spread further north they were forced to leave their country and settle at a refugee camp in Nshungerezi (Toro District), Uganda.

Roughly 19 years later, two Rwandan Tutsi refugees, Fred Rwigyema and Paul Kagame, joined Yoweri Kaguta Museveni's Front for National Salvation (FRONASA) and faught alongside the Tanzanian army to overthrow Ugandan dictator Idi Amin. After the fall of Amin's regime, the three of them went back into the bush when Mr. Museveni formed the National Resistance Army (NRA) in 1981 in the Luwero District. Mr. Museveni, a Hima[17] from Ntungamo (Ankole District), was Ugandan President Apollo Milton Obote's Defense Minister. The NRA's goal was to overthrow President Obote, who was accused of brutally suppressed his political opponents and rigging the Ugandan presidential election Minister Museveni ran in. As more Rwandan exiles joined Minister Museveni's army, President Obote reacted increasingly hostile towards Rwandan refugees.

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[15] Mamdani, Mahmood. "When Victims Become Killers." Princeton, New Jersey: Princeton University Press. 2002. 3rd Edition. pg. 123.

[16] Prunier, Gérard. "The Rwanda Crisis: History of a Genocide." New York, New York: Columbia University Press. 1995. pg. 48-49.

[17] Note: The Hima are an ethnic group from the ruling class of the Nkore Tribe of the Ankole Kingdom (located in the Ankole District). Scholars believe they share ancestry with Tutsis. Culturally, the people from the Ankole District are referred to as Banyankole.

Other important identity distinctions in the region to note include the Bagogwe, a sub-group of Tutsi pastoralists who live in northwestern Rwanda around Gisenyi and Ruhengeri, and the Bakiga, which generally refers to Hutu living in northcentral and northwestern Rwanda (Byumba, Ruhengeri, Gisenyi). The Bakiga were not incorporated into the Rwandan state authorites until colonial times, unlike the rest of the country. Moreover, the Bakiga did not want to be considered "Hutu" until after Rwanda's independence from Belgium. (Mamdani, Mahmood. "When Victims Become Killers." Princeton, New Jersey: Princeton University Press. 2002. 3rd Edition. pg. 107, 117.)

Though Uganda Chief of Staff General Tito Okello and disgruntled Acholi members of Obote's army ousted him first, Minister Museveni and the NRA continued fighting and removed General Okello's junta by force. He became Uganda's new president in 1986. Rwandan refugees who fought with Minister Museveni began planning to create their own army to invade Rwanda and topple Rwandan President Juvenal Habyarimana's Hutu government so Tutsis in Uganda could gain political power and return to their homeland.

When the Rwandan Patriotic Front (RPF) and its armed wing the Rwandan Patriotic Army (RPA) formed out of the Rwandese Alliance for National Unity (RANU) party in 1987,[18] Banyamulenge[19] and Banyarwanda were encouraged to join their ethnic brethren and

[18] Note: RANU was formed in 1980 from the Rwandese Refugee Welfare Foundation (RRWF), an organization created in 1979 by the Ugandan Tutsi diaspora. Both Paul Kagame and Fred Rwigyema were active in RANU.

[19] Note: Banyamulenge is a term used to describe non-indigenous people living in Congo's Mulenge mountain region on the Itombe Plateau in South Kivu Province. They are concentrated in Uvira, Mwenga, and Fizi territories. Farther north, they are consolidated around the town of Minembwe.

The term "Banyamulenge" is a relatively new term and it does not refer to an ethnic group. It is only a regional term for a specific sub-group of Congolese. It emcompasses many "*non-originaire*" ethnic groups, but the majority are Tutsi. In this book, the term is used exclusively to refer to Tutsis from the Mulenge region.

Some historians believe the term first received widespread use following the Burundian Genocide of 1972, when Hutu were butchered by the Tutsi-led army and members of the *Jeunesse Révolutoinnaire Rwagasore* (JRR) militia after a Hutu uprising was quelled. Tutsi received widespread scorn in Southeastern Zaire as a result, and the Tutsi living there started using the term as a way to distance themselves from their ethnic brethren in Burundi. (Mamdani, Mahmood. "When Victims Become Killers." Princeton, New Jersey: Princeton University Press. 2002. 3rd Edition. pg. 249.)

The term has been widely used in recent times as a way to pass off Tutsi Rwandan Patriotic Army (RPA) soldiers as Congolese-born Tutsis. The "Banyamulenge Rebellion" that began in late September 1996 was the inaugural event of the 1st Congo War (1996-1997). It was set in motion when President Mobutu passed a law in May 1995 that prevented Tutsi from deligating land, essentially nullifying the Tutsi chiefdoms in North Kivu. Then, Mobutu's Chief of Staff General Eluki Monga Aundu gave all Congolese natives the right to expel Tutsis from their land. Finally, in October 1996, South Kivu's Deputy Governor Lwasi Ngabo Lwabanji announced they had to leave Zaire within a week's time.

Banyamulenge in Uvira Territory (the area most densely populated by Banyamulenge) rose up in arms. The Banyamulenge rebels sided with the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL-CZ) led by Laurent Kabila. Laurent Kabila was chosen to lead the AFDL-CZ because he put a Congolese face to the rebellion instead of a Rwandese face.

fight. Congolese Tutsi reported to Ugandan military training camps in Kabamba, Karugutu, Mulima, and Kabale to receive guerrila training.[20] On 1 October 1990, the RPA, elements of the NRA, and dozens of children recruited in Burundi and Zaire attacked the soverign nation of Rwanda while President Habyarimana and President Museveni were attending the U.N. World Summit on Children in New York City.[21] The dissident army was led initially by Salim Saleh

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The AFDL-CZ was portrayed, in part, as a "Banyamulenge Rebellion" against President Mobutu's oppression. Their forces were predominantly comprised of RPA soldiers, not Banyamulenge, but there is no telling a Banyamulenge fighter from an RPA fighter by their phenotype alone. The RCD used a similar method during the launch of the 2nd Congo War (1998-2003). General Nkundabatware also uses this method (substituting Banyarwanda for Banyamulenge) to hide Rwandan soldiers (or demobilized soldiers) in his ranks. The first AFDL-CZ column to enter Zaire actually came north from Rwanda and eventually crossed into Cibitoké, Burundi and entered Zaire. (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 192.)

[20] Kintu, Remigius. "The Truth Behind the Rwandan Tragedy." International Criminal Tribunal for Rwanda (ICTR). Document Number #7233. 20 March, 2004.

Note: It is important to note all the RPA and National Resistance Army (NRA) soldiers who participated in the attack defected from the NRA, which was Uganda's national army. Despite this fact, President Museveni never demanded they return to their barracks or disarm.

[21] Private Correspondance. 2006.

Note: General Saleh acted as a military advisor to the RPA. During the Rwandan War of 1990, he was stationed in Mbarara, southwestern Uganda, but he later relocated to Byumba Prefect in Northcentral Rwanda after the RPA controlled territory in northern Rwanda. (Private Correspondence. 2006.) The RPA eventually set up their headquarters at a tea plantation in Mulindi (also in Byumba Prefect), but General Saleh returned to southern Uganda because he did not want to be seen during RPA peace talks and military meetings held there. It appears the NRA continued supplying arms to the RPA in the demilitarized zone. ("The Prosecutor v. Augustin Ndindilyimana, François-Xavier Nzuwonemeye, Innocent Sagahutu, Augustin Bizimungu." ICTR Case Number 00-56-T. Cross-Examination of General Roméo Dallaire by Ronnie MacDonald. 5 December, 2006. Exhibit Number D. 158 (Bizimungu) 63. "Coded Cable from General Asrato to General Dallaire." 15 April, 1994.) When the RPA launched its infamous offensive in February of 1993, three battalions of the NRA were at General Kagame's side. ("In the Waiting Room of the Rwandan Genocide Tribunal." Barrie Collins. Spiked Online. 26 May, 2006. http://www.spiked-online.com/index.php?/site/article/322/.)

General Saleh did not go with the RPA to Kigali, but Lieutenant Colonel (Ltc.) Walter Ochora (current Local Council [LC] 5 of the Gulu District in Uganda), a former Uganda National Liberation Army (UNLA) fighter, commanded a unit of former UNLA soldiers that fought in the final battle for Kigali alongside the RPA. (Private Correspondence. 2006.) General Saleh's involvement is significant because it demonstrates there is no way President Museveni can say he did not know the Tutsi soldiers in the NRA would defect and attack Rwanda. This is beside the fact General Kagame openly travelled back to Uganda during the war to hold interviews and meet diplomats. NRA officials never arrested him for the mutiny. President Museveni would finally admit to supporting the RPA eight years later. ("In the Waiting Room of the Rwandan Genocide Tribunal." Barrie Collins. Spiked Online. 26 May, 2006. http://www.spiked-online.com/index.php?/site/article/322/.)

a.k.a. Caleb Akandwanaho (President Museveni's half-brother and a general in the NRA) and Tutsi General Fred Rwigyema, Uganda's Minister of Defense and Paul Kagame's best friend.

Laurent Nkundabatware joined the RPA in 1992 during a time many Banyarwanda feared having their Congolese citizenship revoked. He was trained to become a military intelligence officer and was responsible for collecting strategic information on the Armed Forces of Rwanda (FAR)[22] and their allied militias. He fought in Major General Paul

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[22] Note: The Armed Forces of Rwanda (FAR) was the Rwandan National Army under Hutu President Juvenal Habyarimana. Elements of the FAR participated in the Rwandan Genocide. After the RPA captured Kigali, some ex-FAR escaped into Congo (then Zaire) with members of the civilian militias, gendarmies, and about a million innocent refugees. The French Foreign Legion and French Marines helped them escape under the humanitarian guise of Operation Turquoise so they could rearm and regroup in the refugee camps. They planned a counter-attack to reclaim Rwanda from the RPA dubbed Operation Insecticide, reportedly planned by ex-FAR Colonel Théoneste Bagosora. French Captain Paul Barril (Military Advisor to President Habyarimana and officer in the French National Gendarmies) was hired by the Rwandan Ministry of Defense to train soldiers and help plan the operation. Captain Baril was said to be a mercenary-for-hire. ("Leave None to Tell the Story: Genocide in Rwanda." Alison Des Forges. Human Rights Watch. 1 April, 2004. 2nd edition.)

Note: Ms. Des Forges was a U.S. State Department consultant for the U.S. Agency for International Development (USAID) from July 1991- July 1992. She has visted Rwanda since 1963 and speaks Kinyarwandan. She has a doctorate in African history from Yale University. She is currently a writer, consultant, and Director of Human Rights Watch. ("In the Waiting Room of the Rwandan Genocide Tribunal." Barrie Collins. Spiked Online. 26 May, 2006. http://www.spiked-online.com/index.php?/site/article/322/.)

Operation Turquoise, launched on June 23, 1994, included around 2,500 French soldiers and a small number of Senegalese soldiers commanded by General Jean-Claude LaFourcade. The French Marines were led by Colonel Bon. Ltc. DeHeul was the acting Air Operations Officer. The operation was planned, in part, by political scientist and author Gérard Prunier.

French Marines were deployed in the northern part of the operational zone and the French Foreign Legion (1st Company/ 2nd Infantry Regiment, 3rd Company/ 13th Demi-Brigade [based in Djibouti], 2nd Paratrooper Regiment [Includes Paracute Commando Groups trained for capturing enemy officers, interrogation, intelligence gathering, evacuation, and reconnaissance], and the 6th Foreign Engineer Regiment [Now the 1st Foreign Engineer Regiment]) was deployed in the south. ("Operation 'Turquoise'," Jean-Paul M. Andry. The Non-Official Site of the French Foreign Legion. Accessed 26 October, 2006. http://www.bivouac-legion.com/turquoise.php; "The 2nd Foreign Legion Parachute Regiment of the French Army," SpecialOperations.com. Accessed 26 October, 2006. http://www.specialoperations.com/Foreign/France/Foreign_Legion/2nd_Para.htm.) Many of these units, particularly from the French Foreign Legion, were the same units providing military training to General Augustin Bizimungu's FAR, General Augustin Ndindiliyimana's gendarmies, and Robert Kajuga's *Interahamwe*. In the early 1990s, many of the Foreign Legion soldiers were German, Canadian, Israeli, white Rhodesians (now Zimbabwe), white South Africans, and British. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 125.)

Kagame's final military offensives after the Rwandan Genocide reached its murderous peak in 1994 and achieved the rank of sergeant. After the RPA seized Kigali in early July 1994, he returned home to Zaire and joined Laurent Désiré Kabila's[23] Alliance of Democratic Forces for

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Colonel Didier Thibault commanded the forces in Southern Rwanda while Captain Marin Gillier and Sergeant Major Thierry Prungnaud were in charge of the troops just north of him near Bisesero. Thibault was an alias for Tauzin (French Foreign Legion soldiers choose pseudonyms when they join). Colonel Tauzin was a military advisor for the FAR and faught against the RPA in 1993 near Kigali after they launched their February offensive. ("Leave None to Tell the Story: Genocide in Rwanda." Alison Des Forges. Human Rights Watch. 1 April, 2004. 2nd edition.)

French soldiers infiltrated Rwanda up to Gikongoro and Kibuye to collect guns from the corpses, then loaded the weapons into the beds of their trucks and transported them back to Zaire. Militants were also transferred to Bukavu in trucks and buses. One eyewitness in Zaire said several busloads of militants arrived every day in Bukavu. (Private Interview. 2006.) When the RPA realized ex-FAR and militias were being transported to safety, they set troops up along the road from Gikongoro to Butare. They inspected French military vehicles at gunpoint for soldiers that were being transported. Any discovered were shot by the RPA. (Gourevitch, Phillip. "We Wish to Inform You That Tomorrow We Will Be Killed With Our Families." New York, New York: Picador [St. Martin's Press]. 1998. pg. 159.)

When the Hutu militias escorted to Zaire by the French arrived in Bukavu, they immediately began terrorizing the town. Since they left their belongings behind in Rwanda, they looted randomly in the city, especially at night. The town was virtually shut down after 18:00 every day. (Private Interview. 2006.) One eyewitness described the French soldiers as "womanizers" and said the French were "all over" the border area around Cyangugu "helping Hutus." (Private Interview. 2006.) Ethiopian peacekeepers even claimed the French troops knowingly protected wanted murderers. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 159.) Colonel Théoneste Bagosora, the acting Minster of Defense and alleged "mastermind" of the genocide, was reportedly shuttled to Zaire by the French forces. (Gourevitch, Phillip. "We Wish to Inform You That Tomorrow We Will Be Killed With Our Families." New York, New York: Picador [St. Martin's Press]. 1998. pg. 163.)

[23] Note: Laurent Kabila was a Luba (Waluba) from Ankoro, Katanga Province (then known as Shaba Province) in Zaire. He was educated in France (Philosophy), Tanzania, and East Germany. While attending school in Dar es Saalam, Tanzania in the late 1950s, he met Yoweri Museveni. (Hoeben, Henri. "Human Rights in the DR Congo: 1997 Until the Present Day – The Predicament of the Churches. Missio. Number 600-212. October 2001. pg. 9.) As a member of the North Shaba Assembly, he was a staunch supporter of Congolese Prime Minister (P.M.) Patrice Lumumba.

L. Kabila was a guerilla fighter with the National Liberation Council of Congo-Zaire (NLC) after P.M. Lumumba's murder in 1961. He took part in the Simba rebellion of 1964 with Gaston Soumaliot and afterwards formed his own fiefdom called "The Republic of Hewa Bora" (which means "Fresh Air") in South Kivu Province around the Fizi and Baraka mountains. When the NLC collapsed, he created the Party of Popular Revolution (PRP) based on Maoism. He was mentored by the famous revolutionary Ché Guevara in the mid-1960s, but Mr. Guevara was less than impressed with him. In 1975, his men kidnapped three American college students from Stanford and a Dutch scientist who were held for ransom, then later released unharmed.

L. Kabila brutalized the Babembe people of Katanga Province under his *de facto* rule (1964-1977) before he fled to Dar es Salaam, Tanzania in 1977 and opened up a kiosk. He continued to sell gold from the so-called

"Hewa Bora" region he once ruled to continue financing rebellions in Zaire. He later relocated to Uganda where he became a gold and coffee trader.

In the late 1970s, American emissary Henry McDonald tried to convince L. Kabila to join President Mobutu's government. Although he was interested, he could not give up the opportunity to exploit the natural riches in Fizi Territory. (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 216; Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 185-188.) He was assassinated in 2001 by one of his own bodyguards, but the forces behind his murder have never been official uncovered. Many factions had a motive to remove him from power including Rwanda and Angola. His son Joseph was chosen to replace him.

L. Kabila was notorious for recruiting and training *kadogos* (literally means "small ones" in Kiswahili, and is used in East Africa to refer to child soldiers) and refer in preparation for the 1st Congo War. The U.S. Defense Intelligence Agency (DIA) trained teenagers from Rwanda, Uganda, and Zaire for up to two years to prepare them to fight for the AFDL-CZ. ("Helping Africa to Help America," Jane's Foreign Report. 4 September, 1997.) They were promised they would receive money when the AFDL-CZ reached Kinshasa, but the promise turned out to be empty. U.S. Ambassador to Rwanda Robert Gribbin denied the U.S. supplied any form of training to the AFDL-CZ. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 194.)

In the 1980s, L. Kabila went to Benghazi, Libya to receive military training and revolutionary indoctrination at Colonel Muammar Abu Minyar al-Gaddafi's World Revolutionary Headquarters. This "school" hosted a number of notable Africans who used their new training to unleash violent revolts and some seized their country's presidency for themselves. They include Libero-American Charles Ghankay Taylor (National Patriotic Front of Liberia [NPFL] and its Small Boys Unit [SBU]), The Gambia's Kukoi Samba Sanyang (whose coup attempt failed), Burkina Faso's Blaise Compaoré (current president), Foday Sankoh (Revolutionary United Front [RUF]), a close associate of Charles Taylor, and Ibrahim Bah. ("War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection." Lansana Gberie. Partnership Africa Canada. November 2002. pg. 15.)

Mr. Bah is a military officer from Burkina Faso. A devout Muslim, he faught with Hezbollah against the Israeli Defense Force and joined the Taliban in Afghanistan when they waged war to take power by fighting off the Northern Alliance led by Ahmed Shah Massoud, a Tajik. In Africa, Mr. Bah was part of the failed 1981 coup attempt in The Gambia and he also faught with the NPFL and the RUF. (Ibid.)

As a general in the RUF, he set up their diamond smuggling routes and logistics. He organized a safehouse in Monrovia for RUF clients to conduct their illicit business. General Bah was most notorious for introducing several member of *Al-Qaeda* and Hezbollah to RUF commander Samuel Bokarie (a.k.a. General Mosquito) so they could purchase "blood diamonds" from the RUF. Among the *Al-Qaeda* members were Egyptian Abdullah Ahmed Abdullah, Tanzanian Ahmed Khalfan Ghailani, and Kenyan/Comoros Islands dual citizen Fazul Abdullah Mohammed, who was in charge of *Al-Qaeda's* diamond purchasing operations in Africa. All three are charged for the bombing of the American Embassies in Dar es Salaam, Tanzania and Nairobi, Kenya in 1998. (Campbell, Greg. "Blood Diamonds: Tracing the Deadly Path of the World's Most Precious Stones." Boulder, Colorado: Westview Press [Perseus Books Group]. 2002. pg. 186-189.)

On 8 January, 2006, a United States (U.S.) AC-130 from the U.S. Special Operations Command (SOC) base in Djibouti strafed buildings at sites in Hayo, Ras Kaamboni, near Badmadow, and Badel in southern Somalia near the Kenyan border. The strikes were authorized based on intelligence three of the embassy bombing suspects were present, including Fazul Mohammed. The Pentagon claimed to have killed Mohammed in Hayo during the airstrikes, but only two days after the bombing raid, U.S. Ambassador to Kenya Michael Ranneberger said Mohammed was not killed and the had airstrike failed. However, Mohammed's wife Sofia Mohammed Ale (a.k.a. Halima Badroudine Fazul Husseine) and their three children were arrested in Kiyunga and taken to Nairobi. ("Somali, Ethiopian Troops Fight Militiamen," Nasteex Dahir Farah. Associated Press. 31 December, 2006; "U.S. Attacks *Al-Qaeda* Suspects in Somalia," CNN. 8 January, 2007; "U.S. Launches

the Liberation of Congo-Zaire (AFDL-CZ)[24] as a Congolese Munyarwanda.[25] He faught alongside Laurent Kabila, Joseph Kabila, and RPA (then) Colonel James Kabarebe. One of Laurent Nkundabatware's primary tasks with the AFDL-CZ was to ensure the assassination of all the Hutu and Bantu customary chiefs in the collectives on the Congo-Rwanda border so they could be replaced with RPF-friendly Tutsis.[26]

RPA soldiers led the AFDL-CZ into battle and General Kagame, who was introduced to L. Kabila by President Museveni in Kampala, fully supported the AFDL-CZ's overthrow of Mobutu.[27] General Kagame saw it as a perfect opportunity to destroy the remaining elements of the former Rwandan Army and the militias that were in Zaire's refugee camps. With the aid of Uganda, Angola, Namibia, and the United States, the AFDL-CZ reached Kinshasa in May 1997 and overthrew President Mobutu. L. Kabila became president of the newly renamed

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Fresh Attack in South Somalia," Xinhua News Agency. 9 January, 2007; "Somalia Government: US Embassy Bombings Suspect Killed," Sudan Tribune. 10 January, 2007; "Embassy Bomb Suspect 'Killed in U.S. Airstrike," Hussein Abdullahi, Tony Kago, Dominic Wabala. The Nation. 10 January, 2007.)

The U.S. launched a second unsuccessful strike on 25 January, 2007. Only days later, 15 Special Forces soldiers were captured in Southern Somalia after a firefight. U.S. Ambassador to Kenya Michael Ranneberger negotiated for their release. A report from a Yemeni newspaper said the U.S. Government struck a deal to free the soldiers in exchange for allowing the ousted Islamic government to have a role in upcoming national reconciliation talks. The U.S. Department of Defense (DOD) denied the report. ("US Diplomat Bids the Release of 11 US Soldiers Siezed in Somalia," Aweys Osman Yusuf. Shabelle Media Network. 1 February, 2007; "The Release of 15 U.S. Soldiers in Southern Somalia Underway – Yemeni Newspaper," Aweys Osman Yusuf. Shabelle Media Network. 8 February, 2007; "U.S. Department of Defense Denies Capture of U.S. Soldiers," All Africa Press Service. 26 January, 2007.)

[24] Note: The AFDL-CZ was created on 18 October, 1996 in Lemera, South Kivu Province by the fusion of four political parties: Laurent Kabila's Popular Revolutionary Party (PRP), Colonel Andre Kissasse Ngandu's National Resistance Council for Democracy (CNRD) comprised of Baluba and fighters from eastern Kasai Province, Nindaga Massassu's Movement for the Liberation of Zaire (MRLZ) comprised of Bashi, and the Democratic Alliance of the People (ADP) led by Tutsi Deogratis Bugera. Nindaga Massassu commanded the AFDL-CZ's southern operations around Bukavu while Joseph Kabila commanded the northern area around Goma. Both answered to Rwandan Supreme Commander James Kabarebe.

[25] Note: "Munya" is a singular term while "Banya" is a plural term. Likewise, the prefixes "Wa," "Ma," and "Mu" are singular while "Ba" is plural.

[26] "Nkunda Torpedoes the New Democratic Institutions," Tabara Sebahutu. Congo Tribune. English Translation. 28 December, 2006.

[27] Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 109.

Democratic Republic of the Congo.[28] President Kabila appointed several RPA soldiers to high ranking positions in his new military, the Congolese Armed Forces (FAC).[29]

In August 1998, President L. Kabila ordered all RPA soldiers to leave his country after uncovering an assassination plot against him. This act sparked the 2nd Congo War (1998-2003). When Rwanda, Burundi, Sudanese rebels and Uganda attacked the Congo to unseat President L. Kabila, a rebel group called the Congolese Rally for Democracy (RCD) and its armed wing, the Congolese National Army (ANC)[30] formed with help from Rwandan (then) Vice President Paul Kagame. He invited a group of carefully-chosen group of people to Kigali in July of 1998 and they formed the original RCD party.

Initially, the group was composed of Hutu and Tutsi leaders[31] from the Kivu provinces in Congo, popular local leaders, and former supporters of President Mobutu who strongly opposed President L. Kabila. The ANC was run by the RCD's Mongo Defense Minister Jean-Pierre Ondekane (commander of the ANC's 12th Brigade), an ex-Armed Forces of Zaire

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[28] Note: The Congo was named Zaire prior to 1997 by Mobutu Sese Seko. When Laurent Kabila became president in 1997, he renamed it the Democratic Republic of the Congo. During the colonial era, it was referred to as the Belgian Congo.

[29] Note: The FAC was the Congolese National Army from 1997-2002. Initially, it was comprised of ex-Armed Forces of Zaire (FAZ) soldiers, child soldiers who faught with the AFDL-CZ, Banyamulenge, RPA soldiers, and Katangan Tigers. Essentially, the FAC was the soldiers of the AFDL-CZ and elements of the FAZ. After the Global and All-Inclusive Peace Agreement was signed in 2002, the FAC was integrated into the new Congolese state army, the Armed Forces of the Democratic Republic of the Congo (FARDC).

[30] Note: The ANC received military training in intelligence and engineering at military camps in Rwanda located at Kami, Cyangugu, and Gisenyi. ("Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.)

[31] Note: The recruits included Azarias Ruberwa, Bizima Karaha, Eugene Serufuli, Deogratias Bugera (A Munyarwanda architect from Masisi who was the AFDL-CZ's Secretary General and co-founder.), Dr. Emile Ilunga (A Katangan from Kasai Province. He was head of military intelligence (G2) department for President Mobutu and former head of the Katangan Tigers' political wing in Angola), Ernest Wambia dia Wambia (A History teacher in Tanzania; Chairman of the Congolese Democracy Movement, and former Visiting Professor at Harvard University. He completed his college schooling in the U.S. He has Bokongo ethnic origins.), Arthur Zahidi Ngoma (A human rights lawyer who opposed both President L. Kabila and President Mobutu. He was President of the *Forces du Futur* party and a former United Nations Educational, Scientific, and Cultural Organization (UNESCO) worker in Zaire. He hails from Maniema Province.), Mbusa Nyamwisi (A Nande businessman who fled to Uganda after his brother, a well-known opponent of President Mobutu, was murdered in the mid 1990s.), Emmanuel Kamanzi (AFDL-CZ liason to the U.N. and Non-Governmental Organizations (NGO) and a political advisor to President L. Kabila.) and Adolphe Onusumba Yemba.

(FAZ)[32] soldiers and ex-commander of the FAC's10th Brigade, one of the first units to mutiny against L. Kabila in the 2nd Congo War. Rwanda wanted the RCD to act as its proxy in the Congo to allow them to maintain military and political influence, particularly after October 2002, when the RPA officially withdrew from the Congo following the signature of the Pretoria Accords.

After organizing, the RCD turned to the United States (U.S.) for support. Two of the RCD's founding members, Bizima Karaha[33] and Professor Ernest Wambia dia Wambia hosted U.S. Assistant Secretary of State for African Affairs Susan Rice in Kigali.[34] They also visited U.S. Ambassador to Rwanda Robert Gribbin to ask for U.S. support in overthrowing President L. Kabila.[35] Ambassador Gribbin was long suspected to be a Central Intelligence Agency

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[32] Note: The FAZ was the Zairian state army under President Mobutu. It was dissolved into the FAC when L. Kabila became president.

[33] Note: Mr. Karaha is said to be a Munyamulenge originally from South Kivu and his full name is Bizimana Karahamiheto (others claim it is Bizimana Karahetu). Other sources claim he was born in Rwanda. Mr. Karaha's uncle was a member of Rwanda's parliament. ("Tutsi Invasion of Congo." Remigius Kintu. September 1998; Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 286; "U.S. Military and Corporate Recolonization of the Congo." Ellen Ray. Covert Action Quarterly. Spring/Summer 2000.) Before he joined the AFDL-CZ, he was a pediatrician trained in Pretoria.

As a member of the AFDL-CZ, He served as the group's spokesman and worked closely with U.S. Ambassador to Rwanda Robert Gribbin from 1996-1998. Mr. Karaha also became a close personal friend of William "Billy" Thom, who was the head of the Defense Intelligence Agency's (DIA) African Desk at the time. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, New York and Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 170.) Mr. Karaha later became the Foreign Minister in President Laurent Kabila's government despite reports L. Kabila had murdered his father when he was young. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 286.) Mr. Karaha was later appointed the RCD's Chief of Security and Intelligence. He is currently the largest cattle herder in Masisi Territory and he also owns numerous land concessions and former Belgian plantations there. ("The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. 30 March, 2005. Africa Report N˚91. pg. 14.)

[34] Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 461.

[35] Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 281.

Note: Ambassador Gribbin is a Foreign Services Officer who was a Peace Corps volunteer in Kenya during the late 1960s. After returning from the Peace Corps, he joined the Foreign Service and worked in the State Department as Rwanda's desk officer and as the Deputy Chief of Mission to Rwanda in the late 1970s. In that capacity, he was asked by National Geographic's Dr. Melvin Payne to convince Dian Fossey to return to

the U.S. to write up her primate research properly. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 33.) He also served as an Interim Ambassador to both Chad and Djibouti.

From 1988-1991, Mr. Gribbin was the Deputy Chief of Mission in Kampala where he managed the embassy's military relations. As a result, he knew Paul Kagame well from his days in the NRA. 1988-1990 was the time period the U.S. military was training Tutsi NRA soldiers that later formed the RPA. (Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 89.) Some of the Tutsi NRA soldiers trained at the Barry Goldwater Air Force Range (part of Luke Air Force Base) as part of a program coordinated by the U.S. Army Intelligence Center at Fort Huachuca, Arizona. Training at Barry Goldwater included specialized live-fire missile training. ("What Could Have Contributed to the Rwandan Slaughter of 1994?" ExpoTimes. 14 July, 2002.)

In 1990, Ambassador Gribbin was responsible for assigning (then) Major Paul Kagame (Head of Uganda's Department of Military Intelligence [DMI]) to the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas under the International Military Education and Training (IMET) program. ("Politics, War, and Genocide in Rwanda 10 Years Later." Lieutenant Colonel Thomas P. Odom (Retired). Small Wars Journal. Volume 6. October 2006.) The U.S. had an agreement with the Ugandan military for the IMET program and because Major Kagame was a member of the NRA, he was allowed to enroll in the program though Ambassador Gribbin and President Museveni originally wanted General Fred Rwigema to go. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 60.) Perhaps that was because Major Kagame already had overseas military training. He attended military classes in Cuba for nine months during 1987. ("Kayiira Murder: Rwanda Speaks Out For Kagame," Charles M. Mpagi. Daily Monitor. 17 January, 2007; Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 25.)

After leaving Uganda, he was appointed the U.S. Ambassador to the Central African Republic (1992-1995). Ambassador Gribbin then returned to Kigali to serve as the U.S. Ambassador to Rwanda (1996-1999) until he took a post in the State Department's Bureau of African Affairs. He was also a member of the U.S. Delegation to the U.N. Commission on Human Rights and a former member of the Council on Foreign Relations.

When Ambassador Gribbin arrived at his post in Kigali, he facilitated the repatriation of Hutu refugees to Rwanda by instituting *Opération Retour*. His operation was aided by the Pentagon, who distributed leaflets and broadcast radio messages to refugees that it was safe to go home. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 241-242.) The roads back to Rwanda were fraught with danger from cross-border raids and gunfights between the ex-FAR and RPA. Amnesty International reported the returning refugees were subject to summary executions and "disappearances." ("Rwanda: Ending the Silence." Amnesty International. AFR 47/32/96. 23 September, 1997.) By the end of November 1997, NGOs operating in the area were very suspicious of Ambassador Gribbin and his staff. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 242.) Dr. Jennifer Leaning of the NGO Physicians for Human Rights reported on "a remarkable lack of concern over reports of human rights abuses in Western Rwanda and Eastern Congo" by Ambassador Gribbin's embassy team. (United States House of Representatives Committee on International Relations. "The Democratic Republic of the Congo: Problems and Prospects." One Hundred Fifth Congress, Session 1. Serial No. 46–881 CC. 16 July, 1997.)

Ambassador Gribbin met with Laurent Kabila over 30 times between September 1995 and April 1996. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 241.) Ambassador Gribbin sent RPF officials a copy of every communication he sent to L. Kabila. He even asked RPF leaders to influence L. Kabila to "advance mutual goals" and stressed the U.S. would based their future relationship with the RPF based on "results in

Zaire." (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 204.)

It is known Ambassador Gribbin's Political Officer Peter Whaley was authorized by the State Department to visit L. Kabila in Goma on a weekly or bi-weekly basis after the AFDL-CZ gained control of the city in early November 1996. L. Kabila admitted to meeting with him in a private meeting 25 November 1996 after Mr. Whaley heard reports of AFDL-CZ and RPA massacres of Rwandan refugees in Mugungu and Virunga National Forest. ("Zaire: IRIN Update 41 on Eastern Zaire, 11/26/96," United Nations Department of Humanitarian Affairs. IRIN News. 26 November, 1996.) Later on, Congressmen Donald Payne and Tom Campbell met with Kabila in Goma. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 202.)

Military aid was reportedly provided to L. Kabila through the International Rescue Committee (IRC), an NGO supposed to be involved in refugee settlement and medical aid. ("Zaire/Allegations." William Eagle. Voice of America Background Report. 21 March, 1997.) The IRC was again accused of clandestine activities just prior to President L. Kabila's assassination in 2001. The IRC regional coordinator in Bukavu, Michaël Despiness was accused of provided military training to anti-Kabila groups in Bukavu. Just prior to President Kabila's assassination, Mr. Despiness was seen crossing into Cyangugu, Rwanda several times and was reportedly aiding the RPA. ("IRC Charged with Intelligence/Mercenary Activities," Wayne Madsen. Inshuti. 1 March, 2004. http://www.inshuti.org/madsen4.html.) The IRC also reportedly supplied and maintained anti-aircraft artillery to the AFDL-CZ in Bukavu after the Zairian Air Force bombed the city. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 208-209.)

The the IRC denied these charges. Gerald Martone, Director of the IRC's Emergency Response Team, said the IRC was only providing way stations for repatriating Rwandan refugees in Zaire. He said the IRC only had four Americans on its Zairian staff, all located in Bukavu. He denied having connections with any government and called the claims "misinformation." ("Zaire/Allegations," William Eagle. Voice of America. 21 March, 1997.)

The IRC has a long history of affiliating with individuals from the intelligence community and high-ranking government officials. Its founder, Leo Cherne, was a U.S. Intelligence Advisory Board member under President Richard Nixon, President Jimmy Carter, President Gerald Ford, and President Ronald Reagan. Former IRC board members include ex-Central Intelligence Agency (CIA) Director William Casey and former U.S. Secretary of Defense Donald Rumsfeld (who has corporate ties with G.D Searle/Pfizer, Motorola, General Dynamics, Gulfstream Aerospace, The Tribune Company, Gilead Sciences, Amylin Pharmaceuticals, Sears, Roebuck & Company; Allstate Insurance, Kellogg, and Asea Brown Boveri). Current notables on the Board of Directors include Morton Abramowitz, Tom Brokaw (T.V. journalist for the National Broadcasting Company [NBC]), Winston Lord (former aide to Henry Kissinger and former U.S. Ambassador to China [1985-1989]), Samantha Power, and George Rupp (IRC President and former President of Columbia and Rice Universities). Notable "Overseers" include Madeline Albright, Robert Oakley (U.S. Ambassador to Zaire (1979-1982) and Somalia (1982-1984, 1992-1993), where he also served as a Special Envoy in 1993-1994), Jennifer Brokaw (Tom's daughter), Colin Powell (former U.S. Secretary of State and member of the Joint Chiefs of Staff), Maurice (Hank) Greenberg (former President of the American-International Group [AIG]), Henry Kissinger (former U.S. Secretary of State, National Security Advisor. and current Director of Hollinger International and Gulfstream Aerospace), and Congressman Tom Lantos (Democrat-California).

Besides Robert Oakley, several of these individuals were heavily involved in African policy during the 1990s. Ms. Albright was the U.S. Ambassador to the U.N. during the Rwandan Genocide (1993-1997). She repeatedly vetoed U.N. Security Council proposals to increase the number of U.N. troops in Rwanda during the Genocide and strengthen their mandate. She also cast the lone vote vetoing a second term for Secretary General Boutros Boutros-Ghali, who was in office during the Rwandan Genocide.

Prior to her ambassadorship, she served as President Bill Clinton's Secretary of State (1997-2000) during his 2nd term and as a member of his cabinet. Earlier in her political career, she served as Chief Legislative Assistant to Senator Edmund S. Muskie (1976-1978) and then as a staff member of the National Security Council (NSC) (1978-1981). She is also a former member of a U.S. foreign policy think-tank created by Morton Abramowitz, who was the President of the Carnegie Endowment for International Peace at the time. In the early 1980s, Ms. Albright was the President of the Center for National Policy. She met privately with L. Kabila on December 7, 1997 shortly after he took power. (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 242-243.) In 1998, she accompanied President Clinton on his tour of Africa, which included a stop in Rwanda.

Currently, she is a Director of the Council on Foreign Relations, the Aspen Insititute, and founder of The Albright Group. In addition, she is the Chairperson of the Commission on Legal Empowerment of the Poor and an Expert at the Center for Strategic and International Studies (CSIS). In that capacity, she visited Ethiopian Prime Minister Meles Zenawi on December 2nd, 2006, but they not only discussed poverty relief, they also discussed Sudan and Somali foreign policy. ("Ethiopian Premier, US Albright Hold Talks on Somalia, Darfur," Sudan Tribune. 3 December, 2006.) She was appointed the Michael and Virginia Mortara Professor of Diplomacy at Georgetown University and is Chairperson of the National Democratic Institute for International Affairs and the Pew Global Attitudes Project. Additionally, she is President of the Truman Scholarship Foundation.

Mr. Abramowitz was the Assistant Secretary of State for Intelligence and Research; Deputy Assistant Secretary of Defense for Inter-American, East Asian and Pacific Affairs; Special Assistant to the Secretary of Defense; and Special Assistant to the Deputy Secretary of State. He is the former U.S. Ambassador to Turkey and Thailand; former member of the Europe and Central Asia Advisory Committee at Human Rights Watch; and a current Senior Fellow at The Century Foundation. He also currently serves as a Director of the U.S. Committee for Human Rights in North Korea and the National Endowment for Democracy, a U.S. State Department think-tank linked to USAID that funnels money to political opposition groups in Haiti and Venezuela. The opposition group they funded in Venezuela tried unsuccessfully to coup democratically elected President Hugo Chavez in 2002 while the groups funded in Haiti were successful in a coup of democratically elected President Jean-Bertrand Aristide in 2004. (Goodman, Amy. "U.S. Gvt. Channels Millions Through National Endowment for Democracy to Fund Anti-Lavalas Groups in Haiti: Interview With Thomas Fenton." Democracy Now. 23 January, 2006.)

In addition, Mr. Abramowitz is a member of the Council on Foreign Relations, the Project for a New American Century, a board member of the International Crisis Group (ICG), and was Samantha Power's political mentor when she worked for him. Intellibridge (now part of the Eurasia Group), a software company that caters to the intelligence community, included Mr. Abramowitz in its Expert Network along with Former Assistant Secretary of State and U.N. Ambassador Richard Holbrooke. Intellibridge was founded (in part) by Anthony Lake, President Clinton's Assistant National Security Advisor during the Rwandan Genocide and the 1st Congo War. Mr. Lake is currently a Professor at Georgetown University's Edmund A. Walsh School of Foreign Service.

Ms. Power is The Anna Lindh Professor of Practice of Global Leadership and Public Policy in Harvard University's John F. Kennedy School of Government, where she teaches classes on human rights and U.S. foreign policy. She is also a founding member of Harvard's Carr Center for Human Rights. She reported on the former Yugoslavian war for the Boston Globe, The Economist, and The New Republic (1993-1996). She recently finished working as a foreign policy fellow with U.S. Senator (Democrat-Illinois) Barack Obama's staff (He is paternally Kenyan). ("Kennedy School of Government Faculty," Harvard University John F. Kennedy School of Government." Accessed 5 May, 2006. http://ksgfaculty.harvard.edu/samantha_power.) Ms. Power wrote the book, "Genocide, A Problem From Hell: America and the Age of Genocide."

(CIA) officer. He was the intelligence advisor for David Rawson,[36] the prior U.S. Ambassador to Rwanda (1993 – 1995).[37]

[36] Note: David Rawson was the son of a Quaker missionary and grew up in Burundi. He learned *iKinyarwanda*, Kiswahili, French, and Kirundi, making him an ideal diplomatic candidate. He entered the foreign service in 1971. Early in his diplomatic career, he was the Consular Officer for the U.S. Embassy in Rwanda (1973-1975) and even hand-delivered Dian Fossey's mail to her forest abode near Karisimbe. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 156.) Mr. Rawson was also a Political Officer in Senegal (1978-1981) and Mali (1975-1978). He then served as the Deputy Chief of Mission at the U.S. Embassies in Madagascar (1983-1986) and Somalia (1986-1988). In the U.S., he served at the Central African Affairs desk of the State Department as Director of West African Affairs. Just before accepting his assignment in Rwanda, he went through the Executive Exchange Program with Mobil Oil Corporation in 1992-1993.

Ambassador Rawson became the U.S.Ambassador to Rwanda (1993 -1996) after the departure of Ambassador Robert Flaten (currently a Political Science Professor at St. Olaf College) in November 1993. While Ambassador Rawson was posted in Kigali in 1993, his wife, Sandra Rawson, was working for the U.S. State Department's Bureau of South African Affairs. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, New York and Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 138.) On 9-10th April, 1994, Ambassador Rawson, nine American foreign national Embassy workers, and ~241 American nationals fled in a series of vehicle convoys to Bujumbura only three days after President Habyarimana's plane was shot down and civilian killings escalated in Kigali. By the time the convoy fled Rwanda, Ambassador Rawson's own driver and chief steward had already been murdered. Today, a plaque dedicated to the Rwandan national American Embassy workers who were killed in the Genocide sits on a wall opposite the entrance door located past the security checkpoint. (Hooker Jr., Ltc. Richard D. "U.S. Policy Choices During the Rwandan Genocide." The National War College: National Defense University. Course 5603: National Security Strategy Process. pg. 7; United States Department of State. Cable Number 099440, to U.S. Mission to the United Nations, New York. "Talking Points for UNAMIR Withdrawal." 15 April, 1994. Confidential; Power, Samantha. "A Problem From Hell: America and the Age of Genocide." New York, New York: Harper Perennial (HarperCollins Publishers Incorporated). 2002. 1st Paperback Edition. pg. 346, 351-352.)

Ambassador Rawson returned to the Kigali on 22 July, 1994. (United States Department of State. "Daily Press Briefing." George Moose, Christine Shelly. DPC #109. 01:35. 22 July, 1994.) He immediately opened contacts with RPF leaders. On 15 August 1995, Ambassador Rawson held a meeting with Prime Minister Faustin Twagiramungu, U.S. Assistant Secretary of Defense for International Security Affairs Joseph Nye Junior, Deputy Assistant Secretary of State: Africa Bureau (and DIA officer) Vincent Kern, and DIA officer Rick Orth. The Prime Minister was told the U.S. had decided to support the RPA and provide aid. When Twagiramungu asked them if the army was going to blend Hutu and Tutsi, the response was "negative." (Madsen, Wayne. "Jaded Tasks – Brass Plates, Black Ops & Big Oil: The Blood Politics of Bush & Co." Walterville, Oregon: Trineday. pg. 20.)

General Kagame would eventually accuse Ambassador Rawson of being "too sympathetic" to President Habyarimana's government. ("Top Rwandan Criticizes U.S. Envoy," Raymond Bonner. The New York Times. 8 November, 1994.) He called Ambassador Rawson a "disaster as an ambassador to the United States." ("France/Africa Summit: Where is the Rwandan Delegation?," Horace Awori. Inter Press Service. 8 November, 1994.) Following his departure from Kigali, Ambassador Rawson became the U.S. Ambassador to Mali (January 1996-1999). Mr. Rawson is currently a Professor of Political Science at Spring Arbor College and Hillsdale College.

[37] Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, New York and Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 195.

During the 2nd Congo War, the RCD party split into several factions, each with different leaders. Each group set up a different city as their base of operations and they each turned to different neighboring countries for financial and military support. The RCD faction based in Goma (RCD-G) was the only one who remained politically loyal to Rwanda. Today, the RDC-G is led by President Azarias Ruberwa Manywa, a Munyamulenge[38] lawyer from the *Abasita* clan. He was later appointed Vice President in charge of the defense and security portfolio in the Congo's Transitional Government.[39]

As an officer in the ANC, Laurent Nkundabatware eventually attained the rank of Brigadier General (One-Star General). He continued to serve as a military intelligence (G2) officer. When the RCD party split into separate factions, General Nkundabatware aligned with the RCD-G and became Commander of the ANC's 7th Brigade based in Kisangani.

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[38] Note: There are disputes to this claim; however, it is possible they are propaganda intended to discredit Mr. Ruberwa. Veteran Congolese journalist Antoine Roger Lokongo claims Azarias Ruberwa is a Rwandan refugee. ("Ruberwa's Great Imposture (sic): A Rwandan Refugee Who Sought Asylum in Lubumbashi in the 1970s Now Vice-President in Congo." Antoine Roger Lokongo. Congo Panorama. 4 September, 2004. http://congopanorama.info/news/fea-rbrm.shtml) Vice President Ruberwa's own website claims he was born in Rugezi, South Kivu. ("About Azarias Ruberwa," Azarias Ruberwa for President. Accessed 20 August, 2006. http://gethia.com/about.html.) This issue was of vital importance because it is illegal for a refugee to run for president under Article 72 of the newly ratified Congolese Constitution, which states only individuals born in the Congo can run for political office. Also see: "Curious Revelations of A.Ruberwa in Butembo, Azarias Ruberwa Holds Up His Rwandan Origin With Butembo," Kakule Mathe. Congo Tribune. English Translation. 24 July, 2006. http://www.congotribune.com/article/php?id_art=661.

[39] Note: The Transitional Government was the Congolese Government installed by the Sun City Final Act. It is also known in Africa as the "1 + 4" agreement because there is one president and four vice presidents, one from each of the four largest rebel groups that signed the agreement. The transition period officially ended after the presidential elections were held and the Parliament was installed.

Chapter 2: Mutiny in Kisangani

General Nkundabatware was unknown to the international community until May of 2002. At 04:30 on 14th May, a group of ANC soldiers from the 7th Brigade identifying themselves as the RCD-Original mutinied in Kisangani. They recruited local police officers and a youth group from the Mangobo District called the "*Bana Etats-Unis*."[40] They took control of the local radio station and broadcast a message calling civilians to rise up against all Rwandans. Several Banyarwanda were killed when townspeople heeded the call and took to the streets. Violence was particularly heavy in the Mangobo District where many of the youth groups lived. Rwandan officials took a particular interest in the insurrection because Ndayira Magobe, a close friend and business associate[41] of President Paul Kagame was one of the people killed.[42]

Around 08:00, ANC soldiers in Kisangani still loyal to the RCD-G seized control of the radio station and Yvon Ngwizani (Deputy Commander of the 7th Brigade) demanded everyone go home or back to work.[43] They quickly arrested soldiers and police who participated in the mutiny and blockaded the two airports in Kisangani. Once the prisoners were secured, the commanders waited for their commanding officers' arrival.

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[40] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 8.

[41] Note: He was Deputy Director of the Sun Air aviation company.

[42] Ibid. pg. 9.

Note: The Congolese Civil Society does not believe the mutiny was spontaneous, but rather planned by the RDC-G to derail ongoing peace talks that were making progress and to ensure Kisangani, a key mineral smuggling and money laundering transit point for the ANC/RCD-G/RPA, would not be demilitarized. The radio station was occupied by the mutineers without firing a shot despite being grossly outnumbered and outgunned by the ANC. In addition, the ANC did not produce the names of any mutineers to the public, they were discovered after investigations were conducted. ("Kisangani Still Tense, but Schools, Shops Open for Business," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 31 May, 2002.)

[43] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 10.

General Nkundabatware was not in Kisangani during the rebellion. He had just returned from military training at a Rwandan army base in Gabiro and was in Goma during the insurrection. Commander Yvon Nguizama was in charge of the 7th Brigade in his absence. When General Nkundabatware received news from Commander Nguizama of the uprising, he immediately summoned Richard Mungura (head of Military Police), Franck Kamindja (Commander of Bangaboka Airport in Kisangani), and Commander Christian Ndayabo to set up a emergency command unit to sustain control of Kisangani. With the approval of Commander Balthazar, head of the ANC's military intelligence unit, the four of them took the next available cargo planes to Kisangani.[44]

At 12:00 on 14th May, a Bukavu Air Transport plane from Goma registered as 9L-LCQ landed in Bangboka Airport. On board were General Gabriel Amisi Kumba (a.k.a. Tango Fort),[45] the ANC's Deputy Chief of Staff of Logistics (later Chief of Administration) at the time, and General Nkundabatware.[46] Following their arrival, a series of four cargo flights from Goma operated by Uhuru Airlines, Bukavu Air Transport, and Air Victoria landed in Bangboka Airport between 14:00-16:00 with 216 RPA and ANC soldiers from the 5th and 7th Brigades on board.[47] The ANC soldiers went directly to the Mangobo and Makiso districts of Kisangani and surrounded the communes.

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[44] Ibid. pg. 11.

[45] Note: General Amisi was transferred to command an ANC brigade based in Mbuji-Mayi after the Kisangani massacre. He has been implicated in the execution of soldier Joe Lona Bifuko and in the torture of ANC prisoners at the military intelligence detention center in Goma during 2001. ("War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 12.) He was also the commander of an ANC brigade that took part in the execution of 82 civilians and Mai-Mai soldiers in the town of Kindu in September 2002 during a military operation with the RDF. ("War in the East: The RDC Massacres 82 Civilians in Kindu," Stanis Nkundiye. *L'Avenir*. English Translation. 20 September, 2002.)

[46] "Interview with Professor Tryphon Kin-Kiey Mulumba," *Le Soft*. English Translation. 19 August, 2002.

[47] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 12; "Kisangani Still Tense, but Schools, Shops Open for Business," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 31

Three commanders were in charge of the Mangobo operation: Colonel Bernard Byamungu Mutembo of the 5th Brigade, [48] Major Muhindo Santos, and Colonel Bizimana. When they arrived in Mangobo, ANC soldiers under their command immediately began killing and raping while they were rounding up and arresting members of the military and police who they claimed took part in the "mutiny." Some individuals killed were members of the youth groups that participated in the uprising. Others were innocent victims who had absolutely nothing to do with the uprising, including an 89-year-old woman who was stoned to death in the market. Soldiers stole bicycles from people riding by. Some people were beaten to death for not greeting soldiers. Many civilians were killed in the act of robbery because they did not have any money to steal. Women were forced to act as porters for stolen property. When they finished carrying the heavy loads to the military jeeps they were viciously raped.[49] A Belgian priest was harrased and robbed of all his belongings.

At Tshopo Bridge, General Amisi, General Nkundabatware, and Colonel Byamungu supervised ANC troops blocking off the bridge. That night, the ANC began executing soldiers they detained as prisoners then dumped the bodies into the river. Colonel Byamungu

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May, 2002; "Democratic Republic of the Congo: 'Our Brothers Who Help Kill Us' – Economic Exploitation and Human Rights Abuses in the East." Amnesty International. AFR 62/10/2003. 1 April, 2003. pg. 26.

[48] Note: Colonel Byamungu was transferred to command the 8th Brigade after the massacre in Kisangani. While he was in command, the 8th Brigade took part in the execution of 82 civilians and Mai-Mai soldiers in the town of Kindu in September 2002 during a military operation with the RDF. ("War in the East : the RDC Massacres 82 Civilians in Kindu, " Stanis Nkundiye. *L'Avenir*. English Translation. 20 September, 2002.)

In April 2001, Colonel Byamungu was arrested for ordering his bodyguards to beat a police officer from Bandundu to death. He was released in November 2001 and he promptly went to a military camp in Rwanda for training. ("War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 12.) Colonel Byamungu was eventually arrested again by the FARDC on 15 February, 2005 in Goma at the request of his former ANC superior officer General Amisi, who was deployed to Kisangani after the mutiny in August 2002. ("*Un des Insurgés à l'État d'Arrestation à Goma*," Guy Kajemba. Vision Globale et Commune du Développement (VGCD) ASBL. Press Release. English Translation. 11 February, 2005.) Colonel Byamungu eventually got out of prison again and reunited with General Nkundabatware in Masisi Territory.

[49] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 12-15.

reportedly gave the order for the executions.[50] Soldiers who refused to follow execution orders were killed.[51] They slit open the victims' stomachs with bayonets and filled them with rocks so the bodies could not be seen floating down the river. Some bodies were wrapped in plastic bags and weighted down. Others were beheaded.[52]

Individuals killed elsewhere were brought to Tshopo Bridge and dumped into the river. Colonel Byamungu tasked Major Santos with retreving the bodies from Mangobo District and the UNIBRAS brewery. Major Santos made several trips with his Land Cruiser to bring all the bodies to the north side of town.[53]

After the killing stopped, the ANC closed the bridge to through traffic and soldiers were ordered to scrub the blood and gore off the bridge. Some bodies did surface the next day and town residents saw them floating down the river. The soldiers started shooting into the air to disperse the onlookers and forced MONUC and Non-Governmental Organization (NGO) vehicles to leave the area. General Nkundabatware radioed Richard Mungura from Ketele military camp and ordered him to get as many soldiers as he could find and fix the problem. They retrieved the bodies from the river, loaded them into the back of a truck, and then drove the corpses off to an undisclosed location where they were never seen again.[54]

Civilians were shot and killed on the beach near the UNIBRAS brewery. Military police, especially officers, were taken to a mass grave at the end of the runway at Bangboka Airport and shot. At night, more soldiers the ANC arrested were taken to crude pits dug near

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[50] Ibid. pg. 19.
[51] Ibid. pg. 18-19.
[52] "DR Congo: Another Modern Tragedy," Jason Stearns. European Voice. 16 March, 2006.
[53] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 14.
[54] United Nations Security Council. "High Commissioner for Human Rights (Mary Robinson): Report on the 14-15 May Events in Kisangani-Democratic Republic of the Congo." S/2002/764. 16 July 2002; "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 19-20.

Katele military camp by Bangaboka. They were forced to kneel in the muddy pit, then mercilessly beaten to death. Congolese nearby recalled hearing blood curdling screams from camp that night.[55]

In the end, at least 160 people were killed.[56] The Catholic Church estimated about 200 deaths.[57] An internal RCD-G report found only 41 deaths and concluded all the civilians who died were killed in the crossfire between the mutineers and the ANC. RCD-G spokesman Jean-Pierre Lola Kisanga also said the mutilated bodies recovered from the Tshopo River were actually mutineers who tried to escape from town by canoe and drowned.[58]

In an interview with the United Nations (U.N.) Office for the Coordination of Humanitarian Affairs (OCHA), General Nkundabatware stated he is certain his men did not target civilians, but admitted civilians were killed in crossfire.[59] It is possible some civilians were killed in this manner, but eyewitnesses testified civilians were executed extrajudicially. The soldiers responsible for the murders and their commanding officers were not arrested.

This incident also marked the first time General Nkundabatware encountered the United Nations Mission in the Democratic Republic of Congo (MONUC) during a military offensive. MONUC took no military action to stop or prevent the killings. In fact, MONUC General Roberto Martinelli refused to deploy military observers in Kisangani.[60] This set a precedent of impunity for later encounters between the two.

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[55] Ibid. pg. 20-21.
[56] "While His Soldiers Rape and Pillage, the Rebel General Insists, 'We Have Come Here in Peace'," Declan Walsh. The Independent. 5 June, 2004.
[57] "200 Killed in Rebel Crackdown in Eastern DR Congo: Catholic Source," *Agence France Pressé*. 31 May, 2002.
[58] "Inquiry by DR Congo Rebels Finds 41 Killed During Kisangani Unrest," *Agence France Pressé*. 20 June, 2002.
[59] "DRC: Interview with Rebel General Laurent Nkunda," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2004.
[60] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 24.

MONUC did initiate an investigation into the alleged human rights violations in Kisangani. Senegalese General Moutanga Kiallo said the Moroccan MONUC soldiers in Kisangani had no proof of Rwandan involvement, but condemned the ANC's actions.[61] On June 17th, after the investigation, General Nkundabatware and several armed men broke into the MONUC station at Kisangani's port and kidnapped two civilian security guards, beat them for 20 minutes, and then released them.[62] The RCD-G followed up by demanding the removal of U.N.'s Special Envoy to the Congo.

After some prodding by the Transitional Government, General Nkundabatware apologized for the beatings saying he thought they were only "Congolese."[63] He was never arrested for this incident by MONUC or the Congolese Government. The ANC's Chief of Staff General Sylvain Mbuki Lenge[64] moved General Nkundabatware from his post in Kisangani and appointed him the ANC's 1st Brigade Commander in Kasai-Orientale Province.

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[61] "Interview with Professor Tryphon Kin-Kiey Mulumba," *Le Soft*. English Translation. 19 August, 2002.

[62] United States Security Council: Office of the Secretary General. "Secretary-General Strongly Condemns Acts of Intimidation Against UN Mission in Democratic Republic of the Congo." SG/SM/8275. 19 June 2002.

[63] "War Crimes in Kisangani: The Response of Rwandan-Backed Rebels to the May 2002 Mutiny." Human Rights Watch. Volume 14, Number 6. August 2002. pg. 24.

[64] Note: General Mbuki is a Maluba. He was born in Bukavu, but grew up in Katanga Province. He visited U.S. Government officals in Washington for "consultations" during the time leading up to the ANC/RPA attack on Congo in 1998. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 460.) When the ANC was founded, General Mbuki commanded the military intelligence unit of the 10th Brigade in Goma and was the RCD's Chief of Intelligence and Security. He also led the ANC's 10th Brigade into battle the day the 1st Congo War was launched and he successfully took over Goma while the 222nd Brigade set out to conquer Bukavu. He was eventually promoted to become the ANC's Chief of Staff. In that capacity, he reorganized the ANC in 2002 to accommodate RPA and Local Defense Force (LDF) soldiers who wanted to go undercover in the ANC army. (United Nations Security Council. "Letter Dated 8 October 2002 From the Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo Addressed to the Secretary General." S/2002/1146. 15 October, 2002. pg. 5-6.) Rwandan officials denied integrating RPA soldiers into the ANC army. ("Reply To The Final Report (Document S/2002/1146) Of The Panel Of Experts On The Illegal Exploitation Of Natural Resources And Other Forms Of Wealth Of The Democratic Republic Of Congo." Government of the Republic of Rwanda. 23 October, 2002.)

General Nkundabatware maintains his innocence to this day, stating allegations he violated human rights are "Not true."[65]

In 2002, the ANC re-organized and Laurent Nkundabatware became the ANC's Divisional Commander of North Kivu Province (2nd Brigade). His priority in North Kivu was to stay in control of the key mining areas in order to generate revenue for the RCD-G and Rwanda. ANC soldiers in North Kivu committed atrocious exactions on innocent civilians in the area. General Nkundabatware would only say, "Yes there has been some rape, but where there is war, there is abuse. War is not a recommendation."[66]

[65] "The Killing Fields: Africa's Misery, the World's Shame." Anderson Cooper. Anderson Cooper 360. CNN. 8 October, 2006.

[66] "Rape Joins Plunder of Diamonds and Gold as a Hallmark of Congo's Bloody Conflict," Declan Walsh. The Independent. 26 November, 2003.

Chapter 3: Rebellion

In April 2003, following the Sun City Final Act that officially ended the 2nd Congo War; the ANC was going to be integrated into the new Congolese national army, the Armed Forces of the Democratic Republic of the Congo (FARDC).[67] General Nkundabatware was nominated to command the 8th Military Region based in Goma. General Nkundabatware and two other ANC officers[68] refused to report for duty because of suspicions they would be arrested upon arrival in Kinshasa and prosecuted for crimes they committed in Kisangani.[69]

General Nkundabatware said he opposed the peace agreement because he believed there was no clearly defined process to integrate soldiers into a national army. There were many soldiers not given their proper military rank. He commented later in September of 2004 that he would join the FARDC if "proper guidelines" were put in place. He added, "I am definitely working to be integrated into the Congolese national army."[70]

General Nkundabatware was summoned to appear in military court by the Chief of Staff Admiral Baudouin Liwanga Mata Nyamunyobo (ex-FAC) for his insubordination. He returned to the forests in Masisi Territory instead of facing the Congolese Military High Court. One of the appointed replacements for the dissident officers was Manyamulenge Colonel Jules

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[67] Note: The FARDC was going to integrate the FAC, ANC, Mai-Mai, Katangan Tigers and the armies of all the rebel groups who signed the agreement.

[68] Note: The other officers were Colonel Eric Ruohimbere and Colonel Elie Gishondo. Colonel Ruohimbere was going to be the Deputy Regional Commander in Bukavu (10th Military Region) and Colonel Gishondo was appointed Deputy Regional Commander of Bandundu (1st Military Region). Colonel Ruohimbere is accused of murdering 50 FAC officers at Kavumu Airport near Bukavu in August of 1998. ("The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 4-5.)

[69] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 4.

Note: The Sun City Final Act did offer general amnesty for rebel soldiers but it only pardons taking up arms against the Congolese Government and "political crimes." Genocide and crimes against humanity were not absolved.

[70] "DRC: Interview with Rebel General Laurent Nkunda," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2004.

Mutebusi Mutambatamba,[71] former commander of the ANC brigade stationed in Uvira Territory. He was appointed Deputy Commander of the 10th Military Region in South Kivu and stationed at FARDC regional headquarters in Bukavu.

After Colonel Mutebusi's integration, MONUC was refused access to several ANC military camps in North Kivu until the end of October 2003. MONUC was there to monitor the integration process of the former militias and ensuring they report to the transit centers on time. Military officials in the FARDC immediately began to suspect militia activity in the camps. Despite the suspicions, South Kivu remained relatively quiet until rumors of arms buildups in Bukavu and Katele circulated through the province.

The first signs of full-blown rebellion came in early January 2004. A series of meetings were held in Bukavu by members of the Anselme Masasu political group[72] that included General Nkundabatware, ex-ANC officer Major Joseph (Jeff) Kasongo,[73] ex-ANC General Janvier Bora Uzima Kamwanya[74] and South Kivu's governor and RCD-G politician

[71] Note: Colonel Mutebusi is notorious for his role in suppressing General Patrick Masunzu's "mutiny" when he was commander of the ANC's 9th Brigade. General Masunzu is a Banyamulenge who grew disillusioned with the RPA. He formed a rebel group devoted to attacking the RPA in South Kivu. Colonel Mutebusi was unable to defeat him so thousands of RPA were sent as reinforcements. General Masunzu was hiding out in the hills of Minembwe, so Colonel Mutebusi's ANC soldiers and the RPA shelled the hills while Rwandan helicopters dropped bombs and went on strafing runs. They attacked General Masunzu's position for six months without much success before the RPA finally pulled out. Thousands of innocent Banyamulenge civilians were killed during the fighting. ("Campaign Against Impunity In The Democratic Republic Of Congo." Antoine Roger Lokongo. Congo Panorama. http://www.congopanorama.info/documents/mag-campaign.shtml.)

[72] Note: Anselme Masasu Nindaga was a military commander and founding member of the AFDL-CZ who was eventually executed in 2000 for treason. His father was Mushi while his mother was a Munyamulenge, which raised suspicion he was aiding the RPA. The Anselme Masasu political group is stongly Anti-Kabila.

[73] Note: Major Kasongo was a member of the ANC's 7th Brigade under the command of General Nkundabatware. He is also a member of the Anselme Masasu group Governor Chiribanya belongs to. ("Pulling Back From the Brink in the Congo." International Crisis Group. Africa Briefing # 18. 7 July, 2004. pg. 3.) He was convicted of playing a part in President Laurent Kabila's assassination and was sentenced to death.

[74] Note: He is a former FAZ officer and was a member of President Mobutu's notorious Special Presidential Division (DSP). General Uzima allied with the RCD-G and is said to have led a mutiny against the FAC in August 2002. He was a commanding officer of Governor Chiribyanya's militia at the time of the meeting.

Xavier Chiribanya Chirimwami.[75] They discussed creating a new rebel movement in South Kivu they called the Front for the Liberation of East Congo (FLEC). It was reported General James Kabarebe Kagunda,[76] the Rwandan Army's Chief of Staff, was going to supply the

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General Uzima was also convicted of a role in President Laurent Kabila's assassination. It was because of his conviction he was denied an officer's position in the FARDC. He was arrested for this incident, but later released in Goma.

[75] Note: Governor Chiribanya allowed General Nkundabatware to use his house (the governor's mansion) to hold meetings with other ex-ANC soldiers who refused to report to Kinshasa. Governor Chiribanya was a businessman in the city of Brazzaville (Republic of the Congo a.k.a. Congo-Brazzaville) during the years Mobutu Sese Seko was the figurehead of Zaire. He was appointed South Kivu's governor only after lobbying from the Rwandan Government. ("Pulling Back From the Brink in the Congo." International Crisis Group. Africa Briefing # 18. 7 July, 2004. pg. 3.) Governor Chiribanya is also a former member of the late President Laurent Kabila's Presidential Guard and was found guilty by the Congolese Government of playing a role in his assassination. ("Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper # 94. 14 October, 2004. pg. 5.)

[76] Note: General Kabarebe has a distinguished and at times infamous military career. Born in Nyarugenge, Rwanda, he was a Rwandan refugee who grew up in southern Uganda and eventually graduated from Kampala's Makerere University (where President Joseph Kabila also graduated). General Kabarebe joined the NRA and then joined the RPA when it was formed. As a lieutenant in the RPA, he was the personal secretary and Aide-de-Camp to General Paul Kagame. When the RPA established their military headquarters in Mulindi, Lieutentant Kabarebe was promoted to head of the High Command Unit. This unit later became General Kagame's personal Republican Guard.

In 1996, Ltc. Kabarebe changed his last name to Kabarere (or Kabare in some cases), a Bantu name, to hide his Rwandan origins, and claimed he was a native of Rutshuru Territory. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 455.) Under the guise of his alias, Ltc. Kabarere was the Supreme Commander of the RPA and AFDL-CZ forces that jointly attacked Zaire in 1996. ("What Kabila was Hiding: Civilian Killings in the Congo." Human Rights Watch. Volume 9, Number 5 (A). October 1997.) He also acted as the liason between Laurent Kabila and Bill Richardson, (then) the U.N. Ambassador to the U.S. Mr. Richardson was Bill Clinton's Secretary of Energy and a former New Mexico Congressman. He is currently New Mexico's Governor and he recently lobbied the Sudanese Government for the release of Chicago Tribune journalist Paul Salopek who was accused of being a spy and imprisoned while working on assignment for National Geographic.

As a U.N. Ambassdor, Mr. Richardson was tasked with making L. Kabila presentable to the public as the next president of Congo-Zaire. In June 1997, Ambassador Richardson traveled to meet L. Kabila and (then) Colonel Kabarebe in Lubumbashi at the former mansion of Gécamines' director. Ambassador Richardson was accompanied by a CIA agent, Navy admiral, U.S. Marines colonel, U.S. Army lieutenant colonel, and Dennis Hankins. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 243.)

Mr. Hankins was then the Political Officer of the U.S. Embassy in Kinshasa. He supplied Ambassador Richardson with constant intelligence on L. Kabila's situation during the time Mr. Hankins and a CIA agent traveled with L. Kabila for a few weeks across Zaire during the AFDL-CZ's surge towards Kinshasa. He also acted as the liason between American businesses, the American Government, and L. Kabila and while serving as one of the AFDL-CZ's military advisors with Belgian Colonel Willy Mallants, a former policeman in the Belgian Congo. By 1997, Mr. Hankins was staying at a hotel in Goma, the AFDL-CZ's northern base of operations in Zaire acting as a *de facto* ambassador for Washington and L. Kabila. He also stayed in Kisangani for a while after it was captured by the AFDL-CZ in March 1997. He is currently the Counselor

FLEC with arms until eastern Congo was declared an independent republic.[77] The RCD-G's National Secretary for Foreign Relations, Kabassele Tshimanga, categorically denied these allegations as baseless.[78]

In February, General Prosper Nyabiolwa,[79] commander of the 10th Military Region, carried out a series of raids based on intelligence RCD-G officials were stockpiling arms. They were planning to distribute weapons to ex-ANC soldiers integrated into the FARDC that

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for Consular Affairs at the U.S. Embassy in Saudi Arabia. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 173-174, 199; French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 216.)

The entourage offered to help L. Kabila recover some of the untold millions President Mobutu stole from the National Treasury. They also spoke to Colonel Kabarebe about setting up training programs for the AFDL-CZ. Ambassador Richardson advised L. Kabila that the murder of Hutu refugees reflected poorly on him. Mr. Hankins advised the AFDL-CZ to pin the murders on the ex-FAR and *Interahamwe* by suggesting they had caused the incidents by preventing other refugees from returning to Rwanda. AFDL-CZ Foreign Minister Karaha took his advice. (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 211-213.)

Colonel Kabarebe was in charge of the RPA squads that hunted down and killed Hutu refugees in Zaire during the 1st Congo War. ("What Kabila was Hiding: Civilian Killings in the Congo." Human Rights Watch. Volume 9, Number 5 (A). October 1997.) Laurent Kabila's son Joseph Kabila acted as Colonel Kabarebe's bodyguard during this time. (Private Interview. 2006.) When L. Kabila was named President in 1997, he appointed Colonel Kabarebe the FAC's Chief of Staff. In 1998, Colonel Kabarebe was reassigned as a Special Military Advisor to the FAC High Command.

Shortly after President L. Kabila evicted all RPA soldiers from Congo in August 1998, Colonel Kabarebe launched the 2nd Congo War with his most famous military operation. He hijacked a large cargo plane and used it to airlift RPA and Ugandan People's Defense Force (UPDF) soldiers from Goma to Kitona. After mobilizing sympathetic FAC troops and integrating them with the airlifted soldiers, he led an offensive and captured Moanda, Matade, and the Inga Dam, the source of hydroelectric power and water for virtually all of Congo. He then cut off Kinshasa's power and water. He would have captured Kinshasa quickly and easily, but President L. Kabila was able to rally the forces of Angola, Namibia, Zimbabwe, and Chad to his side and they pushed Colonel Kabarebe's army back east. In return for their services, Namibia and Zimbabwe were given mineral concessions in the Congo. Colonel Kabarebe remained in Congo after the defeat and later commanded the RPA forces who successfully faught against the UPDF several times for control of Kisangani during the 2nd Congo War. He returned to Rwanda after being wounded during a battle in Mbanzangungu.

[77] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!" Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.; "Laurent Nkunda Returns East to Head an Outlaw Rebellion," Network of Organization of the Human Rights and Civic Education of Christian Inspiration (RODHECIC). Press Release. English Translation. DHN°46/RODHECIC/RDC/2004. 31 May, 2004.

[78] "Ex-Rebels Blame 'Gravediggers'," News 24. 13 January, 2004.

[79] Note: He is an ex-FAC officer and a current member of Congolese President Joseph Kabila's Party for the Reconstruction and Development (PPRD).

were planning a mutiny.[80] Arms caches were found in Governor Chiribanya's mansion. A report from the International Crisis Group (ICG) claims the weapons came from Rwanda.[81] Governor Chiribanya's bodyguards attacked the FARDC during the raid but they were outnumbered and fled into hiding. Governor Chiribanya was removed from office immediately by the Council of Ministers, but he was allowed to stay in Goma. They temporarily replaced him with Didas Kaningini Kyoto. A few days later, Mr. Chiribanya voluntarily turned over a small cache of weapons containing very few heavy weapons. 23 of his bodyguards turned themselves in, but 73 escaped with part of the cache.[82]

Another arms cache was found at the home of Major Doris Lenghe, head of security for Mr. Chiribanya. After the weapons were uncovered, fighting broke out between FARDC soldiers loyal to General Nyabiolwa and 6th Brigade soldiers loyal to Major Doris. Two days later, General Nyabiolwa's soldiers were attacked by 6th Brigade soldiers led by their ex-ANC commander Colonel Georges Mirindi.[83] One of Colonel Mirindi's men was killed and they fled back to the Nguba District.[84]

Several other prominent Banyamulenge had arms removed from their homes. Colonel Bahati fled town after weapons were seized at his home in Bukavu. David Munyamahoro, an agent of the Division of Safety and Security Services, and Mr. Makangila, a police officer,

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[80] Note: The ANC officially began integrating into the FARDC after signing the December 2002 Global and All-Inclusive Peace Agreement. Other signatories who are being integrated into the FARDC include the Mai-Mai, the Movement for the Liberation of Congo (MLC), Congolese Rally for Democracy: Liberation Movement (RCD-ML), and Congolese Rally for Democracy-National (RCD-N).

[81] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 22.

[82] "Handing-Over and Resumption of Weapons, Ammunition, and Men: Enter Mr Xavier Chirhibanya (sic) Chirhimwami, Ex-Governor of South Kivu and MONUC in Bukavu," *Héritiers de la Justice*. Press Release. N°243. English Translation. 9 February, 2004.

[83] Note: Colonel Mirindi is a former member of the late President Laurent Kabila's Presidential Guard and was found guilty of a role in his assassination by President Joseph Kabila's government. He is also a member of the Anselme Masasu group.

[84] "The 3rd War Is Imminent,"*Héritiers de la Justice*. Press Release. Nº242. English Translation. 5 February, 2004.

were hiding arms and military uniforms. Mrs. Mwamikazi, a customs official, also had a few weapons and military clothes. Illunga Kopele, a Secretary of the RCD-G based in Uvira also had weapons seized in his home.[85]

Major Joseph Kasongo was also accused of distributing arms and General Nyabiolwa seized a "significant number" of weapons from his compounds. Major Kasongo was immediately arrested and expediently flown to Kinshasa to be executed for his alleged role in President Laurent Kabila's assassination.[86] The night of Major Kasongo's arrest on 24th February, Colonel Mutebusi mutinied with fellow ex-ANC soldiers and tried to assassinate General Nyabiolwa, his superior officer. General Nyabiolwa and his personal guard were driving toward the Ruzizi border crossing (to Cyangugu, Rwanda) on Patrice Lumumba Avenue in the Nugba District (Ibanda Commune) when they were ambushed by a small group of soldiers. After stopping initially, the driver of General Nyabiolwa's jeep quickly drove off after one of the bodyguards was wounded[87] and two others were killed.[88] A few of his bodyguards were taken hostage.[89] Major Doris fled Bukavu after the incident.

The dissident soldiers retreated into the night, using the darkness for cover. Colonel Mutebusi stopped at General Nyabiolwa's residence to finish the job but he did not return there. They plundered it and quickly left. Shortly after, the government-loyal FARDC soldiers barricaded all the main roads in the Nguba District, set up checkpoints, and began patrols in the area. A source in the region stated General Nyabiolwa was thought dead by almost everyone

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[85] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy (CAPD). English Translation. 20 September, 2004. pg. 23.

[85] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 2.

[87] "The General Prosper Nabyolwa (sic) Escapes From a Murderous Terrorist Attack This Tuesday 03/02/2004," *Héritiers de la Justice*. Press Release. Nº241. English Translation. 3 February, 2004.

[88] "Bukavu: Military Takeover by Force for the Safety of the Population," *Héritiers de la Justice*. Civil Society of the Democratic Republic of the Congo. English Translation. 25 February, 2004. http://www.societecivile.cd/node/1465.

[89] Private Interview. 2006.

for quite some time until he turned up in Kinshasa.[90] Apparently MONUC evacuated him from Bukavu in secret after he escaped to their compound.[91]

Interim Governor Jean-Pierre Mazambi Munyatangoyi (appointed to replace Mr. Chiribanya) released a statement in conjuction with MONUC's Sharou Sharif that was broadcast on television and radio. They told everyone the attack on General Nyabiolwa was not an act of war, but resulted from a disagreement between disgruntled soldiers. International Committee in Support of the Transition (CIAT) [92] gave no comment about Colonel Mutebusi's attack. No one involved in the assassination attempt was arrested by MONUC or the Military Police. Colonel Mutebusi was immediately suspended from the FARDC, but he was allowed to remain in Bukavu. He stayed in the Nguba District with his fellow mutineers.

General Nyabiolwa was quickly replaced with General Felix Mbuza Mabe, an ex-FAC officer. Prior to his transfer, General Mabe was involved in operations against FDLR/FOCA [93] on the Ruzizi planes of South Kivu. FOCA reportedly attacked the Rwandan border several times during the beginning of 2004 and the Congolese Government was worried Rwanda

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[90] Ibid.

Note: General Nyabiolwa was reassigned to command the 7th Military Region.

[91] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 2.

[92] Note: CIAT is comprised of representatives from the five permanent U.N. Security Council Members (Great Britain, France, Russia, U.S., China), and South Africa, Angola, Belgium, Canada, Gabon, Zambia, the African Union, European Union, and MONUC.

[93] Note: The FDLR/FOCA was originally formed in 2000 from two branches of the *Armée de Libération du Rwanda* (ALIR). ALIR's forunner was the Rally for the Return of Refugees and Democracy in Rwanda (RDR) that formed in Zaire's Hutu refugee camps in April 1995. The FDLR was based in Europe under the leadership of Doctor Ignace Murwanashyaka in Germany.

The FOCA brigade located in North Kivu Province split in 2003 when one group followed General Paul Rwarakabije back to Rwanda and the remaining soldiers stayed in the bush with Colonel Sylvestre Mudacumura, a former member of Rwandan President Juvenal Habyarimana's Presidential Guard.

When they were founded, FDLR/FOCA was primarily composed of Hutu who fled Rwanda for Zaire in 1994. They were mostly ex-FAR soldiers, civilian milita, and also various people recruited from the refugee camps. The children of these "*genocidares*" make up a large portion of FOCA today and they are too young to have participated in the genocide.

would retaliate if the problem was not resolved. Upon arriving in Bukavu, General Mabe decided to tread lightly in the beginning to avoid provoking another outbreak of violence. His situation was further complicated when the majority of the ex-ANC soldiers refused to recognize his authority and began to gravitate more towards Colonel Mutebusi.

The RCD party threatened to withdraw from the Transitional Government if Major Kasongo was not released. Vice President Ruberwa demanded Major Kasongo be returned to Bukavu immediately because he was arrested without the FARDC Chief of Staff's approval.[94] The RCD lobbied William Swing,[95] MONUC's Chief of Mission, to pressure President Joseph Kabila. President Kabila agreed with Mr. Swing and allowed Major Kasongo to return to Bukavu on the next available flight.

Shortly after Major Kasongo's return, sources interviewed in Bukavu state weapons were distributed to General Nkundabatware and his men in Goma leading many to speculate they came from Major Kasongo.[96] Colonel Mutebusi had already built a large arms cache of his own in Bukavu through cordon and search activities while he was in the FARDC. He retained the recovered weapons for himself.[97] Major Chiribanya (he was given an honorary

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[94] Ibid.

[95] Note: Prior to his post in MONUC, Mr. Swing was the U.S. Ambassador to South Africa (1963-1966, 1989-1992), the Republic of Congo-Brazzaville (1979-1981), Liberia (1981-1985), Nigeria (1992-1993), Haiti (1993-1998), and the Democratic Republic of the Congo (1998-2001). In addition, he was the Deputy Director for Central African Affairs and Country Officer for Zaire at the U.S. Department of State (1977-1979). From 1985-1989, he also worked in senior positions at the U.S. Department of State and is a member of their Senior Foreign Service.

[96] Private Interview. 2006.

[97] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 30.

Note: This document was never officially released as a Security Council Report. (United Nations Security Council. "Security Council Committee on Democratic Republic of Congo Clarifies Media Inaccuracies Regarding Expert Report." Press Release. SC/8155. 22 July, 2004. http://www.un.org/News/Press/docs/2004/sc8155.doc.htm.) It was leaked to Reuters correspondent David Lewis who published an article on the report's key findings. ("Rwanda Supported Congo Rebels, UN Experts Say," David Lewis. Reuters. 17 July, 2004.) The leak compromised the U.N.'s review process that allows countries and individuals named in the report a chance to respond to allegations. Despite the breach of procedure, the document was officially published as a letter to the Security Council Committee on July 15,

military ranking) moved the remaining arms that were still hidden in Bukavu to Nyabibwe, Shanga, Sanzi, Mukwija, and Kirango in Kalehe Territory. Arms were stored in Numbi, Dutu, and farther north in Rugari, Mgungu, and the old tea factory in Nyabyondo.[98] For added security, he also relocated weapons to Lumbishi and Kalayi in Masisi Territory.[99] Abbé Michel Buroko, a close friend of Major Chiribanya, hid arms in his house in Nguba District (Ibanda Commune).[100] New arms caches were also built up in Dr. Runyambo's (Provincial Inspector) house, and in the late Commander Anselme Masasu's former residence.[101]

One source stated several foreign embassies and NGOs were contacted and warned about the arms caches. MONUC throughly documented arms buildups in Bukavu and Kalehe Territory. They had also been monitoring the activities of General Nkundabatware and Colonel Mutebusi based on intelligence they were up to something, but took no direct actions to obstruct them.[102]

On 26th March, a meeting was held for all the dissident officers. Major Chiribanya, General Nkundabatware, ex-ANC Colonel John Bahati (staff officer to General

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2004. (United Nations Security Council. "Letter Dated July 9 From the Coordinator of the Group of Experts on the Democratic Republic of the Congo Addressed to the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004)." S/2004/551. 15 July, 2004.)

Rwanda's Minister for Regional Cooperation, Proteus Mitali, said the report was unfair, biased, and without any tangible evidence to back it up. ("Rwanda: UN Report 'Unfair'," News 24. 18 July, 2004.) Rwanda's Ambassador to the U.N. Stanislas Kamanzi said the allegations "are not true" and Rwanda was "not involved in this crisis in the DRC." ("UN Report Denounces Rwanda," Colum Lynch. Washington Post. 17 July, 2004.)

[98] "Message of Congratulations to General Laurent Nkundabatware & Allies," Civil Society of the Democratic Republic of the Congo. English Translation. 29 June, 2004. http://www.societecivile.cd/node/1770.

[99] "The Transition is in Danger: Signs of a Third War in DRC," Collective Of The Organizations Of The Young People Interdependent Of Congo-Kinshasa (COJESKI-RCD). The Civil Society of the Democratic Republic of the Congo. English Translation. 1 May, 2004. http://www.societecivile.cd/node/1629.

[100] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 4.

[101] "Message of Congratulations to General Laurent Nkundabatware & Allies," Civil Society of the Democratic Republic of the Congo. English Translation. 29 June, 2004. http://www.societecivile.cd/node/1770.

[102] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 22.

Nkundabatware),[103] Colonel Mirindi, Colonel Shetani,[104] Colonel Mutebusi, Major Kasongo, ex-ANC Major David Rugayi, Placide Cirimwami,[105] and Adolphe Cirimwami all attended. They were discussing the final preparations for their attack. They wanted to work quickly while the government soldiers were still unorganized following the removal of General Nyabiolwa.

Colonel Byamungu was nominated by the RCD-G as Colonel Mutebusi's replacement, but because he was an ex-ANC soldier, was already deployed in Goma at the time, and was accused of war crimes in Kisangani during 2002, the Transitional Government refused to approve him. They opted to leave the position empty for the time being until the situation with Colonel Mutebusi was resolved. General Mabe was required to take on a greater leadership role in the absence of a deputy. It was also decided Kalehe Territory would be under the 10th Military Region's district instead of the 8th Military Region, which contained most of the integrated ex-ANC soldiers and was also where several arms caches were being monitored.

Colonel Mutebusi began recruiting a larger renegade militia. He recruited the soldiers Major Chiribanya and of former South Kivu Governor Patient Mwendanga's[106] militia known

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[103] Note: Colonel Bahati was also convicted for the murder of President Laurent Kabila and is a member of the Anselme Masasu group.

[104] Note: Colonel Sebahire Muheto (a.k.a. Afande Mukengezi Miringitsi), *nom de guerre* Shetani (which means "Devil" in English), is a Banyamulenge who was responsible for the massacre of around 500 innocent Bembe (Babembe) civilians in Makobola (Fizi Territory) from 30 December 1998 through 1 January, 1999. The village was searched for Mai-Mai hiding amongst the civilians. Homes were burned down, women and children were shot and slashed by bayonets. Several Congolese Red Cross workers were assassinated. Many bodies were burned in their homes after they were killed. Others were beheaded and tied to bamboo poles. (Abbot Jacques Bulambo. "Massacres of Makobola." English Translation. 20 February, 1999; http://www.congonline.com/Forum1/Forum03/Kambale11.htm; "Rebels Blamed for Congo 'Massacre'," BBC News. 8 January, 1999.)

[105] Note: He is the brother of Adolphe Cirimwami, the former mayor of Bukavu who was dismissed at the same time as Major Chiribanya.

[106] Note: Mr. Mwendanga was the Governor of South Kivu during part of the 2nd Congo War until he was removed from office by Rwanda and replaced with Xavier Chiribanya. After losing office, Mr. Mwendanga became commander of the Mudundu-40 militia.

as the Mudundu-40[107] commanded by Odilon Kurhengamuzinmu.[108] The Mudundu-40 began their own campaign to recruit children near Bukavu.[109] Colonel Mutebusi also appealed to local Banyamulenge to take up arms with him, particularly in Uvira Territory where he was deployed when he was in the FARDC.

To further prepare for a definitive military offensive, Colonel Mutebusi relocated his family from Bukavu to Cyangugu in Rwanda just across the Ruzizi River border crossing. After a few days, they were transferred to Kigali away from the border for safekeeping.[110] He continued lobbying Banyamulenge living near Bukavu and Uvira to join his militia. North Kivu's governor and RCD-G party member Eugene Serufuli Ngayabaseka's[111] Local Defense Force (LDF),[112] an unofficial all-Hutu militia, provided military training for the

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[107] Note: The Mudundu-40 was originally a Mai-Mai group but they allied with the ANC in 2003. They forcibly recruited children for the ANC throughout the year. Their previous commander, Major Jean-Pierre Biyoyo was executed in March 2006 for re-recuiting children for General Nkundabatware's rebellion. ("DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.) An estimated 40% of their armed forces were children. (Coalition to Stop the Use of Child Soldiers. "Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict – Congo, Democratic Republic of the (DRC)." January 2004.)

[108] "Report on Events in Bukavu, South Kivu May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 2.

[109] Schaeffer, Daniel. "State Department Report on the Use of Child Soldiers." Center for Defense Information. 6 May, 2005. pg. 8.

[110] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 31.

[111] Note: Governor Serufuli is a Hutu from Ruruma in Rutshuru Territory. Though he is identified as a Hutu, he has mixed ethnicity. His mother was a Tutsi and his father was a Hutu. ("North-Kivu: The Proof of Treason of Governor Serufuli," Michel Ngawap. Vision. English Translation. 21 December, 2006.) He studied at the Mwanga Institute in Goma but studied medical science in Nyakunde and specialized in public health. He became a nurse anestheist in Goma before being appointed governor of North Kivu by Rwanda in 2000. General Kabarebe is the godfather of Governor Serufuli's son. ("Under-Mining Peace – The Explosive Trade in Cassiterite in Eastern DRC." Global Witness. June 2005. pg. 26.)

Governor Serufuli was also an active member of the Agricultural Mutual of Virunga (MAGRIVI), a Hutu lobbying group formed in 1989 by Sekimonyo wa Magango (former Minister for Higher Education and Scientific Research) that reportedly had close ties to Rwanda's Coalition for the Defense of the Republic (CDR), a Hutu "extremist" political party that bears a large responsibility for the Rwandan Genocide. ("The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 9-10.) MAGRIVI was originally formed to consolidate Hutus in Zaire for a civil disobedience campaign against the native people of Masisi and Rutshuru territories (Bahunde, Nande, and Nyanga) and their traditional chiefs in response to escalating land ownership grievances. As more Banyarwanda migrated into North Kivu, the Nande chiefs raised taxes to discourage them from settling

Banyamulenge with the help of Colonel Mirindi. A military training camp was set up in Kalehe Territory where an arms cache was also located.[113] Rwandan military officials set up a camp in Kihonga to train ex-ANC soldiers.[114]

While Colonel Mutebusi was staying in the Nguba District of Bukavu, several more former ex-ANC officers joined him to help train his men and plan the next offensive. They included Major Muhindo Santos[115] from Kalemie, Lieutenant Colonel Bosongo from Shabunda, Colonel Mushonda Mukalay from Kigali,.[116] and Major Rutambo, a cousin of Colonel Mutebusi. It is noteworthy the two men in charge of South Kivu's provincial security at the time, Vice Governors Messrs Mazambi and Tomi Tambwe, were both RCD-G officials.[117]

General Nkundabatware began a recruitment campaign of his own as far back as March of 2003. He visited Rwandan refugee camps located in Byumba (Gihembe Camp) and Kibuye (Kiziba Camp) with Rwandan military officials and high ranking Congolese leaders from

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because the Hutu had become the majority ethnic group in some areas. MAGRIVI's ultimate goal was to undermine the local chiefs and administrative structures to create a parallel government with political power.

[112] Note: The LDF was first organized in 1999 by the governor who preceded Governor Serufuli, a Tutsi named Gafundi Kanamuhanha. The LDF was based in Rutshuru Territory and Virunga National Park. They were officially integrated into the FARDC in 2003, but Governor Serufuli maintained close ties with his former soldiers and they will defect on his command. The integrated LDF soldiers were initially placed in the 11th and 12th Brigades in Masisi and Rutshuru territories respectively. ("Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N°108. 27 April, 2006. pg. 17.)

During the 2nd Congo War, the LDF forcibly recruited children as-young-as 10 to fight. Some children were sent to a military camp in Mushaki and transferred to the ANC ranks when their training was completed. Hundreds of children were taken during the year before their integration into the FARDC. (Coalition to Stop the Use of Child Soldiers. "Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict – Congo, Democratic Republic of the (DRC)." January 2004.)

[113] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 5.

[114] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.

[115] Note: Recall Major Santos stands accused of grave human rights abuses in Kisangani during the mutiny put-down.

[116] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 5.

[117] Note: The RCD-G was allowed to keep control of its military, security services, and governorship because of the Sun City Final Act provisions.

North Kivu.[118] In April 2004, the United Nations High Commissioner for Refugees (UNHCR) began registering refugees in Kiziba Camp. The same day, General Nkundabatware personally visited the camp and asked refugees to join him and take up arms in Congo. Over the next few months, student refugees who voluntarily joined General Nkundabatware snuck out of camp at night to nearby hilltops where Rwandan Defense Force (RDF)[119] soldiers arranged for jeeps to transport them to military camps. Some were taken to Kibuye for training while others were taken directly to the frontlines in Congo. About 150 children joined his army in seven months.[120]

Many refugees who refused to fight were threatened by Rwandan officials. General Nkundabatware worked with Rwandan immigration officials to revoke or deny people their necessary refugee papers and/or identity cards as coercion. He also recruited from Masisi Territory and was particularly interested in demobilized soldiers because they had combat experience.[121] Rwandan soldiers also actively recruited demobilized fighters on his behalf,

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[118] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 31-32.

[119] Note: The RPA was renamed the Rwandan Defense Force (RDF) in June 2002. The RDF includes RPA soldiers and reintegrated ex-FAR soldiers who returned to Rwanda from Zaire after fleeing from the RPA in 1994. Others stuck in Rwanda spontaneously adhered to RPF ideology in order to survive.

[120] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 44-45.

[121] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 31-32.

Note: Rwandan military authorites claim they were screening the refugees for soldiers and a few of Colonel Mutebusi's soldiers were found among them and they were moved to Ntendezi camp. In addition, Dr. Richard Sezibera, Rwanda's Special Envoy to the Great Lakes, said Rwandan customs authorities did not allow General Nkundabatware to enter Rwanda after June 2004. (Mthembu-Salter, Gregory. "The Wheel Turns Again: Militarization and Rwanda's Congolese Refugees." London, United Kingdom: Zed Books. August 2006. pg. 16, 22.) However, a follow up U.N. Security Council report in 2006 expressed refugee recruitment by General Nkunda happened "time and again" in Rwanda's refugee camps. (United Nations General Assembly/Security Council. "Children and Armed Conflict: Report of the Secretary General." United Nations General Assembly: Sixty First Session, Agenda Item 63 (a) Promotion and Protection of the Rights of Children. A/61/529-S/2006/826. 26 October, 2006. pg. 9.)

threatening them with beatings if they refused, which constitutes a direct violation of U.N. resolutions.[122]

Governor Serufuli also aided General Nkundabatware's recruitment drive. He held public meetings during January of 2004 and demanded all local chiefs and villagers join the LDF and obey General Nkundabatware, not the Transitional Government's appointed commanders.[123] His staff recruited demobilized soldiers from a camp next to a MONUC South African military base. The recruits were sent to Katindu camp controlled by the 8th Military Region's commander, General Obedi Rwibasira, a Banyarwandan ex-ANC soldier[124] and brother-in-law of General Nkundabatware.[125] Many of the FARDC soldiers under General Obedi's command voluntarily defected to join General Nkundabatware's milita because they were also Banyarwandan ex-ANC soldiers. General Obedi denied any direct involvement with the mutiny, but admits many of his soldiers did participate.[126]

On 6th April, a large number of RDF soldiers entered Congo through Bunagana and dispersed throughout Rutshuru Territory. A separate brigade entered through Bigobwe and traveled to Rubare.[127] On 16th April, they deployed to Luberizi, Mukwija, and Lavungi in South Kivu and Nyabibwe in Kalehe Territory.[128] They were able to blend in with the ex-ANC brigades. Rwandan Tutsis can not be visibly distinguished from Banyarwandan Tutsis.

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[122] "Continuing Instability in the Kivus: Testing the DRC Transtion to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 6.
[123] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.
[124] Note: He was Chief of the ANC's Civil Affairs and Information Division (G5).
[125] "East Congo Rebel Leader Warns Advancing Troops," Finbarr O'Reilly. Reuters. 22 July, 2004.
[126] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 2.
[127] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!" Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.
[128] "Worrying News of South-Kivu: The Rwandan Army Would be in RD Congo Again," Secretary-General of the Observatory of Conflicts for Peace in the Great Lakes of Africa (OCPAGL). *Héritiers de la Justice*. Press Release. N°272. English Translation. 20 April, 2004.

The only way to tell them apart by is the languages they speak, and by observing if they know their way around Congo.

On 21st April, a MONUC patrol encountered a group of RDF soldiers in Bunagana near the Congo-Uganda border. The RDF quickly surrounded them at gunpoint and forced them to leave. The MONUC troops withdrew back to their base and reported the incident. No action was taken against the RDF and Rwandan military officials never publicly investigated the claims. MONUC did not make a statement regarding the incident. Rwanda's Special Envoy to the Great Lakes Richard Sezibera[129] denied the allegations. He said MONUC encountered a "Congolese commander with a Rwandan name."[130] During an interview on April 27th, President Kagame was asked if any Rwandan soldiers were currently in the Congo. "Zero – not a single one," he replied.[131]

Dr. Sezibera and President Kagame's claims seem unlikely because a number of people independently reported seeing RDF soldiers in Congolese territory. Congolese villagers living around Mikeno and Kibumba observed RDF soldiers guarding over loggers tasked with cutting down trees in a section of a World Heritage[132] Site in southern Virunga National Park. A U.N. team was quickly dispatched to investigate. At the site, they discovered recently cut logs and newly built firepits, but the RDF apparently vacated the area. According to collected testimony, the RDF ordered a group of Banyarwanda to deforest the area for them and the

[129] Note: Dr. Richard Sezibera is a physician, former member of Rwanda's Parliament; and Rwanda's former Ambassador to the United States. He has also written columns for the Washington Post. He is currently Chairman of the Rwanda National Taskforce on Regional Integration that worked diligently to get Rwanda

shot near the town center.[153] A boat arriving from Goma was intercepted down at the port of Bukavu. One man was killed and the rest were rounded up and imprisoned at the *Place de la Independence*.[154]

The Nyawere District was searched next and FARDC soldiers took the law into their own hands. They rounded up Banyamulenge into the middle of street and opened fire on them. A three-year-old girl, two adults, and a thirteen-year-old boy were killed. Some of the Banyamulenge escaped to the house of a local Banyamulenge police officer. He turned them all over to General Mabe, who allowed them all passage to Rwanda without harrassment.[155]

The Irambo District was also investigated. Irambo was heavily populated by Banyamulenge. Non-Banyamulenge civilians in the neighborhood became armed vigilantes. Three Banyamulenge, including an eight-year old boy, were killed in the neighborhood.[156] They also took several Banyamulenge civilians prisoner and held them inside a church.

In the early afternoon of 27th May, MONUC helicopters began inserting troops into the city to begin evacuating U.N. workers from the Nguba District and relocate them to MONUC headquarters in the Muhumba District. They had also sent for reinforcements from Kindu, Goma, and Beni. Some of the people evacuated testified they saw RDF soldiers crossing into Bukavu from Cyangugu.[157] The RDF soldiers were reportedly led by Major Chiribanya.[158]

As soon as the evacuations were complete; General Mabe ordered a counter-attack in the Nguba District. The fighting was fierce and the FARDC was gaining ground on them. The

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[153] Ibid.
[154] Ibid.
[155] Ibid.
[156] Ibid.
[157] "Recent Rwandan Acts of Aggression in the Democratic Republic of the Congo." Joseph M. Kyalangilwa. Current Concerns. Number 4. 26 July, 2004.
[158] "Bukavu: Kisangani, Kenge Will Not Fall! (Kengo Wa Dengo, May 1997) The Airport of Kavumu Will Not Fall! (MONUC, 30 May, 2004)," Office of Coordination of the Civil Company of South Kivu. English Translation. 31 May, 2006. http://www.societecivile.cd/node/1704.

city's electricity and water was cut off again and many dissident soldiers were killed. The wounded fled back into Rwanda with the bodies.[159] General Mabe reported five fatalities on his side.[160]

MONUC demanded a ceasefire because they wanted to finish evacuating U.N. staff from the area the dissidents were fighting in, but the ceasefire put an end to an effective FARDC offensive. MONUC's General Jan Isberg told Colonel Mutebusi to sequester his men in their barracks by 06:00 the next morning.[161] General Mabe was ordered to withdraw and Colonel Mutebusi was allowed to keep control of the Nguba District. He was not asked to disarm. MONUC had around 800 troops in Bukavu by this time and more were on the way.[162]

MONUC began patrolling the city in armored vehicles but did nothing to stop the crimes of Colonel Mutebusi's men. While MONUC patrolled and finished their evacuation operations, Colonel Mutebusi's soldiers went door-to-door in the Nguba District and continued to rape, rob, and murder civilians. To make matters worse, many of MONUC's soldiers in the city were South African. They did not know Kiswahili or French and MONUC claimed they could not afford translators.[163]

That night, dissident soldiers were sneaking around the city, taking advantage of the ceasefire and General Mabe's inability to attack them. In the very early morning of 28th May, the dissidents break into the "Picole" convent in the Nguba District run by Italian nuns. They took the nuns hostage while they ransacked the convent. They also attacked the private homes

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[159] Ibid.
[160] "The Position Remains Stretched in Bukavu, in South Kivu," Radio Okapi. English Translation. 28 May, 2004. http://www.radiookapi.net/article.php?id=547.
[161] "MONUC Launches an Ultimatum to Colonel Mutebusi," Radio Okapi. English Translation. 28 May, 2004. http://www.radiookapi.net/article.php?id=554.
[162] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 24.
[163] "Congo Rebels Leave Bukavu After Pledge to End Fighting," Adrian Blomfield. Daily Telegraph. 7 June, 2004.

of the Jesuits who teach at Al-Fajiri College. They were robbed and their homes were deliberately vandalized. Some teachers were severely beaten or murdered. The dissidents set up a temporary headquarters in the college.

After the sun rose on 28th May, a MONUC helicopter sweeped over the Nguba District to see if the ceasefire was being obeyed. As it was hovering over the area, the helicopter came under heavy fire from Colonel Mutebusi's soldiers. The helicopter returned fire and even shot rockets at them.[164] The Congolese people remaining in the Nguba District panicked at the use of heavy weaponry and rushed to MONUC's compound in the Muhumba District. The helicopter returned to base and MONUC finally demanded Colonel Mutebusi disarm, but he ignored the order and MONUC did not continue to press him.[165] By the end of the day on 28th May, Colonel Mutebusi's troops infiltrated downtown Bukavu and the Nyawera District.[166] They also still held their position at Al-Fajiri College. Landmines were put around the school's perimeter to deter any reconnaissance missions or ambushes.[167]

Within three days of Colonel Mutebusi's attack, thousands of Banyamulenge in the area desperately ran across the Ruzizi River into Rwanda in order to escape the fighting. UNHCR began aiding refugees in Cyangugu at their main transit center. Others stayed hidden in their homes to wait out the onslaught. Several hundred more sought refuge at MONUC's central compound in Bukavu.

The African Union's (A.U.) Peace and Security Council held an emergency meeting about the Bukavu crisis. The Council condemned Colonel Mutebusi's actions and demanded

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[164] "UN Fires on DR Congo Army Rebels," BBC News. 28 May 2004.
[165] "Recent Rwandan Acts of Aggression in the Democratic Republic of the Congo." Joseph M. Kyalangilwa. Current Concerns. Number 4. 26 July, 2004.
[166] Congo-Chronicle No. 52. 14 March, 2004 – 20 June, 2004. http://www.congoned.dds.nl/chroni52.html.
[167] "Landmine Monitor Report 2004: Towards A Mine-Free World." International Campaign to Ban Landmines. New York: Human Rights Watch. October 2004.

he relinquish control to government authorities. They also warned the dissidents an A.U. peacekeeping force might be deployed if the situation wasn't resolved quickly.[168] However, the A.U. did not mention Rwanda's role during the buildup to the crisis.

MONUC recieved reinforcements from Kindu and Goma, but many of General Mabe's men were deserting him because several of his soldiers were ex-ANC. The FARDC could bring in reinforcements from Kinshasa, but it would take time to put together a logistical plan. France volunteered to send paratroopers into Congo and consulted the United States about the idea but the plan was never executed for unknown reasons.[169]

As MONUC began brokering a new ceasefire, General Nkundabatware, his deputy Colonel Bernard Byamungu, Colonel Birindwa, rounded up several hundred soldiers from the 8th Military Region in Goma (ex-ANC and ex-LDF soldiers in the FARDC) and loaded them into trucks donated by Governor Serufuli's NGO[170] "All for the Peace and the Development" (TPD). Meanwhile, the military officers piled into Toyota Land Cruisers and drove south to reinforce Colonel Mutebusi.[171] One source reported that General Nkundabatware was ordered to go to Bukavu and engage General Mabe's men.[172] Banyarwandan officers of the 8th Military Region locked up their offices at military headquarters in Goma and left to join their former general in the ANC.[173]

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[168] "AU Demands DRC Troops Stop," News 24. 6 June, 2004.
[169] "Deployment of French Soliders in the East: Accomplices of Kagame in Kinshasa Have Blocked Everything," *Le Palmarès*. English Translation. 08 June, 2004.
[170] Note: Governor Serufuli and officials from TPD have denied these claims. Governor Serufuli is a longstanding member of the TPD's board of directors and a co-founder with Alexis Makabuza. The TPD professes to be an organization that aids repatriation of Rwandan refugees in North Kivu.
[171] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 5,10.
[172] "Dunia Bakarani, Tutsi Survivor with '*Le Soft*': 'Laurent Nkunda Received the Order to Engage the Countryside of Bukavu," *Le Soft*. English Translation. 10 January, 2007.
[173] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 3.

As they made their way south towards Kavumu Airport, General Nkundabatware's soldiers unleashed a campaign of terror and intimidation against civilians. His men devastated the town of Minova, killing three civilians in the process and raping several women. They attacked Babamba and killed three more civilans while continuing south.[174] By noon on 28th May, the General was passing through Nyabibwe with his men.

General Nkundabataware claimed he was intervening because he was protecting Banyamulenge from a genocide planned by General Mabe's soldiers. He cited a list of 27 Banyamulenge civilians killed as justification for his actions.[175] In addition, there were reports of Banyamulenge being killed in Walungu and Shabunda territories by FARDC soldiers. Colonel Willy Kibambe was in charge of the unit in Walungu Territory while Captains Boboli and Jean-Pierre Mbuya were leading the 23rd FARDC Brigade in Shabunda. Many of the former Mudundu-40 militia members were integrated into the FARDC battalions in the 10th Military Region and they had deserted General Mabe. There were at least 12 women as-young-as 14 were raped in Walungu Territory by soldiers who deserted General Mabe.[176]

The U.N. and humanitarian groups claimed 16 Banyamulenge civilians were killed.[177] When he was asked if such relatively low fatality numbers constitute genocide, General Nkundabatware replied genocide has nothing to do with numbers, only intent. The Banyamulenge were targeted for death because of their ethnicity and he believes this constituted genocide by definition.[178]

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[174] "DR Congo: War Crimes in Bukavu," Human Rights Watch. Press Release. June 2004.
[175] "Kabila Accuses Rwanda of Backing Rebels," Francesco Fontemaggi. Mail & Guardian. 3 June, 2004.
[176] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 15-16.
[177] "Christian Aid Partners Help Those Affected by Recent Fighting in Eastern Democratic Republic of Congo," Christian Aid. 17 June, 2004. http://www.christian-aid.org.uk/news/stories/040617s.htm.
[178] Rob Walker. "Interview with Rebel General Laurent Nkunda." BBC News. 3 June, 2004. http://search.bbc.co.uk/cgi-bin/search/results.pl?tab=av&q=Nkunda&recipe=all&scope=all&edition=d.

Benoit Mubanda Kadage, a respected Banyamulenge community leader in Congo and the diaspora, claimed "acts of genocide" had occurred in Bukavu. Rwandan Foreign Minister Charles Murigande (former RPF representative to Washington) also agreed with General Nkundabatware's justification stating, "You can say that there was an attempt to commit genocide in Bukavu, because people were killed simply because they were Banyamulenge."[179] President Kagame also expressed Rwanda's extreme displeasure with the situation. He exclaimed, "When a Tutsi is killed in Bukavu, it is not one death, but a million and one."[180]

Radio Rwanda broadcast announcements that genocide was occurring in Bukavu and claimed without evidence that ex-FAR and *Interahamwe*[181] were killing Tutsis in the city with machetes.[182] The announcement sparked immediate resentment of the U.N. and the FARDC amongst Rwandans, Banyamulenge, and Banyarwanda. If the report was true, they reasoned, the Bukavu situation could have been avoided if the Congolese Government had honored the Pretoria Accords and disarmed the *genocidares*[183] in the first place. The repugnant images of the Rwandan Genocide invoked by the announcement intended to rally people to General Nkundabatware's cause and demonize General Mabe's men as *genocidares*.

Despite the deaths of Banyamulenge, the U.N. scoffed at the claims of genocide. Even one of General Nkundabatware's own bodyguards divulged some truth. A British reporter

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[179] "Dissident DR Congo General Sticks to His Guns Over War Threat," *Agence France Pressé*. 16 June 2004.
[180] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N˚91. 30 March, 2005. pg. 12.
[181] Note: This is an *ikinyarwanda* word meaning, "those who work together." The *Interahamwe* milita began as a youth group of (then) Rwandan President Juvenal Habyarimana's National Revolutionary Movement for Development (MRND) political party. It was founded in early 1992 by its president Robert Kajuga, a Tutsi from Kibungo.
[182] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N˚91. 30 March, 2005. pg. 12.
[183] Note: This is a collective term referring to all the indivduals who participated in the Rwandan Genocide.

asked him if genocide against the Banyamulenge was really occurring. "That's just a lie," the soldier answered.[184]

At dawn on 29th May, General Nkundabatware's men attacked several unarmed MONUC military observers in the valley of Luzira near Kalehe.[185] As the soldiers approached the camp, they observed no signs of activity. Everyone was still sleeping.[186] They opened fire and bullets ripped through the camp. After strafing the area, the gunmen ran back to the road. Fidelis Atidigah, a Ghanese military observer, was killed.[187] Two other military observers the barrage but one was grazed by a bullet. MONUC sent a team to investigate immediately after they heard news of the attack and were able to rescue them both.[188] The dissidents continued on to Kalehe and they looted the hospital in nearby Ihusi.

U.N. workers and most civilians in Bukavu and to the north of the city began to flee from the incoming army and MONUC began evacuating or relocating their expat workers. Many U.N. workers fleeing the carnage in Bukavu loaded their vehicles with civilians and took them to safety outside the city or in the central MONUC compound. It was the bravery of the U.N. civilian workers, not the military that saved many Congolese lives.

MONUC set up buffer zones in the city on May 29th, but again did not disarm Colonel Mutebusi's troops following a tentative ceasefire. Colonel Mutebusi controlled the area from the Mulamba District to the Ruzizi I border crossing. During the ceasefire many of his soldiers

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[184] "While His Soldiers Rape and Pillage, the Rebel General Insists: 'We Come In Peace'," Declan Walsh. The Independent. 5 June, 2004.
[185] United Nations Security Council. "Third Special Report on the United Nations Organization Mission in the Democratic Republic of the Congo." S/2004/650. 16 August, 2004. pg. 10.
[186] "UN Peacekeeper Killed in DR Congo," BBC News. 29 May, 2004.
[187] MONUC Press. "*74 Personnels en Uniforme et 16 Civils de la MONUC Morts en Service.*" MONUC Magazine. May 2006. pg. 21-22.
[188] "UN Peacekeeper Killed in DR Congo," BBC News. 29 May, 2004.

withdrew to barracks in the Nguba District bordering Rwanda and Al-Fajiri College.[189] A small group of soldiers from MONUC's Uruguayan contingent were sent to guard the barracks. Amid all the turmoil, the international community was still able to find the time and resources to arrange for members of the Canadian alternative rock band Sum 41 to be evacuated from Bukavu.[190]

MONUC controlled an area from the Mulamba District to about the Vodacom antennae to the west near the location of MONUC's current central compound. The FARDC patrolled the area from the antennae to about 10 kilometers from the airport, where MONUC had another contigent guarding the remainder of the winding dirt road to Kavumu Airport.[191] MONUC also wanted to guard their engineering base, located on the road near Kavumu.

A large group of RDF soldiers entered Congo from Idjwi Island[192] via speedboats.[193] They launched from Shayo, Nyakalengwa, and Kihumba.[194] They were planning to eventually rendezvous with General Nkundabatware in Kalehe Territory and accompany him to Bukavu. MONUC was aware of the boats and MONUC spokesperson Sebastian LaPierre denounced the

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[189] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!" Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.

[190] "Rock Band Able to Leave Congo, Others Not so Lucky," Paul Harris. Yellow Times. 2 June, 2004. http://www.yellowtimes.org/print.php?sid=1961.

[191] Private Interview. 2006.

[192] Note: The United States trained RPA soldiers at a military base on the northeast side of Idjwi and also on Deida Island during the late 1990s. (United States House of Representatives Subcommittee on International Operations and Human Rights of the Committee on International Relations. "Suffering and Despair: Humanitarian Crisis in the Congo." One Hundred Seventh Congress, Session 1. Serial No. 107–16. 17 May, 2001.) It was also the site of a mass recruitment of child soldiers by the ANC in 2003. The children were taken and trained in Kihumba, where a 15-year-old was beaten to death for trying to escape. The RPA helped train some of the Idjwi children on the island of Iwawa. ("Democratic Republic of the Congo: Children At War." Amnesty International. AFR 62/034/2003. 9 September, 2003.)

[193] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!" Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.

[194] "Combat of Kavumu on Tuesday June 1, 2004: Attackers Come Coldly from Kigali," Office of Coordination of the Civil Company of South Kivu. English Translation. 1 June, 2004. http://www.societecivile.cd/node/1707.

RDF invasion, but MONUC's military took no action to intercept the boats[195] and they did not publicly investigate the claims any further.[196] General Nkundabatware denied Rwanda aided him militarily while he was in Bukavu.[197]

RDF soldiers were able to land safely at Kakondo/Mahyuza, Luhihi, Birava, Kabonde, Kajutsu, Dutu, and Kalehe. Soldiers at Kakondo shed their RDF uniforms and put on FARDC uniforms. The soldiers made their way to Katana, Kalehe, and Nyabibwe to meet with General Nkundabatware's soldiers. RDF uniforms were later found abandoned in Katana. Other witnesses saw RDF uniforms stacked into a pile and burned.[198]

General Nkundabatware continued his advance and passed through Katana. Three women were brutally raped while the dissidents pillaged Katana.[199] Just south of the city, the dissidents engaged General Mabe's FARDC. After a two hour battle, the FARDC retreated for reinforcements.

President Kabila was advised by MONUC that a ceasefire was preferable to an all-out battle and he was urged to allow them to negotiate a ceasefire. President Kabila agreed and he ordered General Mabe to withdraw to Kavumu Airport in order to try and calm the situation down. General Mabe complied with his orders and his men set up a defensive perimeter around the airport. General Mabe promised not to attack while MONUC was trying to initiate a ceasefire.

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[195] Emmanuel Rugarabura. "Letter to Alpha Oumar Konare, President of the Commission of the African Union." Office of Coordination of the Civil Company of South Kivu. English Translation. 13 July, 2004.
[196] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!," Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.
[197] "DRC: Interview with Rebel General Laurent Nkunda," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2004.
[198] Rugarabura, Emmanuel. "Letter to Alpha Oumar Konare, President of the Commission of the African Union." Office of Coordination of the Civil Company of South Kivu. English Translation. 13 July, 2004.
[199] "Seeking Justice: The Prosecution of Sexual Violence in the Congo War." Human Rights Watch. Volume 17, Number 1 (A). March 2005. pg. 11.

MONUC's political advisors in Kinshasa and the DPKO[200] headed by Jean-Marie Guehenno ordered MONUC soldiers not to engage General Nkundabatware on his way to the airport.[201] MONUC soldiers reinforced the buffer zone near Kavumu Airport, located about 40 kilometers north of Bukavu, in anticipation of General Nkundabatware's arrival. At this point, MONUC had about 1,000 soldiers in Bukavu.[202] The FARDC was tasked with securing the outer perimeter of the airport in front of MONUC's battalions. MONUC assured everyone General Nkundabatware would not reach Bukavu.[203] Radio Okapi broadcast a message from MONUC warning everyone advancing on the airport that reinforcements had arrived.[204] Alpha Sow, the U.N. Mission Chief in Bukavu, insisted the situation was under control.[205]

When General Nkundabatware arrived at Kavumu Airport on 31st May, MONUC negotiated a unilateral ceasefire with him. Colonel Arquemedes Cabrera (Urugayan Deputy Regional Commander) met with General Nkundabatware and worked out the details. Under the agreement, General Nkundabatware was supposed to leave the 10th Military Region. General Nkundabatware said he did not plan to attack Kavumu,[206] but he told MONUC he would only answer to Vice President Ruberwa. Vice President Ruberwa contacted him and ordered him to comply with the ceasefire and stop advancing. He told General Nkundabatware

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[200] Note: The DPKO's Military Advisor in 2004 was Dutch General Patrick Cammaert. He was deployed several times in Bosnia during the former Yugoslavian war. From October 2000-November 2002 he was the Force Commander for the U.N.'s Mission in Ethiopia and Eriteria (UNMEE). In February 2005, he became the Force Commander of MONUC's Eastern Division, which included the Kivus. He was replaced in the DPKO by General Randhir Kumar Mehta from India. General Mehta is a graduate of the National Defense Services Staff College and was previously a Sector Commander in the U.N.'s Mission in Sierra Leone (UNAMSIL) from May 2000-February 2001.

[201] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 24.

[202] United Nations Security Council. "Third Special Report on the United Nations Organization Mission in the Democratic Republic of the Congo." S/2004/650. 16 August, 2004. pg. 9.

[203] Private Interview. 2006.

[204] "Bukavu: Fights Close to the Airport of Kavumu," Radio Okapi. English Translation. 31 May, 2006. http://www.radiookapi.net/article.php?id=556.

[205] "UN Troops Bring Military Calm, not Peace, to DR Congo Town," *Agence France Pressé*. 31 May, 2004.

[206] "Dissident DR Congo Troops Promise Truce but Fighting Continues," Francesco Fontemaggi. *Agence France Pressé*. 31 May, 2006.

he wanted to visit Bukavu with the government delegation to listen to the concerns of the Banyamulenge.[207] General Nkundabatware complied with the order and halted his advance for the moment.

Vice President Ruberwa was in Goma at the time with several other Congolese government officials. Before the government delegation could fly to Kavumu, a group of General Nkundabatware's soldiers surrounded Goma's airport and all flights were suspended.[208] Interestingly, while all other government officials were taken to MONUC compounds for safety, Vice President Ruberwa insisted on staying at his private residence in Goma.[209] After a few hours, the soldiers withdrew from the airport after negotiations with Vice President Ruberwa and MONUC. He decided not to travel to Bukavu because of "security concerns" and he did not order General Nkundabatware to return to Goma, nor did he ask him to extend the ceasefire or continue negotiations with MONUC.

Since Vice President Ruberwa did not travel to Bukavu, Congo's Foreign Minister Antoine Ghonda Mangalibi took a helicopter to Panzi (located south of Bukavu) to learn what was going on in the city. He also wanted to travel to Bukavu and personally ensure to the Banyamulenge in town the fighting was caused by discipline problems, not ethnic hatred. Meanwhile, MONUC escorted Colonel Bahati to the headquarters of Congo's Civil Society of South Kivu. The staff berated Colonel Bahati for the violence.[210]

After making the agreement, General Nkundabatware pressed forward towards the interior of Kavumu Airport but did not open fire on anyone. U.N. General Jan Isberg, who

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[207] "New Clashes After Congo Truce," BBC News. 6 June, 2004.
[208] "Congo Airport Beseiged by Rebels," Associated Press. 31 May, 2004.
[209] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 8.
[210] "Recent Rwandan Acts of Aggression in the Democratic Republic of the Congo." Joseph M. Kyalangilwa. Current Concerns. Number 4. 26 July, 2004.

helped set up the airport's buffer zone, ordered MONUC troops guarding the airport to use force if they tried to advance, but Colonel Cabrera refused the order.[211] Colonel Roberto Molino, the Uruguayan army's spokesman, claimed they made a deal with General Nkundabatware at the airport to jointly protect Bukavu which is why they allowed him to pass.[212]

The situation was further complicated when the FARDC deserted the airport perimeter for Walungu Territory. It is possible Vice President Ruberwa or General Mbuki ordered them to pull back but it appeared they were being insubordinate. They claimed they were leaving to prevent a civilian massacre. They ended up pillaging Walungu instead.[213]

Other FARDC fled to the central MONUC compound. A few of the Banyamulenge soldiers under his command defected to join Colonel Mutebusi. The FARDC who remained loyal to General Mabe were mostly ex-Mai-Mai fighters. In order to bolster his ranks, the General Mabe enlisted the help of local Mai-Mai militia, ex-Mai-Mai soldiers in the FARDC, and Banyamulenge loyal to General Patrick Masunzu, an ex-ANC commander who turned against the ANC after they killed Banyamulenge civilians.[214]

The FARDC returned to Bukavu and prepared to defend the city from General Nkundabatware. General Obedi remained at his post in Goma and declined to intervene. It does not appear that he contacted Vice President Ruberwa or General Mbuki to question the withdrawal of the FARDC from Kavumu.

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[211] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 24.
[212] "Uruguay Denies 'Cowardice'," News 24. 24 March, 2005.
[213] "MONUC and the Bukavu Crisis 2004." MONUC Press. March 2005. pg. 7.
[214] "South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: University of Antwerp. March 2006. pg. 13.

Note: General Masunzu is currently the FARDC's Deputy Commander of the Kasai-Occidental Province. He later returned to Minembwe against his orders and took command of the 112th Brigade.

Bukavu was now completely defenseless and General Nkundabatware was allowed to go right through MONUC's buffer zone untouched. All MONUC did was secure Kavumu Airport once General Nkundabatware's soldiers passed through and then called Colonel Clive Mantel in Kinshasa to request more reinforcements.[215] Colonel Mantel said he would send reinforcements but reminded everyone, "…we can intervene to protect civilians but we do not have a mandate to fight armies."[216]

After General Nkundabatware's men marched past the MONUC soldiers and entered the village of Kavumu, his men resumed pillaging and raping. MONUC's failure to intervene allowed these crimes to happen. The villages of Cibimbi, Buhene, Kalanane, and Mantu all had victims of rape, including two teenagers.[217]

General Mabe set up a perimeter on the road near Miti (10 kilometers south of Kavumu) to intercept General Nkundabatware. Miti was a key town connecting the roads northwest to Walikale Territory. General Mabe would not have any nearby reinforcements at his disposal because soldiers from the 8th Military Region, who ordinarily backed up the 10th Military Region, were now sided with General Nkundabatware. General Mabe was forced to order the 4th Brigade (ex-Mai-Mai) based in Baraka (Fizi Territory) to come and reinforce him.

The FARDC engaged General Nkundabatware's men at their roadblock when he arrived that night. Many civilians died during the fierce fighting and two of the General's men were killed.[218] During the battle, General Nkundabatware returned a phone call to British reporter Rob Walker in Bukavu. Mr. Walker asked General Nkundabatware if he would allow

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[215] "Renegade Troops Capture Congo Town," Rory Carroll. The Guardian. 3 June, 2004.
[216] "Rebel Troops Capture Strategic Congolese Town," Associated Press. USA Today. 2 June, 2004.
[217] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 14.
[218] "Fighting Resumes Near Eastern DR Congo Town," *Agence France Pressé*. 1 June, 2004.

him an interview. Speaking loudly over the gunfire and the whistling of mortar rounds, the General replied, "We can meet tomorrow when I capture Bukavu."[219] After General Mabe's men were forced to withdraw back towards Bukavu, General Nkundabatware's soldiers raped several women in Miti, including several teenagers, then continued on toward Bukavu. At least six women were raped in the village of Mudaka a few kilometers northwest of Bukavu[220] and at least seven women were violated in Cinjoma.[221]

The ceasefire was shattered. General Nkundabatware lied to the press by claiming he was not advancing his position, but General Mabe was very cryptic about his level of responsibility for the fighting. He said he would not "shoot first" and did not recall who started the fighting in Miti.[222]

The crisis reached critical mass when General Nkundabatware reached Bukavu on 2nd June. General Mabe's soldiers attacked Colonel Mutebusi's men at their containment sites. One of the FARDC officers was killed and they promptly retreated.[223] Colonel Mutebusi's soldiers then rushed out of their barracks and confronted the MONUC guards. Greatly outnumbered, the Uruguyans hastily retreated.[224] The dissidents then counterattacked the FARDC.

General Nkundabatware entered the city and fused with Colonel Mutebusi's soldiers to form a single army. General Nkundabatware took over military command. They continued attacking General Mabe's positions to take control of the entire city. They chased some of the

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[219] "Reporting the Bukavu Rebellion," Rob Walker. BBC News. 6 July, 2004.
[220] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 14-15.
[221] Ibid. pg. 20
[222] Ibid.
[223] "'I Control the Town of Bukavu'," Francesce Fontemaggi. *Agence France Pressé*. 02 June 2004.
[224] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 24.

FARDC soldiers into the hills just outside of town.[225] When the dissidents gained control of the city and the fighting quieted down for a while, General Nkundabatware set up his headquarters in the governor's posh mansion in the Nyawera District.

Sources interviewed in Congo witnessed RDF soldiers from the 31st Brigade crossing into Bukavu from Cyangugu as General Nkundabatware arrived in the city.[226] Other eyewitnesses saw military jeeps dropping off RDF officers in the Ruzizi I District of Bukavu.[227] Local NGO's also claimed they saw RDF in the city participating in battles against the FARDC.[228] The RDF has barracks in Ntendezi and Bugarama, both close to Cyangugu. Since Colonel Mutebusi set up roadblocks to prevent the FARDC from approaching the border, RDF soldiers had easy passage, especially during the chaos that followed General Nkundabatware's arrival.

Once the FARDC was pushed out of the city, the dissident soldiers carried out a deliberately planned operation of terror and murder. The 2nd and 3rd June were particularly vicious. They began going house-to-house, looting cell phones and money, while raping women they encountered. The rapes were planned, systematic, and used as a tool of intimidation and psychological torture against the civilian population. Rapes were particularly rampant in the Nguba and Muhungu districts where soldiers went door-to-door.[229]

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[225] "Renegade Troops Capture Congo Town," Rory Carroll. The Guardian. 3 June, 2004.
[226] Private Interview. 2006.
[227] Emmanuel Rugarabura. "Letter to Alpha Oumar Konare, President of the Commission of the African Union." Office of Coordination of the Civil Company of South Kivu. English Translation. 13 July, 2004.
[228] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.
[229] "Report on Events in Bukavu, South Kivu May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 3.

Dissident soldiers broke into four medical distribution centers and stole stocks of Viagra® to use during the rapes.[230] The boxes of Viagra® were trucked over to the city's post office and Kimbangu School, where the dissidents set up one of their headquarters. The pills were distributed amongst the soldiers and the empty packages were left at the sites.[231]

Most rapes occurred during looting raids and some women were spared the horrors of rape if they voluntarily offered enough money, but soldiers often raped the victims even after they gave up everything they had. In some cases, women who refused to cooperate were killed. Particularly vile soldiers committed unspeakably brutal rapes "because they didn't like the look on your face"[232] and they sometimes killed the victim when they were finished. In one extremely savage case, a young pregnant woman was so viciously raped with foreign objects that she miscarried her child.[233] Only a few victims were fortunate enough to find a way out of town to seek treatment at Panzi Hospital and many survivors suffered permanently crippling wounds from the rapes.

Particularly ghastly was the extremely young age of many rape victims. One NGO worker stated a four-year-old girl was repeatedly raped by General Nkundabatware's soldiers and later died from the massive trauma.[234] Several girls three-years-old were unconscionably raped. In another household, four teenage girls hid in fear. They were found by soldiers ransacking their house looking for money. All of them were gang-raped and robbed.[235]

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[230] "DRC: Special Report on War and Peace in the Kivus," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 10 August, 2004.
[231] Private Interview. 2006.
[232] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.
[233] "*Deutsche Kongo-Mine als Stützpunkt für Waffenschieber*?," Thomas Reutter. Report Mainz. English Translation. *Südwestrundfunk*. 4 July, 2006.
[234] Private Interview. 2006.
[235] "Seeking Justice: The Prosecution of Sexual Violence in the Congo War." Human Rights Watch. Volume 17, Number 1 (A). March 2005. pg. 10.

It will likely never be known how many victims there were. The *Centré Olame*, a Catholic women's center, treated 117 women and 58 more went for treatment at Panzi Hospital.[236] One NGO worker said they estimated 250 victims.[237] The *Action pour l'Encadrement des Soeurs Dihah* center in Bukavu housed 42 victims as-young-as 13.[238] When a representative of Human Rights Watch (HRW) interviewed General Nkundabatware by phone, he denied any knowledge of rapes committed by his soldiers.[239] Later, he insisted the rapes occurred before his men arrived, essentially laying the blame on Colonel Mutebusi's soldiers.[240]

Cell phones were looted to disrupt communication in the city, so one side of town could not tell the other what was happening and also to prevent information from getting in and out of the city. The former head of the Provincial Division of Mining in South Kivu, RCD-G party member Kayonga Abasi, looted all the telephone card stocks. Ground lines to business phones were cut as were electrical lines. This prevented citizens from recharging their cell phones and using the Internet.[241] Only the DATCO building was spared. In addition, the Supercell agency in the Nguba District was looted and it was reported Mr. Abasi ordered the building to be targeted.[242] Vodacom's central office was also plundered. General Nkundabatware had a satellite phone and therefore was unaffected by power outages.

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[236] Ibid. pg. 10-11.
[237] Private Interview. 2006.
[238] "DRC: Special Report on War and Peace in the Kivus," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 10 August, 2004.
[239] "Seeking Justice: The Prosecution of Sexual Violence in the Congo War." Human Rights Watch. Volume 17, Number 1 (A). March 2005. pg. 12.
[240] "The Killing Fields: Africa's Misery, the World's Shame." Anderson Cooper. Anderson Cooper 360. CNN. 8 October, 2006.
[241] "Report on Events in Bukavu, South Kivu May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 3.
[242] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." English Translation. Congolese Action for Peace and Democracy. 20 September, 2004. pg. 22.

Soldiers forced several radio stations to shut down. The three main radio stations in town, Radio Maria, Radio Maendeleo, and Radio *Sauti ya Rehema* (The Voice of Mercy) were all attacked. The Radio Maria building was vandalized and electronic equipment was stolen from the studio. Joseph Nkinzo, Director of Radio *Sauti ya Rehema* escaped an assassination attempt, but his brother Mukamba Mwanaume was killed.[243] Mr. Nkinzo had taken shelter in MONUC's compound. The dissident soldiers went to his home on Kasai Avenue to kill him but his brother answered the door and was shot even though he was no threat to anyone. In addition, Mr. Nkinzo, Mr. Kizito Mushizi (Director of Radio Maendeleo), Mr. Ben Kabamba (Director of Radio Maria), and Mr. Serge Maheshe (journalist for Radio Okapi) all received phone calls threatening their lives.[244]

Sources present in Bukavu during the siege also claim photographers in the city were targeted by General Nkundabatware's soldiers. There were many photographs taken during the siege of RDF soldiers in FARDC uniforms.[245] This camouflage tactic has been widely used by RDF soldiers and their allies to create confusion and cause witnesses to report the incorrect armed group committing crimes.[246]

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[243] "Fragile Freedom: Unrest Shatters Press Freedom in the Democratic Republic of the Congo with Attacks and Imprisonment Surging Yet Again," Julie Crawford. Committee to Protect Journalists. 14 September, 2004. http://www.cpj.org/Briefings/2004/DRC_9_04/DRC_9_04.html.

[244] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy. English Translation. 20 September, 2004. pg. 2.

[245] Private Interview. 2006.

[246] Note: These camoflage tactics are just the type of military training the U.S. supplies to allied soldiers around the globe. IMET was the first U.S. training program instituted for the RPA. It began in 1994 before the killings reached their peak after the assassination of President Habyarimana. On 17-21 January, 1994, the U.S. Embassy in Kigali offered an IMET program in "military justice." Both RPA and FAR soldiers attended the same class. 12 RPA officers and seven RPF civilians attended along with 33 FAR soldiers and a number of civilian members of Rwanda's Interim Government. The RPA liason officer to the U.N. (then) Major Frank Rusagara and Canadian General Romeo Dallaire (Force Commander of the U.N. Observer Mission Uganda-Rwanda [UNOMUR] and the United Nations Assistance Mission for Rwanda [UNAMIR]) both attended. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 192; United States Department of Defense. "Department of Defense Report to Congress: U.S. Military Activites in Rwanda 1994 – August 1997." 15 July, 1998. http://www.defenselink.mil/pubs/rwanda/summary.html.)

After being promoted for his role in the RPA, Ltc. Rusagara became Rwanda's Secretary General of the Defense Ministry. As Secretary General, he attended the Naval Postgraduate School in Monterey, California in 1998. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 267.) In 1980, General Dallaire attended the U.S. Marine Corps Command and Control Systems College in Quantico, Virginia. Several Bangladeshi UNAMIR staff members also trained there, as did Ghanian General Henry Anyidoho. (Dallaire, Lieutenant General Roméo, and Beardsley, Major Brent. "Shake Hands With the Devil." New York, New York: Carroll & Graf Publishers. 2003. 1st American Edition. pg. 34, 156.)

As mentioned earlier, Paul Kagame received military training through an IMET agreement with Uganda, where he was Director of the NRA's DMI under President Museveni. Then Major Kagame attended the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas from 1989-1990 for only three months before he returned to Africa to take control of the RPA after General Fred Rwigema, his childhood friend and commander of the RPA, was killed only days after the 1 October, 1990 invasion of Rwanda. President Kagame said he studied organization, battle tactics, strategy, human resources, psychological operations (PSYOPS), information, psychology, and troop information during his time in the U.S. (Gowing, Nik. "New Challenges and Problems for Information Management in Complex Emergencies: Ominous Lessons From the Great Lakes and Eastern Zaire in Late 1996 and Early 1997." Paper presented at the conference "Dispatches from Disaster Zones: The Reporting of Humanitarian Emergencies." London, Great Britain. 27–28 May, 1998. pg. 15-16.) He was trained by (then) Major Anthony Marley among others. (Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 222.) Not only did Major Marley teach Major Kagame, he was also in charge of the IMET program that allowed Major Kagame to receive his training in the U.S. He increased Uganda's IMET training capacity despite the fact the U.S. had learned President Museveni was deceiving them in order to train Rwandan nationals in the NRA. (Kintu, Remigius. "Terror Incognito: The U.S.A. Conspiracy Behind Museveni's Wars." Maryland Peace & Justice Annual Conference. Episcopal Diocesan Center, Baltimore. 19 April, 1997.) Ltc. Marley said Paul Kagame's most valuble lession from Fort Leavenworth was learning to understand Americans so he could make the most of his political and military alliance with the United States. ("In the Waiting Room of the Rwandan Genocide Tribunal," Barrie Collins. Spiked Online. 26 May 2006. http://www.spiked-online.com/index.php?/site/article/322/.)

Ltc. Marley is also a Fort Leavenworth graduate who also served as the Political-Military Advisor in the African Bureau of the U.S. State Department (August 1992-June 1995). He also served under Deputy Assistant Secretary of Defense James L. Woods in the Defense Department's African Affairs office as an advisor. Ltc. Marley officially retired from the U.S. Army in 1995 and became a security advisor for ExxonMobil in Nigeria. (United States House of Representatives Subcommittee on Africa of the Committee on International Relations. "Rwanda's Genocide: Looking Back." Serial Number 108-96. 22 April, 2004.)

As a military advisor for the State Department, he helped broker a ceasefire following the massive RPA offensive in northwestern Rwanda during February 1993 by "encouraging compromises" between the RPA and the FAR. (Kintu, Remigius. "Terror Incognito: The U.S.A. Conspiracy Behind Museveni's Wars." Maryland Peace & Justice Annual Conference. Episcopal Diocesan Center, Baltimore. 19 April, 1997.) The RPA killed Hutu civilians in the most brutal fashion during the operation. An estimated 42,200 civilians were killed during the operation. (Gasana, James K. "*Rwanda: Du Parti-Etat a l'Etat Garnison*." Paris, France: *L'Harmattan*. English Translation. pg. 185.) The Byumba Prefect fell under RPA control, giving the RPF much greater bargaining power when the Arusha Accords were being drawn up. The RPA would have taken Kigali during the February offensive if it were not for the intervention of French paratroopers. (Umutesi, Marie Béatrice. "Surviving the Slaughter." Madison, Wisconsin: University of Wisconsin Press. 2004. pg. 23-28.) After the February offensive, the RPA was able to receive British intelligence reports in a newly created demilitarized zone. ("In the Waiting Room of the Rwandan Genocide Tribunal," Barrie Collins. Spiked Online. 26 May, 2006. http://www.spiked-online.com/index.php?/site/article/322/.)

Just days after the RPA's missile attack on President Habyarimana's plane on 6 April 1994, Ltc. Michael Harvin briefed Undersecretary of Defense for Policy Frank Wisner (Vice Chairman of American-

International Group [AIG] and former Director of Enron whose father was a CIA agent.) and advised him Ltc. Marley would be needed if another peace process was initiated. Ltc. Harvey also recommended reinstating the IMET program with Rwanda once the peace process was underway. (Memorandum from Deputy Assistant Secretary of Defense for Middle East/Africa, through Assistant Secretary of Defense for International Security Affairs, to Under Secretary of Defense for Policy. "Talking Points On Rwanda/Burundi." 11 April, 1994. Confidential.) Additionally, 330 U.S. Marines were sent to Bujumbura only three days after the missile attack, most likely to aid in the evacuation of American citizens. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 155-156.)

Undersecretary Wisner had a history of ignoring the Rwandan cataclysm. When he met with President Habyarimana in Washington D.C. in early October 1993, President Habyarimana urged the U.S. to press both sides to implement the Arusha Accords. He also asked for economic support and a capable U.N. peacekeeping team to help with the transition. (Ferroggiaro, William. "The U.S. and the Genocide in Rwanda 1994: Information, Intelligence, and the U.S. Response." The National Security Archive. 24 March 2004.) Undersecretary Wisner was even warned less than a week after President Habyarimana's plane was shot down that a "bloodbath" would ensue if the RPA and the Rwandan Government did not quickly agree to reinstate the Arusha peace process. (Philpot, Robin. "Rwanda 1994: Colonialism Dies Hard." Robin Philpot, The Taylor Report (Phil Taylor). 2004. http://www.taylor-report.com/Rwanda_1994/.)

Ltc. Marley testified he requested permission from Deputy Assistant Secretary of State Prudence Bushnell and Arlene Render (Director of the Office of Central African Affairs) to allow Special Forces aircraft to jam "hate radio broadcasts" in Rwanda from Tanzanian, Burundian, or Ugandan airspace using the National Guard's Commando Solo airplane. (United States House of Representatives Subcommittee on Africa of the Committee on International Relations. "Rwanda's Genocide: Looking Back." Serial Number 108-96. 22 April 2004.) Undersecretary Wisner refused to deploy the necessary equipment or authorize the flights because he said it was too expensive and the U.N. would be unable to afford it. (Memorandum from Under Secretary of Defense for Policy to Deputy Assistant to the President for National Security, National Security Council. "Rwanda: Jamming Civilian Radio Broadcasts." 5 May, 1994. Confidential.)

In 1994, Ltc. Marley acted as (then) Ambassador David Rawson's makeshift Defense Attaché Officer (DAO) in Kigali when the embassy reopened after the genocide. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 156.) Curiously, the U.S. State Department lists Colonel Michael A. Peterson - who lived in Kinshasa at the time - as the acting DAO for Rwanda during the same year Ltc. Marley was there. (United States Department of State. "Key Officers of Foreign Service Posts: Guide for Business Representatives." DOSFAN Electronic Research Collection. Accessed 18 October, 2006. http://dosfan.lib.uic.edu/ERC/travel/kofficers/kofficers_94spring.html.) Ltc. Marley was escorted through the Rwandan refugee camps in Kibumba and Katale in July 1994 by Zairian DAO Ltc. Thomas Odom (October 1993-September 1994). (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 144.)

Shortly after the RPA took control of Kigali, the U.S. conducted Operation Support Hope from 14 July, 1994 to 30 September, 1994 with the stated intent of providing relief aid for Rwandan refugees in Zaire. The 7th Special Operations Squadron led by Ltc. Dave Scott, Ltc. Frank Fields, and navigator Captain Ben McMullen was going to airdrop aid from MC-130s. Scouting work and planning for the mission was done by Zairian DAO Thomas Odom, Kate Crawford of USAID's Office of Disaster Assistance (and later as USAID's Disaster Assistance Response Team [DART] representative in Zaire), USAID Director Brian Atwood and Nan Borton (Director of the Office of Foreign Disaster Assistance [OFDA])

Ltc. Odom and Kate Crawford were in charge of recuiting NGOs to take part in the operation. CARE International donated some of their cargo handlers to the mission. While surveying the refugee camps for the operation, Ltc. Odom reported to the Pentagon on the number, status, and type of equipment possessed by ex-FAR and their allied militas in the camps. Major Mike Bittrick at the Army Intelligence and Threat Analysis Center was one of the Pentagon analysts who received intelligence provided by Ltc. Odom. (Odom, Thomas

P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 89, 112-113, 118, 194.)

The scouting mission was followed by a buildup of military personnel, some of whom were there to fill positions at the U.S. Embassy in Zaire while the others were out in the field. Kinshasa Desk Officer Captain Rick Moore and DAO/DIA officers Ltc. James F. Babbitt (from Congo-Brazzaville), Major Jean-Luc Nash (from Chad) and the U.S. Naval Attaché in South Africa Commander Dorothy Grant were all called up to Zaire. Ltc. Nash was stationed in Goma while Ltc. Babbit went to Bukavu. They acted as liasons to the French, who were still actively involved in Operation Turquoise.

U.S. DAO Ltc. Paul "Blue" Keller was moved from Malawi to Kampala. The U.S. DAO in Cameroon, Ltc. Jim Cobb, was originally going to be called up as well, but he was on standby to go to Kigali. He was actually filling in for Cameroon's original DAO Ltc. Charles Vukovic, who was in Rwanda at the time as the acting DAO in the absence of an open U.S. Embassy during the war. In Zaire, Ltc. Odom also hosted Bill McCoy, a Civil Affairs and Psychological Operations Army reservist. Mr. McCoy was working for the humanitarian affairs department of the Office of the Secretary of Defense for Special Operations and Low Intensity Conflict. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 101-103.)

Operation Support Hope was run directly by the U.S. without any U.N. oversight. U.S. Special Operations Command Europe (SOCEUR) was in charge of the mission and Deputy Assistant Secretary of Defense for Humanitarian and Refugee Affairs Patricia Irvin (who personally met with General Kagame in Mulindi on 23 March, 1994, one day after Prudence Bushnell met with him) was kept informed on the situation. (International Criminal Tribunal for Rwanda. "Minutes of Proceedings." Case No: ICTR-98-41-T. Trial Day 317. 23 March, 2006.) SOCEUR was represented in Zaire by Colonel Al Davis of the U.S. Marine Corps. During the operation, Ltc. Odom requested SOCEUR for more PSYOPS and civil affairs soldiers to be deployed in Kigali. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 10.)

200 U.S. soldiers landed in Kigali for the operation. By 31 July, 1994, 85 American soldiers with bulldozers, water purifiers, and logistics equipment were on the ground. ("Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire." Joel Boutroue. July 1994 – December 1996.) The U.S. also delivered a sophisticated satellite communications system to the RPA via Entebbe Airport in Uganda. The American Condor, American Cormorant, Green Harbour, and Cape Wrath all arrived in Mombassa with World Food Programme (WFP) crates destined for Rwanda. It was rumored they were filled with weapons. In addition, rifles, mortars, and artillery were reportedly shipped independent of the mission to Rwanda from nearby countries. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 156, 194, 204.)

The mission had three Joint Task Force (JTF) centers. One in Entebbe, Kigali, and Goma. General Jack Nix was in charge of JTF-Goma and he brought a 10 man counterintelligence and human intelligence (HUMINT) crew with him. The Department of Defense's (DOD) HUMINT branch was run by General Jack Leide at the time. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 138.) General Dan Schroeder (Commanding Officer of Operation Restore Hope) set up a civilian-military operations center at the U.S. Embassy in Kigali that served as a meeting point for NGOs, U.N., and U.S. officials. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 156.) Kanombe Airport became a "major supply hub" for the U.S. mission. ("Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire." Joel Boutroue. July 1994 – December 1996.)

Less than a month later, 615 British soldiers arrived in Kigali for Operation Gabriel. They were there for "medical assistance, logistics support, and infrastructure reconstruction." (Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland &

Company Incorporated. 2004. pg. 100.) Unlike Operation Support Hope, Operation Gabriel was run under UNAMIR's command.

After Operation Support Hope was terminated, Ltc. Marley told Ambassador Rawson to pick Ltc. Odom as his temporary DAO replacement in Kigali because he had to report back to the State Department. Ambassador Rawson's request was approved and Ltc. Odom was in Kigali by mid-September 1994. Ltc. Jim Cobb helped Ltc. Odom cover Kigali's DAO position until a permanent member was assigned. (then) Major Rick Orth, another DIA agent, helped out in Kigali for six weeks starting in early October 1994. When Major Orth left, Chief Michael "Mickey" Dunham rotated in until September 1995, when he was replaced by Sergeant 1st Class Ron Carr (DAO Chad). Chief Dunham was the U.S. DAO in Israel. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 156-157, 161, 185.)

In November 1994, (then) Vice President Kagame was invited to the Pentagon by Secretary of Defense William Perry. Vice President Kagame met with Secretary Perry, Ltc. Odom, Dr. Joseph Nye Jr. (Undersecretary of Defense for International Security Affairs: Africa Bureau), Vincent Kern (Undersecretary of Defense and DIA officer), Colonel Gus Lorenz, Ltc. Greg Saunders (DAO Senegal and Mozambique), Major Mike Bittrick, Ltc. Roy Lauer, and Bill McCoy. Vice President Kagame asked for U.S. training programs and a removal of the Rwandan arms embargo, a move strongly opposed by Zairian P.M. Kengo Wa Dengo. He also told the Americans he would never accept permanent refugee camps in Zaire or displacement camps in Rwanda. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 193-194, 198-199.) The original plan was to repatriate the refugees home, but most of them did not want to go back because of RPA reprisal killings. From May to August, 1994, the RPF refused to allow UNAMIR access to the displacement camps in Rwanda to investigate their living conditions. ("Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire." Joel Boutroue. July 1994 – December 1996.)

Following the Pentagon meeting, an American delegation travelled to Kigali to meet with Vice President Kagame and President Pasteur Bizimungu. The group was escorted around Rwanda by Ltc. Rwahama Jackson Mutabazi, head of the DMI in Byumba Prefect. Ltc. Jackson was previously employed by the U.S. Embassy in Burundi at the same time he was recruiting and fighting for the RPA. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 200.)

The American delegation included Ltc. Odom, Anthony Lake, Ambassador Rawson, an Air Force major from the NSC staff working under Richard Clarke (Director of Peacekeeping Operations for the NSC), Susan Rice (then the NSC's Director for International Organizations and Peacekeeping also under Mr. Clarke), and Chief Dunham. Mr. Lake promised Vice President Kagame the arms embargo would be abolished and U.S. 'aid' would arrive soon after. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 199-201.) General Jamerson (Deputy Commander of the U.S. European Command [EUCOM]) also held a series of meetings with Vice President Kagame about military equipment needs. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 120-121.) U.S. officals made good on their promises. In August 1995, Ltc. Odom, Ltc. Saunders, Mike Johnson (from the Office of the Secretary of Defense-International Security Affairs), Ambassador Rawson, and Chief Dunham convinced the DOD to approve the transfer of vehicles, swift boats, and communications equipment to the RPA. (Ibid. pg. 250-251.)

In 1995, a 3rd U.S. Special Forces unit led by Captain Scott Suites conducted a demining deployment and equipment survey with a group of RPA soldiers commanded by Major Joseph Mbaraga. Among the U.S. demining crew were a psychological operations detachment, civil affairs soldiers, Army Master Sergeant Duffy, an Ltc. from the U.S. Marines, and Colonel Bob Bailey from the Pentagon. As part of the demining program, the RPA also received vehicles from the U.S. to use freely. The program was funded by USAID (headed by Dick McCall) and SOCEUR. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 216-217, 220, 239, 242, 245.) The

demining training program was carried out from 28 March, 1997 to 24 May, 1997 shortly after the final surveys were completed. SOCEUR rennovated a school to become Rwanda's National Demining Office.

After the 3rd Special Forces team finished the initial demining programs in Rwanda, the program was outsourced to RONCO Consulting Corporation based in the U.S., but during the program's early years, U.S. explosive specialists periodically joined the demining team in Rwanda. RONCO not only provides demining services, but also currently provides local security forces, site protection, explosive detection, convoy escort, and personal security details. Many of RONCO's field workers are ex-Special Forces. RONCO had approval to import non-lethal "demining equipment" to Rwanda, but reports say they also gave the RPA small explosives and armored vehicles. RONCO workers also allowed their vehicles to be used by RPA soldiers to shuttle troops into Uganda and Zaire. Less active in Rwanda today, RONCO is currently contracted to demine the Nuba Mountains of Sudan located east of Darfur. ("Privatizing War: How Affairs of State are Outsourced to Corporations Beyond Public Control," Ken Silverstein. The Nation. 28 July 1997; Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 157.) A demining program schduled for March 1997 (during the 1st Congo War) to train RPA soldiers had to be posponed because the RPA soldiers were all with the AFDL-CZ forces that had just taken Kisangani. ("'Special Operations' Training of Military Forces in Rwanda," Washington Post. 27 July, 1998.)

The Joint Combined Exchange Training (JCET) program is unique from other U.S. military training programs because of a law passed in 1991. Section 2011 of Title 10 exempts JCET from congressional oversight and from scheduled review by the Human Rights Office of the U.S. State Department. ("Remilitarizing Africa for Corporate Profit," John Peck. ZMag. October 2000. http://www.zmag.org/zmag/oct00peck.htm.) In 1995, (then) U.S. Secretary of Defense William Perry (currently a Professor at Stanford University) and U.S. Ambassador Rawson set up Rwanda's JCET eligibility. Ambassador Rawson contacted the U.S. Department of Defense and requested military training for the RPA in intelligence, counterinsurgency, leadership, logistics, manangement, and administration. (Kintu, Remigius. "Terror Incognito: The U.S.A. Conspiracy Behind Museveni's Wars." Maryland Peace & Justice Annual Conference. Episcopal Diocesan Center, Baltimore, Maryland, U.S.A. 19 April, 1997.) Ltc. Odom, Rawson's DAO (and a DIA agent) at the time, suggested securing JCET training for the RPA to Colonel Mark Boyatt (1995), commander of the 3rd Special Forces, who ran the RPA's demining training program. Colonel David McCracken took over Colonel Boyatt's command in 1997. (Odom, Thomas P. "Journey Into Darkness: Genocide in Rwanda." College Station, Texas: Texas A&M University Press. 2005. pg. 245-246.)

In August 1995, Defense Secretary Perry successfully lobbied for the removal of Rwanda's arms embargo. He then wrote to General Kagame and expressed his support for Ambassador Rawson's military training request. A few months later, Secretary Perry wrote General Kagame again to tell him IMET and JCET programs for Rwanda were approved by the DOD. (Kintu, Remigius. "The Truth Behind the Rwandan Tragedy." ICTR. Document Number #7233. 20 March, 2004.)

On 15 August, 1995, Ambassador Rawson held a meeting at his residence in Kigali with Prime Minister Faustin Twagiramungu, U.S. Assistant Secretary of Defense for International Security Affairs Joseph Nye Junior, Deputy Assistant Secretary of State: Africa Bureau (and DIA officer) Vincent Kern, and DIA officer Rick Orth. The Prime Minister was told the U.S. had decided to support the RPA and provide aid. When Twagiramungu asked them if the army was going to blend Hutu and Tutsi, the response was "negative." (Madsen, Wayne. "Jaded Tasks – Brass Plates, Black Ops & Big Oil: The Blood Politics of Bush & Co." Walterville, Oregon: Trineday. pg. 20.)

Special Operations Commander General Wayne Downing (May 1993-February 1996) must not have objected to the plan and it was likely run by General James Scott (1993-1996), commander of the Special Operations Command at Fort Bragg. General Greg Gile (1995) was in charge of the U.S. Army's Special Operations Agency at the Pentagon. Colonel John Noe commanded the 5th Special Forces. General Peter Schoomaker (1995-1996) commanded the Joint Special Operations at Fort Bragg. EUCOM, which was in charge of U.S. military deployments to Africa, was run by George Joulwan (October 1993-July 1997) and his Deputy

Commander General Jim Jamerson. General Wesley Clark assumed commander of EUCOM when General Joulwan stepped down. General Joulwan is currently a member of Intellibridge's Expert Network, a company that creates enterprise-level intelligence-gathering software.

Ltc. Odom left Kigali at the end of March 1996 and was replaced by Commander Steve Bartek (DAO Kenya) until Ltc. Richard Orth arrived in Kigali during August of 1996. (Lieutenant Colonel Richard Orth. "The Multiple Dimensions of Conflict in Africa: Rwanda's Hutu Extremist Genocidal Insurgency, An Eyewitness Perspective." Presentation at the African Studies Association Conference. Philadelphia, U.S.A. 12 November, 2006.) Ltc. Orth became a close personal friend of Paul Kagame during his stint at the U.S. Embassy in Kigali. (Madsen, Wayne. "Jaded Tasks – Brass Plates, Black Ops & Big Oil: The Blood Politics of Bush & Co." Walterville, Oregon: Trineday. pg. 20.) He also collected intelligence on the movement of Rwandan refugees through Gisenyi and Cyangugu with the help of (then) USAID worker (and former U.S. Ambassador to Uganda, currently serving on the National Intelligence Council) Robert Houdek. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 168.) After the RPA attack on the Kibumba refugee camp in early November 1996, Ltc. Orth and the U.S. Embassy's Political Officer Peter Whaley were allowed by the RPA to go by the Zairian border, look around and take photos of the camps. Ltc. Orth also scouted ex-FAR and milita weaponery, then cabled his findings to the DIA and the Department of State. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 188.)

Following his stint in Kigali, Ltc. Orth transferred to the U.S. Embassy in Kampala (2003-2005). Upon finishing his tour in Kampala, he took up the DAO position in the U.S. Embassy in Addis Ababa, Ethiopia, where he extended U.S. military aid to P.M. Meles Zenawi. Promoted to the rank of colonel, Mr. Orth is also listed as a military advisor in the Office of Regional and Security Affairs at the U.S. State Department's Bureau of African Affairs, which is linked to the State Department's African Crisis Operations Training and Assisstance Program (ACOTA) program (see below).

In April 1996, Sean McCormack, head of the African Affairs Bureau at the NSC went to visit President Mobutu with (then) Deputy CIA Director George Tenet. They told President Mobutu he had to deal with the Hutu refugees before they became a problem for his country. On 17 April, Republican (then) U.S. Speaker of the House of Representatives Newt Gingrich passed a resolution asking President Mobutu to step down. In July 1996, Mr. McCormack and the Rwandans pressured the U.N. to reduce the number of refugee camps in Zaire, which would force many refugees to return to Rwanda. The international community did not support the idea. (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 217.) This coincided with a visit from General Jamerson on 24-25 April, 1996. (United States Department of Defense. "U.S. Military Activities in Rwanda, 1994 - August 1997." 16 June, 1998.)

Mr. McCormack was a CSIS member prior to his post at the NSC and he had many influencial friends, including Congo-Brazzaville President Pascal Lissouba, former Belgian Congo CIA Station Chief Larry Devlin (fingered for a role in Patrice Lumumba's murder), and long-time Belgian diamond dealer Maurice Tempelsman, who owns Lazare Kaplan Incorporated and Leon Tempelsman & Son. In years past, Mr. Tempelsman acted as a lobbyist for the DeBeers diamond syndicate and served as the go-between for Mr. McCormack, DeBeers, Anthony Lake (Tempelsman's close personal friend), Angolan President José Eduardo dos Santos, and Jonas Savimbi, leader of the Angolan rebel group National Union for the Total Independence of Angola (UNITA). In that role, Tempelsman was a key influence on U.S. foreign policy in Angola. He was also a financial advisor to Namibian President Samuel Nujomo. (Roberts, Janine. "Glitter and Greed: The Secret World of the Diamond Cartel." New York: New York. The Disinformation Company Limited. 2003. pg. 225-226, 317.) Mr. McCormack is currently a spokesman for the U.S. Department of State.

Mr. Tempelsman is currently a Director of the National Democratic Institute for International Affairs (chaired by Madeline Albright) and the Corporate Council on Africa (CCA). Mr. Tempelsman was Ms. Albright's boyfriend in the late 1990s while she was President Clinton's Secretary of State. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom:

Edwin Mellen Press Limited. 1999. pg. 91-92, 429.) He is also a family friend of both the Kennedys and the Clintons, which supplies him with many connections to the Democratic Party.

After Mr. McCormack's meeting with President Mobutu, the U.S. applied ever increasing pressure on Zaire and the U.N. to close the refugee camps. Congressman Harry Johnston (Democrat-Florida), Chairman of the Senate Committee of Foreign Relations-Subcommittee on African Affairs said, "Stop feeding them, move your (UNHCR) feeding facilities back within the (Rwandan) borders, try to get the Rwandan and Tanzania armies to insert discipline, a security force that will personally escort the refugees across the border back to the feeding station." (Kintu, Remigius. "The Truth Behind the Rwandan Tragedy." ICTR. Document Number #7233. 20 March, 2004.) The United Nations High Commissioner for Refugees (UNHCR), run by Sadako Ogata and her Deputy Sergio Vieira de Mello, cut back on the refugees rations and malnutrition enveloped the camps. They also banned the makeshift schools and markets the refugees formed in the camps. (Umutesi, Marie Béatrice. "Surviving the Slaughter: The Ordeal of a Rwandan Refugee in Zaire." Madison, Wisconsin: University of Wisconsin Press. 2004. pg. 98-99.)

In early April 1996, Ambassador Gribbin emphasized to the State Department Vice President Kagame was very serious about attacking the camps if they were not shut down. U.S. Ambassador to Zaire Don Simpson tried unsuccessfully to get Zairean P.M. Joseph Kengo Wa Dengo (a.k.a Léon Lubitsch, a half-Tutsi) to do something about closing the camps before it was too late. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 145.) P.M. Kengo was reluctant to try and convince the refugees to leave because he did not believe the Rwandans would do enough to make repatriation possible. In August 1996, Kagame visited Washington in May 1996 and told State Department officials to "dismantle" the camps or "face the consequences." ("Rwandans Led Revolt in Congo," John Pomfret. Washington Post. 9 July, 1997.) The 1st Congo War broke shortly after he gave his ultimatum.

In March – April 1996, the RPA signed a security agreement with the Ethiopian Defense Minister Tamrat Layne. The RPA received several shipments of weapons to prepare for the upcoming war in Zaire. ("Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire." Joel Boutroue. July 1994 – December 1996.) Months later, a JCET team was deployed to Rwanda for "Operation Falcon Gorilla" from 17 July to 30 August, 1996 and a demining program from 2 September to 5 October, 1996 (when the 1st Congo War started). (United States Department of Defense. "U.S. Military Activities in Rwanda, 1994 - August 1997." 16 June, 1998.) After the plan was approved by General Henry Shelton of the U.S. Special Operations Command (USSOCOM), "Gorilla" was carried out by Colonel Jim McDonough. (Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 222; "The USA and Rwanda: A Special Training Relationship." Amnesty International. The Terror Trade Times. Issue Number 3. June 2002.) 30 RPA soldiers received training in camouflage, small-unit movement, leadership, navigation, marksmanship, counterinsurgency operations, and mountaineering from the 3rd and 5th U.S. Special Forces units (Green Berets) from Fort Bragg during "Falcon Gorilla." The training program took place in Kigali and Gabiro. The RPA, in turn, trained the AFDL-CZ forces for their invasion of Zaire. ("US Response to African Crises: An Overview and Preliminary Analysis of the ACRI." Mark Malan. Institute for Security Studies. Occasion Paper #24. August 1997. pg. 2.) Banyanmulenge soldiers started training with the RPA in Akagera National Park in March 1996. ("Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire." Joel Boutroue. July 1994 – December 1996.) Paul Kagame admitted his men trained "as many as 6,000" AFDL-CZ soldiers. ("Archbishop Killed as Rebels Route Zairian Army," CNN. 30 October, 1996.)

American soldiers also reportedly trained the AFDL-CZ directly at Kabamba military base in Uganda, where the elite Nguruma Battalion of the UPDF was also being trained by the Americans. Additionally, there was a team of U.S. military trainers in Gikongoro, east of the Rwandan border town of Cyangugu. Cyangugu is located very close to a military base built by the American firm Brown & Root (a subsidiary of Halliburton). British author Linda Melvern said in 2001 that this military base was the biggest National Security Agency (NSA) signal intelligence (SIGINT) listening station in Africa. Brown & Root were contracted by USAID and the U.S. Army for "logistical" help during Operation Support Hope in late July 1994, where they made

$6.3 million (U.S.) in taxpayer money. It is plausible they built the base at this time, particularly when, as noted earlier, hi-tech communications equipment was delivered to Kigali during the same operation. Officially, Brown & Root was in Rwanda to help clear landmines. ("Rwanda/US: Africans Use Training in Unexpected Ways," Paul Lewin. Washington Post. 14 July, 1998; "The African Great Lakes: Ten Years of Suffering, Destruction, and Death." Joan Casòliva, Joan Carrero. January 2000; Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 194, 199; "Puppets? No, They are Darlings," Baffour Ankomah. New African. February 2002; United States Department of Defense. "Summary – Report to Congress on U.S. Military Activities in Rwanda, 1994 – August 1997." 16 June, 1998; "Profits of War," Dan Briody. The Guardian. 22 July, 2004; "The (Under)mining Job of Africa," Wayne Madsen. Trends. English Translation. 14 August, 2001.)

The U.S. reportedly provided direct military assistance to the AFDL-CZ and RPA during the beginning of the 1st Congo War. When the city of Bukavu was taken by RPA and AFDL-CZ soldiers in October 1996, U.S. soldiers were seen in Cyangugu. (United States House of Representatives Subcommittee on International Operations and Human Rights of the Committee on International Relations. "Suffering and Despair: Humanitarian Crisis in the Congo." One Hundred Seventh Congress, Session 1. Serial Number 107–16. 17 May, 2001.) U.S. military advisors were reportedly working out of Kamina's air base. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 201-202.) Workers from the U.S. NGO Physicians for Human Rights testified at a U.S. House Committee Hearing U.S. soldiers were "involved" in Zaire and training the RPA for the 1st Congo War. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 145.) Professor Filip Reyntjens claimed the U.S. was airlifting Katangan gendarmies to Bukavu. ("Zaire/Allegations," William Eagle. Voice of America. 21 March, 1997.)

There were also reports of U.S.-delivered weapons being shipped to the AFDL-CZ through Entebbe Airport and by land from Kenya and Kigali. When the war broke out, U.S. Air Force C-5 Galaxy and C-130s were reportedly continued delivering arms to the AFDL-CZ through Entebbe. After the AFDL-CZ took control of Goma in November 1996, the aircraft reportedly delivered directly to Goma. At other times, they simply airdropped supplies to the AFDL-CZ. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 199-201.) At the end of 1996, there were reports AFDL-CZ soldiers were brandishing U.S. communications equipment and U.S.-made Vietnam-era M-16 rifles, which are often sold as excess defense articles. ("Deadly Legacy: U.S. Arms to Africa and the Congo War." William D. Hartung, Bridget Moix. Arms Trade Resource Center. January 2000.) A column of 179 U.S.-made armored personnel carriers were seen driving from Entebbe to Goma. Along the way, American officials say the entire fleet was "stolen" by the AFDL-CZ. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 201.)

As refugees in Zaire were being herded North into Mugunga and *Lac Vert* (Green Lake) camps by cross-border attacks and raids on their camps, Ambassador Gribbin, Assistant Secretary of State George Moose, and U.S. Coordinator to the Great Lakes Dick Bogosian met with Canadian and European diplomats to form a mulitnational force that would serve to open "safe corridors" for Rwandan refugees to return home. Vice President Kagame approved the plan as long as the French were not involved. While Rwanda was willing to let the multinational force create safe passage for the refugees, they strongly opposed any plan to bring them aid. ("Rwanda Opposes Intervention in E. Zaire," CNN. 5 November, 1996.) L. Kabila said he would only support a force that consisted entirely of African soldiers. ("Chaos Plagues Zaire Amid New Diplomatic Efforts," CNN. 6 November, 1996.) There was also a plan to bring in the North Atlantic Treaty Organization (NATO) army to escort refugees home, but the plan was cancelled after a German opposition member, Uschi Eid, traveled to Rwanda and said most of the refugees had returned home already, though he could not supply any tangible evidence to support his claims. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 192-193; "Interview with Helmut Strizek," germanforeignpolicy.com. 29 May, 2006. English Translation. http://www.german-foreign-policy.com/en/fulltext/56005.)

General Edwin Smith and an American survey team arrived in Kigali to scout for the upcoming mission. They brought "spy satellites" and Orion P-3s to "survey" the refugees. Vice President Kagame told General Smith to change the mandate and allow the troops to use force against the ex-FAR or else deploy Ethiopian troops who would. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 192-193.)

The mission, called Operation Guardian Assistance, was launched on 14th November, 1996. 325 U.S. military personnel were deployed to Entebbe and Kigali. They brought satellite communications equipment with them to Kigali. Officially, the operation was to coordinate humanitarian affairs through the Rwandan DAO (Ltc. Orth). (United States Department of Defense. "Summary – Report to Congress on U.S. Military Activities in Rwanda, 1994 – August 1997." 16 June, 1998.)

Just days before the Mugunga camp was bombed on 14-15 November, 1996, a group of American soldiers drove through camp with a megaphone and encouraged the refugees to go back to Rwanda because afterwards it would be "too late." Kate Crawford's DART team went to Goma on their way to survey Mugunga right before the bombing and shelling started. AFDL-CZ soldiers turned them away at the border. ("Zaire: IRIN Update 23 on Eastern Zaire, 11/14/96," United Nations Department of Humanitarian Affairs. IRIN News. 14 November, 1996.)

Many refugees left the camp out of fear, but milita members, ex-FAR, former politicians, students, former soldiers, and their families decided to stay. Those who left discovered all the camp exits were blocked by the AFDL-CZ and RPA except for the ones leading back to Rwanda. Anyone who approached the other exits were shot on sight. Many male refugees who took the open path and tried to return to Rwanda were accosted by RPA soldiers and taken to Lac Vert (Green Lake) where they were executed and dumped into the lake. At least 6,700 people from the Mugunga camp died during the forced repatriation and bombing raids. (Umutesi, Marie Béatrice. "Surviving the Slaughter: The Ordeal of a Rwandan Refugee in Zaire." Madison, Wisconsin: University of Wisconsin Press. 2004. pg. 120-121.)

The megaphone announcement coincided with the deployment of a five man PSYOPS/Civil Affairs Special Operations team officially deployed to supplement JTF-Guardian Assistance. Under the guise of a humanitarian mission, the Civil Affairs team utilized a "train-the-trainer" approach to teach RPA civil affairs officers how to plan, develop, target an audience and carry out a multi-media campaign to repatriate the refugees in Zaire. The team produced leaflets to distribute in the refugee camps and produced radio messages to be broacast at the border. On November 19th, a Joint Psychological Operations Task Force was deployed to Kigali. (United States Department of Defense. "Summary – Report to Congress on U.S. Military Activities in Rwanda, 1994 – August 1997." 16 June, 1998.) Colonel Cassidy (1996-1997) was in charge of the U.S. Army's Psychological and Civil Affairs Division at the time.

Helicopter gunships were used to shell Mugunga. One survivor of the onslaught said gunships fired from behind the hills near camp or from over Lake Kivu at night. (Private Interview. 2006.) The American gunships deployed in Zaire had infared sensors equipped so effective nighttime attacks could be carried out. It would have been very difficult for a gunship without infared capabilities to carry out an attack at night. Rwandan forces did not have such technology in the aircraft they were known to have available. In addition, U.S. military officials did admit to using the gunships to "locate refugees" to "determine the best way to provide aid to them." (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 205.) Zairian P.M. Kengo also believed the U.S. was responsible for the bombings, but could not provide tangible proof. (Philpot, Robin. "Rwanda 1994: Colonialism Dies Hard." Robin Philpot, The Taylor Report (Phil Taylor). 2004. http://www.taylor-report.com/Rwanda_1994/.)

There is testimony the private military contractor (PMC) Executive Outcomes [EO] was responsible for the bombing of Mugunga, but further research indicates this is not very likely because the PMCs offering air support at the time (like Executive Outcomes) used Mi-24 Hind gunships. (Baracyetse, Pierre, Loudiebo, Alexandre. "The Geopolitical Stakes of the International Mining Companies in the Democratic Republic of

the Congo (Ex-Zaire)." 2000. English Translation.) The Mi-24 is today considered an outdated model and its nighttime operational capabilities are poor. The RPA and European mercenaries present in the region also had the same limitations with their aircraft. An alternative is the RPA received night-capable aircraft from someone else. If this is the case, who gave them the aircraft? Who trained them to use the gunships?

The bombings forced the remaining Hutu refugees to flee west and head towards Kisangani or turn south and head back to Rwanda and UNAMIR's displacement camps. After the bombings, radios were broadcasting it was safe to return to Goma, but an FAZ camp on the main road to Bukavu was attacked, cutting off the line of refugees from returning too far south of Mugunga. (Private Interview. 2006.)

Ltc. Orth continued reporting the movement of returning refugees to Ambassador Gribbin. Professor Ephrem Kabayija from Rwanda's Presidential Office was in charge of coordinating the return of refugees. He defied the UNHCR and refused to provide rest or transit camps along the way, further converging the mass of people on the road. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 196.)

The U.S. used the Orion P-3 and satellite imagery to track the group of refugees fleeing west from Mugunga. The U.S. Navy P-3 Orions (usually used for anti-submarine warfare) stationed at Entebbe Airport that were used in reconnaissance missions over eastern Zaire did not draw anti-aircraft fire while all other planes in the same airspace took fire from the AFDL-CZ's anti-aircraft batteries. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 202.) Some were taking the main road past Sake to Kisangani. Others fled into the forests and were gathering in the Mitumba Mountains. RPA and AFDL-CZ soldiers went in after them and they continued to flee west. Those on the main road were also forced to scatter into the dense woods. Many of those who fled into the forest died horrible deaths from hunger, dehydration, tropical disease, snake bites, or they were eaten by wild animals. ("Priests Speak of Massacres, Destitution," All Africa Press Service. 24 March, 1997.)

Those who survived in the woods emerged at *Tingi-Tingi* (means "tractor" in colloquial Swahili or "unstable swamp" in Kumu), an opening in the forest ~110 kilometers from Walikale town near the dilapidated remains of a two-lane highway left to rot in the jungle. The site was originally a logging station. The site was swampy, and when it rained the ground would swell and give off swamp gases, producing stifling heat. The dampness allowed mosquitos and bacteria to proliferate freely. The water was described by one survivor as a yellowish color and there were no latrines when they first arrived. The refugees got there before any humanitarian aid arrived, and they had to survive for weeks in this climate. Eventually, the UNCHR arrived and provided a limited amount of aid. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 212; Umutesi, Marie Béatrice. "Surviving the Slaughter." Madison, Wisconsin: University of Wisconsin Press. 2004. pg. 143-144.)

Eventually, the RPA and AFDL-CZ attacked the *Tingi-Tingi* camp, forcing the survivors to head east towards Lubutu or scatter into the forests again. One Canadian doctor working for the UNCHR in *Tingi-Tingi*, commented that the dense forest surrounding camp made for difficult terrain and it would be a logistical nightmare to take Kisangani using the *Tingi-Tingi* route. He said the fact AFDL-CZ and RPA forces willingly chose the most difficult scenario to gain access to the refugee camp led him to believe they wanted to eliminate the refugees at all costs. (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 147-148.) Guillaume Ngefa, head of the *Association Zairoise de Droits de l'Homme* (AZADHO), said in no uncertain terms, "…this [the war] is a campaign to exterminate the Hutu refugees." (Ibid. pg. 193.)

The RPA units active in North Kivu near *Tingi-Tingi* during the 1st Congo War were the 7th Battalion led by (then) Colonel Fred Ibingira (previously the 157th Battalion commander, currently a general commanding the 1st Division) and the 211th Battalion commanded by (then) Ltc. Nzarmba. Colonel Ibingira is accused of leading the RPA battalion responsible for the murder of at least 4,000 Rwandan refugees in Kibeho on 18-23 April, 1995. The murders were witnessed by UNAMIR soldiers stationed at the Kibeho refugee camp and

did nothing to prevent the slaughter. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 199.)

Many of the refugees in Kibeho arrived there as a result of the U.S. and RPA PSYOPS program to convince refugees to return to Rwanda. The Voice of America (VOA) station urged refugees to return home beginning in late 1994. Kibeho was also the last open IDP camp at the time. In the past, VOA provided UNITA with short-wave frequencies to broadcast. (Ibid. pg. 62.) (For riveting first-hand testimony and photos from the Kibeho massacre from a U.N. observer and the Australian Defense Force Medical Support Team deployed to UNAMIR, visit http://www.anzacday.org.au/history/peacekeeping/anecdotes/kibeho.html, http://warriordoc.com/rwanda/kibeho.htm, and http://www.pbase.com/kleine/cuthbertbrown_kibeho.)

Two to three U.S. African-American (5th) Special Forces officers fighting alongside the RPA were reportedly killed during a battle near the Oso River and *Tingi-Tingi*. On 21st January, 1997, their bodies were reportedly recovered and returned to the U.S. Embassy in Zaire. The U.S. categorically denied this event ever happened. An Israeli agent (Most likely a former Israeli Defense Force soldier acting as a military advisor) working with the AFDL-CZ was also reportedly killed. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 193; "*Des 'Conseillers' Américains ont Aide à Renverser le Régime de M. Mobutu*," Jacques Isnard. *Le Monde*. English Translation. 28 August, 1997; "*Des 'Conseillers' Américains Auraient été Tués aux Côte des Rebelles*," Jacques Isnard. *Le Monde*. English Translation. 29 March, 1997.) Perhaps even more disturbing is the testimony of Hutu refugees who survived an attack on the refugee camp near the Oso River where the American soldiers' bodies were reportedly discovered. They saw "white men" wearing "green berets" killing refugees. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 205.) Another source claimed the American's bodies were buried near Sake and Mugungu. ("*Des 'Conseillers' Américains ont Aide à Renverser le Régime de M. Mobutu*," Jacques Isnard. *Le Monde*. English Translation. 28 August, 1997; "*Des 'Conseillers' Américains Auraient été Tués aux Côte des Rebelles*," Jacques Isnard. *Le Monde*. English Translation. 29 March, 1997.)

It is noteworthy some reports of U.S. arms shipments and U.S. soldiers' involvement in the war were provided by the French external intelligence agency *Direction Générale de la Sécurité Extérieure* (DGSE). The French supported their former African colonies and President Habyarimana's government in the 1990s. Since the U.S. was actively evicting francophone influence from Africa during this time period, U.S. support of the RPA did not bode well with the French. The French had ample motive to spread false information to damage the U.S's repuation. However, this does not account for all the independent Congolese, Rwandan, and NGO workers' testimonies of U.S. involvement in Rwanda and Congo/Zaire.

Ambassador Gribbin insisted no U.S. troops were ever in the Kivus and claims the English-speaking "blacks" reported by the Congolese were UPDF soldiers. He also insisted the RPA was not involved with the violence in Zaire. Vice President Kagame also refuted allegations American soldiers were aiding the AFDL-CZ but later admitted Rwanda received American military support throughout the 1st Congo War. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 189, 234; "U.S. Military and Corporate Recolonization of the Congo." Ellen Ray. Covert Action Quarterly. Spring/Summer 2000; "Interview with Helmut Strizek," germanforeignpolicy.com. English Translation. 29 May, 2006. http://www.german-foreign-policy.com/en/fulltext/56005.) Ambassador Richardson insisted, "The U.S. believes there can be no military solution to this crisis." (French, Howard W. "A Continent for the Taking: The Tragedy and Hope of Africa." New York, New York: Vintage Books [Random House Incorporated]. April 2005. pg. 208.) Kathi Austin, a consultant for the NGO Physicians for Human Rights testified before a the U.S. House Committee on International Relations,

> "I have been traveling to Rwanda since August 1994, and have had considerable contact with U.S. military personnel on the ground from 1994 and to the present day. I first learned of U.S. counter-insurgency training in early 1996, when U.S. military personnel distinctly told me that they were providing counter-insurgency training, and that they were also assisting our training in how to launch surgical strikes—those were the exact

> words—into Eastern Congo. I have not been able to independently verify that other than the information provided me by U.S. military personnel in the region. I have observed full-dress military personnel in Western Rwanda since early 1995, and, again, these were the areas where the counter-insurgency training was said to have taken place; and that sort of mitigated against my belief that it was classroom training that was being conducted. It was very clearly military exercises taking place on the ground in Western Rwanda in the border regions as early as the beginning of 1996."

(United States House of Representatives Committee on International Relations. "The Democratic Republic of the Congo: Problems and Prospects." One Hundred Fifth Congress, Session 1. Serial No. 46–881 CC. 16 July, 1997.)

RPA and AFDL-CZ soldiers continued pursuing the Rwandan refugees west. In late April 1997, the refugees were attacked again at the Biaro and Kasese refugee camps. 80,000 refugees scattered back into the woods. RPA and AFDL-CZ soldiers responded by blocking off the road at Kilometer 42 near the Biaro camp. Refugees were rounded up and murdered. Bulldozers were brought in to dig mass graves behind the abandoned Kasese camp near Kilometer 42. As word of the killings got out, diplomats, journalists, and humanitarian agencies demanded access to the area. In order to cover up the killings, RPA soliders ordered the AFDL-CZ to dig up the bodies and burn them in a crematorium next to a quarry at Kilometer 52. The ashes were dumped in the Zaire River. ("Reports Point to Mass Killing of Refugees in Congo," Donald G. McNeil Junior. The New York Times. 27 May, 1997.) Hundreds of refugees were killed in Wendji and Mbandaka on 13-14 May, 1997. ("DRC: Deadly Alliances in Congolese Forests." Amnesty International. AFR 62/33/97. 3 December, 1997. pg. 11-13.) The infamous Garreton Report catalogued 40 massacre sites in Eastern Zaire. ("Kabila's Congo." Peter Rosenblum. Current History. Volume 97, Number 619. May 1998.)

Meanwhile, the DIA (run by General James Clapper, U.S. Air Force) hosted a symposium at the Pentagon for PMCs and U.S. military and defense officials on 24 June, 1997 entitled, "The Privatization of National Security Functions in Sub-Saharan Africa." (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 243, 272.) Notable among those who attended were Dr. Steven Metz (former faculty member at the U.S. Army War College, Air War College, U.S. Army Command & General Staff College [Fort Leavenworth], current Chairman of the Regional Strategy and Planning Department as-well-as a Research Professor of National Security Affairs at the Strategic Studies Institute. He was astrong proponent of U.S. military intervention in Zaire and an increase in the number of DIA agents across Africa) (Metz, Stephen. "Reform, Conflict, and Security in Zaire." Strategic Studies Institute. 5 June, 1996.), Ms. Theresa Whelan ([then] U.S. DOD- International Security Affairs Bureau: Directorate of the African Desk), Lori Hendricks (Defense Fellow in the U.S. DOD International Security Affairs Bureau), Amanda Dory (U.S. DOD- International Security Affairs Bureau), Colonel John Mateeka (DAO of U.S. Embassy in Uganda), Jack McCarthy (TEXACO), Charles Snyder (U.S. Department of State), Major John Milton (U.S. Army International Affairs), James L. Woods (former Deputy Assistant Secretary of Defense for African Affairs and a founding member of Cohen & Woods International), William "Bill" Thom (DIA's African Bureau Chief), Matthew Van Konynenburg (U.S. Marines Intelligence Officer), Anne-Willem Bijleveld (UNHCR), Arvin Ganesan (Human Rights Watch), B.J. Hogendoom (Human Rights Watch Arms Project), Charles Gurney (U.S. Department of State), Jeff Drumtra (U.S. Committee for Refugees [headed by Roger Winter]), Cathy byrne (CIA), Chris Darlington (National Intelligence Council), Bill Christopher (U.S. Department of State: Bureau of Population, Refugees, and Migration), Dave Mallery (NSA), Reginald West (CIA), Ray Rhodes (Exxon), Nick van den Bergh (Chief Executive Officer of Executive Outcomes), Marc Powe (United Nations Children's Fund [UNICEF[), Major Kevin Walsh (U.S. Army Intelligence and Security Command), Dave Kaeuper (U.S. Department of State), Ltc. Doug Raaberg (Joint Chiefs of Staff [J5] Middle East-Africa Division), Eeben Barlow (a founder of EO; former Ltc. in the South African Defense Forces' [SADF] 32nd [Buffalo] counter-insurgency Battalion and ran the Civil Cooperation Bureau's [CCB] Region 6 PSYOPS campaigns against the African National Congress), Ed Soyster (Military Professional Resources Incorporated [MPRI]), Tim Spicer (Chief Executive Officer, founder of Sandline International, and former Scots Guard), Michael Grunberg (founder and shareholder of Sandline International), Bernie McCabe (U.S. representative

for Sandline, former Green Beret), and Ltc. Dean Schutz ([then] commander of the 3rd Special Forces Group and former DIA officer. He was the DAO at the U.S. Embassy in Zaire and worked with Operations Coordinator Sergeant 1st Class Stan Reber before Ltc. Thomas Odom took his place in 1993.). (Defense Intelligence Agency. "1997 DIO Africa Symposium Attendees." Obtained by journalist Wayne Madsen under a Freedom of Information Act. Originally posted to his website http://www.waynemadsenreport.com.)

The U.S. military treated the 2nd Congo War (1998-2003) very much like the 1st. When President Bill Clinton and (then) U.S. Ambassador to the U.N. Madeline Albright toured Rwanda in March 1998, they promised the RPA a JCET training team in the near future. That team began training on July 15th, 1998, less than a month before the 2nd attack on Zaire. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 459.) 200 American soldiers, including 5th Special Forces, trained the RPA at a military base on the northeast side of Idjwi and also on Deida Island during the late 1990s. The base also housed communications equipment for Rwanda and Uganda. Ltc. Orth went to Gisenyi on a regular basis to stay in touch with the African-American trainers. (United States House of Representatives Subcommittee on International Operations and Human Rights of the Committee on International Relations. "Suffering and Despair: Humanitarian Crisis in the Congo." One Hundred Seventh Congress, Session 1. Serial No. 107–16. 17 May, 2001; "Puppets? No, They are Darlings," Baffour Ankomah. New African. February 2002.) In 1998, JCET-sponsored demining programs were atill providing equipment to the RPA, including 90 radios. (Council on Foreign Relations. "Great Lakes Policy Forum-Meeting Summary-August 6, 1998." 6 August, 1998.)

A 20 man team of 5th U.S. Special Forces soldiers called the Rwanda Interagency Assessment Team (RIAT) were deployed a few weeks before the August attack that began the 2nd Congo War. The RIAT team, specialized in counter-insurgency, was located in Gisenyi, a border town across from Goma where the RCD rebels set up headquarters immediately after the invasion. Vincent Kern even admitted these soldiers were sent to help the RPA "defeat ex-FAR and *Interahamwe*. (Ibid.) RPA soldiers attacking Goma passed right through Gisenyi, where the RIAT team was stationed. North of Goma, African-American U.S. (5th) Special Forces soldiers were reportedly seen in Beni and Butembo (North Kivu Province) with RPA and ANC soldiers in 1998. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 460.) "White" military advisors were seen as far north as Bunia in the late 1990s. (Private Interview. 2006.)

Ambassador Gribbin "categorically" states the U.S. did not provide weapons, training, equipment, material, or intelligence to AFDL-CZ, RPA, UPDF, Burundian soldiers, or any rebel forces. (Gribbin, Robert E. "In the Aftermath of Genocide: The U.S. Role in Rwanda." Lincoln, Nebraska: iUniverse, Incorporated. 2005. pg. 194.) Assistant Secretary of State for African Affairs Bill Twaddell told a U.S. House of Representatives Hearing the U.S. is "not engaged in any counter-insurgency instruction to the armed forces of Rwanda." (United States House of Representatives Committee on International Relations. "The Democratic Republic of the Congo: Problems and Prospects." One Hundred Fifth Congress, Session 1. Serial No. 46–881 CC. 16 July, 1997.) U.S. Department of State Spokesman (current Undersecretary of Political Affairs) Nicolas Burns said at a press briefing, "The United States in no way, shape, or form encouraged or supported the Rwandan army or the Rwandan Government to attack Zairian forces. We were not involved. We did not give any recommendations to that effect." ("Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire." Joel Boutroue. July 1994 – December 1996.)

The 5th Special Forces unit is comprised of African-Americans while the 3rd Special Forces unit is not. The white soldiers are obviously more difficult to explain for the Pentagon. English-speaking "blacks" could be Rwandan or Ugandan troops. There is a possibility the english-speaking soldiers-or at least some of them-were from a PMC, in particular, the American company MPRI.

MPRI was founded in 1987 by General Vernon Lewis primarily as a military training and logistics planning company, but they also hire out as recruiters for the U.S. Armed Forces. Its headquarters are located in Alexandria, Virginia. MPRI subsidiaries include Ship Analytics, Haven Automation, BeamHit, GE Driver, Hitec-O, Civilian Police International (a joint venture with Kellogg, Brown & Root [a Halliburton subsidiary], Wackenhut, and AGS), and the Alexandria Group.

In 1993, former Army Chief of Staff Carl Vuono joined the team and eventually became the company's president. Current Vice President Robert Griffith was the Army's Vice Chief of Staff and is also a Director of the Allied Defense Group. General Ed Soyster, former head of the DIA, was a founding member of MPRI and served as the Vice President of Operations. Another key founding Director was General Carl Stiner, the U.S. Army's one-time Special Operations Commander. MPRI field operatives are primarily ex-Green Berets and ex-Navy SEALS.

The company was bought out in 2000 by L-3 Communications, based in New York City. L-3 has numerous subsidiaries with contracts all over the world in a variety of roles. Through their management team and Board of Directors, they have numerous connections to defense industry giants Lockheed Martin, BAE, and Raytheon.

MPRI's first contract was to train the Croatian army in 1994-1995 during the former Yugoslavian war against the Serbians. The Croats launched Operation Storm and took Krajina after completing the training. After the Dayton Accords were signed, the Bosnian and Serbian Governments were also encouraged to hire MPRI. After the Yugoslavian war ended, MPRI was involved in the Sri Lankan civil war against the Tamil Tigers. They also got a contract to train Angola's army and police force (the "Ninjas") for their civil war against UNITA. In 1998, they established a coast guard for Equatorial Guinea and provided logistics for the government's defense and environmental management programs. In 2000, they trained the Columbian army and police force as part of "Plan Columbia" and the so-called "war on drugs." They contracted with the Nigerian army the same year. MPRI was reportedly training RPA soliders in Rwanda to prepare them for the 1st Congo War. Others believed MPRI started training the RPA immediately after they took power in 1994. (Madsen, Wayne. "Genocide and Covert Operations in Africa 1993 – 1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press Limited. 1999. pg. 173.)

MPRI supports a number of special programs by the DOD. MPRI provides instructors, course planning, faculty recuitment, administrative support for the Africa Center for Strategic Studies (ACSS), a branch of the Pentagon's National Defense University (NDU). Created in 1999, the ACSS is designed to bring miltary officers and civilian "leaders" (company executives, political figures and association executives) from around the world together to make contacts and share solutions to strategic problems in seminar and training programs. Uganda has sent a number of military officers to attend courses at the ACSS.

MPRI currently contracts out to train soldiers and provide logistical help for the African Crisis Operations Training and Assisstance Program (ACOTA) with the 3rd Special Forces unit, the help of EUCOM, and the 18th Airborne Special Operations Corps. Northrop Grumman's LOGICON sector is also contracted by ACOTA to provide seminars, instruction, simulation-supported exercises and field training, often working alongside MPRI. LOGICON also has a training facility at Fort Leavenworth. ("U.S. Department of State Awards Northrop Grumman African Training Contract," Northrop Grumman: Information Technology. Press Release. 16 December, 2003.)

Formerly known as the African Crisis Response Initiative (ACRI), ACOTA was renovated and renamed in 2002 by the George W. Bush administration to include infantry training and the use of joint combined arms training centers (JCATS) that utilize simulators for battlefield training. MPRI is often contracted to run the JCATS located in Abuja, Nigeria and Canada. ("United States: The New Scramble for Africa," Pierre Abramovici. *Le Monde Diplomatique*. July 2004.) Rwanda, Uganda, and Ethiopia have all participated in the program.

ACOTA is supported by the DOD, funded by the Peacekeeping Operations Account, and managed in the State Department's Office of Regional and Security Affairs in the African Bureau. A team of appointed officials are specially tasked with ACOTA. The current ACOTA team at the State Department is: Program Coordinator - Chip G. Beck; Operations Advisor - Scott Fisher; Regional Manager - Richard Roan; Regional Manager - John Sevold; Regional Manager - Joseph Sokol; Logistics Manager - Alonzo Gillespie; Logistics Manager - Georgette Maloney; Acquisitions and Operations - Manager Kevin Gentry; Office Management Specialist Wayne L. Wright. ("African Crisis Response Initiative (ACRI)/African Crisis Operations Training

NGO workers continued contacting MONUC to inform them of how dire the situation was. They were told by a Ukrainian MONUC military official only expats would be evacuated at this point. Some of the NGO workers decided to stay in the city and continue to contact embassies and various international allies for help. They did not want to leave their Congolese friends and co-workers behind.

The dissidents' next goal was to sever the economic lifeline of Bukavu, which, in effect, was the economic livelihood of South Kivu because Bukavu is the economic center of the province. Two days after General Nkundabatware's arrival, all major markets in the city

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and Assisstance Program," Global Security.org. Accessed 5 January, 2007. http://www.globalsecurity.org/military/agency/dod/acri.htm; United States Department of State. "Organizational Directory: Bureau of African Affairs." Accessed 16 January, 2007. http://foia.state.gov/Phonebook/OrgDirectory/OrgDir.asp?ID=25.)

ACOTA is geared as a "train-the-trainer" program to maximize efficiency and each training session lasts around three months. The official objective is to prepare an African country's army for peacekeeping operations with a Chapter 6 mandate. "Peacekeeping" training includes first aid, tactical movement, camouflage, concealment, marksmanship, and company-level ambush and attack drills. ("US Response to African Crises: An Overview and Preliminary Analysis of the ACRI." Mark Malan. Institute for Security Studies. Occasion Paper #24. August 1997. pg. 1.) The trainees are eligible to recive navigation equipment, uniforms, office supplies, communications equipment, portable lights, satellite phones, generators, and water purifiers as part of the training package. Arms and vehicles can be specially requested for approval. ("U.S. Support to African Capacity for Peace Operations: The ACOTA Program." Dara Francis, Moira Shanahan. The Future of Peacekeeping Operations Program: The Henry L. Stimson Center. February 2005. pg. 4.)

At a House of Representatives hearing in 2001, Representative Donald Payne (Democrat-New Jersey), Chairman of the House Subcommittee on Africa, Global Human Rights and International Operations at the time, testified the PMC Sandline International was present in Congo and some ex-Green Berets were working for them. (United States House of Representatives Subcommittee on Africa, Global Human Rights and International Operations of the Committee on International Relations. "African Crisis Response Initiative: A Security Building Block." One Hundred Seventh Congress, Session 1. Serial No. 107–20. 12 July, 2001.) Sandline International was a British PMC registered in the Bahamas created by Ltc. Tim Spicer, Bernie McCabe, and Michael Grunberg in February 1996 as EO was on its way out, though there was always talk of EO subcontracting to Sandline.

Ltc. Spicer was in Kinshasa during October 1996 on behalf of Sandline, but he claims Sandline was in discussions with President Mobutu to aid the FAZ. He said the situation was so hopeless, he decided to leave and concentrate on a potential contract in Papua New Guinea. (Spicer OBE, Lieutenant-Colonel Tim. "An Unorthodox Soldier: Peace and War and the Sandline Affair." Edinburgh, United Kingdom. Mainstream Publishing Company. 2nd Edition. 2003. pg. 158-159.) Assuming all this is true, there is no way Sandline's air support team was involved in the 1st Congo War. Sandline folded on 16 April, 2004 after receiving bad publicity following an alleged breach of Sierra Leone's arms embargo with the help of the British and American governments. ("Pentagon Outsources Iraqi Security to Mercenaries, International Brigands, and Coup Plotters," Wayne Madsen. Wayne Madsen Report. 12 August, 2005.) Ltc. Spicer is currently in charge of Aegis Defense Services, which has a lucrative contract in Iraq.

were invaded, including the largest market Kadutu. Merchants scattered in all directions as the soldiers shot their guns recklessly. When the dissidents finished looting the markets, they set them on fire, burning them to the ground, leaving thousands of people without jobs. The Muhungu District was also extensively looted.

Several civilians were killed in the process. Sources in the Congo said General Nkundabatware's soldiers even killed Banyamulenge civilians in the market, casting serious doubt on his stated reason for intervening in Bukavu.[247] Roberto Ricci, the chief of MONUC's humanitarian branch said, "Those who opposed their pillaging were killed."[248] Individual merchants and private business owners had their private homes targeted by soldiers who looted their phones, electronic equipment, money, and anything else they thought might be valuble.

Some business people were pegged for execution. A money exchanger was robbed and shot in his home. The Provincial Secretary of the *Direction Générale des Recouvrement des Recettes Administratves et Domaniales* (DGERAD) and his family were targeted for looting. After they were finished, they vindictively destroyed the house by breaking windows and doors.[249] Alexis Mwanawabene Cizungu, a bar owner who funded a school that taught data processing skills, was murdered in his home after trying to stop the soldiers from raping his wife and two young daughters. After killing him and mercilessly raping the women anyway, they were robbed of all their money.[250] A Congolese mason was also assassinated.[251]

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[247] Private Interview. 2006.

[248] "DRC: UN Preliminary Report Rules out Genocide in Bukavu," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 17 June, 2004.

[249] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy. 20 September, 2004. English Translation. pg. 20-21.

[250] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 11.

[251] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy (CAPD). English Translation. 20 September, 2004. pg. 16.

Large businesses were not immune to the destruction. The Central Bank and the Reserve Bank of Bukavu were looted of nearly three million dollars (U.S.)[252] with the help of the former Vice Governor in charge of economy and finances Tommy Thambwe.[253] The central building of the Customs Office (OFIDA) and the lake port of the National Company of the Railroads (SNCC) were raided. Several civilian bodies were discovered at the SNCC site as well.[254] The warehouses of the *Societé Cooperative de Kivu* were looted and burned down, causing over five million U.S. dollars in damage. Many people lost everything they had in storage. Several Congolese witnesses described General Nkundabatware's soldiers loading up their trucks with stolen goods and driving north out of town towards Goma.[255] Other trucks drove back and forth across the Ruzizi border crossing transporting stolen property to Cyangugu.[256]

Many Lebansese and Indian businessmen had their warehouses, stores, and homes spared.[257] Rwandan officials told Colonel Mutebusi's soldiers to leave certain businesses, financial centers, and the homes of political allies alone.[258] In some cases, soldiers even helped them load up their trucks to remove personal belongings from their properties to prevent looting.[259]

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[252] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 30.

[253] "Report on Events in Bukavu, South Kivu: May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 2.

[254] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 10-11.

[255] Private Interview. 2006.

[256] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy (CAPD). English Translation. 20 September 2004. pg. 21.

[257] "Report on Events in Bukavu, South Kivu May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 2.

[258] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 27.

[259] Private Interview. 2006.

Virtually all NGOs' buildings were looted. The soldiers targeted NGOs involved in demobilizing child soldiers in particular. Malteser, War Child, *Programme Alimentaire Mondial* (PAM), International Medical Corps (IMC), and Doctors Without Borders (MSF) were all plundered. The office of Save the Children was not only looted, it was turned into a base for the dissident soldiers. The Office for Voluntariate With Service of Childhood and Health (BVES) was cleared out of all its computer equipment and its vehicles were destroyed. AMALDEFEA's Bukavu branch was robbed of its computers.[260] In addition, other U.N. buildings like the UNHCR headquarters were also ransacked.

Individual NGO workers were again the target of violent crime, but instead of specifically targeting women the soldiers intended to intimidate and rob indescriminantly. Mr. Victor Amisi Sulubika, head of Project GRAM, was robbed in his home. A teacher working for the Solidarity Foundation of Man was beaten and robbed at his house and an official of Solidarity Action for Children in Distress was assaulted and tortured.[261]

The dissidents also wanted to prevent food and medical aid from reaching the population. The World Food Programme's (WFP) warehouse was emptied of stored food. Larger grocery stores were looted of food and supplies. Civilians and soldiers both took part in looting two WFP barges on Lake Kivu at Bukavu's port that were loaded with food.[262] Governor Serufuli reportedly prevented all trade with Bukavu. He declared anyone transporting food totaling over 20 kilograms from Goma to Bukavu would be fined.[263]

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[260] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy (CAPD). English Translation. 20 September, 2004. pg. 21.
[261] Ibid.
[262] "Rebels Capture Strategic Congolese Town," Associated Press. USA Today. 2 June, 2004.
[263] "Report on Events in Bukavu, South Kivu May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 3.

Almost every pharmacy in the Nyawera market area was plundered. The Gracia pharmacy, Lindo Pharmacy, and the stores behind the *Societé Cooperative* were all targeted[264] and the ICRC building was looted. A Congolese nurse and human rights activist was attacked in his home. He gave up his camera, phone, and money in order to save his life.[265] A 50-year-old nurse working at *Clinique Ruhigita* was viciously raped.[266]

Some of the dissident soldiers displayed wild, even erratic behavior, shooting into the air for no particular reason as if they were drunk.[267] One careless soldier stationed at the governor's mansion with General Nkundabatware accidentally fired his weapon. Several nearby soldiers quickly grabbed him by the arms and dragged him to the front lawn. One of the soldiers went to gather a few robust sticks. When he returned, they proceeded to cane the hapless offender while people gathered outside watched the spectacle. Shortly after it began, General Nkundabatware shouted out the 2nd story window at the soldiers. He ordered them to cease the beating and bring the offending soldier inside. He did not want anyone witnessing the savage beating.[268]

After the looting died down temporarily, General Nkundabatware's soldiers set up a makeshift barracks at Kimbangu School to house all the additional soldiers in the city. The General spent most of his time at the heavily guarded governor's mansion relaxing in the yard on a deckchair near the lakefront either gazing out across Lake Kivu or talking on his satellite phone. Occasionally, he would stroll through the governor's garden and converse with his

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[264] Ibid. pg. 4.
[265] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy. English Translation. 20 September, 2004. pg. 20.
[266] "Slaughters and Systematic Rapes in Bukavu: Planned Crimes or Result of Impunity - Report/Ratio Giving Full Details on the War Crimes Committed from May 26 to June 9, 2004." *Héritiers de la Justice*. English Translation. 09 July, 2004. pg. 20.
[267] Private Interview. 2006.
[268] "Reporting the Bukavu Rebellion," Rob Walker. BBC News. 6 July, 2004.

officers.[269] When he was finished doing his laundry, he invited reporters to a press conference he was holding at the mansion. At some point during the conference, Colonel Mutebusi joined him in the yard. General Nkundabatware told reporters, "We [General Nkundabatware and Colonel Mutebusi] come in peace."[270]

He used the reporters to spread his version of events. He reportedly claimed on Radio Okapi William Swing had given him a satellite phone, but it is quite likely this was a propaganda stunt to further erode the population's already shaken confidence in MONUC. He also said Mr. Swing, "begged me to give the transition a chance."[271] He reminded the reporters, "I am not a mutineer because I am not fighting the government."[272] Lastly, he claimed, "Everything we (General Nkundabatware and Colonel Mutebusi) do is known to our President Azarias Ruberwa."[273]

Civilians in Bukavu reported witnessing General Nkundabatware's troops wearing "MONUC uniforms" and driving MONUC vehicles. Major Doris was also reportedly seen wearing a MONUC uniform in the city.[274] However, it is unknown how the uniforms were obtained and no photographic proof has ever been brought forward.[275] One high-ranking MONUC military officer present in Bukavu during the siege vehemently denied MONUC aided the dissidents in any way. They claimed it was part of his propaganda campaign against

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[269] "Congo on the Brink of New Civil War Amid Genocide Accusations," Adrian Bloomfield. Daily Telegraph. 4 June, 2004.
[270] "While His Soldiers Rape and Pillage, The Rebel General Insists: 'We Come in Peace'," Declan Walsh. The Independent. 5 June 2006.
[271] "UN Evacuates Kinshasa Staff," News 24. 7 June, 2004.
[272] "DR Congo Rebels 'Take New Town'," BBC News. 5 June, 2004.
[273] "Message of Congratulations to General Laurent Nkundabatware & Allies," Civil Society of the Democratic Republic of the Congo. English Translation. 29 June, 2004. http://www.societecivile.cd/node/1770.
[274] "Report on Events in Bukavu, South Kivu May 26th to June 9th 2004." Network of Women for the Defense of Rights and for Peace. July 2004. pg. 3-4.
[275] Note: This is likely part of a psychological operation. It is unknown to this author who specifically made these claims in the report cited. If those interviewed were Banyamulenge sympathetic to General Nkundabatware, they may have made these claims to antagonize anger towards MONUC that was already growing because of their weak response toward the occupation in order to help his cause.

MONUC.[276] One Congolese source stated no "foreigners" were seen in the city after General Nkundabatware arrived.[277] It is possible these accusations were made to defame MONUC because the individuals who provided the testimony were so enraged by MONUC's complete failure to protect them from the dissident soldiers.

Back in Kinshasa, President Kabila was livid over the situation. He declared Bukavu was, "..under the control of Rwandan occupants."[278] He criticized the U.N. for failing to exercise its Chapter 7 mandate, which allows MONUC to intervene militarily and protect civilians in danger.[279] U.N. officials explained MONUC's purpose was to act as "peacekeepers," not "peacemakers." Since the dissident soldiers attacked first, the peace was gone, and MONUC's role as a peacekeeper was finished.[280] Another U.N. official stated MONUC's mandate allows, "…the use of force to protect civilians, not to protect the peace process."[281] U.N. spokesman Fred Eckard commented, "When war breaks out, the role of peacekeepers ends."[282]

A wave of ethnic propaganda began to emanate from Kinshasa. Pasteur Theodore Ngoy started spreading anti-Tutsi messages on television and Vital Kamerhe, then Secretary General of President Kabila's People's Party for Reconstruction and Democracy (PPRD) party, denounced Vice President Ruberwa as a pawn of Rwanda.[283] Secretary General Kamerhe also threatened Congolese press and television stations to refrain from broadcasting or publishing

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[276] Private Interview. 2006.
[277] Ibid.
[278] "DR Congo Slams Rwandan 'Invasion'," BBC News. 2 June, 2004.
[279] Note: A U.N. report claims MONUC did protect 4,000 Congolese civilians during the crisis. (United Nations Security Council. "Third Special Report on the United Nations Organization Mission in the Democratic Republic of the Congo." S/2004/650. 16 August, 2004. pg. 9.)
[280] "No War, No Peace: A Protection Crisis Continues in the DRC." Damian Lilly. November 2005. pg. 8.
[281] "Congo's Civil War: The Battle Lines Are Redrawn Again," The Economist. 10 June, 2004.
[282] "Peacekeepers 'Powerless' in DR Congo," Susannah Price. BBC News. 3 June, 2004.
[283] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 6.

anything that might discourage the FARDC or the Congolese population.[284] "Peace marches" were organized by the Catholic Church and Civil Society. Anti-Banyamulenge banners were reportedly paraded around during rallies.[285] Congolese members of the Federation of Congo Enterprises (FEC) raised money to buy supplies for General Mabe and his men as a show of support.[286]

There was growing controversy over Rwanda's role in the crisis.[287] Rwandan officials denied providing any assistance to the mutineers. General Nkundabatware told the BBC he did not have any current military relationship with Rwanda, but they were "informed" about the

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[284] "Fragile Freedom: Unrest Shatters Press Freedom in the Democratic Republic of the Congo with Attacks and Imprisonment Surging Yet Again," Julie Crawford. Committee to Protect Journalists. 14 September, 2004. http://www.cpj.org/Briefings/2004/DRC_9_04/DRC_9_04.html.

[285] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 12.

[286] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!" Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.

[287] Note: One of the possible reasons Rwanda may have supported the General's occupation is their desire to exert influence around the Bukavu area to exploit the vast methane gas deposits in Lake Kivu, which could potentially generate much more power than currently provided by Rwanda's state-owned electrical utility company Electrogaz. The Israeli Electric Company has already signed on for a joint project with President Kagame ("Israelis in Kivu Gas Deals?," Africa Energy Intelligence. 24 July, 2002.) and another Israeli company, Ludan Engineering, is currently constructing a pilot plant for a 30 Megawatt gas project in Gisenyi. ("Israeli Company is Exploring 30-MW Gas Project in Rwanda," Platts Newsletter. The McGraw-Hill Companies. 16 February, 2006.)

In 2001, a Norway-based firm named Dane Associates Limited was registered in association with the Israeli Electric Company. Dane Associates signed a 70%-30% joint venture deal on 7 March, 2005 with Kibuye Power 1 Limited for a concession on Lake Kivu. The World Bank agreed to fund the project. However the deal went sour when Dane Associates allegedly failed to pay their part of the initial investment feerefused to transfer the project's account from the Royal Bank of Scotland to Kigali. The Rwandan Government is taking Dane Associates to court over the matter and has withdrawn their sub-loan offer for the project. ("Govt. Dane Associates Lock Horns Over Methane Project," Mansur Kakimba. The New Times. 1 February, 2007; Government Drags Dane Associates to Court," The New Times. 9 February, 2007; "Minister Clarifies on Methane Venture," Robert Mukombozi. The New Times. 11 February 2007.)

Several non-Israeli companies and investment-related entities have expressed interest in gas projects on Lake Kivu. Cairo-based South to South International Company, a firm with several subsidiaries in Uganda, carried out a feasibility study in 1998. In 2000, USAID rounded up a group of financers to build the Gisenyi Gas and Electric Company. Cogelgas (jointly owned by the Rwandan Bank of Commerce and Industy and Bralirwa, a local brewery) partnered with South African-Murray and Roberts Engineering Solutions to build a gas extraction platform. SAFI (Rwanda), First Trading House (Canada), Ixora, and Equatoria have all expressed interest as well. ("What's New," Unit for the Promotion and Exploitation of Lake Kivu Gas. Electrogaz. 19 December, 2005. http://www.upegaz.gov.rw/what_is_new.html.)

situation.[288] Rwanda's Foreign Minister Charles Murigande did comment Rwanda would become involved militarily to prevent genocide if it was occurring.[289] Belgium's (then) Prime Minister Guy Verhofstadt and (then) Foreign Minister Louis Michel[290] telephoned President Kagame who assured them there were no RDF soldiers in Bukavu.[291] The A.U. also claimed there were no RDF soldiers to be found in the Congo.[292] CIAT issued a press release that condemned the occupation and expressed "great concern" towards the reports of RDF support

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[288] "Interview With Rebel General Laurent Nkunda." Rob Walker. BBC News. 3 June, 2004. http://search.bbc.co.uk/cgi-bin/search/results.pl?tab=av&q=Nkunda&recipe=all&scope=all&edition=d.

[289] "UN Troops Open Fire in Kinshasa," BBC News. 3 June, 2006.

[290] Note: Louis Michel is currently the European Commissioner for Development and Humanitarian Aid. He is a longtime Belgian politician who served as the Deputy Prime Minister and then as Foreign Minister until July 2004. His son Charles Michel was a director of the *Societé Minière de Bakwanga* (MIBA), the Congolese state-owned diamond mining entity that has most of its assets in Katanga Province. MIBA's exports fell 80% last year. ("Slump at DR Congo's Mining Firm," BBC News. 25 January, 2007.)

Mr. Michel was recently charged by the European Parliament with partiality towards President Kabila during the Congo's recent elections and European Union Members of Parliament have questioned his role with the E.U. mission in the Congo. ("Commissioner Louis Charged with Partiality in DR Congo Elections," African Press Agency. 29 July, 2006.) As a result, the Congolese are very wary of President J. Kabila's relationship with Walloons (French-speaking Belgians) like Louis Michel, Didier Reynders, and Armand De Decker. Mr. Michel is reportedly being investigated for forgery and diversion of state funds in a lawsuit filed by a former employee of the Center of Industrial Development. ("Scandal in Belgium: More than 300 Million Euros Diverted by European Chief Louis Michel," Jackson Wilson. Congo Tribune. English Translation. 9 September, 2006.)

Mr. Michel is a longtime friend of George Forrest, a former board member of Gécamines (the other state-owned mining company), and current owner of the George Forrest Group, a business partner of Cleveland, Ohio-based OM Group who built a cobalt smelting plant in Lubumbashi (*Scories du Terril de Lumbumbashi*) used by the Forrest Group. OM Group was also named in a U.N. Security Council Report (S/2002/1146) for exploiting minerals from the Congo. OM Group Chairman James Mooney denies the allegations. ("Mining Company Says Its Congo Operations Are Clean," Afrol News. 24 October, 2002. http://www.afrol.com/News2002/drc027_omg_mining.htm.)

The New Lachaussée Company, part of the George Forrest Group, sells machines used to make ammunition, detonators, and explosives. In addition, Mr. Forrest is a large shareholder in FM Herstal Company, one of the world's largest manufacturers of small arms. FM Herstal is based in Belgium with branches in the U.S. ("Scandal in Belgium: More Than 300 Million Euros Diverted by the European Police Chief Louis Michel," Jackson Wilson. Congo Tribune. English Translation. 9 September, 2006.) Mr. Forrest owns a number of joint venture projects in Katanga Province and many Congolese say Mr. Michel has acted as a lobbyist for Mr. Forrest. Several of Mr. Forrest's companies and another business partner Kinross Gold were listed in U.N. Security Council reports as guilty of illegal exploitation of the Congo's natural resources. (Reports S/2001/357, S/2002/1146, and S/2003/1027)

[291] "Witnesses of the Presence of the Rwandan Troops in Congo," Bart Beirlant, Isa Van Dorsselaer. *De Standaard*. English Translation. 5 June, 2004.

[292] "Bukavu Fell, But Bukaviens Are Upright!," Civil Society of the Democratic Republic of the Congo. English Translation. 8 June, 2004. http://societeciville.cd/node/1727.

for the dissidents.[293] However, President J. Kabila claimed MONUC issued reports explicitly implicating the RPA in the unfolding events of Bukavu.[294]

Fed up with MONUC's unwillingness to prevent crimes against humanity occurring in Bukavu and for their failure to stop General Nkundabatware, Congolese civilians rioted and enraged mobs attacked several MONUC compounds across the country. Demonstrators also stormed U.N. and ICRC offices. Vehicles and tires were burned near MONUC compounds in Kisangani, Kindu, Mbuji-Mayi, Beni, Mbandanka, Kalemie and Lubumbashi. MONUC's armored vehicles and soldiers on patrol in Bukavu were constantly stoned and harrassed by enraged locals. MONUC was forced to evacuate personnel from several of these cities. In addition, U.N. employees' personal homes were vandalized and looted.

On 3rd June, MONUC soldiers opened fire on a crowd of protesters breaking down the door of MONUC's central compound in Kinshasa, killing two people.[295] U.N. workers in Kinshasa were hastily taken by ferry across the Congo River to Brazzaville for the time being. The U.N. was so busy securing their compounds and evacuating employees while the Congolese were rioting that everyone lost sight of the fact MONUC could no longer afford to send more military reinforcements to Bukavu because they needed the soldiers to protect U.N. personnel and property from rioters.

President Kabila and General Mbuki mobilized 10,000 FARDC soldiers[296] along with members of his elite Special Presidential Security Guard (GSSP)[297] and deployed them to

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[293] Committee in Support of the Transition. "Official Statement of the CIAT." Press Release. English Translation. 5 June, 2004.

[294] Lewis, David, Wallis, William. "Interview with President Joseph Kabila." Financial Times. 24 June, 2004.

[295] "UN Forces Attack Crowd in Congo," Paul Harris. Yellow Times. 3 June, 2004. http://yellowtimes.org/print.php?sid=1966.

[296] Note: In order to prevent desertion and a fiasco similar to the one that occurred with FARDC troops stationed in Bukavu with General Mabe, the deployed units were comprised of ex-FAC and ex-Army for the Liberation of Congo (ALC) soldiers instead of ex-ANC.

Walikale, Masisi and Rutshuru territories, all ex-ANC strongholds. He appointed Colonel Biyato (ex-Army for the Liberation of Congo [ALC] soldier)[298] He also issued a government arrest warrant for Colonel Mutebusi and General Nkundabatware. Lastly, he replaced his military Chief of Staff Admiral Baudouin Liwanga Mata Nyamunyobo with General Kisempia Sungilanga Lombe (ex-FAC). In response to President Kabila's deployments, eight RCD-G party members of Congo's Parliament resigned, widening the problem considerably from a military and ethnic crisis to a political crisis as well.

In the afternoon of 3rd June, General Nkundabatware announced he was ready to begin a phased withdrawal from Bukavu if his terms were met. During an interview granted to the British Broadcasting Company's (BBC) Rob Walker, General Nkundabatware stated he would only return to Goma when General Mabe was replaced with a new commander who would protect Banyamulenge.[299] Until then, he would deploy his troops "around the city" to provide security. 300 of his men had already withdrawn to Kavumu Airport, which was still occupied by MONUC. He planned to continue a slow withdrawal of his troops north back to Goma. His proposal was to turn the city over to MONUC and the Congolese Military Police.[300]

His decision to withdraw was greatly influenced by Foreign Minister Louis Michel, who called General Nkundabatware and told him the European Union (E.U.) would send in a military unit to remove him if he did not leave. Foreign Minister Michel then traveled to

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[297] Note: The GSSP was renamed the *Garde Républicaine* in 2006. The GSSP answers only to President Kabila and does not answer to army officials. They are deployed anywhere President Kabila visits and is also used as an anti-riot unit in Kinshasa. It has between 10,000-15,000 soliders most of whom are Angolan, Tanzanian, South African, or Zimbabwean mercenaries. (Private Correspondance. 2006.) Members of the GSSP are currently being integrated into the FARDC.

[298] Note: The ALC is the armed wing of Jean-Pierre Bemba's MLC. Mr. Bemba was also the Supreme Commander of the ALC.

[299] "UN Troops Open Fire in Kinshasa," BBC News. 3 June, 2004.

[300] "Rebel Commanders Back Down in Bukavu," Rodrique Ngowi. Mail & Guardian. 3 June, 2004.

Congo so he could observe General Nkundabatware withdrawal and visit Kampala and Kigali to appeal for regional support.[301]

General Nkundabatware said he was leaving because there apparently was not a planned genocide against Banyamulenge and he was misled. He stated the reports of attacks against the Banyamulenge community were exaggerated and he decided to retract his demand to have General Mabe replaced.[302] He was prepared to formulate a plan to leave peacefully.

During a face-to-face meeting to negotiate the terms of withdrawal, he told MONUC's Force Commander Sumaila Iliya he would initially withdraw to several outposts just outside Bukavu, but he threatened to return immediately if attacks against Banyamulenge civilians did not cease. General Iliya told him MONUC would supervise the withdrawal. Once terms were finalized, General Nkundabatware began staging his remaining soldiers in several strategic areas in Bukavu to be prepared in case General Mabe planned an attack or MONUC was setting a trap for him. The town center and Ruzizi I border crossing were still heavily manned. On 4th June, MONUC confirmed the withdrawal of some of his men. General Nkundabatware began working to turn Bukavu over to MONUC. He claimed, "We want to show our loyalty to the Transitional Government."[303]

A number of individuals confirmed there was no genocide occuring against Banyamulenge; however two of them were biased against General Nkundabatware. Mr. Enock Ruberangabo Sebineza, a Manyamulenge insurance company owner, testified there were no members of the Banyamulenge community were targeted. Mr. Müller Ruhimbika, chief of the

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[301] "DRCongo (sic): Conversations of Louis Michel With Kofi Annan and his Special Representative Ibrahima Fall," *Diplomatie*. English Translation. 10 June, 2006. http://www.diplomatie.be/en/press/homedetails.asp?TEXTID=20015.

[302] "DR Congo Rebel Demands 'Dropped'," BBC News. 7 June, 2004.

[303] "Now Rebels Withdraw From Bukavu, MONUC Takes Over," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 4 June, 2004.

Federalist Republican Forces (FRF),[304] seconded Mr. Sebineza's claim. Commander Musunzu also said he had not seen any signs of genocide on the Ruzizi Planes.[305]

While General Nkundabatware's men began withdrawing, a MONUC convoy was attacked by unidentified soldiers in Rugari, 40 kilometers north of Goma in Rutshuru Territory. MONUC was going to investigate reported attacks against civilians in the area and they were ambushed by soldiers hiding along the shoulder of the road. South African soldiers Martin Tau and Reitumetse Matlakele were killed while several others were wounded.[306] The attackers responsible were never officially identified but residents said they were "insurgents from neighboring Rwanda" or "Hutu rebels" but press reports were very ambiguous and it was virtually impossible to tell if the sources interviewed were referring to dissident FARDC soldiers or FOCA.[307] Some reports said the soldiers were killed when an armored vehicle overturned by accident, not by gunfire.[308] Yet another account claimed the gunfight ensued when MONUC came across a group of "uniformed individuals" pillaging a civilian transport truck and did not mention an offensive ambush.[309]

On 6th June, General Nkundabatware announced he was personally leaving with his troops stationed in the town center. At 13:00 local time, he got in a jeep and headed towards Kavumu. About 700 of his men from the town center and the governor's mansion

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[304] Note: The FRF is a political party created by Banyamulenge who opposed the Rwandan occupation of the Congo. It is led by Muller Ruhimbika, a local leader in the Banyamulenge community. The FRF has tried to forge political alliances with the Mai-Mai in the past.

[305] "Message of Congratulations to General Laurent Nkundabatware & Allies," Civil Society of the Democratic Republic of the Congo. English Translation. 29 June, 2004. http://www.societecivile.cd/node/1770.

[306] MONUC Press. "*74 Personnels en Uniforme et 16 Civils de la MONUC Morts en Service.*" MONUC Magazine. English Translation. May 2006. pg. 21-22.

[307] "UN Peacekeepers Killed in Congo," *Al-Jazeera*. 06 June, 2004.

[308] "Fighting Starts in Bukavu After Dissident Soldiers Pull Out," Carrie Giardino. Voice of America. 7 June, 2004.

[309] "Dissident Forces Withdraw From Bukavu," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 8 June, 2006.

accompanied him in two flatbed trucks. Colonel Mutebusi stayed behind with about 200 men.[310]

General Nkundabatware and his men continued north past Kavumu without any harassment from MONUC or the FARDC. The vast majority of his men traveled by vehicle, but some left by boat. Others departed on foot carrying suitcases stuffed full of stolen goods, which made it difficult for them to herd all the cattle and goats they had plundered.

Several hundred ex-Mai-Mai FARDC reinforcements entered Bukavu to provide security for civilians and also to aid any FARDC offensives against remaining dissidents.[311] They were summoned by General Mabe from Fizi and Uvira territories to reinforce him after the ex-ANC soldiers defected from his brigade. After the security situation improved following the increased FARDC presence in Bukavu, Vice President Ruberwa flew back to Kinshasa from Goma.

By 7th June, the vast majority of General Nkundabatware's men vacated Bukavu. He left behind a few dozen soldiers and senior officers to "protect key installations and senior officers," which was a violation of his agreement with the U.N.[312] He originally told General Isberg he would withdraw "well outside" Bukavu.[313]

MONUC increased their patrols, particularly at night, to prevent further looting and rape. Ironically, MONUC stated they would now arrest any rebel soldiers found in Bukavu, something that should have been done after the assassination attempt on General Nyabiolwa.[314] Rwanda decided to close its borders with Congo on June 6th for a month in response to

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[310] "Dissident General Pledges to Leave East Congo Town, UN Says Vow Not Kept," Francesco Fontemaggi. *Agence France Pressé*. 6 June, 2006.
[311] Note: The Mai-Mai are traditionally oppose all armed foreigners in Congo, particularly Rwandans.
[312] "Rebel Leader Leaves DR Congo Town," BBC News. 6 June, 2004.
[313] "While His Soldiers Rape and Pillage, The Rebel General Insists: 'We Come in Peace'," Declan Walsh. The Independent. 5 June, 2006.
[314] "DR Congo Army Recaptures Bukavu," BBC News. 9 June, 2004.

President Kabila's accusations that Rwanda was involved with General Nkundabatware. This effectively provided a shelter for any troops who crossed into Rwanda. Colonel Mutebusi's men refused to stay confined to their barracks and slowly began to withdraw southward from Bukavu on 8th June.

General Mabe saw an opportunity to attack Colonel Mutebusi now that his numbers were smaller. He brought reinforcements from Walungu Territory and advanced on Colonel Mutebusi's positions. He attacked Colonel Mutebusi's army on the outskirts of town from the hills near Bukavu and attempted to retake western Bukavu. Once again, the attack failed and the FARDC was chased back into the hills. The ceasefire was broken and there was no telling what would happen next.

General Nkundabatware was upset and said the attack on Colonel Mutebusi was a violation of the withdrawal terms agreed on between himself, the Congolese Government, and MONUC. He warned them his men would turn around and come to Colonel Mutebusi's aid if General Mabe did not cease his attacks. He was also upset a government inquiry into the violence against Banyamulenge had not been initiated. He announced, "I'm waiting for Ruberwa to give me last word, otherwise I start mobilizing again and there will be a fight with Kinshasa."[315] For his part, Colonel Mutebusi said he would allow General Mabe to take control of Bukavu, but only after negotiations to "end the hate and mistrust."[316] They called upon Vice President Ruberwa to negotiate a solution.

MONUC and the FARDC made no attempts to arrest Colonel Mutebusi after the fighting ceased. U.N. spokesman Sebastien Lapierre said MONUC's current focus was to

[315] "Dissident Leader Threatens War in DRC," *Agence France Pressé*. 14 June, 2004.
[316] "UN Officials Meet With Renegade Commander to End Fighting in Eastern Congo," Rodrique Ngowi. Associated Press. 8 June, 2004.

contain Colonel Mutebusi and prevent further fighting.[317] MONUC redeployed in the city and initiated regular patrols while Colonel Mutebusi agreed to a ceasefire and went back to their barracks in the Nguba District to continue negotiations for his withdrawal.

On the 11th of June, a coup was attempted on President J.Kabila led by Major Eric Lenge, an ex-AFDL-CZ/FAC soldier who was in charge of President Kabila's Presidential Guard. They siezed the state television station during the middle of the night. By morning, they were fighting in the streets of Kinshasa. The coup failed and Major Lenge fled towards Bas-Congo Province with 21 men and the FARDC in hot pursuit.[318] Somehow, they managed not to capture him. President Kabila's security advisor Mulegwa Zinhindula said the coup attempt had nothing to do with the situation in Bukavu.

[317] Ibid.
[318] "DR Congo 'Coup Attempt Put Down'," BBC News. 11 June, 2004.

Chapter 5: Aftermath

Outnumbered and outgunned without General Nkundabatware's soldiers, Colonel Mutebusi and 157 rebels negotiated to leave and crossed over to Cyangugu, Rwanda. The military officers initially settled in Ntendezi military camp registered as refugees.[319] The rest of his soldiers went to the UNHCR's transit center in Nyagatare.[320] Volker Schimmel, the UNCHR's spokesperson in Kigali, stated the UNHCR did not have the mandate to provide any services to Colonel Mutebusi because they do not recognize soldiers as refugees until they demobilize. He said it was up to the Rwandan Government to decide their fate.[321]

Colonel Mutebusi shed his military uniform and relaxed for a while in the camp. He carried a mobile phone to keep in touch with his colleagues.[322] During an interview in the camp, Colonel Mutebusi was clearly upset he left stating, "It was a mistake to leave Bukavu, I regret it. It was supposed to be demilitarized but I was betrayed."[323]

When Colonel Mutebusi left Bukavu, General Mabe was welcomed back into the city as a hero. He took part in a parade that began in Panzi, then progessed north to Bukavu. He arrived in a large motorcade and addressed the frenetic crowd with a bullhorn. The 113th Battalion marched through the city along side of him. Congolese newspapers, radio stations, and television portrayed General Nkundabatware's withdrawal as a huge victory for the FARDC and General Mabe. The population was led to believe General Mabe drove the rebels

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[319] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 28.
[320] Ibid.
[321] "Recovery of Kamanyola by the FARDC," Radio Okapi. English Translation. 23 June, 2004. http://www.radiookapi.net/article.php?id=700.
[322] "DRC: Interview With a Warlord," Mail & Guardian. 11 July, 2004.
[323] "Rebels Keep Their Options Open as Peace Returns to East Congo," Rory Carroll. The Guardian. 30 June, 2004.

out when they really left following a negotiated withdrawal. Regardless, it was a much needed morale booster for a war-weary city.

MONUC tried to save face with the Congolese people by taking credit for the "successful" withdrawal negotiations. MONUC's military spokesman told everyone the military was following General Nkundabatware's soldiers to ensure no one tried to stay behind. MONUC also continued to keep a heavy presence in the city and had military units on constant patrol.[324]

Colonel Mutebusi and Colonel Mukalay almost immediately initiated an illegal recruitment campaign to replenish their battalions. RDF soldiers went into a UNHCR camp and abducted 30 people. Several Congolese civilians were also abducted at the local market in broad daylight. They were asked to join Colonel Mutebusi's army in exchange for money and cell phones. A U.N. investigative team postulated the money and phones being offered were stolen from Bukavu during the siege.[325]

The civilians taken from the refugee camp were returned only after the UNHCR personally contacted the RDF and asked for their return.[326] Though both child recruitment and aiding Colonel Mutebusi were violations of U.N. resolutions, the U.N. did not put any public pressure on Rwanda to arrest Colonel Mutebusi or hand him over to Congolese military authorites. No one discussed passing sanctions on Rwanda.

After several days of recruiting, Colonel Mutebusi reunited with ex-ANC soldiers formerly under his command in Uvira from the 93rd and 94th FARDC Battalions. The dissidents crossed into Burundi at Bwegera and soldiers from the Burundian Armed Forces

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[324] "MONUC Congratulates Itself for the Retreat of the Rebels of Bukavu," Radio Okapi. English Translation. 10 June, 2004. http://www.radiookapi.net /article.php?id=624.

[325] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 28.

[326] Ibid. pg. 29

(FAB)[327] were waiting for them with jeeps to transport them to the Rwandan border. At the Rwandan border the RDF drove them the rest of the way to the Congolese border near Kamanyola, where Colonel Mutebusi was waiting for them.[328] He assumed command of the soldiers and led them to Kamanyola. The town was looted and the Saint Norbert Health Center was ransacked.

In response to Colonel Mutebusi's invasion, Mai-Mai and soldiers under the command of Patrick Masunzu relocated to Uvira Territory. Mai-Mai began searching the town for weapons caches, but also used the operation as an excuse to extort the helpless townspeople. Sometimes, they would arrest civilians and accuse them of spying for the RCD-G and force the innocent victim to pay for their release.[329] Instead of providing security, the rebel soldiers made things much worse.

Colonel Mutebusi's army was spotted by Colonel Makya Baka's Mai-Mai militia near Kamanyola and they attacked immediately. The government-loyal FARDC in the area did not want to get involved in the battle because they were concerned their mortars would land in Rwandan territory and give the RDF an excuse to send in reinforcements.[330] They participated in a limited capacity with small arms fire, but it was not enough to drive the dissidents back.

After several of their unarmed military observers near Kamanyola received threats, MONUC decided to send infantry and armored vehicles as reinforcement, but they were held up on the road because Colonel Mutebusi's soldiers created a minefield along the main roads

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[327] Note: The FAB is predominantly Tutsi.

[328] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 41.

[329] "Report of January to 20 September 2004 for the State of Human Rights in the Province of South Kivu." Congolese Action for Peace and Democracy (CAPD). English Translation. 20 September, 2004. pg. 14-15.

[330] "DRC Monitoring," Tom Tshibangu. MONUC Press. 18 June, 2004. http://www.monuc.org/News.aspx?newsId=3028.

into Kamanyola.[331] MONUC soldiers demining the road were attacked by Colonel Mutebusi's troops, who probably thought MONUC would not retaliate after seeing how passive they were in Bukavu. MONUC, however, did not hesitate to return fire this time. Gunships were called in and they unleashed a barrage from their heavy machine guns. Overwhelmed, the dissidents retreated. Five of Colonel Mutebusi's men were killed and seven were wounded.[332]

MONUC turned the town over to the FARDC and Mai-Mai. Colonel Mutebusi's men and members of the Mudundu-40 tried to take back the town unsuccessfully. They eventually retreated back across the border to Bugarama military base in Rwanda where an RDF escort transported them back to Ntendezi.[333] Colonel Mutebusi told a MONUC military observer, "You wanted to kill me, that's why I fled."[334] The Government of Rwanda said it disarmed all his soldiers at Ntendezi, but the weapons were never turned over to the U.N.[335]

Eventually, Colonel Mutebusi and most of his men relocated to a place called Coko Camp in southwestern Rwanda (formerly Gikongoro Province) in the Mount Nyakizu area where they stayed without harassment. Colonel Mutebusi was given official refugee status on 18 August, 2005.[336] He often visited Kigali to see his family and even had a car at his disposal to do so.[337] Coko Camp is his last publicly confirmed location, though some of his troops later

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[331] "UN Looks Into DR Congo Clashes," BBC News. 15 June, 2004.
[332] "DRC-Rwanda: Kamanyola Back Under Government Control," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 22 June 2004.
[333] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 28.
[334] "DR Congo Rebel Leader Flees," BBC News. 22 June, 2006.
[335] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 30.
[336] "Democratic Republic of Congo: North-Kivu Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[337] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 46.

crossed back into Congo without him carrying weapons and communications devices.[338] The remaining troops were finally disarmed and Rwandan military authorites allowed the U.N. to inspect and photograph Colonel Mutebusi's arms.[339]

Shortly after he left Bukavu, MONUC received reports some of General Nkundabatware's soldiers were heading towards other villages away from Goma. They became very concerned his men would occupy other villages like they had in Bukavu. When contacted by the U.N., General Nkundabatware denied his soliders were on the move at all. "It's not true." "My troops are in Bukavu in sites which are very known." "There is no movement for now," he insisted.[340] An ex-ANC soldier in the FARDC (likely Colonel Bintu) said the Mai-Mai were causing the instability in Walikale Territory.[341]

In response, Mai-Mai militias and FOCA soldiers gathered in a semi-circle in the area around Goma. The presence of FOCA so close to the Rwandan border raised fears the RDF would retaliate. General Nkundabatware commented, "I think he [President J. Kabila] wants to fight."[342]

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[338] United Nations Security Council. "Letter Dated 26 January 2006 to the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 15.

[339] United Nations Security Council. "Letter Dated 18 July 2006 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/525. 18 July, 2006. pg. 12.

[340] "UN Investigating Dissident Soldiers in DRC," Carrie Giardino. Voice of America. 5 June, 2004.

[341] "UN to Investigate Congo Rebel Advance," Irish Times. 5 June, 2004.

Note: One high ranking MONUC military official stated the only reason General Nkundabatware occupied Bukavu was to facilitate smuggling routes for cassiterite miners. The siege of Bukavu may not have had anything to do with the city at all. Establishing control of the mining areas to the north of Bukavu when they retreated from the city was the real goal. (Private Interview. 2006.) Drawing all of MONUC and the FARDC's forces south to Bukavu allowed General Nkundabatware's second column to take Walikale easily and there were no reinforcements nearby to defend the area because they were all occupied in Bukavu.

[342] "Troop Movements Spark New Fears in DR Congo," Taipai Times. 17 June, 2004.

As General Nkundabatware and his troops began the journey north towards Goma, Hutu militia (ex-LDF) and dissident ex-ANC soldiers based in Lueshe (Rutshuru Territory)[343] and in Masisi Territory jointly attacked the village of Walikale and overran the Mai-Mai, ex-Mai-Mai FARDC soldiers and FDLR/FOCA in town. The Mai-Mai fled to Itebero and the FDLR/FOCA scattered into the nearby forests. A column of General Nkundabatware's troops split off from the main group heading towards Goma and went to Walikale to meet up with the ex-ANC soldiers in the town.

President Kabila's spokesperson, Koudoua Kassango, said the RDF was in Walikale with the dissidents, but MONUC denied sighting any RDF troops and even claimed the city was under government control after they sent a reconnaissance team to the area.[344] MONUC spokesman Sebastien LaPierre said the reports of dissidents taking control of Walikale were untrue.[345] MONUC's spokesman in Kinshasa Hamadoun Toure did not confirm the reports but expressed his concern for the key city of Kisangani (west of Walikale) if the allegations were true.[346] The dissidents would essentially sever the country in half along an east-west axis if the city were taken.

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[343] Note: Prior to the occupation of Bukavu, General Nkundabatware was using Lueshe as a rear base. The village is located on a mining concession owned by the Société Minière du Kivu (SOMIKIVU). There are a number of modern homes built on the site that originally housed the mining workers. (See http://www.radio-luma.net/img/mine_lueshe.jpg and http://niob.cc/cms/index.php?option=com_zoom&Itemid=32&catid=1&PageNo=1 for pictures of the mining site.) Employees of Edith Krall Consulting (Krall Métal Congo's parent company), SOMIKIVU, and MONUC reported General Nkundabatware and Colonel Mutebusi stayed at the mining site several times during the summer of 2004 following the Bukavu crisis and its immediate aftermath. (United Nations Security Council. "Letter from the Chairperson of the Security Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 24.) General Nkundabatware has continued to use these homes as a rear base and the mine as an income source since at least January 2004, when ex-ANC soldiers were first spotted guarding the mine. ("*Deutsche Kongo-Mine als Stützpunkt für Waffenschieber*?," Thomas Reutter. Report Mainz. English Translation. *Südwestrundfunk*. 4 July 2006.)

[344] "Commander Pulls Out of Key Eastern Congolese Town; Two Peacekeepers Killed," Rodrique Ngowi. Associated Press. 6 June, 2004.

[345] "Renegade DRC Commander to Withdraw Forces From Eastern City," Carrie Giardino. Voice of America. 6 June, 2004.

[346] "DR Rebels 'Take New Town'," BBC News. 5 June, 2004.

Ignored during the war of dueling accusations were 15,000 people who fled Walikale during the fighting.[347] The U.N. and international NGOs abandoned Walikale Territory as the first skirmishes broke out. Food and medical aid was virtually non-existent after they left. The town has been isolated from the rest of the country since 1996 because mortar fire has destroyed most of the roads leading into town. The small remaining strip of road acts as an impromptu runway for cargo planes picking up minerals and dropping off guns.[348] One remaining villager in Walikale sadly testified, "We are cut off, living in a black hole in the jungle."[349]

Walikale is an essential village to control for financial reasons. In 2004, businessmen were purchasing stolen and illegally mined cassiterite[350] from Walikale and transporting it

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[347] "Rush for Natural Resources Still Fuels War in Congo," Finbarr O'Reilly. Reuters. 11 August, 2004.

[348] "Digging Deeper: How the DR Congo's Mining Policy is Failing the Country." Dominic Johnson, Aloys Tegerea. Pole Institute. N˚15. December 2005. pg. 44-45.

[349] "Rush for Natural Resources Still Fuels War in Congo," Finbarr O'Reilly. Reuters. 11 August, 2004.

[350] Note: Cassiterite became the most coveted mineral in the Congo after the price of coltan plummeted in 2001. Cassiterite is often found in the same mining area as coltan and it yields tin after smeltering. New environmental laws enacted in Japan and the E.U. forced all lead used in solder to be replaced with tin, raising its demand considerably because solder is used heavily in cell phones and laptop computers. China's rampant growth in the industrial economy sector has also fueled higher demand. Congo has a third of the world's cassiterite reserves. ("War, Murder, Rape… All For Your Cell Phone," Stan Cox. Alternet. 16 September, 2006. http://www.globalpolicy.org/security/issues/congo/2006/0915cellphone.htm.) Cassiterite has applications in the automotive industry and can also be used as a metal coating to prevent corrosion. The cassiterite in Walikale Territory is unique because it is bound with a high-grade iron that can also be sold by traders.

The largest cassiterite mines are located near Kasese, and Kalima in Maniema Province, Walikale town in North Kivu, and Kamituga in South Kivu. The most coveted mine in Walikale Territory is in Bisie (Bisiye), located north of Walikale town. Bisie has diamonds, uranium, cobalt, cassiterite, and bauxite deposits. There is a 45 kilometer path from Walikale into the Kakalo Forest where the mine is and it can take several days to get there on foot. After digging up the minerals in Bisie, traders meet in the village of Mubi to appraise each dig's value and ore content. From Mubi the minerals are flown out in small charter planes to Goma or Rwanda. ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country." Dominic Johnson, Aloys Tegerea. Pole Institute. N˚15. December 2005. pg. 45-46.)

There are a number of other reasons the area around Walikale town is so economically valuble besides coltan and cassiterite. The area around Mubi is also valuble because of its diamond deposits. Nearby Mapirwa and Luwinja have gold deposits. Kisangani, a city to the west of Walikale, has an unused oil pipeline running to Walikale town, but it is in a state of disrepair after so many years of neglect. If it were revitalized, and the Kisangani-Walikale-Goma road were ever repaired, oil could be transported by land to eastern Congo and Congo's crude oil could be sent on to the oil refineries in Mombassa, Kenya or Dar es Salaam, Tanzania (both tend to run under capacity). Congo's port city of Matadi has an oil refinery originally owned by the

through Goma to Gisenyi in Rwanda. Gisenyi has a tin and tantalum smelting plant operated by the South African Metal Processing Association (MPA) associated with Tibere Rujigiro, a major financial backer of the RPF party.[351] The Mai-Mai and FDLR/FOCA who were evicted

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Congolese Government and Agip, who sold its shares to Angola's state-owned petroleum company Sonangol in 1999. However, the refinery does not have the equipment to refine the crude oil extracted in the Congo, ensuring the need for imports through Kenya and Tanzania. ("Shifting Sands: Oil Exploration in the Rift Valley and the Congo Conflict." Dominic Johnson. Pole Institute. 13 March, 2003. pg. 7.)

Mubi also has one of the few airstrips in the area. The only other one is in Nzovu. The Mubi airstrip was originally a road connecting Mubi, Walikale, and Kisangani, but it degraded so much during the Mobutu era vehicles can no longer safely travel on it. It was first used as a makeshift airstrip during the 2nd Congo War. The road is tarred, but filled with countless potholes and only small charter or cargo planes can land there effectively.

There are smaller cassiterite deposits around Luwowo in Masisi Territory, but the infrastructure is so poor, it can only be worked by artisan miners. Mataba Hill in Masisi Territory has coltan and a smaller amount of cassiterite. Currently, most of the Hill is owned by Edouard Mwangachuchu, who set up an exporting firm called MHI. Mr. Mwangachuchu was a political refugee in the U.S. in 1996 after escaping the AFDL-CZ/RPA invasion. When he returned to Congo, MHI was founded in 1998 with his business partner, U.S. physician Robert Sussman from Baltimore. He purchased land rights to Mataba from the RCD's Mining Department, bypassing the Ministy of Mining. MHI hires armed guards to protect its investment. ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country." Dominic Johnson, Aloys Tegerea. Pole Institute. N°15. December 2005. pg. 63-64; "A Black Mud From Africa Helps Power the New Economy," Blaine Harden. The New York Times. 12 August, 2001.)

The Mumba/Bibatama open pit mine near Ngungu is also highly coveted. In addition, there are ore concentrations in Punia, Kalima, and Lugushwa. Farther north in Lubero Territory, Munguredjipa and Muhinga have high-grade ore. South Kivu has smaller cassiterite mines controlled by the FDLR/FOCA, Rasta, and Mai-Mai.

[351] "Undermining Peace – Tin: The Explosive Trade in Cassiterite in Eastern DRC." Global Witness. June 2005. pg. 19-20.

Note: Mr. Rujigiro is a business partner of South African Nick Watson, an executive manager of MPA. MPA was founded by Bruce Stride and Brian Christophers, both South African. MPA is the parent company of Mining Processing Congo (MPC), the leading cassiterite exporter in Goma and major buyer as well. ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country." Dominic Johnson, Aloys Tegerea. Pole Institute. N°15. December 2005. pg. 51.) The 2005 phonebook for the Democratic Republic of the Congo lists Mining Processing Congo SPRL's manager as Norbert W. Friedrich.

There is a company called Metal Processing Congo also located in Goma that is a subsidiary of MPA. It is often abbreviated as MPC also, which leads to confusion. Metal Processing Congo is also one of the largest coltan/cassiterite purchasing agents in the Kivus. A 2005 phonebook from the Democratic Republic of the Congo lists Metal Processing Congo's manager as Ivo Blauwers.

Currently, MPC and Bangandula Mining Group are in a battle over the legal right to mine Bisie. MPC holds a prospecting permit from the Land Registry in Kinshasa, but Bangandula has a leasing agreement for the concession with *Société Aurifère et Industrielle du Kivu et du Maniema* (SAKIMA) SARL. MPC insists Bisie does not form part of the concession Bangandula is leasing. Chantal Bashizi, Director of the mining land register agrees with MPC, but the local *mwami* (chief) has not sided with anyone. The situation has deteriorated to the point where an MPC employee was killed in the company's camp on 29th October, 2006.

("In North-Kivu: The Argument Between Two Mining Companies is Likely to Divide the Population of Walikale," *L'Avenir*. English Translation. 20 November, 2006.)

Bangandula sweetened the deal by promising to allow artisian miners on the land, but a look behind the scenes at Bandagula reveals a troubling past and ominous plan. In 2005, the Bandagula Association, owned by Babuni Motokotoko, Fikiri Mayani, and Ntabo Ntaberi Sheka got a mining permit from the North Kivu Provincial Minister of Mines Emmanuel Ndimubanzi Ngoroba. In June 2005, they created Bangandula Company SPRL and sent representatives to Walikale to get a contract from the Bassa clan. The contract allowed them to send the minerals from Bisie to purchasing agents in Goma, including MPC and Sodexmines. ("In Walikale North Kivu: The Mining Group Bangandula Uses Mafia Means to Exploit the Local Population," Stephan Salikoko. *L'Avenir*. English Translation. 28 November, 2006.)

After the contract was signed, Bangandula Mining Group was created as a joint venture between Bangandula Company SPRL, Modeste Makabuza's Saphyr Society, Mapatano, and 10 individual investors. Mr. Makabuza is the prime shareholder and the controller of the deal. SAKIMA (chaired by Amisi Mudjanahery), with support from the Minister of Finance and the RCD Minister of the Economy, signed off the concessions with Bangandula. Mr. Makabuza then reportedly set up barricades from Walikale town to Hombo and forced artisian miners to pay taxes. It is believed Mr. Makabuza is partly responsible for the death of the MPC employee and the Mining Group works closely with the FARDC's non-integrated 85th Battalion to control access to the mine. The 85th opened fire on MPC workers on 29 October 2006. ("In Walikale North Kivu: The Mining Group Bangandula Uses Mafia Means to Exploit the Local Population," Stephan Salikoko. *L'Avenir*. English Translation. 28 November, 2006; United Nations Security Council. "Letter Dated 25 January 2007 From the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2007/40. 31 January, 2007. pg. 7-8.)

The 85th Battalion of ex-Mai-Mai control access to the mine. They have stolen large quantities of bauxite from other miners in the area, intimidated tradesmen in the area, illegally taxed local miners, and raped women and tortured the husbands of the rape victims if they resist. They also force the locals to mine for them. The soldiers also terrorize travelling salesmen coming from Bukavu. The 85th Battalion even faught amongst each other for total dominance over the mine. (United Nations Security Council. "Letter Dated 25 January 2007 From the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2007/40. 31 January, 2007. pg. 7-8.) The 85th's commander, Colonel Samy Matumo, denies all wrongdoing despite the admittance of Colonel Kahimbi, deputy commander of the 8th Military Region. ("Eastern Province: Martyrdom of the Owners of Bauxite in Walikale," Radio Okapi. English Translation. 17 December, 2006. http://www.radiookapi.net/article.php?id=6267.)

Another major cassiterite importer/exporter is the Indian Kotetcha family who has conducted business in the Congo for more than 40 years. Mr. Ramnik O. Kotecha, who fancies himself as the "Honorary U.S. Consul in Bukavu," sets up coltan purchasing deals between American firms and his family's businesses in Congo. ("Report Names Culprits in Central Africa's Dirty War," Environmental News Service. 18 April, 2001.) Ramnik is a U.S. citizen living in California. (Private Interview. 2006.) He is the current acting Chairman of the Kotecha group of companies which includes *Société Kotetcha* SPRL and Sportsman Cigarettes.

Mr. Ketankumar Kotecha, Ramnik Kotecha's son, owns Afrimex U.K. Limited (See: http://sourcing.trade-india.com/Foreignexporter-1192918-1137876-753-BRANDING/Merchant-Exporters/Afrimex-UK-Limited.html.), a firm that acts as an importer and a commission agent for *Société Kotetcha* SPRL located in Bukavu. Afrimex was named in the 2002 U.N. report on multinationals exploiting minerals from the Congo (Report Number S/2002/1146). ("Congo's Tin Soldiers – Special Report," Jonathan Miller. Channel 4 News. 30 June, 2005. http://www.channel4.com/news/special-reports/special-reports-storypage.jsp?id=301.)

Société Kotetcha exports cassiterite, coltan, and wolfram (bought from various *comptoirs* in the Congo) and medicinal plants while importing sugar, rice, salt, wheat flour, cooking oil and milk powder to sell in Bukavu.

from town were also exploiting the cassiterite in the area to raise money for weapons and supplies.

The main column of General Nkundabatware's soldiers was observed heading through Kalehe Territory while hundreds of soldiers in the rear column went directly north back to their headquarters in Goma with trucks full of stolen goods. Goma residents said many senior officers in the group built new homes with proceeds they made from selling the loot.[352] The soldiers then reported back to their barracks and rejoined their FARDC battalions. General Obedi did not punish any of them.

Another group of dissidents was ordered to capture a key cassiterite mine in Numbi near the North/South Kivu border.[353] The operation was successfully completed with minimal losses. With possession of both Walikale and Numbi, General Nkundabatware could generate

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Mr. K. Kotecha is also a beer distributor in Bukavu and his companies manufacture and distribute pharmaceuticals. He is also one of the largest private employers in the province.

During the 2nd Congo War, his companies were dealing with minerals purchased from rebel controlled territories. As the second largest cassiterite exporter in South Kivu during 2004, Mr. K. Kotecha's companies purchased cassiterite and coltan from Bisie, the scene of several bloody battles between the FARDC, FOCA, Mai-Mai, RPA, and ex-ANC soldiers for control of the mine. (United Kingdom Parliament. "House of Commons - International Development – Sixth Report." Select Committee on International Development. Session 2005-06. HC-923-II. 25 October, 2006.)

Mr. Kotecha has consistently denied making any side deals for minerals or paying extra money to the RCD-Government to ensure his businesses' security. He only admitted to paying the local taxes they imposed. He also claimed he explained his business operation to the Kinshasa authorites and asked if he was doing anything wrong, but they told him that he was not in violation of any laws. (United Kingdom House of Commons International Development Committee. "Conflict and Development: Peacebuilding and Post-Conflict Reconstruction." Session 2005-06. HC 923-VII. 4 July 2006.)

[352] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 2.

[353] Note: In January 2001, the RPA set up a "concentration camp" in Numbi filled with Hutu prisoners who were forced to labor in the coltan mines. (United States House of Representatives Subcommittee on International Operations and Human Rights of the Committee on International Relations. "Suffering and Despair: Humanitarian Crisis in the Congo." One Hundred Seventh Congress, Session 1. Serial No. 107–16. 17 May, 2001; "Democratic Republic of the Congo: 'Our Brothers Who Help Kill Us' – Economic Exploitation and Human Rights Abuses in the East." Amnesty International. AFR 62/10/2003. 1 April, 2003. pg. 35.) Rwandan officials denied the claims. ("Rwanda Denies Using Forced Labor," BBC News. 22 March 2001; "Reply To The Final Report (Document S/2002/1146) Of The Panel Of Experts On The Illegal Exploitation Of Natural Resources And Other Forms Of Wealth Of The Democratic Republic Of Congo." Government of the Republic of Rwanda. 23 October, 2002.)

ample income for arms, equipment, and soldiers. His army was spread thin though because he had to leave some soldiers behind to guard Walikale and Numbi and many of his soldiers already returned to Goma to report to their respective FARDC units. He needed reinforcements to properly secure the area around Kalehe from the FARDC and still retain control of the mining areas. In the meantime, General Nkundabatware and another small group of soldiers acting as his bodyguards set up a mobile base camp in Minova.

The Transitional Government claimed Rwanda was massing RDF soldiers on the border. Rwanda denied these claims. RDF spokesman Colonel Patrick Karegeya admitted the border was reinforced in April, but said they had not sent any more troops since then.[354]

General Nkundabatware spoke to the press by telephone. He stated he was adamant about the creation of an independent inquiry to investigate his claims of genocide against Banyamulenge in Bukavu. If the Transitional Government did not assemble a commission to look into his allegations, he swore to return to Bukavu and attack the FARDC. "Unfortunately, they're still burning the houses of Banyamulenge in Bukavu," he told reporters.[355] Banyarwanda in Goma also claimed Banyamulenge were still targeted for death, but Admiral Liwanga refuted his statement.[356] Vice President Ruberwa told General Nkundabatware to wait while he discussed the matter with the rest of the RCD-G politicians. After a few days, the RCD-G asked him to hold off and remain in Minova.

On 18th June, General Nkundabatware announced he was giving up fighting after consulting with "Rwandan authorities" during a brief trip to Kigali.[357] On 22 June, 2004,

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[354] "Rwanda Denies Massing Troops on DR Congo Border," Francois-Xavier Harper. *Agence France Pressé*. 15 June, 2004.
[355] "Dissident Leader Threatens War in DRC," Mail & Guardian. 14 June, 2004.
[356] "The Community Banyamulenge Accuses…, General Liwanga Refutes," Radio Okapi. English Translation. 15 June, 2004. http://www.radiookapi.net/article.php?id=650.
[357] "DRC Monitoring," Tom Tshibangu. MONUC Press. 18 June, 2004. http://www.monuc.org/News.aspx?newsId=3028.

reinforcements for his army began to arrive. It appears he was in Rwanda meeting with military advisors, not discussing peace. 600 soldiers arrived in the Congo by boat at the village of Dutu and they moved to a nearby plantation were militias were known to be training.[358] In addition, General Nkundabatware began forcibly recruiting children in Kalehe Territory. He threatened them, saying he would shoot anyone who did not volunteer for his army.[359]

Meanwhile, General Nkundabatware's allies in the north were busy carrying out military operations. Ex-ANC militia attacked the Mai-Mai militias in Masisi Territory. FARDC soldiers were attacked near Ishasha in northeastern Rutshuru Territory. Ishasha is a key Ugandan border town straddling Virunga National Forest. After a brief battle, government reinforcements arrived and the attackers fled. The FARDC patrolled the town and luckily everything remained calm. It was never publicly released who was responsible for the attack.

After he finished "recruiting" in Kalehe Territory, General Nkundabatware returned to Minova. After settling in, he told reporters he was still in regular contact with Vice President Ruberwa. He stated his goal was to "liberate the east of Congo."[360]

The Rwandan and Congolese governments harbored a growing contempt for each other over the Bukavu crisis. Fearing rash military action from President Kagame or President Kabila that could destabilize the region, Olusegun Obasanjo, President of Nigeria and Chairman of the African Union's Peace and Security Council, invited them both to attend a meeting at Ajuba Airport. They both accepted the invitation and after holding a private meeting, they agreed to jointly investigate the Bukavu incident and reaffirmed their respective

[358] Congo Chronicle 53. 21 June, 2004 – 3 October, 2004. http://www.congoned.dds.nl/chroni53.html.
[359] Schaeffer, Daniel. "State Department Report on the Use of Child Soldiers." Center for Defense Information. 6 May, 2005. pg. 8.
[360] "Dissident Leader Threatens War in DRC," Mail & Guardian. 14 June, 2004.

commitments to the Pretoria Peace Accord of 2002.[361] Both sides also pledged to send monitors to the border to investigate the claims of RDF infiltrations.

On 21st June, Ugandan media reported General Nkundabatware entered Uganda to meet with senior government security officials and President Museveni in an effort to secure a mediator to the Transitional Government. General Nkundabatware reportedly called the Daily Monitor newspaper from a non-roaming CelTel® phone number (075-802-108) that may have been stolen in Bukavu. He told the newspaper, "I have met with the Director General of External Security (Maku Iga Angalefo), Colonel Kahinda Otafiire, who is in charge of the Congo Desk, and [Foreign Affairs] Minister Tom Butime. They have agreed to communicate with Kinshasa concerning a meeting between His Excellency Joseph Kabila and myself. I have appointed a representative, Mr. Felix Mumbere Kabyanga to head my investigations team. I will also send him as a special envoy to Kinshasa to speak with Kabila on my behalf."[362]

Ugandan Defense Minister Amama Mbabazi denied General Nkundabatware was even in Uganda, let alone scheduled to meet with him. Ugandan People's Defense Force (UPDF) spokesman Major Shaban Bantariza claimed General Nkundabatware did not contact any government security officials or the Office of the President. President Museveni publically threatened to arrest General Nkundabatware if he ever set foot in Uganda.[363] MONUC also denied the report and emphasized there was no evidence to suggest the rumors were true.[364]

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[361] Note: The Pretoria Accords, signed by President Kagame and President Kabila in 2002, was an agreement that President Kagame would withdraw the RDF from Congo and President Kabila would disarm FOCA so they would no longer pose a threat to Rwanda.

[362] "General Nkunda a Mystery," Angelo Izama. Daily Monitor. 22 June, 2004.

[363] DRC-Uganda: President Threatens to Arrest Rebel Leader if he Enters Country," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 25 June, 2004.

Note: Several accomplices of General Nundabatware (Sargent Stephen Nsenga, Private Godfrey Mande Robert and Private Senyenje Nagisim) were arrested in Kanungu crossing into Uganda on 6 January, 2005. ("Cops Net DRC Spies," K. Muhanga. All Africa Press Service. 6 January, 2005.)

[364] "General Nkunda a Mystery," Angelo Izama. Daily Monitor. 22 June, 2004.

In order to prevent another outbreak of violence, President Kabila deployed around 7,000 additional troops to Beni, Kindu, and Kalemie. 1,000 more FARDC soldiers were also deployed to Bukavu.[365] Rwanda officially reopened the Ruzizi border crossing with Congo shortly after and many refugees from Bukavu who were trapped in Rwanda went home. Some Banyamulenge decided to stay and observe the city's reactions toward returning refugees in case more violence flared up.

The FARDC deployment made it clear President Kabila intended to end the mutiny by force. The RCD-G responded by attempting to fracture the Transitional Government and discredit President Kabila. Eight RCD-G Members of Parliament (M.P.), including Bizima Karaha, had already withdrawn from the National Assembly and travelled back to Goma. President Kabila reshuffled his Presidential Cabinet but did not make the sweeping changes the RCD-G demanded of him.

Then, a rumor spread out of Kinshasa the Mr. Karaha was working closely with General Nkundabatware to undermine the Transitional Government. He supposedly hid arms caches for General Nkundabatware at his farms in Lushebere (Masisi Territory).[366] Mr. Karaha did not reply publicly to the rumors. General Nkundabatware would only say, "We have spoken and we talk about the situation, but it has nothing to do with what I am doing."[367]

On 14th July, despite persistent reports the RDF was involved in the siege of Bukavu, the U.S. Army signed an agreement with the RDF through the U.S. European Command (EUCOM)[368]. The pact provided the RDF with logistics, supplies, training, services, and

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[365] "Dissident Leader Threatens War in DRC," Mail & Guardian. 14 June, 2004.
[366] "Against the Occupation of Congolese Territory." Donatien Mukono. Current Concerns. Number 1. 7 January, 2005.
[367] "Ex-Rebels Pull Out of Congo's Parliament," David Lewis. Reuters. 13 July, 2004.
[368] Note: EUCOM was commanded by U.S. Marines General James L. Jones at the time. General John Bantz Craddock of the U.S. Army took command of EUCOM when General Jones stepped down in December 2006.

military equipment for "peacekeeping" operations.[369] The announcement occurred a day after EUCOM's Deputy Commander General Charles Wald visited President Kagame in person. Rwanda signed a similar agreement with the South African army just nine days earlier that included a clause for arms purchases used in "peacekeeping" campaigns and an option to freely purchase military equipment.[370]

Two days after signing off on the U.S. training deal, a drafted U.N. commission report leaked to the press stated explicitly Rwanda aided General Nkundabatware and Colonel Mutebusi in direct violation of a U.N. arms embargo. RDF officials immediately called the report "outrageous."[371] Colonel Patrick Karegeya,[372] (then) spokesman for the RDF, was very irritated by the report. He berated the U.N. for the report's percieved lack of credibility and evidence.[373] Despite the allegations in the report, the U.S. and South Africa allowed the military agreements to stand.

MONUC sent a group of mediators to meet with General Nkundabatware in Minova. MONUC's Pakistani South Kivu brigade commander wrote a communiqué explaining MONUC would not allow him to return to Bukavu and cause trouble. The group implored General Nkundabatware to return to Goma quietly.

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[369] "Rwanda: Kigali Signs Cooperation Pact With U.S. Army," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 14 July, 2004.

[370] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.

[371] "Rwanda Supported Congo Rebels, UN Experts Say," David Lewis. Reuters. 17 July, 2004.

[372] Note: Prior to becoming the RDF's spokesperson, he was the Director of Military Intelligence (G2). Mr. Karegeya is currently in a Rwandan prison. He was arrested in 2006 for insubordination and tried in a military tribunal. He was found guilty and stripped of his military rank.

Ugandan media outlets published stories that dissidents in the RDF were going to attempt a coup of President Kagame. The press fingered Colonel Karegeya as a leader of the group. Rwanda's Chief of Staff General James Kabarebe, denounced the reports as "deliberate anti-Rwanda propaganda that abuse a respectable institution." He provided several examples of insubordination from Mr. Karegeya over the years. ("Gen. Kabarebe Speaks Out on RDF Missions," Collin Haba. The New Times. 13 May, 2005.)

[373] "Rwanda Backed Congo Uprising, Experts Tell UN," David Lewis. Reuters. 16 July, 2005.

General Obedi was given orders to immediately arrest him when he arrived in Goma. General Nkundabatware was fully aware of the arrest order and said he would only return to Goma if he was guaranteed amnesty.[374] He also warned President J. Kabila he would start a war if the FARDC attacked him. "The situation would degenerate. There would be a generalized war," he forewarned.[375]

General Nkundabatware's men did not wait long to erupt into more violence. On 16th July, his troops engaged General Mabe's advancing FARDC battalions in Katasomwa near Kalehe town. At least 50 civilians were killed and many huts were razed to the ground during the battle.[376] An unknown number of women were raped. Some villagers blamed General Mabe's soldiers while others insisted General Nkundabatware's men committed the massacre. Armed soldiers also began burning down huts and looting the village of Nzulo (near Goma) on a regular basis.

On 18th July, South Kivu Governor Augustin Bulaimu Witenkate was escorted to Minova for a meeting with General Nkundabatware. Governor Bulaimu urged him to stop fighting. General Nkundabatware expressed his desire to end the standoff and asked the U.N to investigate General Mabe's soldiers who he claimed murdered 67 civilians.[377] He also told Governor Bulaimu he would leave Minova if the residents felt there was a problem with him being there. Upon his return to South Kivu, Governor Bulaimu told officials General Nkundabatware wanted to go back to Goma. Meanwhile, about 700 people began packing up and leaving Goma in anticipation of violence upon his return.[378]

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[374] "DRC Monitoring," Tom Tshibangu. MONUC Press. 14 July, 2004. http://www.monuc.org/News.aspx?newsID=3302.
[375] "Congo, Rwanda Send Border Monitors to Ease War Fear," Dino Mahati. Reuters. 25 June, 2004.
[376] "U.N. Plans to Investigate Congo Massacre Reports," David Lewis. Reuters. 16 July, 2004.
[377] "Eastern Congo Calm as End to Standoff Sought," Finbarr O'Reilly. Reuters. 18 July, 2004.
[378] "Hundreds Flee Goma in the DRC," Jack Kahorha. Associated Press. 22 July, 2004.

On the afternoon of 18th July, Congolese journalist Deo Namujimbo and his family hastily packed their belongings and escaped southward from Goma to seek protection in Bukavu. Mr. Namujimbo was a correspondent for the France-based newspaper *Syfia Grands Lacs.* Three days earlier, he published a story about the daily conditions in Minova since General Nkundabatware and his soldiers moved in. He described an environment of terror where extortion and rape were "common." It was so terrible in the area since his soldiers arrived that most of the villagers fled town every night to sleep in the nearby woods just to avoid them. The story was later picked up by several Congolese newspapers, including *La Potentiel*, one of the more widely circulated Kinshasa-based newspapers.[379]

After the story ran in the papers, General Nkundabatware tasked a few of his soldiers to go find Mr. Namujimbo in Goma. He was not home when they arrived, so they began questioning his neighbors about him, asking what time he was due to return home. [380] Luckily, they were able to get the word out to him before he arrived home. After the soldiers left, he was able to sneak back into his house and gather a few things before leaving with his family.

On 20th July, the FARDC again clashed with elements of General Nkundabatware's militia in the town of Bushushu south of Goma. Hundreds more Congolese began fleeing Goma in anticipation of violence spreading north. From his base camp in Minova, General Nkundabatware denied any involvement in the attacks, saying he was near the area, but not engaged in combat.[381]

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[379] "DRC: Correspondent for French News Agency Goes Into Hiding," D. M'Baya Tshimanga. *Journaliste en Danger*. 20 July, 2004. http://www.pambazuka.org/en/category//23764.
[380] Ibid.
[381] "DRC Mutineers on the March," News 24. 5 June, 2004.

U.S. Deputy Assistant Secretary of State in the Bureau of African Affairs Donald Yamamoto[382] and British Minister for Africa Chris Mullin arrived in the Congo to mediate between Congo and Rwanda. Minister Mullin visited with Congo Vice Presidents Jean-Pierre Bemba Gombo (in charge of the finance portfolio)[383] and Azarias Ruberwa. Meanwhile, Mr.

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[382] Note: Mr. Yamamoto is the former U.S. Ambassador to Djibouti (2000-2003) and Deputy Director for East African Affairs (1998-2000). He also served as the Chargé d'Affaires at the U.S. Embassy Asmara for Eritria. Prior to this assignment, Mr. Yamamoto was the U.S. Chargé d'Affaires in China and Japan. Interestingly, he also attended the U.S. National War College in 1996. A recent announcement by U.S. President George W. Bush revealed Mr. Yamamoto will soon become the U.S. Ambassador to Ethiopia. (Office of the U.S. Press Secretary. "Personnel Announcement," United States Department of State. 7 September, 2006. http://www.whitehouse.gov/news/releases/2006/09/20060907-5.html.) Mr. Yamamoto also served as head of a U.S. Government delegation tasked to help monitor the 2nd round of the presidential election in the Congo.

In April 2006, Chad's President Idriss Deby was threatening to kick Chevron and ExxonMobil out of his country because they had accumulated millions in unpaid back taxes. President Deby also threatened to stop exporting oil unless the World Bank released oil royalties they had frozen in an escrow account. Mr. Yamamoto went to speak with President Deby as an unofficial lobbyist to try and convince him to cooperate with the oil corporations and the World Bank. ("U.S. Official in Chad for Talks on Oil," United Press International. 25 April, 2006.)

[383] Note: Jean-Pierre Bemba is President of the MLC party and the commander of its armed wing, the ALC. He is quite wealthy and owns several private planes, radio and television stations (Canal Z). He spent part of his childhood growing up in Belgium, but is originally from the Equateur Province and his stronghold is in Gabadolite, where Mobutu Sese Seko owned a villa. Mr. Bemba received his Master of Business degree in Brussels. He has a one-year prison sentence to serve in Belgium for human trafficking. ("Congo Contender: Jean-Pierre Bemba," BBC News. 26 October, 2006.) Mr. Bemba is married to a Brazilian national and has six children.

His father, Jean Saolona Bemba, ran several successful businesses and was very close to Mobutu Sese Seko, who employed him as his personal assistant. He is the owner of Scibe Airlift and *Groupe Bemba*, which includes Enzymase, Budimex, and ENRA-Beni, a logging company. ("Unanswered Questions: Companies, Conflict and the Democratic Republic of the Congo." Rights and Accountability in Development (RAID). May 2004. pg. 78.) Saolona was also L. Kabila's Minister of Finance.

The MLC participated in mass plundering during the 2nd Congo War. Mr. Bemba ordered his soldiers to clean out the banks of any town they captured. His men took everything from the *Banque Commerciale du Congo* branches in Gamena, Bumba, and Lisala. He also recruited 12-18 year-olds in the Bondo locality of Equateur Province to mine gold for him in the Ugandan-occupied areas of the Ituri District. His men stole coffee plants from abandoned plantations and he even reportedly stole from his father's Scibe Airlift plant. Mr. Bemba was partnered with Ugandan General James Kazini in the coffee business. In addition, Mr. Bemba was reportedly involved in producing counterfeit Congolese Francs in 1999. (United Nations Security Council. "Letter dated 12 April 2001 from the Secretary-General to the President of the Security Council." S/2001/357. 12 April, 2001. pg. 8-9, 12.)

During the 2nd Congo War, the MLC helped President Felix Patassé of the Central African Republic (CAR) quash a coup attempt. In the process, ALC soldiers reportedly committed war crimes against CAR rebel sympathizers. The new CAR Government pressed charges against Jean-Pierre Bemba for the crimes and the International Criminal Court (ICC) has yet to decide on the matter. In the meantime, Mr. Bemba still has 6,000 loyal soldiers across the country (mostly near Beni and Gbadolite) that need to enter the mixing

Yamamoto met with President J. Kabila and then traveled to Kigali for a meeting with President Kagame to get his assurance Rwanda would not interfere in Congolese affairs. Uganda and Burundi were not visited, but the Security Council warned them both not to interfere in the Congo.[384]

Also on 20th July, a U.N. investigation into claims Banyamulenge were mass murdered by General Mabe's men in the villages north of Bukavu was completed and they concluded there were no targeted murders in the region. A MONUC official also said "no planned killings" occurred during the siege of Bukavu.[385] In fact, the death toll from the fighting was much lower than originally reported to the U.N. Some people originally declared dead were found alive and well.[386]

Though the investigation fulfilled one of General Nkundabatware's key demands, it was still not enough for him. He then demanded an independent commission be set up to investigate alleged crimes against Banyamulenge to prevent bias. About a week after the announcement, General Nkundabatware changed his mind again and claimed his demands of withdrawal from Bukavu were met and he would not wage war unless it was in self-defense.[387]

The Inter-State Politics and Diplomacy Committee of the Southern African Development Community (SADC) decided to create a delegation of diplomats from South Africa and Mozambique in an attempt to convince President Kagame not to interfere with the transitional process in the Congo. The group-chaired by Lesotho's Foreign Minister Mohlabi Tsekoa-visited Kigali, Bukavu, and Kinshasa.

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process. ("Year in Review 2006: Democratic Republic of the Congo July to December." Great Lakes Center for Strategic Studies. 2006. pg. 35.)

[384] "UN Warns DR Congo Neighbours," BBC News. 23 June, 2004.

[385] "DRC Tutsis Fear New Genocide," Mail & Guardian. 16 June, 2004.

[386] "No Proof of Targeted Killings in East Congo – UN," Finbarr O'Reilly. Reuters. 20 July, 2004.

[387] "DR Congo Rebel Lifts War Threat," BBC News. 17 June, 2004.

On 22nd July, the FARDC attacked General Nkundabatware's soldiers in Bushushu again. The U.N. claimed no one was killed in the fighting, but thousands of villagers ran away from the area. General Nkundabatware, still staked out in Minova, again denied his soldiers were the ones fighting the FARDC.[388]

Meanwhile, FARDC officials in Goma broadcast on state radio that anyone spreading "rumors" about an attack on Goma would be "severely punished." The broadcast was in response to reports General Nkundabatware's loyalists were handing out flyers with news reports claiming violence was imminent in Goma. Citizens were glued to computers in local internet cafes to keep up with any news of troop movements towards Goma.[389]

General Nkundabatware raised the stakes further. He held a press conference in the hills near Minova. He again denied Rwanda provided him with any aid, but he openly stated to reporters present that Rwanda might support him if they felt threatened by military activities going on in the Congo.[390] "I cannot say that Rwanda cannot back me – they can if there is a reason to fight."[391]

He also claimed the FARDC was fighting alongside *Interahamwe* and were moving towards the Rwandan border. The RDF would be forced to defend their country if they got too close. He cautioned Rwanda had a right to use military force if *Interahamwe* get involved. "This will be a regional problem."[392]

In the aftermath of General Nkundabatware's military operations, a consensus was needed to decide how to handle the situation before another large-scale attack occurred. President J. Kabila wanted to execute his government's arrest warrant while Vice President

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[388] "Hundreds Flee Goma in the DRC," Jack Kahorha. Associated Press. 22 July, 2004.
[389] Ibid.
[390] "UN Report Accuses Rwanda of Breaking Congo Arms Ban," The Independent. 23 July, 2004.
[391] "East Congo Rebel Leader Warns Advancing Troops," Finbarr O'Reilly. Reuters. 22 July, 2004.
[392] Ibid.

Ruberwa wanted to send General Nkundabatware to a military school overseas.[393] General Mabe wanted to go after General Nkundabatware again and either arrest or kill him.

General Mabe received the order to conduct another offensive against General Nkundabatware's troops in Kalehe and the plateaus surrounding the town. 13,000 FARDC troops moved north from Bukavu towards Kalehe Territory.[394] General Mabe created an alliance with former Mai-Mai soldiers from the 8th Military Region still loyal to the government and armed them for joint operations in Kalehe.[395] The 13th FARDC Brigade led by ex-Mai-Mai Colonel Akilimali Shemondo (a Hunde) was the primary backup for General Mabe on this mission. General Obedi only succeeded in raising further suspicions about his loyalty by skipping an emergency meeting between the regional military leaders in Kinshasa, however he did not prevent the integrated Mai-Mai under his command from aiding General Mabe's offensive.

In South Kivu, a separate group of ex-Mai-Mai soldiers were preparing a defense in case Colonel Mutebusi tried to infiltrate the Congo to reinforce General Nkundabatware. Colonel Nyakabaka Baudouin from the 111th Battalion based in Kiliba was trading weapons and equipment to FOCA and the Burundian National Liberation Force (FNL)[396] in exchange for livestock the rebels stole from farmers in the area. Soldiers in Nzibera and Walungu were also arming FOCA.[397] In addition, Colonel Nyakabaka and his battalion, which included child

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[393] "DRC: Interview with Rebel General Laurent Nkunda," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2004.

[394] "East Congo Rebel Leader Warns Advancing Troops," Finbarr O'Reilly. Reuters. 22 July 2004.

[395] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 38.

[396] Note: The FNL is a Hutu rebel group from Burundi opposed to Tutsis in Burundi's national army who have been accused of killing Hutu civilians in Burundi on a mass scale. The FNL is the armed wing of the Party for the Liberation of the Hutu People (PALIPEHUTU). They have a dwindling army estimated at around 1,500 soldiers. They are based near Mwaba on the Congolese side of the Ruzizi River.

[397] Ibid. pg. 40.

soldiers, patrolled the planes in Fizi and Uvira territories along with Commander Musunzu and his soldiers. The town of Uvira was patrolled by Ltc. Dieudonné Mutupeke's 109th FARDC Battalion.

Colonel Mutebusi was the previous commander Uvira Territory before the mutiny and now Colonel Nakabaka (commander of the 111th Brigade at Kiliba) wanted the ex-Mai-Mai and their allies to secure the area from him. The problem was Colonel Nakabaka wanted to secure the area to establish his own criminal rackets, not protect the Congolese people. He sporadically set up roadblocks and taxed travellers. FOCA even acted as bodyguards for the FARDC officers. General Mabe did nothing to control this. In fact, when 25 FOCA soldiers were arrested in Muterele Camp, General Mabe let them go without punishment.[398]

Governor Serufuli was gravely concerned about the advancing FARDC. He hastily set up a series of meetings with President J. Kabila. He told President Kabila General Mabe and his men were a threat to Banyamulenge in Kalehe Territory. Governor Serufuli sternly warned President Kabila not to go forward with the offensive because Tutsis would flee the area in huge numbers, causing a humanitarian crisis.[399] He asked President Kabila to replace General Mabe's troops from the 10th Military Region with Banyarwandan soldiers from the 8th Military Region to reduce the fears of Banyamulenge in Kalehe. It was a slight of hand because hundreds of soldiers in the 8th Military Region aided General Nkundabatware during the siege

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[398] Ibid.

Note: There were numerous incidents were FDLR/FOCA and ex-Mai-Mai FARDC deployed to South Kivu teamed up to provide added security following the Bukavu incident. In late November 2004, ex-Mai-Mai soldiers who were not paid their army salary faught with General Masunzu's men in Kamanyola. In Baraka, unpaid ex-Mai-Mai looted the local market. In addition, trucks transporting food for the World Food Programme were being stopped at numerous road blocks and taxed by militias on the road from Uvira to Bukavu. ("South Kivu: PAM Complains About Harassments on the Uvira-Bukavu Road," Radio Okapi. English Translation. 2 December, 2004. http://www.radiookapi.net/article.php?id=1438.)

[399] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 4.

of Bukavu. President Kabila, however, agreed to Governor Serufuli's proposal in order to calm the situation down.

As General Mabe's soldiers marched through Kalehe Territory, they were preemptively attacked by General Nkundabatware's soldiers. All medical aid in Kalehe town was shut down and NGO workers abandoned the area. Disease and starvation claimed many more innocent lives over the next several days.

Over 30,000 Congolese were displaced by the fighting. Some fled south behind FARDC lines while Banyamulenge fled to Numbi, Shanje, and Chebumba, all controlled by General Nkundabatware's men.[400] A majority of the people who fled were clustered in Ngungu. When interviewed by Radio Okapi, the survivors said they heard rumors General Mabe's soldiers were massacring Banyamulenge. An aid worker in Goma said targeted killings took place, including several villagers who were burned alive in their homes.[401] Governor Serufuli started telling everyone 150,000 people fled Kalehe Territory, an extremely inflated estimate.[402]

General Nkundabatware personally left Minova to move away from the frontline, but the FARDC were unable to push his men out of South Kivu. The FARDC was able to gain control of Bushaku, a village north of Kalehe. One civilian was killed during the battle and several homes were leveled. The FARDC continued to engage the retreating soldiers in Kebenge.[403]

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[400] "DR Congo: Some 35,000 Flee the Fighting in South Kivu Province," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 29 July, 2004.
[401] "DR of Congo: 20,000 Fleeing Fighting in East in 'Critical Humanitarian State' – UN," United Nations News Service. 26 July, 2004.
[402] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 5.
[403] "Precarious Humanitarian Situation and Security in Bushaku, South Kivu," Radio Okapi. English Translation. 29 July, 2006. http://www.radiookapi.net/article.php?id=876.

MONUC sent an investigative team from its Human Rights Division to Bushaku to see if there was any merit to claims Banyamulenge were targeted during the recent battles. Colonel Dunia Aochi (a Bembe ex-Mai-Mai FARDC officer) told MONUC authorities the allegations were untrue. After interviewing both Tutsi and other ethnic groups in the area, the MONUC team confirmed Colonel Dunia's assertion.[404]

[404] Ibid.

Chapter 6: The Gatumba Massacre

Gatumba was similar to many other UNHCR refugee transit camps[405] in the Great Lakes[406] area until the fateful Gatumba massacre occured.[407] Located between the Congolese border town of Uvira in South Kivu and Bujumbura, the capital of Burundi, it provided a safe haven for Banyamulenge fleeing South Kivu. Many of them fled from Mai-Mai, FNL, FDLR/FOCA, and Forces for the Defense of Democracy (FDD)[408] militias in Fizi and Uvira territories while other refugees emigrated from other areas of the Congo because they were afraid of reprisal attacks against Banyamulenge in their villages. Most of the refugees in

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[405] Note: Transit camps are designed to house refugees for a few months before they either go home or move to a more permanent refugee camp.

[406] Note: The "Great Lakes area" refers to the countries around Lake Kivu, Lake Albert (a.k.a. Lake Mobutu), Lake Victoria, Lake Tanganyika, and Lake Edward. The region includes Uganda, Rwanda, Eastern Democratic Republic of the Congo, Burundi, West and Northern Tanzania, and Western Kenya.

[407] Note: The UNHCR pays the government of the country hosting the camp to protect the refugees.

[408] Note: The FDD was originally the armed wing of a Hutu rebel movement created shortly after Burundi's Hutu President Melchior Ndadaye was assassinated at the Muha Barracks by Tutsi FAB soldiers from the 2nd Parachute Battalion (led by Chief-of-Staff Colonel Jean Bikomagu and former Burundian President Colonel Jean-Baptiste Bagaza) on 20 October, 1993. This pivotal event has come under renewed scrutiny as a result of recent revelations. Journalist Charles Onana uncovered documents from the International Christian Democrat stating they were warned on 18th October about the coup attempt and informed them General Paul Kagame was in Bujumbura travelling on a Burundian passport during the days leading up to the assassination. He reportedly met with outgoing President Pierre Buyoya and blessed the coup. Paul Barril was hired to investigate the threats and he reportedly concluded the RPA was actively involved. However, as a French mercenary involved in Operation Turquoise, Mr. Barril's bias against the RPA must be noted. (Onana, Charles. "The Secrets of International Justice." English Translation. Paris, France: *Editions Duboiris*. 2005; Brugière, Jean-Louis. "The Report by French Anti-Terrorist Judge Jean-Louis Brugière on the Shooting Down of Rwandan President Habyariman's Plane 6 April 1994." Article 45. 17 November, 2006. English Translation.)

Mr. Buyoya, a Hima, became Burundi's President again in 1996. He received his military training in Europe and he is now a visiting fellow at Brown University in Rhode Island. The term "Hima," in this context, refers to a sub-group of Tutsi hailing from southern Burundi.

The FDD set up military bases in Zaire to serve as a launching pad for attacks against Tutsi FAB soldiers in Burundi. It was originally led by Jean-Bosco Ndayikengurukiye, but was taken over by Pierre Nkurunziza, a Protestant Hutu, in October 2001. In 2003, Mr. Nkurunziza signed a peace accord in exchange for full amnesty. He transformed the FDD into a political party and is the current President of Burundi. The FDD is a rival of the FNL even though they are both primarily Hutu. ("Burundi's Born Again Ex-Rebel Leader," Charles Bigirimana. BBC News. 26 August, 2005; "How Burundi's Rebels Rose to Power," Robert Walker. BBC News. 8 July, 2005.)

Gatumba were from Uvira Territory. Though Gatumba is legally part of Burundi, the area is still contested by the Congolese.[409]

On 13th August, about 850 Banyamulenge refugees resided in the camp along with 500 internally displaced Burundians and Congolese refugees of different ethnicities (Babembe from Fizi Territory, Bafulero from Uvira Territory and Tutsi from South Kivu) in a separate half of camp 40 meters away from the Banyamulenge's green tents on the other half.[410] Beyond the camp to the east are scattered run-down shacks inhabited by local cattle herders.[411] The road continues on several kilometers east towards Bujumbura.

The UNCHR has a standing policy to move refugees into camps a safe distance from the border to protect them from cross-border raids. The Burundi Government agreed to move them, but never provided a means of transportation. The Congolese refugees refused to return home anyway because they feared for their safety. Many Banyamulenge actually liked the location because it allowed refugees who lived nearby in Uvira Territory to cross back into Congo and visit family or go to work, then return to Gatumba before nightfall and have a safe place to sleep.

There was a Burundian military camp on the western edge of Gatumba camp staffed by Major Budigoma,[412] as well as a police station less than a kilometer away. A large group of FAB soldiers were stationed in nearby Rukoko Forest. MONUC has a military liaison officer in Bujumbura only a few kilometers east of Gatumba and a field office in Uvira just across the Congolese border to the southwest. In addition, the U.N. has its own independent mission in

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[409] Private Interview. 2006.
[410] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 7.
[411] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 9.
[412] Note: He was found guilty for his role in the murder of nearly 200 civilians at Itaba in 2002. He failed to report civilian "casualties."

Burundi based in Bujumbura known as the U.N. Operation in Burundi (ONUB). It was first operational only about two months prior on 1st June, 2004.[413]

Among the Banyamulenge in camp were: a Congolese political consultant who lived in Canada, Banyamulenge former territory administrators, the current administrator of Fizi Territory (a Bembe RCD-G politician), and two Banyamulenge RCD-G agents of the Security and Intelligence Directorate's (DSR) Uvira post. They often organized political meetings in camp.[414] The meetings made many refugees uneasy. Residents began to worry a recruitment campaign for Colonel Mutebusi was underway.

Tensions remained high in South Kivu following Bukavu's occupation and some Congolese feared the Banyamulenge in Gatumba were planning a counterattack. It was known soldiers of Colonel Mutebusi were in the camp. Around 30 of his men left Gatumba a few days before the massacre.[415] On 11th August, an RDF officer and an unidentified ex-ANC officer were seen trying to recruit refugees in camp for Colonel Mutebusi.[416] Most of the Banyamulenge in camp were from Uvira Territory and some residents claim the camp was polarized between supporters of Colonel Mutebusi and Colonel Musunzu.[417] The UNHCR heard the reports and investigated the camp, but found no evidence of any arms caches.

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[413] United Nations. "United Nations Operation in Burundi." Department of Public Information, Peace and Security Section with the Department of Peacekeeping Operations. Accessed 29 August, 2006. http://www.un.org/Depts/dpko/missions/onub/.

[414] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 10; "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises.* N˚13. English Translation. December 2004.

[415] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 20.

[416] Ibid.

[417] Ibid. pg. 7.

Burundian soldiers began searching all new refugees when they entered the camp, but no guns were ever reported.[418]

Vice President Ruberwa hosted several refugees from Gatumba at his hotel room in Bujumbura only a day before the massacre to encourage them to return home and even promised assistance to them.[419] This occurred at the end of a tour he embarked on following the Bukavu crisis, which included a meeting with President Kagame, a trip to visit Banyamulenge refugees and prefecture[420] government authorities in Cyangugu, and his stop in Bujumbura. In Cyangugu and Bujumbura, he tried to convince Congolese refugees to return home. While in Bujumbura, he also visited Burundian Army Chief of Staff General Germain Niyoyankana and the Minister of Defense, Major General Vincent Niyungeko.[421] After his meeting with President Kagame, he told the press Rwanda had nothing to do with the Bukavu situation in June.[422] Interestingly, he went on the tour by himself, not as part of an official Transitional Government delegation. He was there representing RCD-G political interests. In addition, a MONUC deligation was not allowed to accompany Vice President Ruberwa into Cyangugu. They were prevented from crossing the border by the local magistrates.[423]

During Vice President Ruberwa's stay in Bujumbura, a mysterious pamphlet was passed around in Congo warning Vice President Ruberwa to stay out of Uvira. It was brought

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[418] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 11.

[419] Ibid.

Note: A Mubembe priest from Baraka can be confirmed at the meeting. ("*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.) This individual was a survivor of the massacre and it was unknown what was said at the meeting besides asking the refugees to come home. This person gave key testimony about what happened in Gatumba.

[420] Note: A "prefect" in Rwanda was equivalent to a province in Congo.

[421] "Campaign Against Impunity in the Democratic Republic of the Congo." Antoine Roger Lokongo. Congo Panorama. http://congopanorama.info/documents/mag-campaign.shtml.

[422] "Rwanda has no Role in Fighting in Congo: Congolese VP," Xinhua News Agency. 11 August, 2004.

[423] "Azarias Ruberwa Arrived in Cyangugu This Wednesday Morning," Radio Okapi. English Translation. 11 August, 2004. http://www.radiookapi.net/article.php?id=929.

to the attention of MONUC. Refugees in Gatumba acknowledged they had heard about the pamphlet.[424] Nothing happened to Vice President Ruberwa, but it kept people uneasy.

In the late afternoon on 13th August, several Kiswahili-speaking soldiers in uniform were seen in camp. When U.N. staff asked them what they were doing, they would only say they were providing security for the camp. They were seen throughout the evening, but they did not harass anybody so none of the refugees were alarmed by their presence.[425]

That night around 22:00, Gatumba was invaded from the direction of the Congolese border. One witness saw a group of people cross the Congolese border and join up with a separate group in Burundi territory.[426] They approached Gatumba camp beating on drums, blowing whistles and chanting religious songs in Kirundi, providing an eerie soundtrack to the carnage.[427] Survivors stated they also heard attackers speaking in Kinyarwanda, Kiswahili, Kibembe, Kifulero, and Lingala.[428] Witnesses said most of the attackers wore military uniforms[429] and a large number of combatants appeared to be children.[430]

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[424] "Congo Refugees Grieve for Victims," Associated Press. 16 August, 2004.

[425] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 13.

[426] Ibid.

Note: If true, this statement strongly suggests the involvement of an armed group(s) from Congo.

[427] Ibid.

Note: Kirundi is a Bantu language spoken in Burundi that is closely related to *ikinyarwanda*.

[428] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N°13. English Translation. December 2004.

Note:The use of Kifulero and Kibembe suggests the involvement of the Mai-Mai, but the Bafleuro and Babembe each had separate Mai-Mai militias.

[429] Note: On 8 November, 2005, the FNL's Chief of Staff Aloys Nzabampema was arrested with several aids in Bujumbura. They had several ONUB uniforms and helmets from the South African contingent. A separate group of FNL combatants captured in Gihanga possessed Nepalese ONUB uniforms. Nzabampema told Burundian authorites he received the uniforms from Burundian insiders working for ONUB's military. ("Army Probes Source of UN 'Military Uniforms' in Rebel Hands," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 18 November, 2005.)

Another problem is determining what, if any testimony was part of a psychological operation. Since the killings were ethnic-based, the politics of individuals who gave testimony may or may not have come into

Gunfire ripped across the camp. Six policemen guarding the camp returned fire until their ammunition ran out, then retreated back towards the police station.[431] They did not have any communication radios so they were unable to call for backup.[432] Many refugees in camp had cell phones with the numbers of UNHCR workers but no one was contacted in time.[433] No one from the FAB or police station responded to the gunfire and explosions heard that night and combatants crossing the Congolese border chanting and singing did not peak much interest either. Major Budigoma would later claim he did not hear about the attack until a half-hour after it had started despite the fact he should have easily heard the gunfire and explosions. As a result, the refugees were left at the mercy of the attackers.

The attackers opened fire only on the Banyamulenge refugees. Still groggy from suddenly awakening to the sounds of gunfire, a few refugees peeked out of their tent to see what the commotion was about. They were promply shot in the face. Anyone who attempted to flee was shot. Mass confusion reigned through the camp. A few refugees were quick enough to cut their tents open and flee into the surrounding woods. Philippe Mukwiye, one of the DSR agents was caught out in the open as he tried to flee. When he spoke Kifluero to

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play. It is also unknown if any of the survivors were part of the operation and were supposed to survive in order to purposely give misleading testimony. The answers may never be known.

[430] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 14.

Note: The Kibembe could hypothetically be spoken by Babembe members of the Mai-Mai and *ikinyarwanda* could have been spoken by FDLR/FOCA or RDF. The group that joined from the Burundian side of the border was most likely the FNL given the consensus on Kirundi being the most commonly spoken language amongst the attackers.

[431] Ibid.

[432] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 10.

[433] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 13.

them, the soldiers motioned for him to lie down to avoid being shot even though he was a Banyamulenge.[434]

The combatants fired at the tents from a distance then closed in to lob grenades into the tents. It appeared they were deliberately herding refugees together to make them easier to kill. One survivor commented the attackers "were experienced at killing."[435] Tents were maliciously set ablaze, burning many people alive. Some witnesses claimed the attackers used bottles of gasoline and matches while others claimed they carried "lit torches."[436] Survivors recalled some attackers shouting anti-Tutsi and anti-Banyamulenge slogans in Kirundi while shooting into the tents.[437]

While the green tents occupied by Banyamulenge were targeted, the white tents on the other side of camp housing internally displaced Burundians were physically guarded to protect them from harm. Burundians were told by the militia they would not be harmed as long as they stayed calm and remained inside their tents.[438] Refugees identified as Babembe on the Banyamulenge side of camp were often spared and allowed to escape.[439]

One wounded woman was singing to her child in Kibembe. A Kibembe-speaking soldier heard her and when he found out she too was Bembe, the attacker ferried her and the child to safety behind the police camp. The woman said the soldier told her they were told only Banyamulenge and Burundians were in Gatumba. She also said a Mai-Mai soldier

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[434] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.
[435] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 14-15.
[436] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.
[437] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 15.
[438] Ibid. pg. 16.
[439] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 16.

bandanged her wounds and after the attackers left, she waited until daybreak to leave her hiding spot.[440]

When finished attacking, the combatants looted the camp with the help of some women who accompanied them as porters and withdrew back in the direction of the Congolese border,[441] but they avoided the customs post and crossed at Kahorohoro.[442] They shot and killed three more people as they retreated.[443] They continued singing as they marched off into the night. The FAB and the Military Police did not intercept them as they left. The unharmed survivors helped gather the wounded together between 00:30 and 03:00 but many succumbed to their wounds before sunrise.[444]

Several hours passed between the time when the attack ended and when the first people reportedly arrived on the scene. Within two hours of the attack, Radio France Internationale and a local journalist were aware of the situation but did not go to Gatumba right away. MONUC and a Rwandan military officer stationed in Cyangugu learned about the murders soon after.[445] The UNHCR was contacted by a local official and arrived at the scene around 0600. Already, Banyamulenge survivors were telling people the *Interahamwe* were involved

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[440] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

[441] Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004.. pg. 14.

[442] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

Note: An agent of the UNHCR interviewed in September 2004 said an investigation failed to uncover any signs of the attackers at the Congolese border. ("*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.)

[443] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 16.

[444] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

[445] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 23.

in the attack.[446] A MONUC official was rushed to Gatumba by 07:00.[447] ONUB staff did not arrive until 09:00.[448]

Other NGO workers arrived after dawn and began stacking and counting the bodies amidst the smoldering rubble. Some of the bodies were still burning and the smell was overpowering, making it difficult to work. Many surviving refugees sat solemly on the ashen ground with their head cradled in their hands. Some were weeping bitterly, others just rocked their heads silently in disbelief and mourning.

Of the 152 refugees killed, 138 were Tutsi Banyamulenge and the majority were women and children.[449] Eight people went missing.[450] Colonel Mutebusi later admitted 15 of his soldiers were killed in Gatumba.[451] The camp was in shambles and the border crossing at Uvira was closed immediately. Many refugees who came to Gatumba with nothing lost the only thing they had left: their family.

The morning after the attack, a different pamphlet circulated around the remains of Gatumba camp. A previously unknown group, the Congolese Movement of Non-Violent Combatants for Democracy (MCCND) signed it. The pamphlets were written in Kiswahili and French, languages Congolese, but few native Burundians would understand. The pamphlets explicitly stated a coalition of Burundian rebels (FNL), Rwandan rebels from Congo (FDLR/FOCA), and FARDC aimed to prevent Tutsi colonization in the Congo and Burundi by

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[446] Ibid. pg. 27.
[447] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 10.
[448] Ibid.
[449] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 15.
[450] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 9.
[451] United Nations Security Council. "Letter Dated 26 January 2006 to the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 15.

force. When the U.N. interviewed survivors, Burundian military officials, and local government figures, none of them had seen or heard of the pamphlet before. No one at ONUB or the UNHCR had seen it either.[452]

By late morning, media outlets began filing their stories on the massacre. In the days that followed, some news corporations, like the BBC and The Economist, made a point to emphasize certain claims, particularly that the attackers brandished machetes.[453] Since the vast majority of the victims were Tutsi, the idea of machetes being used rekindled memories of Rwanda's horrible genocide of 1994, when the *Interahamwe* and other civilian militias used machetes during their murderous attacks. This association caused many people to reflexively blame FOCA for a role in the Gatumba massacre before a proper inquiry into the killings could be initiated. The international press' false conclusions only served to inflame the situation further.

The morning after the slaughter the FNL's spokesman Pasteur Habimana claimed responsibility for the attacks on behalf of the FNL. Mr. Habimana harshly chastised journalists for hinting the FDLR/FOCA or Mai-Mai had any part in the Gatumba massacre.[454] He stated the FNL beared full responsibility for what happened, but stressed civilians were not intentionally targeted.[455]

Spokesman Habimana stated the FNL was attacking the FAB and police bases near Gatumba. Burundian military authorities interviewed by the U.N. verbally confirmed the attacks, but physical evidence supporting the claims was confusing. It showed the military did

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[452] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 24.

[453] Examples: "The 'Jews' of Africa," The Economist. 19 August, 2004; "Tutsis Massacred in Burundi Camp," BBC News. 14 August 2004; "DR Congo Army 'Massacred Tutsis'," BBC News. 17 August, 2004.

[454] Note: The Mai-Mai are known to share supplies with the FNL in Uvira Territory because the FNL has small military bases in South Kivu.

[455] "Campaign Against Impunity in the Democratic Republic of the Congo." Antoine Roger Lokongo. Congo Panorama. http://congopanorama.info/documents/mag-campaign.shtml.

not fire back at the rebels[456] and none of the buildings on base received any damage from mortar explosions, grenades or bullets.[457] Mr. Habimana claimed the FNL followed FAB soldiers as they fled from their base under fire. The FAB went into Gatumba and then stopped to return fire. He also said Banyamulenge in the camp had arms caches in their tents and they started shooting at the FNL. The ensuing deaths were supposedly a result of crossfire though no evidence supports the claim any Banyamulenge refugees were involved in the fighting.[458] A U.N. investigation after the massacre revealed no evidence of arms caches anywhere in the camp.[459]

Anecdotal evidence supports Mr. Habimana's confession. The practice of chanting religious hymns loudly while marching into battle is only common in the FNL and reports of hymns sung in Kirundi add some credibility to his admittance of guilt. In recent years, the FNL often used child soldiers and their battalions are frequently accompanied by female porters as described by witnesses. In addition, the FNL maintains a base in Rukoko Forest near Gatumba.[460] The witness who claimed they saw a group of combatants inside Burundi territory join the rest of the soldiers marching on Gatumba likely witnessed a group of FNL soldiers already in Burundi joining whoever crossed over from Congo.

Several key government officials insisted other militias were responsible. Burundi's Hutu President Domitien Ndayizeye[461] and Tutsi Vice President Alfonse-Marie Kadege said

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[456] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 17.
[457] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 17.
[458] Ibid. pg. 21, 26.
[459] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 20.
[460] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 20.
[461] Note: In August 2005, Burundi's Parliament elected Pierre Nkurunziza, a Hutu in the FDD party, as President following Burundi's postwar Transitional Period. In late August 2006, former Hutu President Domitien

Mai-Mai and FOCA crossed into Burundi and attacked the camp. U.N. Secretary General Kofi Annan also implicated the Mai-Mai and FOCA in the attack.[462] In addition, key Rwandan government officials, including President Kagame, also blamed FDLR/FOCA. President Kagame stated during a radio address *Interahamwe* were still in Bukavu, Uvira, and also were embedded in the FARDC.[463] Foreign Minister Charles Murigande said, "If they [Transitional Government] failed to act, Rwanda would respond itself, including, if necessary, by fighting the Hutu rebels inside Congo."[464]

The RCD-G party blamed Congolese rebels for a role in the murders. One of the Gatumba survivors, an RCD-G intelligence agent named Alexis Kamana, became an unofficial spokesperson for the refugees. He handled most press inquires so his version of events, which changed over the following week, were widely disseminated. A Human Rights Watch

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Ndayizeye was arrested by the new Burundian Government and charged with plotting a coup that included a plan to assassinate President Nkurunziza, the Secret Service Chief, and several military officials. Some of the journalists and radio personalities who reported on his detention were accosted and thrown into jail on claims they were threatening public order. Suspected rebel leader Alain Mugabarabona said he was tortured by the *Documentation Nationale* (Burundi's Presidential Guard and police force) to implicate Mr. Ndayizeye in the plot. ("Burundi's Ex-President in Court," BBC News. 25 August, 2006.) Burundi's Justice Minister is married to one of the judges trying the case, Judge Gregoire Nkeshimana.

The case took an interesting turn in late December 2006 when prosecutor Gaudence Ndayizeye said D. Ndayizeye and Mr. Mugabarabona met with General Nkundabatware, General Kabarebe, and General Saleh to plan the coup. He called the group the "Club of Kampala" and said their aim was to get a sympathetic rebel group in power (led by Mugabarabona) that would allow Burundi to be used as a rear base for General Nkundabatware to attack the Congo with the help of Rwanda and Uganda. ("War in the East: Here is how Nkunda is Helped to Attack the DRC: Revelation in the Closing Speech for the Prosecution," DigitalCongo 3.0. English Translation. 23 December, 2006. http://www.digitalcongo.net/article/39809) Rwandan military officials denounced the allegations as unfounded and baseless.

Burundi's Tutsi Minister of Defense General Germain Niyoyankana denied there was a coup plot, claiming the Army's intelligence division had neither received nor observed any indications of such a plot. In the end, Mr. Ndayizeye, former Vice President Alphonse Marie Kadege, FAB officer Damien Ndarisigaranye, lawyer Isidore Ruyikri, and politician Deo Niyonzima were aquitted of all charges on 15 January, 2007. Mr. Mugabarabona was sentenced to 20 years and Tharcisse Ndayishimiye, who admitted attending meetings with the accused, was sentenced to 15 years.

[462] "Campaign Against Impunity in the Democratic Republic of the Congo." Antoine Roger Lokongo. Congo Panorama. http://congopanorama.info/documents/mag-campaign.shtml.

[463] Ibid.

[464] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 12.

investigative team complained a group of Banyamulenge men took charge of Gatumba and frequently barged in during private conversations, but none of the other investigators reported this problem. Surviving women were repeatedly not allowed to speak for themselves. Banyamulenge men would interrupt and speak for them.[465]

Vice President Ruberwa stated angrily that Mai-Mai, FNL, ex-FAR and *Interahamwe* (i.e. FDLR/FOCA) were responsible for the murders and called the massacre a genocide.[466] In a memo he published later on behalf of the RCD party, Vice President Ruberwa specifically accused FARDC officers General Mabe, Colonel Dunia, Colonel Nyakabaka, and Lieutenant Colonel Kayamba[467] of planning the attack at Gatumba and another attack in Bibokoboko, an area heavily populated by Banyamulenge.[468] The RCD-G also alleged FARDC officer (then) Major Ekofo (ex-Mai-Mai from Uvira Territory) was commanding the Mai-Mai when they attacked Gatumba camp. Major Ekofo was shot in the leg and treated at Panzi Hospital, but several people testified independently Major Ekofo was out with his friends celebrating his promotion to lieutenant colonel and were stone drunk on the night of 13th August and in no

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[465] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 25.

[466] "Campaign Against Impunity in the Democratic Republic of the Congo." Antoine Roger Lokongo. Congo Panorama. http://congopanorama.info/documents/mag-campaign.shtml.

[467] Note: Colonel Dunia, Colonel Nyakabaka, and Ltc. Kayamba are all former Mai-Mai commanders. Colonel Dunia founded the Mai-Mai militia based in Fizi Territory.

[468] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 8-9.
Note: The RCD-G administrator of Fizi Territory also claimed a meeting was held on August 10th in Bukavu between General Nyakabaka (former leader of a Bafulero Mai-Mai militia), Colonel Dunia, Ltc. Dieudonné Mutupeke (ex-Mai-Mai, commander of 109th Battalion in Uvira town), General Mabe, FOCA Captain Faustin Nguba, and FOCA Major Félicien Kanyambi to plan the attack on Gatumba. Major Efoko and Commander Fujo Zabuloni reportedly joined them around August 11th to finish planning.

The administrator said the FNL was involved but he did not know the names of any individuals. He also stated FOCA was receiving reinforcements from Tanzania arriving in the Congo on boats from Kigoma. He claimed the soldiers were supplied with FAC uniforms by the Congolese Consulate Officer in Kigoma. A Bembe priest who was in Gatumba independently claimed FOCA fighters were immigrating to Congo via Tanzania and the Congolese embassy near Dine was giving them money as they passed through. ("*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.)

shape to carry out military operations. He was reportedly shot by his own bodyguard in an accident while they were driving.[469] It is clear that some FARDC elements were indeed working with the FOCA at the time of the Gatumba attack because General Mabe himself said some of his soldiers helped 26 FDLR/FOCA prisoners escape on 5th August.[470]

Vice President Ruberwa reminded President J. Kabila the 10th Military Region's vacant deputy commander post still belonged to the RCD-G. He told President Kabila the massacre would never have happened if the post had been properly occupied. He further chastised President Kabila for rejecting the RCD-G's nomination of Colonel Byamungu to replace Colonel Mutebusi as the deputy commander back in February 2004. President Kabila only requested the immediate formation of an international commission to investigate the massacre. He gave no indication he took any of Vice President Ruberwa's suggestions to heart.

The FDLR responded with a press statement claiming the FNL ambushed Gatumba under fire from RDF troops they encountered in the Vugizo sector of Burundi.[471] A Congolese human rights group further stated the explosions that caused the tents to light on fire were from ammunition hidden in the Banyamulenge tents by militants posing as refugees. They claim the FNL removed the bodies of RDF soldiers around 02:15 and removed bullet casings from the scene.[472] To this author's knowledge, the FNL never publicly denied these claims, but they never affirmed them either. Based on the collected testimony, if any bodies were indeed removed, it is likely they were Colonel Mutebusi's soldiers, the ones he said were killed.

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[469] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

[470] "Bukavu: The Commander of the 10th Military Region Denounces the Complicity of FARDC Guards in the Escape of 26 FDLR Elements," Radio Okapi. English Translation. 5 August, 2004. http://www.radiookapi.net/article.php?id=901.

[471] "Burundi: The Gatumba Massacre. War Crimes and Political Agendas." Human Rights Watch. September 2004. pg. 26.

[472] "*La Verite Sur Les Massacres des Réfugiés Congolais à Gatumba au Burundi Dans la Nuit du 13 Août, 2004. L' Axe RCD-Goma – Kigali – Bujumbura Mis au Banc des Accusés*," Peace for Africa Now (PFAN). English Translation. 31 August, 2004.

However, reports of Kinyarwanda-speakers attacking the camp suggest FOCA may have been involved. One survivor of the attack claimed FOCA integrated members into the FARDC that participated in the attack. He claimed the FOCA soldiers changed their names to a Congolese name and learned Lingala. He even said Captain Bahati,[473] a commander based in Fizi, is Rwandan.[474]

The Mai-Mai responded with a press release emphatically stating they had no role in the massacre. They blamed "Rwandan Tutsis" for the attack and called for an immediate international inquiry.[475] Colonel Nyakabaka, commander of the 111th FARDC Battalion of ex-Mai-Mai in the area, denied involvement of his soldiers. He stated it would be impossible for ex-Mai-Mai in the FARDC to commit the crimes because they can not cross the border.[476]

An investigation by Human Rights Watch did not find conclusive evidence of Mai-Mai involvement, but eyewitness testimony suggests otherwise. There are many Babembe Mai-Mai in Fizi Territory. Additionally, there were Kabembe-speakers among the attackers and no Rwandan or FNL soldier should know the language. In addition, one eyewitness told interviewers the Mai-Mai created an alliance with the FNL and FOCA in Fizi Territory before the Gatumba massacre.[477]

FAB officials gave MONUC, ONUB, and the press a letter supposedly written by a new Mai-Mai militia called the Popular Self-Defense Forces (FAP) led by Colonel Dunia, who

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[473] Note: Ltc. Bahati was appointed Brigade Commander of the 6th Mixed Brigade in South Kivu in October 2005.

[474] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

[475] "Campaign Against Impunity in the Democratic Republic of the Congo." Antoine Roger Lokongo. Congo Panorama. http://congopanorama.info/documents/mag-campaign.shtml.

[476] "Reactions Around the Slaughters of Gatumba Camp in Burundi," Radio Okapi. English Translation. 16 August, 2004. http://www.radiookapi.net/article?id=944.

[477] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

allegedly gave arms to the FNL. The U.N. determined the letter was faked[478] but the administrator of Fizi Territory testified many of the Congolese who fled to Gatumba were running from Colonel Dunia's Mai-Mai who were hunting down all Banyamulenge and Babembe RCD-G members. He also stated Colonel Dunia planned to attack Bibokoboko and kill all the Banyamulenge and sent Major Yakutumba (ex-Mai-Mai) to Baraka on a mission to prepare his soldiers for the operation. The administrator said he warned General Amisi about the plot and many Banyamulenge fled Bibokoboko, spoiling the plan.[479]

On 14th August, a Yakovlev-40 plane belonging to Simeron Enterprises LLC in Armenia made an unscheduled stop in Goma. Included in the cargo, but not on the cargo manifest, were hundreds of brand new military uniforms complete with a patch sewn on the sleave bearing the letters "FAC." The military police supervised the cargo unloading and saw to it the uniforms were delivered to their owner: General Obedi. Since General Obedi did not tell his superior officers about ordering the uniforms, he violated an arms embargo, but the military police did not arrest him.[480]

Captain Désiré Ntumba, Chief of the 8th Military Intelligence Unit and his deputy Captain Pascal Kambere were also present at the airport. They both saw the uniforms and inspected the cargo and flight manifests. They were very concerned because of several irregularities. Captain Ntumba reported directly to Kinshasa on military intelligence matters.[481]

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[478] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 19.
[479] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.
[480] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 14-15.
[481] Ibid.

On 16th August, at an emotional ceremony near Gatumba, the victims were buried in a mass grave without any forensic examination.[482] Several RCD-G officials attended, including Vice President Ruberwa and Defense Minister Adolphe Onusumba Yemba Lodi Omafudu.[483] Vice President Ruberwa gave an intense speech to the bereaved attendees. He demanded quick and decisive action from the Transitional Government and denounced violence against the Banyamulenge.

Not long after the funeral service, Vice President Ruberwa decided to take unilateral action. He called all RCD-G politicians to Goma for a meeting. After the meeting, Vice President Ruberwa stated the Sun City Final Act was falling apart and he announced the RCD-G was suspending its participation in the Transitional Government. Vice President Ruberwa gave several stipulations and demanded policy changes to the Transitional Government be implemented before the RCD-G party would resume participation. First, he wanted an endorsement of trade societies backed by former RCD-G managers.

Next, he wanted a review of all military and political appointments in South Kivu, particularly General Mabe because of his alleged role in the death of Banyamulenge in Bukavu, Walungu, Shabunda, and Bushaku.[484] Vice President Ruberwa demanded General Mabe's dismissal. Lastly, he requested President J. Kabila withdraw all FARDC soldiers deployed to the Kivus during the Bukavu crisis. President Kabila recalled all Congolese

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[482] United Nations Security Council. "Letter Dated 15 October 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/821. 18 October, 2004. pg. 10.

[483] Note: Defense Minister Onusumba is the former President and Foreign Minister of the RCD-G. He hails from Kasai Province.

[484] Note: Critics of Vice President Ruberwa believed he wanted General Mabe removed because he was actively conducting military operations against General Nkundabatware's men at the time. In early September of 2004, the Congolese newspaper *L'Avenir* published a letter from Rwandan Minister to the President Solina Nyirahabimana to Bizima Karaha stating Rwanda was going to pay FARDC officers in the Kivus to allow an assassin enter their ranks in order to kill General Mabe. However, the letter was recieved from the Mai-Mai and their perpetual anti-Rwandan stance does warrant suspicion about its authenticity. ("Paul Kagame Announces his Military and Financial Support for Bizimana Karahamueto in a Secret Correspondence," *L'Avenir*. English Translation. 15 September, 2004.)

diplomats from Burundi and said there was no chance he would change the transitional agreement.

Many in the RCD-G party disagreed with Vice President Ruberwa's stance. 62 of the 94 RCD-G deputies outright ignored his order to withdraw from the Transitional Government.[485] Dr. Emile Ilunga (former RCD-G Chairman and Deputy Speaker of Parliament) also disagreed with Vice President Ruberwa's decision. The U.S. issued a statement of concern about Vice President Ruberwa's decision.[486] Regardless, Vice President Ruberwa would not relent and he continued to holdout. He approached South African President Thabo Mbeki to act as a mediator between the RCD-G and the Transitional Government.

The Burundi and Congolese governments were extremely suspicious of each other after the Gatumba massacre. This suspicion gave rise to increased militarism in both countries. In South Kivu, Burundian students were often summoned to appear before the military investigation team that was formed after the Gatumba murders. Many of these students were tortured to determine if the FAB were planning another attack on the Congo.[487] Other students just "disappeared." The FARDC also forced several businesses owned and/or run by RCD-G members to close.[488] Congolese living in Bujumbura experienced similar treatment from the Burundian police.[489]

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[485] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N˚91. 30 March, 2005. pg. 18.

[486] "The White House Concerned by the Decision of Ruberwa to Suspend All Congolese Rally for Democracy (RCD) Activities in the Transition," DigitalCongo 2.0. English Translation. 27 August, 2004. http://www.digitalcongo.net/fullstory.php?id=41680.

[487] Note: FAB forces invaded Congo with Rwanda and Uganda in 1998. This was, in part, to dismantle the FNL's rear bases in South Kivu.

[488] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

[489] "UNHCR: Gatumba Survivors Refuse to Move," *Héritiers de la Justice*. Press Release. English Translation. 20 September, 2004. http://www.heritiers.org/english/nota%20bene%20016.htm.

General Nkundabatware published a press release from his base in Minova condemning the Gatumba massacre. He blamed General Mabe's troops for the massacre, stating they were carrying out an anti-Tutsi policy they began in Bukavu.[490] At the height of political instability after the Gatumba massacre, General Nkundabatware used the deaths of Banyamulenge in Gatumba as proof of his assertion genocide against Tutsis in the Congo was occurring, which was his original stated reason for invading Bukavu. Though he retracted his statement and claimed there was no genocide when he left Bukavu, he now reiterated that he intervened in Bukavu to prevent a planned genocide against Banyamulenge that-he claimed-was completed in Gatumba.[491]

In his letter General Nkundabatware made it very clear he would intervene by force to prevent any further targeting of Banyamulenge if the Transitional Government did not take decisive action against those responsible for the Gatumba massacre. He stated, "We (Tutsi) cannot wait to be exterminated. We are going to solve it by means of a gun unless the government acts now."[492] General Nkundabatware then traveled to Goma and likely met with Vice President Ruberwa. During an interview conducted while he was in Goma, he stated "I am not attacking right now." "I will be here in Goma mourning for a few days."[493]

Near the end of August, the FAB captured a young man who claimed he was an FNL soldier. The man said he was captured by the FAB as he was traveling by himself after he fled the FNL following the attack. He revealed details about the attack and was deemed credible. He said he was with a group of FNL soldiers based in Rukoko. He revealed the FNL made a

[490] "Campaign Against Impunity in the Democratic Republic of the Congo." Antoine Roger Lokongo. Congo Panorama. http://congopanorama.info/documents/mag-campaign.shtml.
[491] "DRC: Interview with Rebel General Laurent Nkunda," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2004.
[492] "Rebel Threatens DR Congo Peace," BBC News. 19 August, 2004.
[493] "Congo Peace Hangs in Balance After Tutsi Massacre," David Lewis. Reuters. 17 August, 2004.

"deal" with the Mai-Mai prior to the attack and the Mai-Mai were going to pay each FNL soldier participating in the attack.[494]

The young man stated the FNL, led by Chief Sekis and his assistant Mani, crossed over into the Congo near Rukoko and met up with Mai-Mai and FDLR soldiers. The group traveled south for several days along Ruzizi and arrived at the Gatumba crossing on August 13th. They crossed the border together and the Mai-Mai were giving the orders. He also noted the Mai-Mai brought bottles of gasoline they used to light the tents on fire and he also said Mai-Mai were the ones who brought women to sing and dance, not the FNL. After leaving the scene, the group traveled together for two days, then went their respective ways.[495]

The end result of all these threats and accusations was a destabilization of the Transitional Government. Any chance of relocating refugees back into the Congo was lost. Burundi closed its borders with Congo again in preparation for the investigation. Rwanda and Burundi also closed several refugee camps near the Congolese border and moved the remaining refugees to camps located on the interior of the country. Burundi sent several thousand to Mwaro in the center of Burundi and another camp was being set up near the Tanzanian border. By the end of September, 608 refugees in Gatumba told South Kivu's Vice Governor Thomas Nzitimana they were ready to return home.[496]

At the time of this writing, the Gatumba massacre still remains officially unsolved. The evidence strongly suggests the FNL did not act alone, but there are unanswered questions and contradictions in the recorded statements and collected evidence. Over two years have passed

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[494] "*Devoir de Mémoir et Responsabilité Collective Pour L'Avenir*." Christiane Kayser, Onesephore Sematumba, Aloys Tegera. *Regards Croises*. N˚13. English Translation. December 2004.

[495] Ibid.

[496] "Bukavu: 608 Congolese Refugees in Burundi Ready to Return to the Country, According to the Vice Governor of South Kivu," Radio Okapi. English Translation. 22 September, 2006. http://www.radiookapi.net/article.php?id=1103.

and the evidence at the scene is gone. Unless perpetrators or other eyewitnesses come forward with corroborating testimony, it is unlikely the public will ever know the full truth about what happened that fateful night.

With the hopes of quelling the violence, the U.N. Security Council proposed to drastically increase the number of MONUC troops on the ground in Congo, but the U.S., who provides 27% of the U.N.'s peacekeeping funds, vetoed the proposal stating currently deployed MONUC troops need to be more effective first.[497] MONUC had a difficult task ahead of them to become more effective. Their popularity was at an all time low and many Congolese citizens did not trust the U.N. to provide security for them anymore after what happened in Bukavu.

General Mbuki finally announced a replacement for Colonel Mutebusi as the Deputy Commander of the 10th Military Region. He chose Colonel Louis Ngizo Siatilo, a former ANC soldier who served as an advisor to Defense Minister Onusumba in the Transitional Government.[498] General Mbuki denied the appointment had anything to do with the Bukavu crisis or the Gatumba massacre.

[497] "US Cool on Annan's Congo Peace Force Plan," *Agence France Pressé*. 19 August, 2004.

[498] Note: In 2005, he was transferred to Katanga Province, where he spearheaded FARDC operations against Mai-Mai. Back in 1998, as an ANC commander in Kindu, he was one of the first to admit publicly the RPA was aiding the RCD-G rebellion.

Chapter 7: A Transition in Crisis

The political tension generated by the fallout from the Gatumba massacre put an end to all ongoing FARDC offensives in the Kivus for the time being, allowing General Nkundabatware an opportunity to regroup. To complicate things further, Captain Ntumba and his assistant, Captain Kambere, were gunned down by unknown assassins in Goma only days after discovering the flight manifest irregularities. Government officials stated they were probably killed on the orders of 8th Military Region officials.[499] Despite promises of an inquiry, no one was ever arrested for these crimes.

Beginning in August 2004, reporters and civilians disclosed to government officials General Nkundabatware frequently traveled to Goma where he owns property and has family.[500] During his trips, he would often visit Vice President Ruberwa, who decided to stay in Goma while the RCD-G was estranged from the Transitional Government. He also met often with former Governor Chiribanya, and his former second-in-command Colonel Byamungu.[501] General Nkundabatware even granted an interview to a U.N. news division during one of his visits to Goma and openly stated he was in town to see Vice President Ruberwa.[502] MONUC and FARDC officials made no attempts to seriously confront him during his visits.

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[499] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 15.

[500] "DRC: Interview with Eugene Serufuli, Governor of North Kivu Province," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 22 July, 2004; "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 5.

[501] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 5.

[502] "Interview With Rebel General Laurent Nkunda," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2004.

From 31st August to 3rd September, it was reported General Nkundabatware and Colonel Mutebusi were in Aru (on the extreme northeastern Congo/Uganda border) meeting with several militia leaders, including Jérôme Kakawavu Bukande[503] of the People's Armed Forces of Congo[504] (FAPC) and Bosco Taganda[505] of the Union of Congolese Patriots[506]

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[503] Note: Jérôme Kakwavu Bukande is a Munyarwanda from Masisi Territory and a former RCD-ML commander of the 5th Operational Zone around the gold-rich town of Durba. Commander Kakwavu was integrated into the FARDC as a General and has not been arrested for alleged war crimes. In October 2004, he illegally detained 24 people and six died from beatings by soldiers under his command. ("D.R. Congo: Army Should Not Appoint War Criminals," Human Rights Watch. Press Release. 14 January, 2005.) He is the subject of sanctions from both the E.U. (Commission Regulation Number 1824/2005) and the U.N.Security Council (SC/8546).

[504] Note: The FAPC was a militia based in Aru and Ariwara in Ituri District (Orientale Province). These two towns are the primary customs points for gold and timber smuggled into Uganda. In addition, there is a lucrative gold mining area on the Zani River in the nearby village of Djalasiga.

The FAPC was founded 4 March, 2003 with the help of Uganda. They had a varied ethnicity, but Commander Kakwavu was known to sympathize with Bahema (Hema). The FAPC allied with Uganda originally, then with Rwanda and the Union of Congolese Patriots (UPC) in 2002 and early 2003. In 2004, the FAPC reestablished ties with Uganda from their new headquarters in Aru and Ariwara. They also received assistance from Sudanese People's Liberation Army (SPLA) soldiers who infiltrated into the Congo during 2004. SPLA are located near Garamba Park, in the woods along the road to Ariwara, and Aba. SPLA Commander Hassan Daud arranged for arms transfers and joint military patrols with the FAPC. (United Nations Security Council. "Letter Dated 15 July 2004 From the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2004/551. 15 July, 2004. pg. 30.) Most of the FAPC disarmed and demobilized, but some escaped to Uganda in early 2005 and their whereabouts are unknown. Commander Kakwavu was appointed a general in the FARDC.

[505] Note: He was the UPC's Chief of Operations and Assistant Minister of Defense before UPC President Thomas Lubanga was arrested. When Commander Lubanga was arrested General Bosco assumed leadership of the Union of Congolese Patriots- Lubanga (UPC-L). He was later offered a general's position in the FARDC but he declined and opted to stay in the bush, leading a small group of about 2,000 UPC loyalists in Ituri. ("Democratic Republic of the Congo: Disarmament, Demobilization, and Reintegration (DDR) and the Reform of the Army." Amnesty International. AFR 620012007. 24 January, 2007.) He is the subject of sanctions from both the E.U. (Commission Regulation Number 1824/2005) and the U.N.Security Council (SC/8546). He is also known as Bosco Ntaganda and by his nickname "Terminator."

General Bosco participated in numerous war crimes. He commanded a UPC unit responsible for killing a Kenyan MONUC soldier in January 2004 and kidnapping a Moroccan MONUC soldier in 2004. ("D.R. Congo: Army Should Not Appoint War Criminals," Human Rights Watch. Press Release. 14 January 2005.) On August 7-8, 2002, UPC and local militias under his command burned down all houses belonging to Bira, Lendu, and Nande, killing 110 civilians in the process. They had a prearranged list of people targeted for assassination in the villages of Mudzipela, Bigo I, II, III, and Saio. (United Nations Security Council. "Letter Dated 16 July 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/573. 16 July, 2004. pg. 18.)

In November of 2002, he led the UPC into battle with the ALC (shortly after their *'Effacer le Tableau'* ["Erase the Board"] operation), UPDF, and RPA to take the gold-mining town of Mongbwalu. The battle turned into a massacre. Any Lendu, Ngiti, or Nande people found hiding or caught running were butchered. House-to-house searches for Lendu were conducted. An entire church full of trembling non-combatants was

"cleansed." Abbé Boniface Bwanalonga was visciously murdered. Some UPC militia members used knives and hammers to torture civilians in the gristliest fashion while killing them. An absolute minimum of 200 civilians were killed. After the battle, the UPC promised to ship the gold to Kigali. ("Ituri:'Covered in Blood'." Human Rights Watch. Volume 15, Number 11. July 2003. pg. 24-26.)

Mongbwalu is located on the *Offices de Mines d'Or de Kilo Moto* (OKIMO) Concession #40. Two of OKIMOs directors (at the time) were Bahema. General Director Etienne Kiza Ingani helped the UPC manage the mines after they captured Mongbwalu and Finance Director Roger Dzaringa Buma became Commander Lubanga's official financial advisor. ("The Curse of Gold: Democratic Republic of the Congo." Human Rights Watch. 26 April, 2005. pg. 24.)

506 Note: The UPC was a Bahema militia based in Ituri that was created in July 2001 with the help of Uganda and the UPDF. Though they were initially supported by Uganda, they turned to Rwanda and the RCD-G for backing in 2002. The split was not an amicable one. UPC commander Thomas Lubanga insulted President Museveni by attending military meetings in Kampala wearing an RPA officer's uniform. ("Shifting Sands: Oil Exploration in the Rift Valley and the Congo Conflict." Dominic Johnson. Pole Institute. 13 March, 2003. pg. 23.)

In the beginning, the UPC was based in the village of Mandoro, but they eventually relocated to Nizi. They ultimately split into two groups, the UPC-K (Union of Congolese Patriots - Kisembo) led by Floribert Kisembo (UPC Chief of Staff) and UPC-L led by its President Thomas Lubanga, who is currently being tried at the ICC for war crimes. The UPC-L was responsible for the death of nine Bangladeshi MONUC soldiers in Kafe camp on 5 Februrary 2005. ("United Nations Security Council. "Seventeenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo." S/2005/167. 15 March, 2005. pg. 4-5.)

In 2002, before the UPC split, they turned to Rwanda for military aid. Hema Chief Kahwa Mandoro approached General Kabarebe in June 2002. Chief Mandoro claimed they agreed to his preposition because the RPA wanted to use Ituri as a rear base to attack northern Uganda. The RPA trained over 100 UPC children and adults at Gabiro military camp in Rwanda and they also trained UPC intelligence agents in Bunia. The RPA also sent soldiers to Mandoro to train Bahema and child soldiers. RPA soldiers were also reported in Bunia. MONUC was aware of the situation and was monitoring it. ("The Curse of Gold: Democratic Republic of the Congo." Human Rights Watch. 26 April, 2005. pg. 24-27, 33.) ("Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005; United Nations Security Council. "Letter Dated 16 July 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/573. 16 July, 2004. pg. 13-14; "Ituri:'Covered in Blood'." Human Rights Watch. Volume 15, Number 11. July 2003. pg. 10-12, 17.)

In late December 2002, Commander Lubanga flew to Kigali and personally met with General Kabarebe and President Kagame. He returned to Ituri on a plane loaded with all kinds of arms and ammunition. Rwandan officials flew in arms, RPA soldiers, and uniforms to Mandoro, Tchomia, Bule, Bulukwa, Mongbwalu, Boga, and Dhego. The UPC then armed the FAPC with those weapons. When the UPC and the FAPC jointly attacked the Lendu to take over the gold-mining town of Mongbwalu in mid-November 2002, the RDF planned the attack and even gave battlefield orders. Commander Jérôme of the FAPC and the UPC's General Kisembo Bahemuka answered directly to RDF officers General Kabarebe and General Jack Nziza, (Chief of Military Intelligence [G2]) during the battle. (Ibid.)

In January 2003, the UPC's Foreign Minister Dhetchuvi forged a military alliance with the RCD-G in order to rearm and launch a counteroffensive to gain control of Bunia. In March 2003, Mr. Lubanga returned to Kigali with General Bosco after Rwanda evacuated them from Ituri. In return for their military aid, Commander Lubanga promised to ship Mongbwalu's gold through Kigali instead of Kampala. In addition, investors from Rwanda met with OKIMO employees to discuss investment possibilities. (Ibid.)

(UPC). The meeting's purpose was to plan an FAPC offensive in Mahagi Territory and to discuss disrupting the demobilization and integration process. After the meeting, the UPC repositioned to Ariwara wearing FARDC uniforms.[507]

The United States called for a Tripartite meeting in Kampala between Rwandan Foreign Minister Charles Murigande, Ugandan Defense Minister Amama Mbabazi, and Congo's Foreign Minister Raymond Ramazani Baya. Dr. Cindy Courville, the U.S. National Security Council (NSC) Senior Director for Africa served as a moderator during the meeting. The purpose of the meeting was to reaffirm the countries' commitment to the Lusaka Accords and establish the Joint Verification Mechanism between Rwanda and the Congo to monitor claims of illegal border crossings.[508] The Joint Verification Mechanism involved a team of Rwandan observers and two teams of Congolese observers jointly investigating illegal border crossing claims.

After a month of holding out, Vice President Ruberwa agreed the RCD-G would return to the Transitional Government after meeting with President Mbeki. President Mbeki agreed to talk with President J. Kabila on behalf of Vice President Ruberwa. He told Vice President Ruberwa he would negotiate for a withdrawal of FARDC troops deployed after the Bukavu crisis and for a review of military post assignments.[509] This turn of events gave rise to guarded optimism the RCD-G would work with the Transitional Government and agree on a bilateral solution to end the threats of violence.

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[507] "Criminals with Aru/Ituri: Jerome Kakwavu, Nkunda, Mutebusi, and Bosco," Civil Society of the Democratic Republic of the Congo. Democratic Republic of the Congo: Democracy and Good Citizenship for the Integral Development (DECIDI). English Translation. 20 September, 2004. http://www.societecivile.cd/node/1918.

[508] Note: The Lusaka Accords were signed in July-August 1999 by Uganda, Rwanda, Congo, Zimbabwe, Namibia, and Angola in Lusaka, Zambia. The agreement called for a ceasefire and a withdrawal of foreign forces from the Congo. Milita groups supported by neighboring countries were going to be disarmed, and also called for the creation of what would eventually become MONUC.

[509] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 9.

Governor Serufuli called for a meeting of the administrators of Lubero and Beni territories in Kanyabayonga. Governor Serufuli announced his disagreement with Vice President Ruberwa's decision and he stated these two territories would make autonomous decisions until the RCD-G rejoined the Transitional Government. He then suspended Butembo's FARDC commander, Major Akulema, for no apparent reason.

On 9th September, Major Baudouin, the ex-ANC commander of the 52nd FARDC Battalion in Kitchanga (at the time), began recruiting children and young men for military training. In addition, Robert Seniga (Assistant Administrator of Bishusha (Bwito Grouping) and Conseiller of the Provincial Governor) and Léandre Munyorusisiro (RCD-G party member) distributed weapons in the villages of Kyahemba, Mashango, Nyanzale, Makomalehe, Bukombo, Kyahembe, and Bwito Grouping. The idea was to create a civilian militia/defense force (like the LDF). Local Banyarwanda chiefs who supported the RCD-G asked their subjects to each donate food as a contribution to the recruits.[510]

Fear was heightened when two letters written in *iKinyarwanda* began circulating around Bukavu. One letter, addressed from the Rwandan Ministry of Defense to General Obedi, claimed the Ministry was sending RDF soldiers and arms to assist him. The other letter, addressed to Bizima Karaha from the Office of President Kagame stated Mr. Karaha requested soldiers, money, and equipment from Rwanda.[511] It seems unlikely the letters were authentic, but it is clear they were intended to inflame anti-Rwandophone sentiments.

General Nkundabatware's soldiers began another campaign of violence in September 2004. On 10th September, ex-ANC soldiers barged into the home of a family in Minova who

[510] "Distribution of the Weapons to the Civil Ones," Guelord Mbaenda. Action of the Young People for the Community Development and Peace (ADECOP). English Translation. 15 November, 2004.
[511] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 10.

just sold their car to make some money. The soldiers knew the family had made the sale and they came to steal the profits. The family willingly gave up over $1,000 U.S. to the soldiers without a fight, but three family members, including a pregnant mother, were all killed in cold blood anyway and their belongings were looted from the house.[512] One day later, 600-1,000 ex-ANC and ex-LDF soldiers deserted the FARDC's 12th Brigade and moved to Masisi Territory to join General Nkundabatware.[513] The 12th Brigade was led by Colonel Smith Gihanga and Congolese sources report the size of this brigade can fluctuate tremendously to accommodate RDF soldiers sneaking across the border.[514]

General Mabe announced his desire to attack Minova but stated he would honor MONUC's negotiated truce with General Nkundabatware. General Mabe was growing impatient with MONUC's tolerance of the dissidents' crimes. He began planning an operation to take back Minova and enlisted the help of Mai-Mai militias again. Even if General Mabe could not attack General Nkundabatware's base because of MONUC's agreement, the Mai-Mai militia still could because they were not part of the FARDC and were not beholden to the agreement.

On 11th September, General Nkundabatware's soldiers captured Nyabibwe and Dutu, then split off into separate columns and marched north. They attacked General Mabe's soldiers at Bushushu, but were unable to drive the FARDC back. On 15th September, General

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[512] "South Kivu: Three People of the Same Family Assassinated in Minova," *Le Potentiel*. English Translation. 10 September, 2004.

[513] "Democratic Republic of the Congo: Elections in Sight: 'Don't Rock the Boat?'" Human Rights Watch. 15 December 2005. pg. 7.

[514] "The Enigma of the Presence of Rwandan Troops in DRC," Network of Organization of the Human Rights and Civic Education of Christian Inspiration (RODHECIC). Press Release. English Translation. 22 December, 2004.

Note: The 12th Brigade covers Rutshuru and Lubero territories. Some Congolese say Colonel Gihanga is a Rwandan. (Ibid.) He participated in the Bukavu crisis alongside General Nkundabatware. After reintegrating from the 12th Brigade, he went on to command the infamous 81st Brigade before entering the mixing process again.

Nkundabatware launched simultaneous attacks in Masisi and Walikale territories. It appears he was tipped off to General Mabe's proposed operations. The dissidents in Masisi Territory faught against Colonel Akilimali's ex-Mai-Mai battalions near the Loachi River and Bukombo. Colonel Akilimali eventually retreated back to Nyabiondo, his battalion's headquarters. The dissidents set up road blocks from Bukombo to Loachi. Most people had already fled the dissident-occupied territory for Nyabiondo, but Colonel Akilimali's FARDC soldiers were extorting and robbing the displaced people in town.[515] The civilians had nowhere to hide.

Ex-ANC officers Major Gervais Jackson Kambale (112th Battalion stationed in Walikale Territory) and Major Wilson (114th Battalion stationed in Walikale Territory) joined forces. They prepared for battle by supplementing with soldiers from Goma flown into Mubi by the Great Lakes Business Company,[516] Peace Air Company (managed by Tony Omende), KABI International, and Doren Air Africa Limited, all of whom are under U.N. investigation for arms trafficking. In some cases, the companies were hired while, in other cases, the pilots were forced at gunpoint.[517]

The dissident FARDC forces successfully forced the ex-Mai-Mai FARDC soldiers, Mai-Mai militias and FDLR/FOCA out of the area and they fled into the nearby woods.

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[515] "North-Kivu: Position Stretched to Nyabiondo Between Mai Mai and Former ANC Elements," Radio Okapi. English Translation. 14 September, 2004. http://www.radiookapi.net/article?id=1069.

[516] Note: The Great Lakes Business Company (registered in Goma) is part-owned by the notorious Ukrainian (Tajikistan-born) ex-KGB arms dealer Viktor (Victor) Anatolijevitch Bout, who is the target of assets and travel sanctions from several countries and international government bodies. Dimitri Igorevich Popov (Russian) is the General Manager and Douglas Iruta Mpano (Congolese) is the Manager. Sandra Severin is a business partner of the firm. The firm itself is a recent target of international financial sanctions.

Mr. Bout is accused of flying arms to several rebel groups in the Congo, a charge he denies. ("Russian Businessman Denies Trafficking Arms to Congo," The Moscow News. 4 November, 2006.) At the same time he was alleged to be delivering arms in the Congo, he was simultaneously involved in the Sierra Leone-Liberian war. He was popular not only because he is good at what he does, but he also accepted raw diamonds as payment, which are virtually untraceable and easy to hide. He then delivers the diamonds to a middle person (usually Sanjivan Ruprah Singh during this time period) to sell to gem dealers (usually from Antwerp) who polish and cut the stones for commercial sale.

[517] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.

Colonel Etienne Bintu (ex-ANC) told reporters 15 soldiers under his command were killed during the battle.[518] Major Kambale told military officials they were attacked first by ex-Mai-Mai fighters from the FARDC's 13th and 14th Brigades. He also said soldiers from General Mabe's brigade were in Walikale Territory participated in the fighting, though General Mabe denied this claim.[519] If true, his soldiers were way outside of the jurisdiction of the 10th Military Region.

After the battle, the dissident soldiers went to several *comptoirs*[520] in Mubi, arresting and beating many of the owners for buying minerals from the Mai-Mai and FDLR.[521] They told the *comptoir* owners to only buy minerals from soldiers friendly to the ANC. They also secured the perimeter around Mubi to allow flights to resume as soon as possible.

The Congolese living in Walikale town fled into the nearby forests, cutting them off from all humanitarian aid. Despite their dire situation, Patrick Lavand'Homme claimed, "Most people have brought food with them so it will be a week before we (U.N.) need to intervene."[522] MONUC sent a delegation to investigate the situation and Charles Bintu (Interim Commander of the 8th Military Region standing in for General Nkundabatware) announced his plans to join MONUC in Walikale.

General Mabe's soldiers retaliated since the ceasefire was broken and took back the towns of Nyabibwe and Dutu to give the FARDC positions closer to Minova. The dissidents

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[518] "Fifteen Killed in Eastern Congo as Army Units Clash," David Lewis. Reuters. 17 September, 2006.
[519] "North Kivu: 15 Deaths and 19 Injured in Clashes at Walikale," Radio Okapi. English Translation. 16 September, 2004. http://www.radiookapi.net/article.php?id=1083.
[520] Note: In this case, a *comptoir* refers to a merchant who buys the raw minerals extracted from the mines before they are processed. They, in turn, sell them to mineral processing companies. Each *comptoir* generally specializes in one or two specific minerals. Many of the owners are foreigners, often of Lebanese and Pakistani decent.
[521] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 35-36.
[522] Ibid.

retreated to Kahongo and Mukana. The population promptly fled to Mukwija, fearing looting and reprisal murders. At the same time, a Mai-Mai battalion led by Colonel Solomon Tokolonga attacked General Nkundabatware's base in Minova. Outnumbered because many of his battalions were out on their own operations, General Nkundabatware was unable to defend his position and he fled to Walikale with all of his army's arms and ammunition.

When General Mabe received word Minova had fallen, he immediately went there to rendezvous with Colonel Tokolonga. His battalions reached Minova without encountering much resistance and FARDC troops replaced the Mai-Mai. General Mabe did not pursue General Nkundabatware to his rear base in Walikale because it was out of his military jurisdiction as commander of the 10th Military Region.[523] General Mabe ordered the Mai-Mai to attack Walikale while he and his men secured Minova.

General Nkundabatware ordered his soldiers to retreat from Numbi and reinforce him in Walikale. He was expecting another offensive from the FARDC. When the reinforcements arrived, they set up defensive positions in the area. An FARDC battalion led by Colonel Ngizo quickly moved in to occupy Numbi as soon as the dissidents left.

Mai-Mai attacked the dissident soldiers in Walikale under General Mabe's orders. After a long week of intense fighting, the Mai-Mai gave up their unsuccessful offensive and retreated. 15 dissidents were killed and an untold number of Mai-Mai perished.[524] After regaining control over the surrounding area they waited for the Mai-Mai to attack again.

Only days later, Banyarwanda FARDC soldiers from the 8th Military Region loyal to General Nkundabatware arrived in South Kivu. He must have contacted General Obedi, Vice President Ruberwa, or Governor Serufuli to ask for reinforcements. They ambushed Colonel

[523] Note: North Kivu is part of the 8th Military Region.
[524] "15 Killed in Eastern Congo as Army Units Clash," David Lewis. Voice of America. 17 September, 2004.

Ngizo's FARDC battalion in Numbi and took back control. General Nkundabatware's men in Numbi even attacked MONUC's reconnaissance patrols in the area during late September, but MONUC did not launch a counterattack against them.[525] The dissidents also reoccupied Bulenga and Nyabibwe after the FARDC abandoned their positions in the villages to reinforce Colonel Ngizo. 15,000 Congolese were forced to flee the area.[526]

Next, dissidents ambushed Colonel Sheka Sikila's 14th Mobile Brigade patrolling around Walikale town. They faught in several villages including Ndingala, Behusi, and Mubi, all located in a key cassiterite mining region. The battles lasted over several days. They reached a stalemate and Colonel Sikila eventually withdrew his brigade.

The 10th Military Region commanders wanted to counterattack General Nkundabatware and push him out of all the villages he captured but ran into juristdiction problems again. The 8th Military Region refused to participate in an offensive against their former commander. Instead, more soldiers defected from the FARDC to reinforce General Nkundabatware and began fighting the government-loyal FARDC soldiers for control of villages near Minova. The fighting was concentrated near the along the Kirotshe-Bweremana axis. Bahunde Mai-Mai led by Colonel Christophe rallied to help the FARDC. Two people were wounded during a battle near the village of Shasha.[527]

The fighting around Numbi and Minova displaced 20,000 people from Kalehe Territory by the end of September, creating another humanitarian crisis.[528] Many people fled even though there was no fighting in their villages, they simply wanted to avoid being caught in the

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[525] "15,000 Flee Fighting Between Insurgents, Troops in East Congo: UN," *Agence France Pressé*. 22 September, 2004.
[526] Ibid.
[527] "*Nord Kivu : Maï Maï et Éléments de la 8e Région Militaire à Couteaux Tirés à Shasha, Près de Minova,*" Radio Okapi. English Translation. 27 September, 2004. http://www.radiookapi.net/article.php?id=1126.
[528] "20,000 Flee After Congo Troop Movement," *Al-Jazeera*. 25 September, 2004.

middle of the bloodshed if the battle spread to the countryside. Most of the people went north to Ngungu and took shelter on the rainy hillsides near Lake Kivu.

The Mai-Mai based in North Kivu succumbed to in-fighting. Jackson Kambale's[529] Mai-Mai militia attacked other local Mai-Mai militias and Colonel Akilimali's ex-Mai-Mai FARDC soldiers (from Nyabiondo) in Mangulujipa and Bunyatenge. Both sides had refused to enter the mixing[530] process and were fighting over territory General Nkundabatware did not control. Both Mai-Mai militias were looting villages in the area because their supplies were running low. Over 19,000 villagers fled to Butembo on the North Kivu – Orientale provincial border.[531]

FARDC Chief of Staff General Kisempia organized a meeting in Kinshasa for General Obedi and General Mabe to persuade them to cooperate with each other in coordinated FARDC operations. General Obedi was supposed to call off the dissident 8th Military Region troops and General Mabe was going to tell his men to back off. They wanted to get an initial ceasefire to provide a forum for peace talks and allow humanitarian aid to reach the innocent victims of the violence.

General Mbuki traveled to mediate between General Obedi and General Mabe after the meeting. The three of them met in Minova. General Mabe and General Obedi reinforced their pact to work together. About a week later, General Mbuki traveled to Goma and told General

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[529] Note: Jackson Mukambuto Paluka Kambale is a Nande native of Rutshuru Territory who took up arms and formed his own Mai-Mai brigade to combat the RPA. His militia usually hides out in Virunga National Forest near Nyamilima and raids the crops of villages near the treeline. He formed an alliance with the FDLR/FOCA located near Busesa in October 2002.

[530] Note: The term "mixing" referrs to the process of sending soldiers from different armed groups to an integration center to create one new unit of "mixed" soldiers. The idea is to prevent entire battalions from deserting the FARDC and attempt to create a unified national army.

[531] "DRC: Security in East Improves as UN Mission Cleared for More Troops," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 6 October, 2004.

Obedi to meet with General David Padiri Bulenda,[532] the ex-Mai-Mai commander of the 9th Military Region based in Kisangani. General Padiri was going to talk with the Mai-Mai militias and ex-Mai-Mai FARDC soldiers from the 8th Military Region and attempt to convince them to work with the ex-ANC soldiers. A unified FARDC was an absolute necessity if a serious offensive against General Nkundabatware was going to take place. General Mbuki and General Obedi then visited the area north of Kanyabayonga up to Beni known as "*Grand-Nord*" to try and speed up Mai-Mai integration into the FARDC and extend the 8th Military Region's command over the area. Governor Serufuli was strongly opposed to these initiatives because he did not want a Mai-Mai presence in the Banyarwandan areas.

Meanwhile, in Rutshuru Territory, the town of Kanyabayonga was under occupation by RDF soldiers, LDF, and ex-ANC dissidents under the command of Major Innocent and his deputy, Major Kivava. They had been fighting off and on with FDLR/FOCA and Mai-Mai for control of the town since the beginning of September. All groups involved were stealing crops and the ex-ANC soldiers who controlled the town forced villagers to pay them for permission to go out and tend to their fields.[533]

By October, the villagers were fed up with the constant abuse. Protesters took to the streets, shouting empassioned anti-ANC slogans at the soldiers. The ex-ANC soldiers angrily reacted with force, detaining several students and women in the street. The men were tortured while women were raped in makeshift detention centers. Over 150 women were violated

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[532] Note: General Padiri is a highly respected ex-Mai-Mai commander who still exerts tremendous influence on the remaining Mai-Mai militias. During the 2nd Congo War, he was in command of the Tembo's Mai-Mai militia based in Bunyakiri. General Padiri is currently the head of the 9th Military Region based in Kisangani which covers the Orientale Province. He is a staunch opponent of the RDF.

[533] "Kanyabayonga Saccagee by the RCD-Goma and the Milita of Serufuli: Report on the Summary Rapes, Executions, Plunderings, and Other Human Rights Abuses Made by RCD-Goma Rebel Troops and 'Local Defense' Militia in Kanyabayonga in October 2004," Center Legal Studies Appliquees (CEJA). English Translation. November 2004.

repeatedly by one soldier after another.[534] That night, soldiers broke into several homes and stole their belongings. It was psychological torture, taking possessions from people who already have nothing.

The next morning, disenchanted villagers gathered their few belongings and left town. The humiliation of rape and the horror of the murders drained their will to protest against the occupation. By October 11th, the town was almost completely deserted. On the 13th, Governor Serufuli arrived with several RCD-G government officials and General Obedi. They told the few remaining people to be patient and order would be restored. They blamed the entire incident on rouge elements of the LDF.[535]

When the fighting finally toned down, General Obedi held a meeting for all cassiterite *comptoir* owners in North Kivu. Mining Processing Congo, Groupe Mesol, Cometex, Divimines, Clanab, Munsand, and several others attended. The meeting's purpose was to try and sway supporters of the Mai-Mai and FDLR to work with the RCD-G. The only company already working with the RCD-G at the time was Sodexmines.[536]

General Nkundabatware was still in Walikale town and keeping a low profile. He was providing security for cargo planes landing in Mubi from Kigali picking up cassiterite ore to fly back to Rwanda for processing.[537] The flights were suspended during the fighting so there was a lot of lost time to make up.

Many of General Nkundabatware's troops returned to their respective FARDC units in the 8th Military Region after Walikale Territory was secured. When they returned to Goma,

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534 Ibid.
535 Ibid.
536 United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 36.
537 Ibid.

none of them were arrested for their actions.[538] Major Kambale was suspended for a week as punishment for commanding the dissidents in Walikale.[539] The Congolese Government even spread a story General Nkundabatware was killed during the September fighting. Those rumors were quickly dispelled when he was spotted in the town of Lubutu in Maniema Province (west of Walikale Territory) exploiting cassiterite in the nearby mines.[540] There were also reports of his men supervising forced labor in Lueshe's pyrochlore[541] and niobium mine.

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[538] Ibid. pg. 38.
[539] Ibid. pg. 35.
[540] "The Dissident General Laurent Nkundabatware Located in Lubutu After Being Driven Out of Minova," *L'Avenir*. English Translation. 21 October, 2004.
[541] Note: The Lueshe mine contains the world's only significant, high-grade deposits of pyrochlore. (United Nations Security Council. "Letter from the Chairperson of the Security Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 22.)

Note: Pyrochlore yields niobium when refined. Niobium is a radioactive compound comprised of niobium and a form of tantalum called a microlite. Tho only places in the world that raw Niobium is mined in in Brazil and Lueshe.

Niobium, also known as Columbium, is becoming more desirable than its sister elemental component Tantalum. Niobium is used primarily in heat-resistant steel and glass alloys to produce construction materials. The steel alloys are widely used to construct pipelines. When niobium is combined with iron, the super-alloy ferroniobium is formed, which is used in jet engines, rocket assembly, furnace parts, and heat-resistant machine components. Tantalum is used to create electronic capacitors used in cell (mobile) phones, laptop computers, video game systems, digital cameras, camera lenses, global positioning systems, electronic capacitors, lithium ion batteries, prosthetics, and fiber optics.
The two elements are most commonly found in nature combined as Columbite-Tantalum (Coltan). From 1998-2001, coltan was the most desired mineral in Congo as prices soared due to skyrocketing demand from the electronics and defense, and aerospace industries. From 1998-2001, the U.S. was the world's top coltan importer. The Chinese became the largest importer in 2002. ("War, Murder, Rape… All For Your Cell Phone," Stan Cox. Alternet. 15 September, 2006. http://www.globalpolicy.org/security/issues/congo/2006/0915cellphone.htm.) Ironically, the U.S. was responsible for the plummet in price when the Defense Logistics Agency (DLA) released their burgeoning surplus stock onto the open market for purchase in December 2000. The sudden and dramatic increase in supply sent the market price tumbling down.

Countless civilians have been killed during battles for control of the areas holding the coltan that comprises cell phones and electronic devices. The sad irony is many Africans own cell phones, particularly in the cities, contributing to the suffering of fellow Africans in the Congo. One small way everyone can help the Congolese is to replace cell phones and electronics as infrequently as possible. When the item must be replaced, (particularly cell phones) recycle it instead of just throwing it away.

Consider buying a used phone when purchasing a replacement. Doing so will reduce demand for cobalt, driving down its market price which will make mining it a less profitable business. Reporter Stan Cox pointed out in the U.S., Cingular, Sprint, T-Mobile, and Verizon all have recycling programs for their respective phones. Third party companies like CollectiveGood will buy phones and salvage minerals from

Roughly a week after he was sighted in Lubutu, he relocated to Numbi. He was checking up on all the mining areas his men occupied to ensure things were running smoothly. Sources in the Congo stated General Nkundabatware was commanding a group of Governor Serufuli's LDF to provide security for this operation. In return, the LDF guarded General Nkundabatware from FOCA, Mai-Mai, and FARDC in the area who also wanted control of the mine.[542] The LDF received further reinforcements from newly created civilian militias in Masisi and Rutshuru territories.

Governor Serufuli united many Hutu and Tutsi in North Kivu under the ethnic banner of "Rwandophones."[543] He distributed arms to Rwandophone civilians with the help of administrative officials, LDF members, and FARDC officers loyal to him including Captain Munyamariba[544] (Hutu administrative official, ex-ANC officer), Dusabe Kashemare, Rukeri Nyange (Both mid-level security officials), and Munaba Rukebesha (administrative official). The vehicle of Governor Serufuli's advisor Robert Seninga[545] was seen transporting rifles into Masisi Territory. [546] Bahunde civilians were excluded from receiving arms.

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them. ("War, Murder, Rape… All For Your Cell Phone," Stan Cox. Alternet. 15 September, 2006. http://www.globalpolicy.org/security/issues/congo/2006/0915cellphone.htm.) Telecommunication companies do not want anyone to know about recycling programs because they do not make any profit from the purchase of a used phone.

[542] "The Stage of Bukavu Showed to Minister De Gucht the Immense Complexity of an Area Always the Prey of Insecurity: UNO Points the Finger at Rwanda," Colette Braeckman. *Le Soir*. English Translation. 19 October, 2001.

[543] Note: A "Rwandophone" is anyone of Rwandan descent (Hutu or Tutsi) who speaks *ikinyarwanda*. Efforts to unite Banyarwanda together under this identity began with Governor Serufuli's *Tout Pour le Paix et le Developpment* (TPD) NGO in 2002. A circular was published in April calling for Banyarwanda to "express allegiance to Rwanda by joining efforts to control the eastern Democratic Republic of the Congo." (United Nations Security Council. "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2002/1146. 16 October, 2002. pg. 14.)

[544] Note: Captain Munyamariba, a Hutu, was the *Chef de Poste d'Encadrement de Mianja* during the arms distribution. At the time, he was also an administrative official. He faught for both the LDF and ANC. ("Democratic Republic of Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 8.)

[545] Note: Mr. Seninga was one of the original organizers of the LDF. (Ibid)

[546] "Democratic Republic of Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 8.

Some of the villagers were armed by force and those who refused to take the weapons were beaten. Others had their homes torched. Some had family members arrested, then beaten and raped at detention centers. Prisoners were often held for days without charge under deplorable conditions. MONUC investigated the arms buildup in late December but again decided not to take military action. It is unknown if they alerted FARDC officials.

The first two shipments of arms were delivered to Kibiabi from Lushebere via Goma. Hutu youth as young as 10-years-old were asked to attend a meeting in town. The local chief of Banyungu, Rukara Shamba, went door-to-door, rousing youth to attend the meeting. They arrived from Showa, Biholo, Kazinga, Katahandwa, Luke, Nyamumbuke, Kitengere, Kitchanga, and Mufa. Everyone was told to keep their weapons ready for the coming war against the Bahunde.[547] The third shipment arrived later in January 2005 and was distributed in Luhanga by local Hutu chief Francois Gahamani and Major Ngayabeura, a Hutu commander.[548]

The official reason given for arming the villagers was to enable them to defend themselves from FDLR/FOCA and Mai-Mai in the area even though there were no reports of any threat by FOCA in the area. Governor Serufuli denied any organized program to distribute arms ever existed and their increase occurred unexpectedly due to local fears of ethnic violence. He said they wanted to be able to protect themselves from the Mai-Mai and indicated nobody was forced to take a gun.[549]

Bahunde living in the area became increasingly concerned they might be targeted by Hutu civilian militia for ethnic "cleansing". Despite the Bahunde's concerns, no one attempted to disarm the civilians and Governor Serufuli was never told to begin a disarmament program.

[547] Ibid. pg. 9.
[548] Ibid. pg. 11.
[549] Ibid. pg. 14.

None of the individuals distributing weapons were arrested, nor were they confronted about their actions.

The arms distribution led to a drastic increase in violence amongst civilians. It came to a head on 16th October, when several armed civilians got in a gunfight in the middle of Mushaki and several innocent civilians were killed by stray bullets. Ex-ANC soldiers were deployed there on permanent patrol until the violence ceased. The patrols were able to restore peace because the armed civilians would not attack trained soldiers.

Rumors began circulating amongst Banyarwanda that the Bahunde wanted to forcibly remove them from their land, which convinced more civilians to take up arms. Many Hutu youth stopped obeying Bahunde traditional chiefs' laws and customs.[550] Ethnic tensions between the Hutu and the Bahunde continued to grow even more volatile.

The Mai-Mai joined forces with FOCA and their combined strength was enough to force General Nkundabatware's rebels out. Due to the town's economic significance, there was no way he was going to allow Walikale to fall under FDLR/FOCA control. He needed to gather his forces and launch a counterattack.

About two weeks after being sighted in Numbi where his men were pushed back by the 10th Military Region FARDC, General Nkundabatware and his resupplied army went to Walikale along with RDF and ex-LDF reinforcements. They successfully defeated the FOCA and Mai-Mai in Walikale. After establishing control of the area around town, Rwandan helicopters were seen exchanging arms for cassiterite ore. Ex-ANC militia in charge of the

[550] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

area often set up roadblocks from Bisie to Mubi, and "tax" artisan miners along the road, demanding money or robbing a portion of the minerals they extract.[551]

Just days after attacking Walikale, General Nkundabatware attempted to retake Minova as well. The Mai-Mai fought back fiercely, but eventually ran out of ammunition and had to call General Mabe's FARDC units for backup. Chaos ensued as both sides called in air strikes which ultimately prevented the dissidents from taking the city.[552] The operations created a lot of casualties and General Nkundabatware was forced to withdraw. General Nkundabatware's soldiers retired to Ngungu. They started forcibly recruiting children and young men in Masisi Territory to fight for them in preparation for their next offensive.[553]

General Nkundabatware retreated to Mwesso, a small Tutsi village north of Kitchanga in his home territory of Masisi. He took refuge in a monastery for the time being. There were many Rwandese and Banyarwanda farming in Mwesso. Banyarwanda militia provided a security force for the residents and workers. As a result, General Nkundabatware was well protected. During his stay, Vice President Jean-Pierre Bemba reportedly paid General Nkundabatware a visit, but it is unknown what the meeting's purpose was. Vice President Bemba was flown to North Kivu with Victor Ngezayo,[554] a Tutsi businessman.[555]

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[551] "Undermining Peace – Tin: The Explosive Trade in Cassiterite in Eastern DRC." Global Witness. June 2005. pg. 16.

[552] "Nkundabatware Attacks Mai-Mai at Minova," *L'Avenir*. English Translation. 3 November, 2004.

[553] Note: The recruiting continued through December 2004. Mutabazi Ruzinge (Youth Coordinator for the TPD), Mr. Rutambuka (Rwandophone in Ngungu), and Jérémie Mashagiro (Vice-President of the Rwandophone community in Masisi Territory) all helped the recuiting drive. ("North-Kivu in Danger," Adrien Nguba Luanda. Committee of Human Rights Monitors (CODHO). Press Release. English Translation. 30 December, 2004.)

[554] Note: Victor Prigogyne Ngezayo Kambale is a well-known half-Tutsi businessman from Goma who owns a lakeside villa and hotel there. He also owns a tea plantation in Bapfuna and Nyamaboko groupings in Masisi Territory. He is the founder of Groupe Ngezayo, an importer/exporter of various goods (including coffee) and the Nyiragongo Assistance Committee.

` In addition, he was appointed Director of *Ressources Minières Africaines* (RMA), a subsidiary set up by the Canadian mining company Banro in October 1997 to mine cassiterite and coltan. Mr. Ngazayo was also the President of SAKIMA. Mr. Ngezayo is also known for founding the Movement of the Congolese Patriots, a

Shortly after Vice President Bemba's tour of Eastern Congo, there were reports three RDF battalions deployed in Rutshuru Territory, two battalions in Kibumba, and one battalion in Masisi Territory.[556] Over 100 additional dissidents fled their FARDC units and infiltrated the hills along the road leading from Goma to Bukavu is South Kivu. They would harass people along the road by robbing and beating them. Women were raped and occasionally they would enter a village and loot. Bushushu was attacked several times.[557]

In early November, ex-ANC soldiers in the FARDC fought a group of ex-Mai-Mai FARDC soldiers in Bweremana causing another mass displacement of civilians. The towns of Minova and Nzilo were flooded with people. General Obedi put an end to the fighting after he called for a meeting between all brigade commanders in the 8th Military Region. He told them to reign in their respective soldiers and restore order immediately.

Near the end of November, a number of General Nkundabatware's accomplices in Bukavu were seen in various localites of Kalehe Territory. Placide Chirimwami, Tutambuka Bitondeye (Chief of Igali), Safari Turasinze (a close associate of ex-ANC Major Butoni

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political party in North Kivu he presented as a political rival to the RCD-G, though he originally supported the RCD when the 2nd Congo War started. He turned on them when they stole his mining equipment to use for themselves.

[555] "Goma: Jean-Pierre Bemba met the Dissident General Laurent Nkundabatware," Kinyongo Saleh. Vision. English Translation. 8 November, 2004.

Note: (Then) Vice President Bemba was supposedly in North Kivu on official government business, but he arrived without any other government officials. He was reportedly inspecting infrastructure damage caused by Mount Nyiragongo's eruption in January 2002 to help him decide if he was going to approve a $27.5 million (U.S.) aid package for North Kivu. As head of the Economic portfolio in the Transitional Government, he had the power to approve or deny the Transitional Government's funding proposals. The U.N. confirmed he visited Sake, Kitchanga, and Mwesso in Masisi Territory during his trip, which is actually west and northwest of the area most affected by the volcano. ("Vice-President Announces US $27.5 million for North Kivu Province," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 November, 2004.)

[556] Ibid.

[557] "Populations of Kalehe Still in Concern," *Héritiers de la Justice*. Press Release. N°327. English Translation. 5 November, 2004.

Bihama) were seen in Nyabibwe, Mukwidja, and Minova. Mr. Chirimwami was also seen busily extracting minerals in Kalimbi.[558]

[558] "Concern Reappearing in Kalehe Territory: Accomplices in the War of Nkunda Return in Force," *Héritiers de la Justice*. Press Release. N°335. English Translation. 19 November, 2004.

Chapter 8: Rwandan Reinvasion

On 19th November, a U.N-sponsored regional summit for the Great Lakes area. was held in Dar-es-Salaam, Tanzania. The conference focused on interrelated violence between Congo, Rwanda, and Burundi. It was attended by the foreign ministers of the respective nations comprising the Great Lakes. Rwanda, Uganda, and Congo signed a declaration calling for cooperation between their respective nations to ensure stability, peace, security, and adhere to arms embargos in order to help disable rebel militias in the region.

After the summit in Tanzania, a U.N. Security Council delegation traveled to Rwanda, Burundi, and the Congo. In Kigali, the delegation again tried convincing President Kagame to refrain from interfering in Congolese affairs and honor the U.N. arms embargo placed on the Congo. They also asked President Kagame to support Congolese and U.N. demobilization programs targeting the FDLR/FOCA.

The delegation was led by France's Ambassador to the U.N. Jean-Marc de la Sabliere. Since the RPF's relationship with France was tenuous at best, it was a risky move by the U.N. Unsurprisingly, President Kagame did not warm to their suggestions. He told them, "One cannot voluntarily disarm the former militiamen [*Interahamwe*]. I think that to ask them to give up what they have been doing for 10 years is impossible."[559]

On 24th November, U.N. spokeswoman Patricia Tome said MONUC Chief William Swing recieved a call from a Rwandan official informing him the RDF was going to launch an offensive against the FDLR/FOCA in Congo. The official stated the Transitional Government has neglected to disarm them for too long. The unnamed official also told MONUC FOCA

[559] "Paul Kagame Does not Believe in the Voluntary Disarmament of the Militiamen in DRC," *Agence France Pressé*. 21 November, 2004.

was a continuing threat to Rwanda's security and the RDF could not sit by passively any longer.[560] The U.S. and British embassies were also informed of the situation.

Rwandan officials cited several incidents to justify their position. A Rwandan official told a Reuters reporter Hutu rebels were seen marching towards the Rwandan border.[561] MONUC and the FARDC both testified they did not see anything that would back this claim up. The FARDC even asked President Kagame for the satellite coordinates of the troops so the FARDC could intercept them, but he never responded to the request.[562]

Rwandan officials also said FOCA launched mortar shells into Rwandan territory from Congo on 15th November, though a Human Rights Watch investigation could not determine who actually fired the shells.[563] There were also savage attacks targeting Congolese civilians in November 2004 by Hutu militia in South Kivu.[564] Dr. Sezibera said FOCA launched 11

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[560] Note: One of the provisions of the Pretoria Accords stated the Transitional Government would disarm Hutu rebels in the Congo. MONUC has a voluntary disarmament program (DDRRR) FOCA could utilize, but President Kagame claimed the U.N. was not doing enough. The Congolese civil disarmament program, the National Committee for Disarmament, Demobilization and Reintegration (CONADER) was created by the World Bank and several donor countries. It is grossly underfunded by the Congolese Government, contributing to the lack of participation.

[561] "UN Boosts DR Congo Border Troops," BBC News. 24 November, 2004.

[562] "Rwandan (sic) 'Motivated by Riches'," News 24. 28 November, 2004.

[563] "Democratic Republic of the Congo – Rwanda Conflict," Human Rights Watch. 4 December 2004.

[564] Note: Some of these massacres may be the responsibility of the Rastas, not the FDLR/FOCA. See: "Update on the Congo," David Barouski. ZNet. 25 July, 2006. www.zmag.org/content/showarticle.cForeign Minister?ItemID=10638; "South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: University of Antwerp. March 2006. pg. 15-16, which explain the role of the Rastas. In brief, sources in the Congo stated the Rastas are a group of Hutu prisoners who were set free by President Kagame to create havoc in the Congo and help control the mining areas. If true, this calls into question all claims of FDLR/FOCA activity in South Kivu since 2001 because the Rasta group is only active in South Kivu. In the context of the events at the end of 2004, the implication is the Rastas may have committed some of the violence to frame the FDLR and give Rwandan officials the pretext they need to invade the Congo.

Another explanation was offered by one human rights group in the Congo, who claims the Rasta are simply a breakaway group of the FDLR. They are leftover individuals who stayed behind when their respective FDLR units decided to report to a demobilization center. Left to their own devices without leadership, the Rasta exacted horrible violence against the civilian population in South Kivu in Kabare, Walungu, Nindja, Mtulumamba, etc. ("Violations des Droits de l'Homme au Congo-Kinshasa: Rapport Décembre 2004 - Décembre 2005." Congolese Action for Peace and Democracy (CAPD). English Translation. 28 December 2005. pg. 6.) The FDLR denies any affiliation with the Rastas.

attacks inside Rwanda over the previous three months.[565] The U.N., however, said none of the cross-border attacks were independently verfied.[566]

FDLR/FOCA has been a concern of Rwanda's since its creation, but journalist Rory Carroll suggested a different reason for Rwanda's suddenly proactive measures to deal with the FDLR.[567] In fact, Dr. Sezibera admitted in September of 2005 FOCA had not attacked Rwanda since early 2004 and no longer posed a military threat to the Rwandan Government.[568] The implication is that the FDLR/FOCA's presence in the Congo was being used as a pretext

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Sources have testified that cassiterite mined, stolen, or purchased by the Rastas was flown by helicopter to Rwanda. ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country." Dominic Johnson, Aloys Tegerea. Pole Institute. N°15. December 2005. pg. 57.) This is a crucial point because it allowed Rwanda to continue to mine coltan and cassiterite from west and southwestern South Kivu and make a profit even as Rwandan influence in the more lucrative mining areas in Walikale Territory waned. Some of the released prisoners are also used by RDF and ex-ANC soldiers as slave miners in Walikale Territory and Numbi. Several sources stated the RPA/RDF even worked with the FDLR/FOCA and Mai-Mai to exploit coltan and cassiterite from the same mines. ("Campaign Against Impunity In The Democratic Republic of Congo." Antoine Roger Lokongo. Congo Panorama. http://www.congopanorama.info/documents/mag-campaign.shtml; "Democratic Republic of the Congo: 'Our Brothers Who Help Kill Us' – Economic Exploitation and Human Rights Abuses in the East." Amnesty International. AFR 62/10/2003. 1 April, 2003. pg. 13, 32; United Nations Security Council. "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2002/1146. 16 October, 2002. pg. 14; Rusesabagina, Paul. "Compendium of RPF Crimes – October 1990 to Present: The Case for Overdue Prosecution." November 2006. pg. 11.)

Others claim the Rasta are a collection of ex-militia combatants including Tembo Mai-Mai, ex-Mudundu-40, and FARDC deserters. Nobody knows who their commander is. The FDLR even offered to help MONUC eliminate the Rastas but MONUC declined their offer. ("South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: Univerity of Antwerp. March 2006. pg. 15.)

[565] "Back to the Brink in the Congo." International Crisis Group. Africa Briefing # 18. 17 December, 2004. pg. 4.

[566] "Fears of New Congo War as Envoys are Expelled," Arthur Asiimwe, David Kaiza, Abbey Mutumba-Lule, Wairagala Wakabi. The East African. 29 November, 2006.

[567] Note: President Kagame has stated he will allow them to come back through the demobilization program but he will not negotiate with them. ("Kagame Says No to Negotiations with Congo-based Rebels," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 30 May, 2005.)

[568] "South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: Univerity of Antwerp. March 2006. pg. 20.

Note: The only serious attempt to attack Rwanda occurred from May through July 2001 and FOCA (then known as the Army for the Liberation of Rwanda [ALIR]) were soundly defeated. About 2,000 ALIR soldiers were killed by the RPA and an estimated 2,000 more were captured. ("Human Rights Watch World Report 2002: Rwanda." Human Rights Watch. 2002.)

to consolidate Rwandan influence on the mining areas General Nkundabatware currently controlled.

An NGO worker interviewed in eastern Congo said RDF soldiers invading Congo to "neutralize" the FDLR inevitably always end up looking for them in the mines.[569] Following this line of thinking further, the timing of the threats to attack seem suspicious considering the agreement signed at the Tanzanian summit was to help facilitate peace and included initiatives specific to dealing with armed rebel groups.

In early November 2004, as reports of FOCA attacks on civilians began to increase, General Mabe ordered FARDC reinforcements to Walungu Territory to prevent any further raids. He said, "We will do it with the support of MONUC."[570] Despite his clear willingness to take quick action, it did not appear Rwandan officials were going to wait and see if the FARDC could exert control over the FDLR/FOCA.

Part of the reason was rumors in Goma General Mabe made a deal with FOCA to help him fight General Nkundabatware's men.[571] True or not, the rumors only increased Banyarwanda resentment of General Mabe and the soldiers under his command. It also undermined the Transitional Government by showing an unwillingness to disarm FOCA, which gave Rwanda even more reasons to justify taking matters into their own hands.

Since the FDLR/FOCA was being used as a pretext to aquire mining areas, any serious initiatives to remove them completely, and thus remove Rwandan justification to invade the Congo, would be strongly opposed by the Rwandan Government. The agreement signed in Dar es Saalam threatened this plan by advocating for a permanent solution to the FDLR/FOCA

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[569] Private Interview. 2006.

[570] "Bukavu: General Mbuza Mabe Leaves for War Against the *Interahamwe* in Walungu," Radio Okapi. English Translation. 4 November, 2004. http://www.radiookapi.net/article.php?id=1296.

[571] "Continuing Instability in the Kivus: Testing the DRC Transition to the Limit." Stephanie Wolters. Institute for Security Studies. ISS Paper #94. 14 October, 2004. pg. 6.

problem. President Kagame's threats put an end to any offensive the FARDC and MONUC were going to initiate because they now had to engage in diplomacy with Rwanda and the armies and humanitarian agencies had to prepare for the RDF invasion in the event it would happen.

During November 2004, while General Mabe was conducting operations against FOCA in South Kivu, cassiterite mining by ex-ANC and LDF soldiers continued in the area around Walikale town and Rubaya. Small planes were still transporting mineral ore to Goma and Kigali. FOCA and ex-Mai-Mai FARDC loyal to President Kabila in Walikale Territory joined forces and were closing in on Walikale. Their presence threatened the supply routes and airstrips near Bisie and Mubi.[572] General Nkundabatware needed to keep control of the mining area to finance his insurrection and Rwanda needed the ore to generate income for their state expenses. These are ample reasons for Rwanda to cite the FDLR problem as a pretext to invade Congo so the RDF could reinforce and rearm General Nkundabatware's dissident soldiers in Walikale Territory so they could prevent FOCA and the ex-Mai-Mai soldiers from launching an offensive to take control of Walikale Territory.

The violence in South Kivu attributed to FOCA occurred during a climate of political uncertainty. Several members of the Congolese Civil Society were murdered in Goma by unknown assailants. In addition, Vice President Ruberwa traveled to Goma for the first time since his visit just prior to the Gatumba massacre, so the population was very nervous. Since he was in charge of the defense portfolio, the Congolese people began to wonder if he was there in response to Rwanda's threats.

Around the same time William Swing received his menacing phone call, President Kagame was embarking on a cross-continent journey that raised a few proverbial eyebrows.

[572] "Rwanda Army Masses on Congo Border," Rory Carroll. The Observer. 28 November, 2004.

On 23rd November, he traveled to Algeria for a NEPAD (New Partnership for Africa's Development) summit. Next, he journeyed to Senegal for a three-day visit with President Abdoulaye Wade and several ministers. President Kagame was also eager to meet with the Rwandan diaspora community in Senegal.

During a press conference in Dakar, President Kagame stated, "If the international community can not do it [deal with the FDLR], who else is there to do it except us? We have no choice but to pick off these targets. There are *Interahamwe* and ex-FAR who we have clearly located, and when the time is right, we will defeat them."[573]

The trip was significant because Senegal is a francophone country that deployed soldiers in Rwanda for both the United Nations Assistance Mission to Rwanda (UNAMIR) (that lasted from 1993-1996) and Operation Turquoise. In addition, it was President Kagame's first ever visit to Senegal as a head of state. However in recent times, Senegal has benefited from many of the same U.S. military aid programs as Rwanda.[574]

After his talks in Senegal were completed, President Kagame went to the Francophonie Summit in Ouagadougou, Burkina Faso, where he had made a diplomatic trip only a little over three months prior to visit with President Blaise Compaoré. French President Jacques Chirac was scheduled to attend the summit. The main topic of the summit was to open discussions between francophone countries and facilitate development in several sectors. The ongoing conflict in *Côte d'Ivoire* (Ivory Coast) was also a priority.

It was the first time President Kagame attended the event. He does not even speak French, he speaks Kinyarwandan, Kiswahili, and English. Moreover, because of the French Government's support for former President Habyarimana's government in Rwanda and French

[573] "Rwandan (sic) 'Motivated by Riches'," News 24. 28 November, 2004.
[574] "U.S. Military Programs In Sub-Saharan Africa, 2005-2007." Daniel Volman. Association of Concerned Africa Scholars. 1 March, 2006.

military intervention against the RPA, President Kagame had no apparent motivation to attend the summit… until President J. Kabila showed up. Though it is unknown exactly what was said between the two heads of state, whatever was said (or not said) did not defuse the tensions between their respective countries.

Political tensions continued heating up during the Francophonie Summit. While President Kagame was away, Ugandan intelligence officers arrested several members of the People's Redemption Army (PRA), a rebel group founded by dissident UPDF soldiers supposedly based in the Ituri District of Congo. Several people, including leaders of Ugandan political opposition groups like Kizzia Besigye (who is reputedly linked to the PRA), believe the PRA was invented by Ugandan officials to use as an excuse to invade the Congo in the same manner Rwanda was accused of using the FDLR/FOCA, though James Katabazi testified under oath to the PRA's existence after he was arrested for aiding them.[575] The arrested individuals had a collection of rifles and mines with them that were reportedly being smuggled into the Congo for anti-Ugandan rebels.

Uganda's Intelligence Chief Lieutenant Colonel James Mugira said the men confessed they were trained in Rwanda. The Ugandan Government then expelled Rwanda's Administrative Attaché Jimmy Uwuizeye after accusing him of "anti-Ugandan" activites. In response, Rwanda dismissed Uganda's Secretary in Rwanda Joseph Birungi. Despite the apparent severity of the situation, President Kagame shrugged it off stating, "It is a simple

[575] "People's Resistance Army," Wikipedia. Accessed 26 December, 2006. http://en.wikipedia.org/wiki/People's_Redemption_Army.

issue which will be solved amicably between the two countries."[576] Rwandan Foreign Minister Charles Murigande simply said, "There are not problems with Uganda."[577]

RDF soldiers were still present in the Congo. MONUC staff admitted to Human Rights Watch Rwandan soldiers had been infiltrating Congo since November 6th.[578] Lawyers and pilots who frequented the mines in Walikale Territory testified RDF officers had been deployed to the airstrip in Mubi for extra security.[579]

By the end of November, thousands of RDF soldiers had fully massed along the Congolese border. Several trucks full of RDF soldiers were positioned in Cyangugu ready to cross the Ruzizi River. There were reports of armored vehicles moving towards Kamembe on the way to Bugarama.[580] Rwanda's Minister of Defense Marcel Gatsinzi and the Minister of Internal Security Christophe Bazivamo where holding meetings at the Kivu Sun Hotel in the border town of Gisenyi to disscuss "security issues."[581] President Kagame wrote a letter to A.U. Chairman Olusegun Obasanjo that said, "…simply waiting is not an option. It is an abdication of our responsibility."[582] Publicly, President Kagame would only say an attack against the FDLR/FOCA was "imminent" but he did not admit to the presence of RDF soldiers in Congo. President Kabila announced the deployment of several thousand FARDC soldiers in North Kivu to counter the RDF buildup.

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[576] "Fears of New Congo War as Envoys are Expelled," Arthur Asiimwe, David Kaiza, Abbey Mutumba-Lule, Wairagala Wakabi. The East African. 29 November, 2004.
[577] "Kigali Affirms not to Have 'Problems' With Uganda," *Agence France Pressé*. 27 November, 2004.
[578] "Democratic Republic of Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 13.
[579] "The Congo's Transitions is Failing: Crisis in the Kivus." International Crisis Group. 30 March, 2005. Africa Report N˚91. pg. 14.
[580] "The Threat of Rwanda to Return to Congo Could Materialize Soon: One Military Device is Already Observable in Cyangugu," *Héritiers de la Justice*. Press Release. Nº337. English Translation. 26 November, 2004.
[581] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 47.
[582] "Letter From President Paul Kagame to His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria and Chairman of the African Union." RWA/01/AP04/435. 25 November, 2004.

On 29th November, park rangers working in Virunga National Park reported several hundred well-armed RDF soldiers crossing the border and traveling towards Goma on foot and in sport utility vehicles. Congolese traditional chiefs supported their claim and said they also saw RDF soldiers in the hills of Virunga. Aid workers in Rutshuru Territory also reported witnessing RDF soldiers near Virunga.[583] Satellite imagery obtained by the U.N. showed heavy weapon encasements present in Virunga near where the RDF was sighted.[584] Jean-Louis Ernest Kayaviro reported two RDF brigades entered Congo in Rutshuru and Lubero Territories.[585] The FDLR, though admittedly biased, reported a brigade of RDF soldiers in Bunagana and Kibumba, both on the Uganda-Congo border.[586] On 1st December, the *Chargé d'Affairs* of the U.N. Permanent Mission to the Congo sent a letter to the U.N. Security Council informing them RDF soldiers were responsible for the attack on Mutongo.[587]

There were even reports in the Ugandan press the UPDF engaged the RDF just inside the Bunagana border post, where the FDLR reported seeing RDF soldiers cross into Congo. UPDF spokesman Major Shaban Bantariza said two RDF soldiers were killed in Ugandan territory, but the bodies were never publicly produced. Dr. Sezibera countered by blaming "some elements" of the UPDF for lying in order to further damage the relationship between the two countries.[588]

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[583] "Congo Responds to Rwanda Incursion Report," Eddy Isango. Associated Press. 29 November, 2004.

Note: Rwanda's presence in Virunga National Park violates the Pretoria Accords signed in 2002 that required them to remove all RDF from the Congo and keep them out. Rwanda's position is the Congolese Government violated the Accord first by not disarming FOCA and the ex-FAR.

[584] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 35-36.

[585] "100 Suspected Rwandan Troops Spotted in East DRC: UN," Sonia Rolley. *Agence France Pressé*. 1 December, 2004.

[586] "Rebels Again Say Rwandan Troops Enter Congo," Reuters. 30 November, 2004.

[587] United Nations Security Council. "Letter Dated 1 December 2004 From the *Chargé d'Affairs* of the Permanent Mission of the Democratic Republic of the Congo to the United Nations Addressed to the President of the Security Council." S/2004/935. 1 December, 2004.

[588] "Rwanda Denies Clashes with Ugandan Forces," Xinhua News Agency. 9 December, 2004.

Antipas Mbusa Nyamwisi,[589] President of the Rally for Congolese Democracy – Liberation Movement[590] (RCD-ML), told reporters the RDF infiltrated the border area north of Goma in Lubero Territory off the main roads.[591] The RDF linked up with ex-ANC soldiers from the 8th Military Region under General Nkundabatware's command, Governor Serufuli's civilian army, and members of Governor Serufuli's LDF. Mr. Nyamwisi solemnly stated, "They have been attacking and burning villages with a severity that I have not seen in the region, not even when the Rwandans were here before."[592] The villages of Bushafira, Bulehusa, Mutongo, Rusamambo, and Bukumbirwa in northern Walikale Territory were attacked. A human rights group in the Congo reported 123 huts were burned down and 62 civilians were murdered.[593] The Congolese Civil Society branch in Butembo reported RDF soldiers killed several civilians and burned 21 villages in Walikale Territory.[594]

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[589] Note: Mr. Nyamwisi is a Nande who was a businessman before the 1st Congo War broke out. He lived in Uganda for a while during President Mobutu's reign. After the 2nd Congo War broke out he became President of the RCD-ML rebel movement. He was later named Minister of Regional Cooperation in the Transitional Government. He was originally going to run for president as a member of the Forces of Renewal party, but he stepped down and supported President Kabila's PPRD. He is currently Congo's Foreign Minister.

During the beginning of the 2nd Congo War, the RCD-ML was allied with Uganda. When the UPDF and RCD-ML controlled Orientale Province, Mr. Nyamwisi embezzled hundreds of thousands of dollars (U.S.) in custom tax revenue and gave a cut of the money to UPDF generals Salim Saleh and James Kazini. (United Nations Security Council. "Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources an Other Forms of Wealth in the Democratic Republic of the Congo," S/2001/1072. 13 November, 2001. pg. 20.)

[590] Note: RCD-ML is one of the splinter groups of the original RCD party. It is also known as the Rally for Congolese Democracy-Kisangani (RCD-K or RCD-KML). It was originally supported by the Ugandan Government, but later aligned with the Congolese Government. The RCD-ML controls an area north of Beni into Orientale Province towards Bunia. Its armed wing was called the Congolese Popular Army (APC).

[591] "Rwandan Troops 'Enter' Congo," Arthur Asiimwe, David Lewis. Reuters. 30 November, 2004.

[592] Ibid.

Note: The "before" Mr. Nyamwisi refers to here is the 2nd Congo War when the RDF invaded the same area and were accused of countless civilian murders by the local population and Congolese Government.

[593] "North-Kivu in Danger," Adrien Nguba Luanda. Committee of Human Rights Monitors (CODHO). Press Release. English Translation. 30 December, 2004.

[594] "Democratic Republic of Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 13.

MONUC spokesperson Jacqueline Chenard said, "To our [MONUC's] knowledge, there's no Rwandan presence, it's a rumor."[595] Both Rwandese and Congolese civilians testified the RDF have continually occupied Congo since at least October of 2003,[596] but MONUC publicly denied the reports stating U.N. helicopters did not spot any RDF troops during sweeps over Virunga National Park in late November.[597] A small MONUC patrol dispatched to Rutshuru Territory to investigate the claims reportedly found no evidence of an RDF invasion.[598]

However, some MONUC military observers said they saw around 100 suspected RDF soldiers in Virunga National Park.[599] The head of MONUC's Goma branch, M'Hand Djalouzi, said, "Infiltration is nothing new but this is something else, it has the appearance of an invasion."[600] Human Rights Watch issued a press release claiming MONUC was in possession of aerial photographs depicting unknown soldiers in Congo.[601] MONUC did admit to possessing photographs of abandoned bivouacs and of soldiers with new uniforms under biouvacs in Congolese territory.[602] According to MONUC's Fred Eckhard, "the equipment of communication of the soldiers suggests that the latter [soldiers in the photographs] would belong to the Rwandan Army rather than with members of one of the other armed groups in the area."[603]

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[595] "Congo to Secure Rwandan Border," CBS News. 29 November, 2006.
[596] United Nations Security Council. "Report of the Group of Experts to the UN Security Council." 21 July, 2004. pg. 35-36.
[597] "Congo Responds to Rwandan Incursion Report," Eddy Isango. Associated Press. 29 November, 2004.
[598] "Rebels Again Say Rwandan Troops Enter Congo," Reuters. 30 November, 2004.
[599] "War Fears After Rwanda 'Invasion'," BBC News. 2 December, 2004.
[600] "Rwandan Troops Seen in DR Congo," BBC News. 1 December, 2004.
[601] "Democratic Republic of the Congo – Rwanda Conflict," Human Rights Watch. 4 December, 2004.
[602] "Engagements North of Goma (RD Congo), Kigali Denies any Intervention," *Agence France Pressé*. 2 December, 2004.
[603] "Soldiers of the Rwandan Army Would Have Crossed the Border of the DRC, According to MONUC," United Nations News Service. English Translation. 2 December, 2004.

Congolese villagers spotted RDF soldiers at a number of villages in and around Virunga National Park and the Congo border area including: Jomba, Kamira, Busanza, Mugogo, Sarambwe, Kabugha, Mabenga Bridge, Mayi Moto, Katale, Gihondo and Kibumba. Border post officials reported Rwandan army trucks crossing the border and drove to Rutshuru Territory, which a Rwandan diplomat later confirmed.[604] Sources in Ruhengeri told the U.N. trucks full of RDF soldiers were moving into Congolese territory, corroborating the border officials testimony.[605] 14 military vehicles were reported heading to Nyabiondo.[606] At this point, President Kagame even admitted to the Rwandan Parliament his soldiers may have already crossed into Congo.[607]

Rwanda's Permanent Representative to the U.N. Security Council Stanislas Kamanzi wrote a letter to the Security Council President castigating the U.N. for allowing the FDLR/FOCA to continually operate in the Congo and defended Rwanda's right to take action against them. He also denied there were any RDF soldiers in Congo.[608] Vice President Ruberwa, who left Goma to travel to Paris, said the RCD-G condemned the presence of RDF troops in Congolese territory "if it is proven." Dr. Sezibera was more concrete. "All reported sightings of Rwandan troops in the DRC are false." "Rwanda does not have any troops in the Democratic Republic of the Congo."[609]

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[604] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. 30 March, 2005. Africa Report N°91. pg. 22.

[605] United Nations Security Council. "Letter Dated 25 January 2005 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2005/30. 25 January, 2005. pg. 47.

[606] "While One Distracts the Congolese Starting from Kinshasa, Rwanda Sends 12,000 men to Reconquer Walikale," *L'Avenir*. English Translation. 19 January, 2005.

[607] "Rwandan Troops Seen in DR Congo," BBC News. 1 December, 2004.

[608] United Nations Security Council. "Letter Dated 30 November 2004 From the Permanent Representative of Rwanda Addressed to the President of the Security Council. S/2004/933. 30 November, 2004.

[609] "DR Congo Troops 'To Repel Rwanda'," BBC News. 3 December, 2004.

U.S. State Department spokeperson Richard Boucher echoed Vice President Ruberwa saying, "Although we do not have confirmation of Rwandan troop movements inside Congo, we make a point of saying unambiguously that we are opposed to any unilateral military action."[610] U.S. Ambassador to the Congo Roger Meece repeated Mr. Boucher's line and remphasized the Tripartite Agreement signed by Congo and Rwanda in August.

MONUC responded by bolstering its own forces near the Rwandan border. The Transitional Government transported nearly 10,000 additional FARDC soldiers to the Kivus for "Operation Bima," a simultaneous patrol from Kisangani and Beni towards Goma to push the rebels south and away from Walikale Territory. The bulk of the deployed forces were ex-FAC and ex-ALC to prevent concerns of desertion.

The U.N. Security Council held roundtable discussions about the presence of Rwandan troops in the Congo. After the meeting, the general consenus in the U.N. was that RDF soldiers had indeed entered the Congo, but the Security Council failed the Congolese people again. They only issued a joint statement respectfully asking President Kagame to show restraint. A U.N. statement is not binding on the government(s) it is directed towards, unlike a U.N. resolution, so the Security Council's feeble response would have no effect. No sanctions were imposed on Rwanda and no official investigation was initiated. They ultimately said there was no proof any RDF soldiers were in Congo.

Meanwhile, the RDF and its ex-ANC and Hutu allies attacked from three fronts. They moved south from Lubero Territory towards Kirumba and west from the Congo-Uganda border area towards Walikale Territory. The Rwandophones attacked Mai-Mai and ex-Mai-Mai FARDC soldiers in Kirotshe west of Goma. After three hours of fighting, the dissidents

[610] "'Deeply Anxious' Washington vis-à-vis the Incoursions of Rwanda in DRC," *Agence France Pressé*. 3 December, 2004.

retreated after looting countless homes. One soldier was killed and two were wounded. Hundreds of villagers ran away from the fighting. Those who fled testified Rwandan soldiers participated in the fighting.[611]

As the invading army continued along the western front, ex-Mai-Mai officer Colonel Christophe Bindu[612] of the FARDC reported battles between FOCA and the RDF in Shamambo, Pinga (a key FDLR/FOCA mining area near Kitshanga), and Kalembe.[613] In Pinga, the hospital was completely destroyed. While the RDF continued sweeping westward, ex-ANC soldiers set up roadblocks in Masisi Territory and proceeded to extort the locals. Then, a battle broke out in the Bahunde town of Bishange and at least 100 homes were burned down. Thousands of displaced people fled towards Minova, leaving the area to the whims of the soldiers. When the fighting stopped, the ex-ANC soldiers left to join the RDF and the Mai-Mai moved in to secure the town.[614]

Meanwhile, Banyarwanda in Goma fled across the border to Gisenyi for safety, where wounded RDF soldiers from battles in the Congo were being treated.[615] Colonel Etienne Bintu, an ex-ANC soldier formerly loyal to General Nkundabatware, admitted to reporters they were "recieving support" from the RDF.[616] MONUC did not take any military action to

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[611] "Stop Fighting, UN Tells DR Congo," BBC News. 13 December, 2004.

[612] Note: Colonel Bindu and four of his personal guards would appear before a military court in July 2005 for allegedly killing 10 people, including two children and two FARDC soldiers following a shoot-out in the Goma suburb of Murara after they refused to disarm following a confrontation with FARDC on Independence Day (30th June). Colonel Bintu was General Amisi's Chief of Staff. (DRC: Miltary Court Investigates Goma Killings," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 04 July, 2005.)

[613] "Goma: The Assistant Commander of the 8th Military Region Confirms the Rwandan Military Presence," Radio Okapi. English Translation. 1 December, 2004. http://www.radiookapi.net/article.php?id=8427.

[614] "North-Kivu: Lull to Bishange, Exodus to Minova," Radio Okapi. English Translation. 7 December, 2004. http://www.radiookapi.net/article.php?id=1454.

[615] "Democratic Republic of the Congo – Rwanda Conflict," Human Rights Watch. 4 December, 2004.

[616] "New Fighting Erupts in DR Congo," BBC News. 12 December, 2004.

Note: Recall Colonel Bintu led attacks against the FARDC and Mai-Mai in Walikale Territory on behalf on General Nkundabatware in September of 2004.

protect the civilians despite overwhelming evidence of Rwanda's direct and illegal involvement.

The RDF swept through Walikale Territory to evict FDLR/FOCA. They went through Ngerere, Kishongwa, Bukubirwa, Bilau, Katero, Bilawusha, and several other villages in the Ikobo Grouping. They burned down property and looted after the villagers fled into the woods. At least 3,000 civilians fled along with the FDLR/FOCA towards Miliki in Lubero Territory.[617]

Belgium sent Foreign Minister Karel de Gucht[618] to speak to President Kabila and President Kagame to try and prevent the situation from expanding into another regional war. President Kabila claimed Rwanda intended to destabilize the transition process. After the visit, he returned to Brussels to meet with (then) U.S. Secretary of State Colin Powell and brief him on the situation. They issued a joint statement condemning all hostilities. Secretary Powell stated, "We need stability and security, we need no further intrusions, we need to end the conflict in the Congo," but he did not explicitly name Rwanda.[619]

Thousands of ex-FAC reinforcements were airlifted into the Kivus to Kalundu and Eringeti from Kisangani on President Kabila's orders. With support from Mai-Mai militia and additional FARDC reinforcements from Lubutu (Maniema Province), the FARDC took back Walikale and Mubi from the dissidents, effectively removing a key rebel base and their primary source of income.[620] The dissidents fled east towards Masisi Territory to link up with

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[617] "Goma: The Presence of Rwandan Military Officers in RDC is Almost a Certainty, According to the UN," Radio Okapi. English Translation. 7 December, 2004. http://www.radiookapi.net/article.php?id=1457.

[618] Note: Foreign Minister de Gucht has been a politician since 1975, serving in many different positions in the Belgian Government and the E.U. He is the successor to Louis Michel as Belgium's Foreign Minister.

[619] "U.S. Opposes Incursions Into Congo," Washington Times. 9 December, 2004.

[620] Note: Though the area was initially lost, The ex-ANC soldiers and their allies did not lose out for long. The FARDC, under the command of ex-ANC soldier General Amisi, worked out a deal between the RCD-G and Mai-Mai to share the profits and allow the flights from Mubi to Goma and Gisenyi to resume. General Amisi's deputy, a former Mai-Mai, was also agreeable to the arrangement.

rebel elements of the 11th Brigade and then head north towards Kanyabayonga. The defeated ex-ANC and RDF forces pillaged about 20 small villages along the way, burning several to the ground.[621] Schools and hospitals were not spared. Many civilians were abducted to act as porters and lug around stolen goods.[622]

MONUC finally decided to send an investigative team to Kanyabayonga and Ikobo Grouping to determine exactly what was going on. They witnessed the burned out neighborhoods in Lusamambo, Ngerere, and Bulehusa where they interviewed the displaced people. 5,000 people fled the villages in Ikobo Grouping before soldiers arrived but some were too weak or too sick to leave. They described many soldiers speaking Kinyarwandan that did not know their way around the area.[623] They said the soldiers shot into the air to scare everyone out of the villages so they could loot them and then commit mass arson.[624] After the team returned, MONUC's spokesperson in Goma Jacqueline Chenard said, "It has been established with certainty that Rwandan soldiers passed along the road between Rutshuru and Kanyabayonga and the settlements of Ikobo…."[625] The U.N. Security Council released an

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The arrangement cut off the FDLR/FOCA, who originally had a deal with government-loyal FARDC to work mines around Walikale town. They no longer had government protection or an income source in the area and they were pushed east into Masisi and Lubero territories. This is likely what led the FDLR/FOCA in North Kivu to become increasingly violent in 2005. ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country." Dominic Johnson, Aloys Tegerea. Pole Institute. N°15. December 2005. pg. 46-47.)

[621] "Rwandan Military Presence: Confused Position in the East of the RDC," Radio Okapi. 6 December, 2004. http://www.radiookapi.net/article.php?id=1448.

[622] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[623] "DR Congo: UNO Believes in the Incursion of Rwandan Soldiers," *Agence France Pressé*. English Translation. 7 December, 2004.

[624] "North-Kivu: MONUC Confirms the Rwandan Incursions," J-Alain Kabongo. *Le Phare*. English Translation. 8 December, 2004.

[625] "Crisis Talks in Kinshasa as UN All But Confirms Rwandan Troops in DR Congo," *Agence France Pressé*. 7 December, 2004.

official demand for an immediate withdrawal of any RDF soldiers present in Congolese territory and called for an acceleration of the mixing process.[626]

The A.U. Council of Peace and Safety also gave its opinion on the crisis. The Council asked Rwandan officials to end any unilateral action against the FDLR/FOCA. They suggested a meeting between President J. Kabila and President Kagame with A.U. and U.N. mediators present. Dr. Sezibera challenged the A.U. to go a step further and create a military force to send into Congo to disarm FOCA.

At this point, President Kabila replaced General Obedi of the 8th Military Region with General Gabriel Amisi, an ex-ANC soldier who worked directly with General Nkundabatware in Kisangani where they are both accused of committing war crimes.[627] General Amisi was immediately dispatched to Goma for talks with Governor Serufuli.[628] General Obedi was reassigned to command the 7th Military Region.

Soldiers under the command of Captain Kennedy Kabakuli, along with RDF reinforcements, took control of Kanyabayonga after defeating Colonel Akilimali and his ex-Mai-Mai FARDC battalion. The dissidents attacked Kanyabayonga from the directions of Bukombo, Buhama, Kanii, and Kinyumba, overwhelming Colonel Akilimali's men. The town was badly damaged during the battle and the local radio station was destroyed to prevent communication, a policy similar to the one enacted when General Nkundabatware occupied Bukavu.

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[626] United Nations Security Council. "UN SC Condemns Rwanda's Military Operations in Eastern Democratic Republic of the Congo, Demands Withdrawal Without Delay." Security Council 5095th Meeting. SC/8263. 7 December, 2004.

[627] Note: The only glaring difference from General Obedi is that General Amisi is not a Munyarwanda.

[628] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N°91. 30 March, 2005. pg. 13.

FARDC reinforcements from Beni made attempts to retake the town, but poorly equipped ex-ALC soldiers were sent to reinforce Colonel Akilimali instead of the better armed ex-FAC troops. Their attempts failed so miserably the FARDC was actually pushed farther north away from the town than their original starting position.[629] At least 12 FARDC soldiers, including some officers, were killed in the battles.[630] FARDC spokesman Kadura Kasongo claimed 25 dissidents were killed.[631] As the FARDC was pushed back, the dissidents were able to extend their patrols north of Kanybayonga towards Kinyondo and they also set up patrols on the high points of the hills surrounding Kanyabayonga. The dissident soldiers set up positions in the mountains around town to keep an eye on the frontlines and watch for advancing soldiers. They had up to 3,000 soldiers covering the area.[632]

In frustration, the FARDC looted heavily and raped civilians in Kayna and Kirumba as they withdrew.[633] They even fought between each other over food and equipment they had looted because they were so ill equipped.[634] There were also reports of desertions from the Kinyondo region. Five FARDC soldiers were killed near the health center in the region when the ex-ANC soldiers went to loot medicine and mattresses from the building.[635] In the meantime, MONUC begged for a ceasefire. They sent peacekeepers to Lubero city, but they did not receive any orders to protect civilians from retreating FARDC soldiers who were pillaging the town.[636]

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[629] "Aid Workers Leave DR Congo Town," BBC News. 17 December, 2004.
[630] "North Kivu: Controversial Report of the Two Days of Fighting in Kanyabayonga," Radio Okapi. English Translation. 14 December, 2004. http://www.radiookapi.net/article.php?id=1496.
[631] Ibid.
[632] "Rwandan Officers Frame Rebels in Congo," *Le Monde*. English Translation. 15 December, 2004.
[633] "DR Congo: Fleeing Civilians Face Grave Risks," Human Rights Watch. Press Release. 21 December, 2004.
[634] "Democratic Republic of the Congo: Arming the East." Amnesty International. AFR 62/006/2005. 5 July, 2005.
[635] "East DR Congo Sees Fugitives, Death, Looting," *Agence France Pressé*. 23 December, 2006.
[636] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 32.

The defeated FARDC were a long way from the front lines of their reinforcements. Many soldiers who walked died from exhaustion or malnutrition. Eventually, they began stealing vehicles from NGOs to transport troops and ammunition.[637] Other soldiers threatened NGO workers at gunpoint to transport them north away from the village.[638]

Meanwhile, dissident soldiers in Kanyabayonga stole virtually everything in town. The padlocked stores on the main road in town were not heavily damaged, but individual homes were raided copiously. The bodies of soldiers killed in battle were looted of their uniforms and boots and dumped into crudely dug trenches where they were allowed to fester for several days.[639]

During the looting spree, 160 people were ruthlessly raped, mostly Bahunde and Nande women.[640] The Bahunde were targeted because Jackson's Bahunde Mai-Mai militia and Hutu ex-LDF soldiers in the FARDC were engaged in assassinations and reprisals against each other in the Binza Grouping (Rutshuru Territory) prior to the attack on Kanyabayonga. A few victims were able to reach the hospital in town for treatment, but the doctors had already left town.[641] The only thing they could do was lay down on one of the few undamaged beds and pray for the violence to end. Over 20,000 people ran for safety from town.[642]

Another group of ex-ANC soldiers positioned in Bweremana engaged Mai-Mai loyal to an FARDC commander who was replaced by a Banyarwandan. Several armed Rwandaphone

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[637] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[638] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 18.
[639] "Stench of Congo's Carnage," The Australian. 21 December, 2004.

Note: This is important considering many crimes' perpetrators are reported to be the FARDC, but most opposing militia wear FARDC uniforms.
[640] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[641] "Aid Workers Leave DR Congo Town," BBC News. 17 December, 2004.
[642] "Mediators Go To DR Congo Hotspot," BBC News. 16 December, 2004.

civilians joined in the battle allied with the ex-ANC soldiers. The Mai-Mai were defeated and fled into South Kivu with fleeing local Bahunde civilians who feared another massacre. The rebels then engaged the FARDC from the 10th Military Region to prevent General Mabe's men from reaching North Kivu to reinforce government soldiers.

Later that night, a MONUC official said makeshift canoes with armed men tried to cross Lake Kivu from Rwanda but they retreated after an exchange of gunfire with one of MONUC's Pakistani brigades on patrol.[643] Rwandan officials dismissed the incident as the work of "traffickers" of arms, contraband, or minerals, not RDF soldiers. This was reminesent of the tactics used during the Bukavu crisis.

Early news reports from the first days of fighting were contradictory and confusing. It was portrayed by the popular press as government-loyalist FARDC against mutineers of General Nkundabatware, but the Congolese Government and loyalist FARDC troops in the area insisted they were combating elements of the RDF. MONUC and U.N. press releases continued to insist there was no definitive evidence of RDF troops involved in the fighting or were purposely ambiguous.[644] U.N Security Council officials would only say they were "convinced that foreign troops actually entered to Congo" and that General Nkundabatware's dissident soldiers received arms and equipment "from outside of Congo."[645]

MONUC backpedaled from some of their earlier statements and took a more ambiguous stance. They stated there was no "concrete proof" of a Rwandan invasion, only a "body of clues" in the area of North Kivu south and west of Lake Edward (Mobutu).[646] While

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[643] Ibid.
[644] "Congo 'Fighting Rwandan Troops' in Kivu," African News Agency. 15 December, 2004.
[645] "DR Congo: MONUC Warns the Insurgent Troops and Their 'External Support'," United Nations News Service. English Translation. 17 December, 2004.
[646] "MONUC has no Concrete Proof of a Rwandan Military Presence in the DRC," Tom Tshibangu. United Nations Organization Mission in the Democratic Republic of Congo. Press Release. 9 December, 2004.

MONUC was backing off as an organization, certain individuals spoke more openly. Chief of Mission William Swing said, "Obviously supplies are coming from somewhere, probably from the east, and we are looking to continue to investigate." He also said there was "clear evidence" of an invasion by foreign troops since 23rd November. MONUC spokeman Mamadou Bah elaborated further, "It's no secret anymore, we are talking about Rwanda."[647]

In response to the various statements regarding the situation in the Congo, the Swedish Government cut 1/3 of its aid to Rwanda.[648] A conglomeration of 40 organizations from 11 European countries, (Germany, Belgium, France, United Kingdom (U.K.), Spain, Denmark, Italy, Norway, Holland [Netherlands], Sweeden, and Switzerland) called for the E.U. to pass sanctions against Rwanda. International donors were also encouraged to terminate payments and loans.

Other officials also weighed in on the topic. Captain Kennedy admitted he received support from Rwanda before he was demobilized but denied Rwanda was aiding him now during his current military operation.[649] President Kagame changed his tune and outright denied any RDF soldiers were located in Congo. He said the RDF had nothing to do with the fighting in Kanyabayonga. [650] Dr. Sezibera reiterated the same point, "There are no Rwandan soldiers in Kanyabayonga."[651]

Meanwhile, Major Christian Pay Pay's ex-ANC soldiers had been hiding in the bush around Buramba for several days, stealing crops for food and robbing civilians near the roads. They were on a scouting mission looking for Mai-Mai Commander Jackson Kambale, who was

[647] "UN Evidence Suggests Rwanda Role in Congo Weapons Supplies," Andrew England. Financial Times. 17 December, 2004.
[648] "After Sweeden, the European Union for Sanctions Against Rwanda," *L'Avenir*. English Translation. 23 December, 2004.
[649] "Thousands Flee DR Congo Hotspot," BBC News. 14 December, 2004.
[650] "Mediators go to DR Congo Hotspot," BBC News. 16 December, 2004.
[651] "Rwanda Allots 'Traffickers' to an Attempt at an Incursion in DRC," *Agence France Pressé*. English Translation. 15 December, 2004.

reported in the area. On 17th December, 15 of Major Pay Pay's soldiers from the FARDC's 123rd Battalion (12th Brigade) went into town and began shooting wildly into the air to frighten civilians away. The soldiers started grabbing sacks of rice to bring back into the forest with them. A unit of Jackson's Mai-Mai fighters heard the gunfire nearby and scrambled to Buramba to engage the soldiers. Four ex-ANC soldiers were killed during the gunfight and the rest fled to Nyamilia for reinforcements.[652]

Dissident reinforcements quickly arrived in Buramba from several directions and counter-attacked Jackson's Mai-Mai. The Mai-Mai were unprepared and retreated into the woods following a bloody gunfight. Roadblocks were immediately erected along the roads between Buramba and other nearby villages. Buramba itself was sealed off and no vehicles were allowed to enter or leave the city. Those who tried were riddled with bullets. No one from the village who fled was allowed to return.

The ex-ANC soldiers in Buramba murdered civilians suspected of aiding government-loyalist FARDC and Mai-Mai. On one occasion, some villagers happened upon dissident soldiers robbing rice from nearby huts. The soldiers opened fire on the witnesses killing several of them.[653] Those unable to flee when the fighting broke out were killed and their homes were looted. At least 30 people were murdered and a 12-year-old girl was raped.[654]

Dissident soldiers repeatedly asked traumatized villagers where Mai-Mai commander Jackson was, but the villagers did not know his location. In the end, they were unsuccessful in their hunt for Jackson. They later blamed Jackson for killing many of the civilians they had

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[652] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[653] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 25.

[654] "DRC: MONUC's Investigations in Buramba on 30-31 December 2004," Yulu Kabamba. MONUC Press. 7 January, 2005..

murdered.[655] The rest were blamed on stray bullets. A U.N team semt to investigate the killings was harassed and intimidated by ex-ANC soldiers during their investigation.[656]

Distraught villagers scrambled to find a way to escape. Villagers fleeing into the wilderness risked dying of hunger since they could not return to their crop fields without being killed or raped by soldiers stealing the crops for themselves. One group of people who fled towards Nyalima was intercepted by ex-ANC reinforcements on their way to Buramba. The men were separated from the group and two were executed.[657]

Then, soldiers combed the mountain sides for civilians. Those found were killed on the spot and many of the bodies were burned to cover up the murders. Some villagers fortunate enough to find refuge in the hills were able to call MONUC officials from their cell phones and inform them of the situation. Though there was an Indian battalion in Kiwanja less than 40 kilometers away, no help was sent for days.[658] By then, the village was almost completely deserted.

On the 17th December, MSF evacuated from Kayna after several vehicles were carjacked at gunpoint by FARDC soldiers fleeing from Kanyabayonga. These vehicles may have been used later to prepare for an offensive launched against FARDC troops on December 19th. MSF's departure made a dire health crisis much worse because there were already very few medical centers nearby for casualties and rape victims to seek help.

Troops loyal to General Nkundabatware pushed onward north and took Kayna and Kirumba from the FARDC. Most civilians had already fled after hearing gunfire from nearby

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[655] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 25.
[656] "UN Finds Evidence of Congo Massacre," *Al-Jazeera*. 07 January, 2005.
[657] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[658] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 31.

villages. Everything they left behind was looted. The 18-year-old son of an RCD-ML government official was executed in Kirumba by ex-ANC soldiers.[659] Government-loyal FARDC retreating from Kirumba committed rapes and pillaged along the way.

In reprisal for the attacks on innocent Bahunde civilians, Banyarwandan civilians around Nyabiondo were brutally murdered by enraged ex-Mai-Mai from the FARDC's 13th Brigade and Jackson's Mai-Mai militia. In one particularly gruesome attack, Mai-Mai ambushed Hutu women preparing a wedding. While they were outside setting up the ceremony, the Mai-Mai lobbed grenades into the crowd. One woman survived only because she had her infant cousin strapped to her back. The shrapnel ripped into the child's back and she bled to death.[660]

Shortly after the attacks against Hutu, ex-ANC soldiers, LDF, and Hutu civilian militia gathered to launch a reprisal attack on Nyabiondo from three separate directions. Nyabiondo was a known Mai-Mai stronghold in northern Masisi Territory. The soldiers stopped at the village of Bukombo on the way. Bukombo was pillaged and several Bahunde customary chiefs were murdered, including Chief Paul Baroki.[661] They also shot and killed Chief. Mbaende Léopold outside his house and arrested Chief Baroki Mine'ene. Chief Mine'ene was taken to Captain Munyamariba's headquarters in Mianja. After enduring a week of excruciating torture and whippings in prison, he was executed even though one of his Hutu friends offered to pay for his release.[662]

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[659] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[660] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 19.

[661] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[662] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 20.

Despite concerns from the population of Nyabiondo who heard the dissident army was advancing on the town, a delegation from the Masisi Territorial Administration (run by the RCD-G) assured the villagers the fighting was over and they should have their traditional market on the weekend as usual. Many people took their word for it and stayed.[663] This would prove to be a fatal mistake because they were caught in an ever-constricting vice of advancing ex-ANC soldiers from southeastern Masisi Territory and the retreating ex-ANC soldiers who were run out of Walikale.

On Sunday, 19th December, FARDC soldiers and Mai-Mai intercepted General Nkundabatware's soldiers marching on the axis from Kanyabayonga to Nyabiondo, but they could not defend all the axes his men were advancing on.[664] The FARDC's 11th Brigade, led by Colonel Willy Bonané Habarugira,[665] pushed into the city with Governor Serufuli's Banyarwandan army and attacked the FARDC's 13th Brigade of ex-Mai-Mai led by Colonel Akilimali. When reinforcements arrived from yet another axis, the FARDC was stuck in the middle of a heated crossfire between the two advancing columns and was forced to retreat.

Fortunately, the dense early morning fog rolling over the hills provided a blanket of cover for many villagers to escape undetected.[666] Thousands of people fled in panic towards Walikale Territory to the west while others fled into the forests on the surrounding hills. Those who were unable to escape Nyabiondo faced the advancing army. Soldiers swept through the village, killing helpless civilians. The dissidents killed all Mai-Mai they could find in the village and began executing anyone all Bahunde they suspected of being/aiding the Mai-

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663 "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

664 Ibid.

665 Note: Colonel Bonané is a Tutsi particularly loyal to Governor Serufuli. ("Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N˚108. 27 April, 2006. pg. 16.) The 11th Brigade covered Walikale and Masisi territories.

666 Ibid.

Mai.[667] The sad irony is most of the Bahunde in town dispised Jackson and his Mai-Mai militia because they looted as much as the Banyarwanda militias.[668]

The dissidents carried out a plan of humiliation and psychological torture against the Bahunde. Bahunde women were raped, including women as-young-as 10. Some were abducted and taken into the bush as sex slaves.[669] Several Bahunde customary chiefs were viciously murdered[670] and the 11th Brigade killed at least 60 civilians.[671]

The town was so completely looted; even the tiles on roofs of buildings and huts were stripped off and taken. Medical centers were looted and nearly $350,000 of construction material - including cement bags and iron bars- was stolen from the German NGO Agro-Action Allemande (AAA), who was building an essential road from Masisi to Walikale town.[672] As a result, they suspended their activities in Masisi Territory leaving a hundred Congolese workers unemployed.[673] The local CARITAS[674] *Centre de Transit et d'Orientation* (CTO) for demobilizing child soldiers was destroyed. Trucks belonging to the Territorial Administration were loaded with the looted goods and driven to Masisi village.[675]

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[667] Note: The Bahunde and the Banyarwanda have had armed insurrections against each other since the 1960s. Originally, the conflict began over land disputes when Bahunde and Rwandan chiefdoms in northeast Congo clashed over land allocations. More recently, in March 1993, Bahunde and Nyanga militias slaughtered Rwandan refugees fleeing the war in Masisi and Walikale Territories.

[668] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 26.

[669] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[670] Ibid.

[671] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 19.

[672] Ibid. pg. 29.

[673] "Goma: The NGO Agro-Action Germany Recovers 1% of the Pillaged Goods," Radio Okapi. English Translation. 17 February, 2005. http://www.radiookapi.net/article.php?id=1810.

[674] Note: Caritas International is an NGO comprised of 162 Catholic relief, development and social service organizations.

[675] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 28.

The forests on the hills around Nyabiondo were patrolled by ex-ANC soldiers looking for Mai-Mai. Roadblocks were erected and no one was allowed to return into town. Most Bahunde villagers caught out in the forest were tied to a tree and shot. Defaced and dismembered bodies littered the hillsides after a few hours.

Women discovered in the hills were mercilessly raped. One woman was raped by two different groups of soldiers on two consecutive days.[676] A 12-year-old was raped by 10 soldiers and then taken hostage. Said her mother, "..My heart is broken because they took my little girl."[677]

A few were lucky enough to escape through the deep forest. They traveled through the hills, eating plants and occasionally sleeping in crude shelters made from broad leaves and sticks. Some villagers who forgot to dismantle their shelters the next morning were found by the dissidents and killed. It was estimated over 25,000 people fled Nyabiondo toward Walikale Territory.[678]

The dissidents then spread out into villages near Nyabiondo to prevent the Mai-Mai from regrouping. The Mai-Mai had posts up on the hills near Nyabiondo to keep watch for enemy fighters, but during the day, the Mai-Mai left their posts to mingle with the villagers in the markets. The dissidents took advantage of this and burned down the posts while they were in the village. This prevented several villages from being forewarned of the advancing soldiers.

The dissidents then moved from village to village freely. The ex-ANC soldiers knew Mai-Mai were blending in with civilians in the surrounding villages. Without military

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[676] Ibid. pg. 22.
[677] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[678] Ibid.

uniforms on it was impossible to tell them apart. The dissidents indescriminantly opened fire on groups of villagers hoping to kill some Mai-Mai in the process of dispersing the crowd.[679] After the population dispersed in panic, the soldiers looted as much as they could carry.

Civilians were targeted in all the areas under ex-ANC soldiers' control. Several villagers were killed in Ngululu after a Pentecostal church was shelled.[680] The village of Loashi was also invaded. Several Mai-Mai were brutally killed, including a young man who was burned alive in public as an example for all Mai-Mai sympathizers. Witnesses said Loashi's town center was "littered with bodies."[681] Three people were killed in Ngesha.

Makeshift shelters built by fleeing civilians on the hills near their villages were torched. Hutu militia tracked down and killed Showa's Hunde chief Kyahi Shamamba. A survivor of this attack was cruelly tortured. A plastic bag was set on fire while wrapped around his head.[682]

Almost all the health centers in the area were purposly demolished. As a result, People trekked to the vastly overcrowded hospital in Kirotshe for safety. Many mothers with young children had nothing to feed them. If a desperate family member returned to the village to get food, they were killed by the dissident soldiers in town. One mother traveling to Kirotshe carried the body of her dead child strapped to her back. She did not even seem aware of its passing.[683]

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[679] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 20.
[680] "North Kivu: About One Hundred Killed in Nyabiondo," Radio Okapi. English Translation. 29 December, 2004. http://www.radiookapi.net/article.php?id=1561.
[681] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[682] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 24.
[683] "Rwandophones and Roadblocks in DR Congo," Arnaud Zajtman. BBC News. 14 December 2006.

General Nkundabatware was reportedly being guarded by RDF soldiers. They were lounging in Kirotshe and then later moved to Bweremana. Major Claude Micho[684] was in his entourage. After the attacks around Nyabiondo, General Nkundabatware's soldiers also took up positions on the Mabenga Bridge, which connects Rwindi to Rutshuru and Kiwanja.[685] There were fears the fighting would spread south towards Goma. General Amisi ordered the ex-Mai-Mai FARDC battalions to stop conducting attacks and wait for new orders.

After a long absence from the conflict, MONUC finally decided to intervene and set up a buffer zone between the dissidents in Kanyabayonga and government-loyal FARDC in Lubero Territory. A company of Indian soldiers was deployed to Rutshuru Territory for the mission. However, MONUC's actions were perceived as reactionary instead of preventative by the Congolese, further eroding their trust of the U.N. MONUC's buffer zone only consisted of a few posts along the main roads with occasional patrols. There were only 250 MONUC soldiers to patrol the area and as a result, the perimeter was extremely porous and easy to slip through. Looting still occurred, sometimes right in front of MONUC's South African soldiers, but they did nothing to intervene.[686]

MONUC's aim was to convince the dissidents to declare a ceasefire and allow humanitarian aid into the villages affected by the fighting and the displacement camps. MONUC immediately pressured Captain Munyamariba to leave Nyabiondo, which had the

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[684] Note: Major Claude is an ex-ANC soldier who is the commander of the 126th Battalion based in Kanyabayonga. He is reportedly a former sergeant in the RPA originally posted in Goma, but after he committed crimes there General Kabarebe told General Obedi to move him to Kanyabayonga. ("The Enigma of the Presence of Rwandan Troops in DRC," Network of Organization of the Human Rights and Civic Education of Christian Inspiration (RODHECIC). Press Release. English Translation. 22 December, 2004.)

[685] "Alarming Situation in Goma, North Kivu," *Héritiers de la Justice*. Press Release. N°340. English Translation. 14 December, 2004.

[686] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005; "East DR Congo Sees Fugitives, Death, Looting," *Agence France Pressé*. 23 December, 2006.

worst claims of human rights abuses. At least 90 civilians were already dead in Nyabiondo and Buramba.[687]

Colonel Akilimali, who withdrew to Kahanja after his defeat, was ordered by General Amisi to report to Nyabiondo for talks. Colonel Akilimali refused to report because ex-ANC soldiers were still occupying the town. "We do not want to meet the men that did us this war," he said.[688] MONUC told him they would personally guarantee his safety, but to no avail.

MONUC allowed the dissidents passage to Goma under the watch of Governor Serufuli and General Amisi. A resolution to the fighting was going to be discussed.[689] General Amisi and General Mabe created an integrated battalion and deployed them to Kalehe Territory to assisting displaced Hutu refugees returning home to North Kivu. In the meantime, General Amisi wanted to start the mixing process in the 8th Military Region.

Governor Serufuli traveled to Nyabiondo and Masisi town. He ordered the dissident soldiers to retreat to their "original" posts in Kanyabayonga and Masisi and he also removed Major Christian Pay Pay from his post, but did not arrest him for the murder of civilians in Buramba.[690] None of the ex-ANC officers were punished for the massacres. After the ex-ANC soldiers returned to their bases, Colonel Akilimali and the 13th Battalion returned to their base in Nyabiondo. General Amisi then wanted the ex-Mai-Mai and ex-ANC soldiers to enter the brassage[691] process immediately.

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[687] "Ex-Rebels in Congo Killed Over 60 Civilians in December," Reuters. 24 February, 2005.
[688] "Goma: A Former Mai-Mai Colonel Refuses to Meet General Amisi in Nyabiondo," Radio Okapi. English Translation. 7 January, 2005. http://www.radiookapi.net/article.php?id=1593.
[689] Congo Chronicle 55. 20 December, 2004 - 27 February, 2005. http://www.congoned.dds.nl/chroni55.html.
[690] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 27-28.
[691] Note: "Brassage" is a French term referring to the integration process of introducing armed militia into the national army (FARDC) as well as the demobilization of unneeded soldiers and child soldiers. Integrated soldiers stay on active duty while demobilized soldiers return to civilian life. The terms "brassage" and "mixing" can be used interchangeably.

Meanwhile, Masisi Territory's Administrator Paul Sebihogo reportedly took advantage of the ceasefire and distributed weapons to Banyarwandan civilians in Masisi Territory. He told them to defend themselves against all government-loyal FARDC soldiers. Other reports stated the same message was being spread in Kitshanga and Mwesso. After witnessing another weapons distribution, Bahunde and Tembo began to leave Masisi Territory in earnest.[692]

After the immediate crisis was over and the buffer zone was in place, Congolese human rights groups began investigating the events. The RCD-G domestic security apparatus made in clear they did not want the truth to be uncovered. The Director General of the *Action Sociale pour la Paix et le Développement* (ASPD), who lived in Goma, received death threats and someone tried to break into his home. The Director General of the *Centre de Recherche Sur l'Evironnement, la Démocratie et les Droites de l'Homme* (CREDDHO) also received threats on his life and three individuals went to his neighborhood and asked locals to point out his house. Other activists reported incidents of intimidation and beatings.[693]

On 18th January, Mai-Mai militias attacked General Nkundabatware's men in Kitengo and Nyakakoma. The ex-ANC soldiers were forced to pull out after an intense gunfight. 10,000 people fled the fresh round of fighting and took shelter in Ishasha's primary school.[694]

Near the end of January, in retaliation for the murder of Banyarwanda by Mai-Mai and the 18th January attack, mutinous elements of the 83rd FARDC Brigade (ex-ANC) attacked several ex-Mai-Mai FARDC battalion strongholds in Rutshuru Territory guarded by Colonel Jean-Marie Shé Kasikila's (a Nande ex-Mai-Mai) men. Some of his units fled the attackers and the remaining men were defeated and forced to pull back. The 83rd Brigade then forcibly

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[692] "While one Distracts the Congolese Starting from Kinshasa, Rwanda Sends 12,000 men to Reconquer Walikale," *L'Avenir*. English Translation. 19 January, 2005.
[693] "DRC: Human Rights Workers Receive Death Threats," Amnesty International. AFR 62/001/2005. News Service Number 015. 19 January, 2005.
[694] "Mai-Mai, RCD Clash in Goma," New Vision. 18 January, 2005.

occupied the villages of Runyonyi, Rugari, Kiwanja, Jomba, and Bunagana along the Ugandan and Rwandan borders with Congo. Civilians were forced to carry supplies for them and several were whipped, beaten, or tortured in Virunga National Park.

The MSF feeding center in Kabati was stripped of cash, a vehicle, and anything the soldiers thought had value. MSF shut down their feeding centers in Kabati and Kitchanga in response and the displaced people in Masisi Territory were left without medical aid. MSF had only a mobile clinic in Kayna to treat displaced people located north of Kanyabayonga.

FARDC soldiers led by Commander Francois Kamanzi's unit from Sake pushed the dissidents out with help from one of MONUC's Indian battalions. Then, Colonel Kasikila launched a counteroffensive from Kiwanja after he rearmed and regrouped. With the help of Jackson's Mai-Mai, he regained control of Kanyabayonga.[695] The 83rd Brigade retreated back into Masisi Territory. Jackson demanded all Banyarwanda withdraw to an area between the Ugandan border town of Ishasha and the Ngwenda River, the demarcation line between Binza and Bukoma groupings. The Hutu majority in Rutshuru Territory strongly protested and the demand was ignored.[696]

After MONUC and the FARDC joined forces the fighting slowed down. During the down time, the U.S. sent a key representative to meet with President Kagame in Kigali. Deputy Assistant Secretary of Defense for African Affairs Theresa Whelan arrived by herself at the President's office on 11 February, 2005.[697] It is noteworthy that a government official

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[695] "Democratic Republic of the Congo: Civilians Attacked in North Kivu." Human Rights Watch. Volume 17, Number 9 (A). July 2005. pg. 27-28.

[696] "*Temps Couverts a Nyamilima et Orages a l'Horizon* ?," Aloys Tegera. Pole Institute. May 2005.

[697] Presidential Photos: February 11, 2005. Photo Album of His Excellency Paul Kagame. Official Website of the President of Rwanda. Accessed 10 April, 2006. http://www.gov.rw/government/president/photo/us_secretary3.html.

with her extensive military intelligence background would make a trip to Rwanda following an outbreak of violence the RDF played a direct part in.[698]

In February, the U.N. Security Council released a report accusing Rwanda and Uganda of violating the arms embargo on the Congo. Uganda denied the charges and lambasted MONUC for being ineffective and weak. Rwandan officials claimed the U.N. did not properly consult with them about the issues.

More reports of RDF infiltration circulated during March 2005. There were sightings near Tongo, Kitchanga, Rwindi, Kanyabayonga, and in Karuruma. Kanyabayonga was the site of several robberies and acts of torture perpetrated by ex-ANC soldiers in late February 2005. The RDF was reportedly attacked by Mai-Mai militia loyal to Colonel Akilimali near Ngungu and 34 soldiers were killed during the ensuing battle.

On 21st March, Jackson's Mai-Mai battalion engaged several hundred RDF and LDF soldiers in Ishasha.[699] Some RDF soldiers withdrew back across the Rwandan border while some RDF stayed behind and blended in with local Tutsi farmers in Masisi Territory.

In March, there were several incidents involving ex-ANC dissidents, some of whom had entrenched themselves in Virunga National Park. The 12th Mixed Brigade, led by Colonel Shima, pillaged at least 13 commercial vehicles on the Beni-Lubero axis.[700] Gunfights broke out in early March in Mirangi, and Masisi. In Mutanda (Rutshuru Territory), a battle between

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[698] Note: Miss Whelan has spent almost her entire professional career in the intelligence and defense sectors. From 1987-1991, she worked for the DIA as a Current Intelligence and Military Capabilities analyst covering West, Central, and East Africa. Following her stint in the DIA, she worked in the Secretary of Defense's policy office as the Countries Director for South and West Africa. Next, she was appointed Senior Program Director for the U.S./South African Joint Defense Committee until late 1997. She then served as the Director of the Office of African Affairs before taking her current post. (United States Department of Defense. "Biography: Theresa Marie Whelan." Accessed 2 October, 2006. http://www.dod.mil/policy/sections/policy_offices/isa/africa/whelan.html.)

[699] "North-Kivu: Troop Movements are Done Persistently Around Mushaki," Célestin Ramazani. Daily Future. English Translation. 28 March, 2005.

[700] "Insecurity on the Road Goma-Kanyabayonga," Radio Okapi. English Translation. 8 April, 2005. http://www.radiookapi.net/article.php?id=2048.

ex-ANC dissidents and FOCA left two ANC child soldiers wounded. A coalition of Mai-Mai and FOCA attacked ex-ANC dissidents in Ngungu during the 3rd week of March.

In April, Congolese Civil Society said soldiers from the 12th Brigade (ex-ANC and ex-LDF) engaged the 123rd Battalion (18th Brigade based in Lubero) in the villages of Luofu and Miliki near Kanyabayonga. General Amisi said the FARDC were not fighting each other, but rather FOCA who attacked the 12th Brigade. The 12th Brigade pushed FOCA back into the 18th Brigade's region, and the 18th Brigade engaged them as well.[701]

About a week later, several vehicles traveling on the road from Rutshuru town to Kanyabayonga were robbed. One driver was killed in Virunga National Forest. A MONUC soldier, who witnessed the attack but apparently did not try to stop it, said ex-ANC soldiers from the 12th Brigade were responsible for the attacks. More specifically, they testified an RDF soldier known as "Captain Shima" appeared to be one of the leaders in the looting campaign. The MONUC soldier said they personally saw him stopping vehicles in the area the lootings occurred. Captain Shima not only denied being present in the area, he also denied belonging to the 12th Brigade.[702]

In mid-April, Radio Rwanda broadcast news of FOCA attacks on Banyarwanda near Goma. 3,000 people fled to Rwanda for safety as a result. On 19 April, only days after returning from theUnited States and receiving a $1.4 billion dollar (U.S.) debt cancellation from the World Bank,[703] President Kagame treatened to invade the Congo again to pacify FOCA. This was despite the fact nobody could verify any new attacks on the Rwandan border.

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[701] "North Kivu: Again Signaled Clashes During the Weekend to Kanyabayonga," Radio Okapi. English Translation. 4 April, 2005. http://www.radiookapi.net/article.php?id=2024.

[702] "Insecurity on the Road Goma-Kanyabayonga," Radio Okapi. English Translation. 8 April, 2005. http://www.radiookapi.net/article.php?id=2048.

[703] United States Department of State. "Bush Pledges Support for Rwanda's 'Efforts to Move Forward'," Stephen Kaufman. 15 April 2005. http://usinfo.state.gov/af/Archive/2005/Apr/18-281331.html; "Rwanda: IMF, World Bank Write Off Kigali's $1.4 Billion Debt," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 14 April, 2005.

These threats also coincided with MONUC's interception of a truck filled with arms coming from Rwanda on its way to Goma. It was presumed the arms were destined for Governor Serufuli's residence.[704]

[704] "The Congo: Solving the FDLR Problem Once and for All." International Crisis Group. Africa Briefing N°25. 12 May, 2005. pg. 10.

Chapter 9: Integration and Desertion

In late April, MONUC publicly affirmed the existence of secret underground prisons in Masisi and Rutshuru territories run by members of the 8th Military Region under General Nkundabatware's command. The soldiers were illegally detaining civilians for invented crimes in order to extort money from them or their family members.[705] After this discovery was announced, General Amisi tried to quell the 12th Brigade's looting and illegal detentions by replacing Colonel Gihanga with Colonel Janvier Mayanga Wa Kishuba, a Hutu ex-ANC officer commanding the 5th Brigade of the FARDC at the time. Colonel Gihanga replaced Colonel Willy Bonané as the commander of the 11th Brigade based in Masisi Territory. Colonel Bonané was slated to report to Mushaki and command the new 81st Integrated Battalion.

On 26th April, the provincial government of South Kivu experienced another shakeup. Interim Governor Augustin Bulahimu was removed and Vice Governors Didace Kaningini[706] and Thomas Nziratimana were "recalled" by the Ministry of the Interior. Governor Bulahimu confessed to "bad" financial management including diverted public funds, ethnic favoritism, and a lack of financial transparency. The Vice Governors were the ones who brought the fund misappropriate to light. The provincial director, Jean Alimasi Ndoma Pauni was appointed the new interim governor.[707]

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[705] "Underground Prisons to North Kivu," Radio Okapi. English Translation. 21 April, 2005. http://www.radiookapi.net/article.php?id=2104.

[706] Note: Mr. Kaningini was implicated in the murder of Pascal Kabungulu, a human rights worker for *Héritiers de la Justice* based in Bukavu.

[707] "Bukavu: The Suspended Governor," Radio Okapi. English Translation. 26 April, 2005. http://www.radiookapi.net/article.php?id=2137.

On 2nd May, the 12th Brigade killed a trader near Kiwanja.[708] Through the following summer months, dissident soldiers continuously assaulted traders in transit between Goma and Butembo. Not only did they continue robbing supplies, but they likely suspected some of the traders were bringing supplies, rations, and arms (perhaps on behalf of the Congolese Government) to Jackson's Mai-Mai militia or FDLR/FOCA in the north near Virunga National Forest. The dissident soldiers wanted to cut off the supply route.

Dissident soldiers from the 11th Brigade launched several looting raids in the villages of Kimoka, Katembe, and Malehe over the last two weeks of May in order to replenish their dwindling supplies and invoke terror on the Congolese. Several people were raped during the invasions. 800 people fled to nearby Sake but they were unable to find humanitarian aid. Some villagers went back home only to be attacked again when they arrived.[709]

At the end of May, there were reports ex-ANC soldiers and RDF officials were meeting to make plans. Their aim was to disrupt the mixing process. They reportedly decided to create a new militia in order to create conflict in Congo that would tie up the FARDC so they could not advance the army integration timetable.

On 7th June, two new political parties (each with an armed wing) were founded as a result of these talks. One was called the Forum of PanAfricanists for Justice and Peace, the other was named National Synergy for Peace and Concord. General Munyakazi and Colonel Smith were going to lead their respective armed wings. The Conglese Civil Society immediately called for Governor Serufuli to resign because he did nothing to disrupt their

[708] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.
[709] "Soldiers Plunder in North Kivu!," Radio Okapi. English Translation. 24 May, 2005. http://www.radiookapi.net/article.php?id=2277.

political meetings while they were going on.[710] Many citizens suspected Governor Serufuli played a role in the birth of these new political movements.

The FARDC in eastern Congo were busy participating in a joint (FARDC/MONUC) operation against the FDLR/FOCA during the summer months of 2005. The operation began in South Kivu's Kahuzi-Biega National Park and continued in North Kivu's Virunga National Park in October. The Rasta group supposedly linked to FOCA also committed several massacres in South Kivu during the summer.

General Nkundabatware's men remained active during the summer as well. In the evening of 13th June, a MONUC convoy returing to Goma from a patrol in Masisi Territory was attacked near Sake. MONUC returned fire, but the assassins got away. Three Indian soldiers were wounded and Shinde Bhagwan was killed. While MONUC never officially acknowledged who the assassins were, the only militia regularly operating that far south in North Kivu was General Nkundabatware's men.

In early July, another outburst of violence occurred between ex-ANC dissidents and Mai-Mai. Ex-ANC and ex-LDF soldiers from the FARDC's 12th Brigade (led by Colonel Janvier Mayanga) were attacked by Jackson Kambale's Mai-Mai partnered with FOCA elements based in North Kivu. Many of these FOCA elements had been pushed out of Walikale Territory during battles with ex-ANC forces at the end of 2004. They attacked the 12th Brigade's positions in Nyakakoma, Ishasha, and Nyamilima and repelled them out of the villages. The Mai-Mai and FOCA were trying to secure the northern part of the Goma-Butembo route for traders and to keep their supply lines open.

[710] "Congo Developments 57: 23 May, 2005 – 12 August, 2005," Congo Chronicles. 13 August, 2005. http://www.congoned.dds.nl/chroni57.html.

Jackson's Mai-Mai then mercilessly targeted innocent Banyarwandan civilians in Nyakakoma; burning and looting their homes. At least two people were killed, including a baby.[711] The Vice President of the Collective Associations in Kivu (Maniema), Mr. Kayembe, witnessed trucks carrying RDF soldiers across the border into Rutshuru Territory to reinforce the 12th Brigade.[712] Mai-Mai and FOCA were forced to withdraw from Nyamilima the next day after the 12th Brigade and RDF routed them in a ferocious counterattack. Three days later, the 5th and 12th FARDC Brigades launched a joint counterattack and captured Nyakakoma, but five people, including an eight year old, were killed during the battle.[713]

The army moved on to Ishasha and attacked FOCA and Jackson's Mai-Mai again. Two villagers were killed during the fighting and both the Mai-Mai and FOCA were forced out of all the villages they previously had captured.[714] Most fled into Virunga National Forest for cover. The Mai-Mai made another attempt to take Ishasha on 6th August, but were unsuccessful. Two civilians were killed in the process.[715]

The FARDC command heirarchy was shaken up in mid-July. General Mabe was transferred from his post in the 10th Military Region to Kitona in Bas-Congo Province, where an FARDC integration center is located. Officially, the change was made because General

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[711] "*Exactions Contre des Civils à Nyakakoma,*" Oliver Charms. MONUC Press. English Translation. 28 July, 2005. http://www.reliefweb.int/rw/rwb.nsf/f303799b16d2074285256830007fb33f/9051edc2c2be90ffc125704c00475776?OpenDocument.

[712] Congo Developments 57. 23 May, 2005 – 12 August, 2005. http://www.congoned.dds.nl/chroni57.html.

[713] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[714] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

[715] Ibid.

Mabe had health problems.[716] He was replaced by General Mathieu Agolowa Kangiolo, an ex-FAC officer.[717]

The Tripartite Commission met in late August to discuss the current political situation. The three countries signed a document agreeing to extradite each other's wanted criminals. The hope was to increase deportation of rebel elements seeking shelter in neighboring countries. The agreement hinted Congo should extradite FDLR/FOCA leaders while Rwanda should expel Colonel Mutebusi and his men.

General Nkundabatware returned to the public eye in a dramatic way on 25th August, 2005. The Congolese newspaper *Le Potentiel* published a 17-page letter he wrote in the village of Kikuku in North Kivu. The letter was released just days after the 4th Mixed Brigade (led by ex-ANC officer Colonel Willy Bonané) was deployed to Ituri to back up the Belgian-trained 1st Mixed Brigade.

He again accused President J. Kabila and his transitional administration of discriminating against Banyamulenge and Banyarwanda. He claimed President Kabila was deliberately creating ethnic division in the Kivus and suppressing political opposition.[718] General Nkundabatware threatened to re-occupy eastern Congo and attack government troops to prevent further discrimination and bring "peace." He openly called for a coup of President

[716] "Change With the Head of the 10th Military Area," *La Conscience*. English Translation. 12 July, 2005.

[717] Note: General Agolowa was accused of working against the Transitional Government. There were reports of mercenaries entering Congolese territory through Kamanyola and Uvira via Bujumbura. One of his deputy commanders, Colonel Claude Mosala (based in Luvungi), reportedly worked to remove government-loyal Mai-Mai chiefs from power in South Kivu. Mai-Mai commander Colonel Nakabaka reportedly turned on the Mai-Mai and was selling weapons recovered in raids to Rwandan soldiers. ("The Disintigration of Mai-Mai in Kivu or the Exaltation of the Enemy of the DRC," *Grand-Lacs Confidentiel*. 24 November, 2005. Number 11.) In mid-May 2006, General Agolowa was replaced by General Jean-Pierre Moya Ndonga. General Agolowa was removed because officially he had health problems, but many Congolese believe he was poisoned .

[718] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

Kabila stating, "The right time has come for us to use all the necessary means to force this government to step down…" He blamed President Kabila for destabilizing eastern Congo.[719]

Following the publication of his letter in Goma, he relocated to Kitchanga[720] and ex-ANC troops began to defect from the FARDC and rally to General Nkundabatware. 500 soldiers in the 53rd Battalion from Burungu under the command of Major Innocent Kabundi defected and headed to Mwesso.[721] Four companies from the 2nd Mixed Battalion led by Captain Faustin Muhima left their base in Kanyabayonga. Defectors from the mixed battalions were reported leaving Mushaki, site of the former LDF training camp.[722] An estimated 1,000 troops left the FARDC to join General Nkundabatware in the bush.[723] In addition, small outbreaks of violence occurred in Miriki, Kitchanga, and Kibirizi while half the town of Nyamilima was burned to the ground.[724]

Only days later, the damage control began. Congo's Defense Minister Adolphe Onusumba (former RCD-G president before Azarias Ruberwa took over) said there were no desertions at all, only miscommunications. Defense Minister Onusumba's spokesperson reported all news of mixed battalions' desertions were false.[725] Defense Minister Onusumba further stated any soldier who deserted their battalion would be arrested. A few days after his announcement, dissident members of the 53rd Battalion returned to their barracks.

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[719] "New Threats of Violence in DR Congo's Powderkeg Eastern Region," *Agence France Pressé*. 31 August, 2005.

[720] Note: Prior to the 1990s, Kitchanga was home to a Hunde traditional chief and a predominantly Bahunde population. The Bahunde offered asylum to Tutsi fleeing a massacre in Makoto in May 1996.

[721] "Soldiers Go AWOL as Dissident Leader Issues Call to Arms," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 31 August, 2005.

[722] "The Light of Laurent Nkundabatware Already Appears in Masisi," DigitalCongo 2.0. English Translation. http://www.digitalcongo.net/fullstory.php?id=57944. 9 September, 2005.

[723] "Congo: Troops Desert at Rebel's Call," Cali Ruchala. Sobaka News Wire. 31 August, 2005.

[724] "Unrest, Desertions, Threats and Troop Movements: New Tension in Kivu," MISNA. 31 August, 2005.

[725] "DRC: AWOL Soldiers Return to Base," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 September, 2005.

The 5th Brigade just finished its mixing process and was deployed to Rumangabo. The FARDC timetable now called for the 12th Brigade of ex-ANC and ex-LDF soldiers to report for mixing with three Mai-Mai brigades to produce the mixed battalions for redeployment in the 8th Military Region. There was concern ex-ANC soldiers would not show up at the integration center and would instead run off and join General Nkundabatware.

Their concerns were justified. The 82nd Brigade based in Rutshuru town refused to report to the integration camp in Rumangabo. The brigade officers said they did not want to be separated from the area because they wanted to provide security for their families from Mai-Mai and FDLR/FOCA in the area.[726] Governor Serufuli disagreed with their reasoning and demanded the officers to obey the order, but they snubbed him and stayed in Rutshuru for the time being.

Back in Kinshasa, Defense Minister Onusumba and the U.S. Embassy's Defense Attaché (and DIA agent in the Congo) Colonel Roderic Jackson[727] welcomed Major Johnson and a team of U.S. trainers to begin a six month program to train at least 300 FARDC officers. Colonel Roderic stated the training would emphasis fighting "terrorists" like the *Interahamwe*. The officers trained by this program were eventually going to be deployed into the mixed brigades.[728]

On 8th September, General Nkundabatware released a statement to the Congolese press from Goma declaring he did not wish to start a war and would only attack in self defense. He

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[726] "The Banyarwanda Soldiers of the 82nd Brigade Said No to Intermingling," Radio Okapi. English Translation. 23 September, 2005. http://www.radiookapi.net/article.php?id=2939.

[727] Note: Colonel Jackson's personal specialty is anti-aircraft weapons and artillery. He served in Kosovo with the North Atlantic Treaty Organization (NATO) and was a commanding officer in Tampa, Florida. ("Co-Operation FAC-US Army: the American Army Laid Out to Help the Congolese Armed Forces," Official Site of Information and Council on Congo. English Translation. Accessed 6 October, 2006. http://www.congo-site.com/pub/fr/v4x/actualities/article.php?num=4867.)

[728] "George W. Bush Sends American Instructors to Kinshasa to Train 300 Officers of FARDC," Deboutcongolais.info. English Translation. 5 September, 2005. http://www.deboutcongolais.info/weblogs/briefing/2005/09/george_w_bush_e.html.

expressed a desire for a peaceful resolution and claimed he was open to all initiatives to create "lasting peace." More than anything else, General Nkundabatware wrote to "clarify" his inflammatory August letter. He stated all claims his letter intended to destabilize the elections process were rubbish.[729]

In early September, President Kabila striped General Nkundabatware and Colonel Mutebusi of their military rankings in the FARDC and issued an international arrest warrant for both of them. Their lack of military rank guarantees they will be brought to trial by the Congolese government upon arrest. MONUC's spokesperson stated they would be willing to "cooperate" with the arrest warrant.[730] As an added public relations boost, 47 rebels allied with General Nkundabatware during the Bukavu invasion were arrested by the FARDC near the Burundi-Rwandan border in Lemera, including Colonel Mutebusi's second-in-command Colonel Eric Rurihombere (Rorimbere) and Colonel Bisogo, an assistant of General Nkundabatware's.[731] Rwanda then took the initiative to expel several refugees who aided General Nkundabatware, including: Dr. Gasana (former RCD-G senator), Colonel Moses of the ANC, Commander Konga Kanapé (ex-Mai-Mai chief), Raphaël Lukompa (former Director of Service and Safety in South Kivu), and Patient Mwendanga.[732]

General Amisi visited Goma and condemned the desertions. He demanded all Banyarwandan soldiers accept the FARDC as apolitical and ignore General Nkundabatware for the sake of the whole country. He flat out ordered the 83rd Brigade in Kitchanga to return to

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[729] "Nkunda: 'I Do Not Want To Reignite the War'," *Afrique Centrale*. English Translation. 14 September, 2006.
[730] "Laurent Nkunda Dismissed From the FARDC and Bring Before the Court," Angelo Mobateli. *Le Potentiel*. English Translation. 10 September, 2005.
[731] "DRC Troops Nab 47 Rebels," News 24. 16 September, 2005.

Note: Colonel Rurihombere was the commander of the ANC's 10th Brigade.
[732] "Accomplices of the General Laurent Nkundabatware and Jules Mutebusi Delivered by Rwanda to the People in Charge of the 8th Military Area: Operation of Charm or an About-Face," *Héritiers de la Justice*. Press Release. English Translation. 6 September, 2005.

report for mixing, making any disobedience on their part an act of mutiny.[733] Unfortunately, his words did not have a positive effect and a new wave of defections soon followed.

350 soldiers from the 124th Battalion in Katale deserted their posts and headed for Kitchanga.[734] General Amisi confirmed over 200 desertions from the 124th Battalion, but the Transitional Government refuted his claims stating only around 100 deserted. MONUC intercepted a group of dissidents traveling near Kalengera (Rutshuru Territory) and convinced 60 to return to their posts.[735] 300 ex-ANC soldiers from the 821st Battalion in Rwindi National Park (Rutshuru Territory) under the command of Major Baudouin (ex-ANC) left for Nyanzali. Soldiers from the 825th Battalion run by Major Bora left Ngamilima and part of the 822nd Battalion in Rutshuru under Major Willy also deserted.[736] More than 1,000 ex-ANC soldiers of the 12th Brigade joined General Nkundabatware near Masisi village.[737]

While the desertions were occuring, several accomplices of General Nkundabatware were arrested by customs officials. Among the group was RCD-G Senator Gasana, three TPD members, an ex-Mai-Mai officer known as Konga, and soldier Raphaël Lukomba Kanapé. The civilians were released after a weekend in jail, but the soldiers were kept in custody and later transferred to Kinshasa.[738]

General Kisempia went to the 8th and 9th Military Regions to inspect the situation. He met with General Satya of MONUC's Indian Brigade to get a report on just how many

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[733] "Goma: General Gabriel Amisi Wants to Stop the Adventure of Laurent Nkunda," Radio Okapi. English Translation. 9 September, 2005. http://www.radiookapi.net/article/php?id=2846.
[734] "DRC: Troops From the 124th Desert to Join General," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 12 September, 2005.
[735] "Claims of Army Desertion, Rebellion in the East Denied," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 15 September, 2005.
[736] "MONUC Confirms the Desertion of Soldiers to the East," DigitalCongo 2.0. English Translation. 16 September, 2006. http://www.digitalcongo.net/fullstory.php?id=58358.
[737] "Democratic Republic of the Congo – Elections in Sight: 'Don't Rock the Boat?'" Human Rights Watch. 15 December, 2005. pg. 7.
[738] "Goma: Four People Presumed Close to Nkunda in Provisional Liberty," Radio Okapi. English Translation. 13 September 2005. http://www.radiookapi.net/article.php?id=2871.

estimated desertions there really were. General Satya reported 300 soldiers in the 12th Brigade turned themselves in to MONUC in Rutshuru village and 250 FARDC soldiers from the 124th Battalion went back to Katale voluntarily.[739] They claimed they were tricked into deserting by their ex-ANC commanding officers.[740] In addition, the 82nd Brigade finally agreed to enter the mixing process.

After completing his survey, General Kisempia denied any desertions took place, claming the soldiers on foot did not have any vehicles and they were actually on patrol. He said some of them were reporting to demobilization centers in the north. He also denied any knowledge of General Nkundabatware's current location, but Radio Okapi reported he was seen by locals in Kitchanga (Masisi Territory) several times sharing drinks with family friends. He was allowed to travel at will between Walikale and Masisi territories by the 83rd Brigade, who was deployed along the route.[741] He also had no trouble visiting Governor Serufuli in Goma several times during late 2005.[742] General Amisi confirmed his location in Kitchanga (in direct contradiction to General Kisempia's claims) and the 51st Battalion was deployed to Katele to impede further desertions.[743]

MONUC officials, Governor Serufuli, and General Amisi traveled to Kitchanga to speak with General Nkundabatware about the desertions but there was no sign of him. Only the senior FARDC officers who deserted were in town, including the 81st Brigade's Colonel

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[739] "Round of the Chief of Staff of FARDC: Discusses Around the Desertions," *Le Potentiel*. English Translation. 21 September, 2005.

[740] "DRC: UN Confirms Desertions But Says Some Troops Have Already Returned to Base," United Nations Office of the Coordination of Humanitarian Affairs. IRIN News. 22 September, 2005. http://www.monuc.org/News.aspx?NewsID=8380.

[741] "The Shadow of Laurent Nkundabatware in the Vicinity of Goma in North Kivu," Jules Tambwe. DigitalCongo 2.0. English Translation. 21 September, 2005. http://www.digitalcongo.net/fullstory.php?id=58544.

[742] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N°108. 27 April, 2006. pg. 18.

[743] "Congo: More Troops Desert to Join Dissident General," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 12 September, 2005.

David Rugayi. Colonel Rugayi told the delegation he had been in Kitchanga for two days and had not seen or heard any sign of the General. When asked about their grievances with the mixing process, the officers told the delegation they would not report for mixing unless the safety of their families was ensured. They refused to be mixed and then deployed away from their families and ethnic base.[744]

After Radio Okapi's broadcast, Vice President Ruberwa stated at a press conference General Nkundabatware was not a threat to the people in eastern Congo.[745] Henri Mova from the Congolese Ministry of Press and Information echoed similar ridiculous sentiments.[746] General Satya announced MONUC would not arrest General Nkundabatware. "Mr. Laurent Nkundabatware does not present a threat to the local population, thus we cannot justify any action against him."[747] This statement was patently false.

General Nkundabatware had relocated to Kikuku and clearly posed a threat to the Congolese. His soldiers destroyed locals' voter registration cards[748] and villagers were forced to pay him daily "taxes" of $1 (U.S.). Colonel She Kasikila, ex-Mai-Mai commander of the 5th Mixed Brigade, confirmed the reports. His brigade was in the area actively disarming Governor Serufuli's civilian militias.[749] His brigade fought sporadically with elements of the 12th Brigade (ex-LDF) during the operation.

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[744] "DRC: No Plan to Arrest Dissident Ex-General, UN Official Says," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 23 September, 2005.
[745] "Is Nkunda Dangerous? Ruberwa Answers No!," DigitalCongo 2.0. English Translation. 30 September, 2005. http://www.digitalcongo.net/fullstory.php?ic=58974.
[746] "Henri Mova: Laurent Nkunda, It is a Question of Days," DigitalCongo 3.0. English Translation. 7 October, 2005. http://www.digitalcongo.net/article/29828.
[747] "DRC: No Plan to Arrest Dissident Ex-General, UN Official Says," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 23 September, 2005.
[748] "Congo Again the Theatre of a Military Intervention by the European Union," Raf Custers. Independent Media Center. English Translation. 11 February, 2006. http://www.indymedia.be/en/node/1342.
[749] "Laurent Nkunda Imposes a Tax of $1 Per Day to the Population of Rutshuru," DigitalCongo 2.0. English Translation. 5 October, 2005. http://www.digitalcongo.net/fullstory.php?id=59172.

General Nkundabatware's civilian allies ramped up their forced recruitment of children.[750] During the last week of October, several vehicles with "foreign" or Congolese registrations parked outside several Belgian-built schools in Goma as classes were dismissed for the day. The drivers were intent on kidnapping some of the children. The abductors pretended they were the parents of the children to fool school officials. They enticed several children into their vehicles with food, and then drove off. Some children were able to escape, including the son of the Provincial Inspector of Police. Police and school officials stated the abducted children seemed to be identified and targeted beforehand by the abductors.[751]

Abductions from school were hardly a new phenomenon in North Kivu. The Goma branch of an NGO called Children's Voice said they were able to retreve 21 children abducted from the area over the previous year. 16 were found in Rwanda, Bukavu, and Rutshuru Territory.[752]

Governor Serufuli was very busy near the end of October 2005. He began setting up his own intelligence network with the help of Guillain Birate, the Coordinator of the Directorate of Internal Security (DSI). Initially, posts were set up in Walikale and Rutshuru territories. Albert Semana,[753] an RCD-G party member and head of North Kivu's National Intelligence Service (ANR), named several new security officials loyal to the RCD-G without consulting the Ministry of the Interior, who protested but took no action to prevent the

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[750] Note: FDLR/FOCA does not have access to cars and the Mai-Mai have no presence in Goma.

[751] "Flight of Children, a Recurrent Phenomenon in Goma," Radio Okapi. English Translation. 27 October, 2005. http://www.radiookapi.net/article.php?id=3175.

[752] Ibid.

[753] Note: He is also in charge of the Goma border post and all General Directorate for Immigration (DGM) workers are appointed by Governor Serufuli following a nomination by RCD-G Administrator Albert Semana. All DGM and ANR workers are required to join the TPD and pay dues. (United Nations Security Council. "Letter Dated 26 January 2006 to the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 14.)

appointments.[754] A MONUC military official and other sources in Congo stated this agency readily shares intelligence with General Nkundabatware.[755]

However, Governor Serufuli's plans received a setback. Colonel Kasikila was determined to prevent another large-scale offensive in Rutshuru Territory. Since his superior officers would not allow him to go after General Nkundabatware, he focused his energy on disarming Governor Serufuli's civilian militias. Beginning in late September, he began aggressive search-and-cordon operations in Rutshuru Territory.

By late October, the 5th Mixed Brigade seized nearly 70 rifles from an administrative official's house in Bambo. They also found a small number of weapons dispersed through the civilian population. In all, they recovered more than 300 weapons in total. To avoid suspicion, Governor Serufuli publicly called for civilians to turn their weapons over to MONUC by mid-November.[756]

A noteworthy meeting occurred in Kigali on 24th October. President Kagame hosted Dr. Cindy Courville in his office.[757] At the time, she was the U.S. Special Assistant to the President on African Affairs and the Senior Director of African Affairs in the National Security Agency (NSA) who is responsible for forming, coordinating, and implementing policies and initiatives in Central Africa. While the specifics of the meeting are unknown, Rwandan foreign policy was most likely on the agenda.[758]

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[754] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N°108. 27 April, 2006. pg. 6.

[755] Private Interview. 2006.

[756] "North Kivu: New Seizure of War Weapons in Rutshuru," Radio Okapi. English Translation. 30 October, 2006. http://www.radiookapi.net/article.php?id=3199.

[757] Presidential Photos: October 24, 2005. Photo Album of His Excellency Paul Kagame. Official Website for the President of Rwanda. Accessed 10 April 2006. http://www.gov.rw/government/president/photo/cindy_visit.html.

[758] Note: The meeting was significant given Dr. Courville's long history in defense intelligence. From March to December of 1999, she was the East Africa Director of the Office for International Security Affairs in the Secretary of Defense's Office. She also worked in many capacities for the DIA. In the late 1990s, during the

On 1st November, the U.N. Security Council and the E.U. released an updated list of individuals and organizations subject to a travel ban and frozen financial assets for violating U.N. resolutions. Included in the list were Colonel Mutebusi, General Nkundabatware, and Governor Serufuli's TPD for violating a U.N. arms embargo.[759] The economic sanctions were not very helpful though. The nature of the mineral trade in the Congo is designed to defeat the use of banks and established monetary institutions and create "liquid cash" that can be used directly as payment instead of paper money. Transactions of this nature are virtually untraceable.

Just two days after the release of the sanctions list, South Kivu erupted into violence. During late afternoon in the village of Katogota, Major Abdou Panda (a Mai-Mai militia commander) and Colonel Mosala of the 10th Military Region engaged in a heated argument. The commanders were ordered to "mix" their troops together and form a single brigade under the command of Colonel Mosala. Major Panda and his men rejected the order and refused to

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time the DIA was aiding the RPA's invasion of Zaire, she worked in the DIA as a military intelligence analyst. Beginning in 2000, she worked for the DIA in policy support for interagency processes as the Deputy Assistant Defense Intelligence Officer for Africa. Her tasks included intelligence analysis, policy formation, and support for Sub-Saharan Africa. She is the current head of the Pentagon's African team. ("Policy Day 2001: Speaker Biographies," The Initative for Inclusive Security. Accessed 17 September, 2006. http://www.womenwagingpeace.net/content/articles/0090a.html.)

In February 2003, when she was the head of the Central and Southern Africa desk at the National Security Council, she met with former Rwandan President Faustin Twagiramungu. He was returning from exile in Belgium to run against Paul Kagame in the 2003 presidential election and he wanted to see if the U.S. would support him. She was reportedly not willing to give any real support to his proposed campaign. (Madsen, Wayne. "Jaded Tasks - Brass Plates, Black Ops, & Big Oil: The Blood Politics of George Bush & Co." Walterville, Oregon: TrineDay. 2006. pg. 4.)

When the regional war with Sudan, Ethiopia, Somalia, the CAR and Eriteria broke out, the U.S. pushed hard for Sudanese President Omar Hassan Ahmed al-Bashir to accept a hybrid U.N.-A.U. force in addition to the United Nations Mission in the Sudan (UNAMIS). Since President al-Bashir agreed to the terms and with the ever increasing likelihood the A.U. will become involved in Somalia and/or Ethiopia at some point, Dr. Courville was named the first U.S. Ambassador to the A.U. to ensure U.S. interests are forwarded through the A.U.

[759] United Nations Security Council. "Security Council Committee Issues List of Individuals and Entities Subject to Measures Imposed by Resolution 1596 (2005)." SC/8546. 1 November, 2005.

work with him.[760] Some of Major Panda's soldiers were FARDC soldiers who deserted General Mabe during the Bukavu crisis and they did not want to change commanders or reintegrate into the FARDC. The argument got so intense the soldiers attacked each other. Several civilians were injured during the ensuing battle and one was killed as the fighting spread into the heart of Kamanyola and Lubarika.[761]

To make matters worse, a number of Banyamulenge soldiers from General Musunzu's militia betrayed him. They stole his communications equipment and left to join some of Colonel Mutebusi's soldiers who were massing in Mizinga.[762] To reduce tension in the area, the 10th Brigade was called to Luberizi (Kamanyola Territory) for mixing and was replaced temporarily by the 3rd Mixed Brigade.

On 20th November, a group of 20 dissident FARDC soldiers were patrolling near Kanyabayonga. They ran into a group of women from the village of Bilundule heading out to tend their fields. At least nine of them were raped. Governor Serufuli insisted FOCA was responsible, but Radio Okapi reported it was General Nkundabatware's men.[763]

At the end of November, Burundi's elected Hutu President Pierre Nkurunziza proposed creating a joint military unit between the RDF and FAB tasked with removing the last remnants of the FNL and FDLR/FOCA in South Kivu. He pitched the idea to President

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[760] "Fights Within the DR Congo: Loyal Forces in Ruzizi Valley in the Province of South Kivu," *Héritiers de la Justice*. Press Release. English Translation. 7 November, 2005.

[761] Ibid.

Note: Many of the Mai-Mai factions in South Kivu entered the mixing process in January 2006. Major Abdou Panda Matata, a Mai-Mai commander in South Kivu, has called on all his men to report to Luberizi for mixing. He has verified they will all receive food and shelter from CONADER and the Congolese Government. Major Panda is known for his operations against the RPA and ANC Colonel Mossala. Unfortunately, he is also known for recruiting a number of child soldiers.

[762] "Psychosis of the Third War in DRC," "Network of Organizations of the Human Rights and Civic Education of Christian Inspiration (RODHECIC). Press Release. N°52/RODHECIC/RDC/2005. English Translation. 8 November, 2005.

[763] "The Human Rights Situation in December 2005." MONUC Human Rights Division. MONUC Press. 23 January, 2006.

Kagame and a South African general from the A.U. The meeting was held unilaterally and no one from the Congolese military was present to voice their concerns.

In early December, Colonel Kasikila's soldiers traded blows with General Nkundabatware's men again and the civilians were the ones who paid the price. A family's house in Chankeere was raided by soldiers in military uniforms. Two family members were killed and a third was wounded. The same day, a demobilized ex-LDF soldier from the 12th Brigade was accosted from his bed at a clinic in Kiwanja and was beaten by ex-Mai-Mai soldiers from Colonel Kasikila's 5th Mixed Brigade. After the beating, the man's life was threatened by Colonel Akilimali. Three days later, a local administrator in Bambu (a village patrolled by the dissident 83rd Brigade) was killed in his home.[764]

On 12th December, Colonel Kasikila delivered a big blow to General Nkundabatware. He attacked a small group of 33 ex-ANC soldiers guarding General Nkundabatware's safehouses in Lueshe.[765] The rebels were outnumbered and fled one of General Nkundabatware's most crucial mining areas.[766]

At the end of 2005, the goals of General Nkundabatware's military operations shifted. It was not about procuring land for mining anymore. The fighting was designed to create instability for upcoming presidential elections in the Congo (30th July, 2006) and especially to retard the FARDC mixing process.

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[764] Ibid.

[765] United Nations Security Council. "Letter Dated 26 January 2006 to the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 23.

[766] Note: The U.N. would continue to receive reports of General Nkundabatware's men occupying the Lueshe mine into the summer of 2006. (United Nations Security Council. "Letter Dated 18 July 2006 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." 18 July, 2006. S/2006/525. pg. 29.)

When the mixing process is completed, the FARDC will have the manpower and (ideally) the organization to carry out a serious offensive against him. General Nkundabatware needed to gather a larger army. He convinced ex-ANC soldiers it is not in their best interests to demobilize, usually accomplished by promising them he will protect their families.

He would continue to recruit demobilized soldiers any way possible and, the income is available to him. he could offer active FARDC soldiers more money then they would receive in the demobilization program. He also appealed to Banyarwanda by convincing them of the need to join together and create a safe place for Congolese Tutsi who feel shunned and marginalized by the Congolese Government.

General Nkundabatware's soldiers continued harassing people who were registering to vote. Villagers in Kikuku, Birundule, and Mirangi received the worst of the oppression. During referendum voting on 18-19th December, the 83rd Brigade snatched voter ID cards, ripped them up, and often beat the owners. Cards were also confiscated along the way to Kibirizi's polling station.[767]

[767] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 4.

Chapter 10: Rutshuru Territory Under Occupation

General Nkundabatware was preparing for another offensive. He had three primary goals: take back Lueshe; disrupt the elections in North Kivu; and retard the mixing process. The beginning of 2006 was a prime time to attack North Kivu because only 5 of the 18 proposed FARDC brigades were integrated, trained, and prepared for duty. The mixing process was behind schedule because the government integration sites did not start receiving military units until February 2006. This placed a greater burden on MONUC's reluctant military to pick up the slack.

On 7th January, Colonel Kasikila was ambushed in Virunga National Park between Kibumba and Rugari. The Colonel and his wife were both injured.[768] His men captured and killed the Rwandophones they claimed were responsible for the attack creating an excuse for General Nkundabatware to launch reprisal attacks. In addition, ex-Mai-Mai soldiers murdered several Tutsi in public by putting a tire around their neck and burning them alive.[769]

A few days after the ambush, Colonel Kasikila reported a Rwandan helicopter landed in Nyanzale (Rutshuru Territory) and he speculated Rwanda was delivering arms and equipment to General Nkundabatware in preparation for an offensive. Diplomatic sources stated the helicopter belonged to MONUC.[770] Troop movements were reported around Kibumba shortly after the helicopter left, though MONUC denied they knew anything about it.[771] RDF troops carrying new communication equipment reportedly crossed into Congo and traveled through

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[768] "Ibid. pg. 13.
[769] "Kivu: Failure of Military Intermingling?," *Libération*. English Translation. 30 January, 2006.
[770] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 18.
[771] "A Rwandan Helocopter Loaded Full of Weapons Lands in North-Kivu; Probably in Reinforcement to the Nonconformist Nkundabatware," *Le Potentiel*. English Translation. 13 January, 2006.

Kibumba to reach Bukenge and then joined General Nkundabatware's soldiers.[772] More soldiers were seen infiltrating Virunga National Park from Kakomero heading for the hills near Runyoni and Cyanzu.[773] Soldiers from the 83rd Brigade left their posts in Masisi Territory to join them up in the hills. General Nkundabatware was reportedly distributing weapons to FARDC soldiers not commanded by Colonel Kasikila.[774]

A meeting was organized for all commanders in the 8th Military Region to discuss how to difuse the situation. Colonel Kasikila refused to attend. He was concerned for his life after the ambush, which he claimed was carried out by LDF forces and elements of the 83rd Brigade. He demanded the Transitional Government place a mixed brigade in the area to bring stabilization.[775]

Just two weeks after the meeting, Colonel Kasikila's 5th Mixed Brigade was attacked by General Nkundabatware's men from the 81st and 83rd Brigades stationed in Kitchanga and Masisi town respectively along with and one of the General's personal militias called the "Brigade of Popular Intervention" (BIP). The BIP was a new version of the LDF comprised of ex-LDF soldiers from the 12th Brigade who proclaim to defend the interests of Rwandophones in North Kivu. Captain John Mugema, a former FARDC officer in the 12th Brigade, is their figurehead.[776] Congolese officials believed the attacks intended to discourage President J. Kabila from visiting Goma during his presidential campaign.[777]

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[772] "Nkundabatware, Aggressor of Bukavu in South Kivu, Recidivism, This Time While Attacking North Kivu," *L'Avenir*. English Translation. 21 January, 2006.
[773] "*Rutshuru: Á Qui Profite la Guerre*?," Onesphore Sematumba. Pole Institute. English Translation. 25 January, 2006.
[774] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 17.
[775] "Goma: An FARDC Officer Disobeys the Hierarchy," Radio Okapi. English Translation. 18 January, 2006. http://www.radiookapi.net/article.php?id=3761.
[776] "*La Guerre de Rutshuru: Entre Éclaircie et Escalade*," Onesphore Sematumba. Pole Institute. English Translation. 1 February, 2006.

RDF soldiers from the 63rd Battalion also took part in the attack.[778] Additional RDF soldiers from the 82nd Battalion based in Ruhengeri were using Virunga National Park as a rear base to provide support to the dissidents and seal off a possible escape route.[779] The 82nd Battalion crossed through Virunga National Park and set up positions in the mountain peaks overlooking Rutshuru Territory. With the high vantage point, RDF soldiers were able to radio FARDC positions to General Nkundabatware.

The Rwandophone coalition attacked the FARDC in Runyoni first to gain strategic high ground. Seven dissidents were killed but they won the battle.[780] Two FARDC soldiers were also killed during the battle.[781]

The Rwandophones then attacked the Ugandan border town of Bunagana and quickly seized control. Two workers of the telecommunication company Celtel DRC (a competitor of Rwanda's Supercell)[782] were killed and the building was looted.[783] A column soldiers continued marching up the road leading to Kanyabayonga, the 5th Mixed Brigade headquarters,

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Note: About the time of the attacks, Captain Mugema released a manifesto of sorts for his movement. It was essentially a rehash of all the things General Nkundabatware demanded: repatriation of Banyarwanda from Uganda, Rwanda, Burundi, and Tanzania; neutralization of the Mai-Mai, and deportation of the FDLR/FOCA; proper payment and rations for ex-ANC soldiers in the FARDC; clearly defined standards for the mixing process; and a tribunal to prosecute Colonel Kasikila, who they blamed for killing civilians in January 2005 despite a lack of evidence.

[777] "Rebels Seize Six Eastern DRC Towns," Mail & Guardian. 21 January, 2006.

[778] "DR Congo Army Attacks Militias," *Agence France Pressé*. 18 January, 2006.

[779] "Nkundabatware and Allies Put the Territory of Rutshuru in Fire and Blood," "Network of Organizations of the Human Rights and Civic Education of Christian Inspiration (RODHECIC). Press Release. N°55/RODHECIC/RDC/2006. English Translation. 26 January, 2006.

[780] "Nkundabatware, Aggressor of Bukavu in South Kivu, Recidivism, This Time While Attacking North Kivu," *L'Avenir*. English Translation. 21 January, 2006.

[781] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 17.

[782] Note: Supercell is a subsidiary of Mobile Telephone Networks (MTN) RwandaCell, which is itself a subsidiary of the MTN Group, a South African telecommunications company that currently has the largest Subscriber Identity Module (SIM) card based network in Rwanda. One of the partners in MTN RwandaCell was Tristar Investments, which was founded by Ben Rugangazi, an influential RPF party member. ("SA's War Vultures," Stefaans Brummer. Mail & Guardian. 16 January, 2004.) Supercell is a joint venture between Rwandan and Congolese investors. The RCD-G administration, led by (then) President Onusumba, signed a contract allowing Supercell to operate in RCD-G controlled territory in 2002. ("SA's War Vultures," Stefaans Brummer. Mail & Guardian. 16 January, 2004.)

[783] "Return of Peace in the Territory of Rutshuru After Attacks of Nkundabatware's," DigitalCongo 2.0. English Translation. 24 January, 2006. http://www.digitalcongo.net/fullstory.php?id=63638.

while another column moved to occupy several villages in southern Rutshuru Territory. They attacked the FARDC in Kibumba and lost two soldiers in the process.[784] Dissidents who remained behind to guard the already conquered towns looted and pillaged in the meantime.

Colonel Kasikila's 5th Mixed Brigade fled from the towns of Rutshuru, Mabenga, Tonga, and other localites where they were stationed. They retreated to Rwindi before General Nkundabatware's men arrived. Colonel Kasikila wanted to engage them but was hesitant without FARDC reinforcements from Beni. His men did not have enough ammunition to launch an effective counterattack. A number of his men shed their uniforms to blend in with the civilians and took refuge at the MONUC compound. This resulted from a row between the ex-ALC and ex-ANC soldiers under Colonel Kasikila's command.[785] To prepare for the relentless incoming dissident army, Colonel Kasikila resorted to a desperate plan.

The FARDC kidnapped three Norwegian Refugee Council (NRC) drivers who were transferring construction materials to Rutshuru village for building schools. They forced the drivers to ferry their ammunition, soldiers, and equipment to Rwindi National Park to build up for a counterattack. Two drivers were released the next day but one was kept to continue helping move equipment and arms.[786]

The NRC contacted FARDC military authorites and Governor Serufuli, who was in Kinshasa at the time. Governor Serufuli was already scheduled to fly back to Goma and lead a diplomatic delegation to Rutshuru town and Bunagana to mediate a ceasefire with General Nkundabatware. Governor Serufuli, MONUC officials, and OCHA officials (led by U.N.

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[784] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 17.
[785] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 13.
[786] "Norwegian Refugee Council in DR Congo: Warns About Poor Humanitarian Security," Astrid Sehl. Norwegian Refugee Council. Press Release. 26 January, 2006.

Undersecretary Jan Egeland) contacted officers of the 5th Mixed Brigade to plead for the hostage's safe release. After a long and tense week, the final hostage was released unharmed.

Shortly after the hostage crisis was resolved, Colonel Kasikila's soldiers were forced to retreat again, this time to Kanyabayonga. They did not have enough time to bring ample troops and ammunition to launch a meaningful counterattack. The dissidents proceeded to occupy Tongo, Bambu, Jomba, Nyamilima, Mabenga, Ndamugenga, Rwindi, and Rubare without a fight. They also contolled the border villages of Enerero, and Rwanguba.

Thousands of Congolese fled towards Kiwanja to escape the requisite rapes and looting, but the dissidents eventually arrived in Kiwanja too. Dozens of women and even children were raped by soldiers from the 83rd Brigade. Witnesses said the soldiers' sole mission was to commit as many sexual assaults as possible.[787]

50,000 helpless civilians then headed toward Kanyabayonga hoping the 5th Mixed Brigade would be able protect them while others decided to flee into the woods around Kibirizi. Some of them never made it to Kanyabayonga and turned back towards Goma. Wounded civilians who could not make it to Kanyabayonga went to Rutshuru town or Kayna hospital. Unfortunately, MSF medical teams retreated from Rutshuru town and Katwiguru as the dissidents drew close.[788]

About 250 soldiers from one of MONUC's Indian battalions were deployed to Rutshuru town to prevent it from falling to the dissidents, but they apparently did nothing to impede General Nkundabatware's progress outside of town.[789] MONUC again officially denied knowledge of RDF involvment in the fighting, but Colonel Kasikila was adamant from

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[787] "Monthly Human Rights Assessment: October 2006." MONUC Human Rights Division. MONUC Press. 20 November, 2006.
[788] "DRC/North Kivu: Flashover in North Kivu," *Médecins Sans Frontières.* English Translation. 1 February, 2006.
[789] "Congo Fighters Take Villages, Threaten UN Base," Reuters. 20 January, 2006.

the start that RDF soldiers aided the dissidents in attacking his positions.[790] Defense Minister Onusumba also emphatically stated there were no RDF soldiers aiding General Nkundabatware, but Congolese civilians in the area continuously reported witnessing wounded RDF soldiers arriving from Bunagana by military jeeps or trucks for treatment at a Rwanguba hospital.[791] It is unknown if MONUC ever investigated these claims.

Governor Serufuli, General Amisi, and MONUC's General Satya traveled together to Rutshuru Territory to meet with the dissidents. The dissidents were warned MONUC reinforcements, including gunships, would arrive and attack them without hesitation if they did not withdraw to their respective barracks. Meanwhile, the BIP released a memo explaining the attacks occurred as a result of the abuses exacted on Banyaranda by the 5th Mixed Brigade. He also stated FOCA soldiers were integrated into the Military Police brigade deployed in Goma. The dissidents demanded the replacement of both the Goma police unit and the 5th Mixed Brigade.[792]

On 21st January, General Amisi mobilized the 89th FARDC brigade in Kanyabayonga and summoned additional reinforcements from Beni. Major Francois Kamanzi, a Tutsi, was deployed in Sake with an FARDC battalion. William Swing promised the Congolese "all the means of MONUC" to stop the rebel advance.[793] Joint FARDC/MONUC forces launched a multi-directional counterattack and repossessed Tongo, Kibirizi, Rubare, Jomba, Kalengera, Runyoni, Kiwanja, Bunagana, and Mbenga, forcing the dissidents to flee towards Masisi Territory.

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[790] "MONUC Monitoring for 19 January 2006," Tom Tshibangu. MONUC Press. 19 January, 2006. http://www.monuc.org/News.aspx?newsId=9667.

[791] Press Release. The Observatory of the Conflicts for Peace in Africa of the Large Lakes (OCPAGL). 2 February, 2006.

[792] "*La Guerre de Rutshuru: Entre Éclaircie et Escalade*," Onesphore Sematumba. Pole Institute. English Translation. 1 February, 2006.

[793] "North Kivu: Military Reinforcement for the 5th Integrated Brigade," Radio Okapi. English Translation. 22 January, 2006. http://www.radiookapi.net/article.php?id=3792.

Soldiers from Major Kamanzi's battalion moved quickly to occupy positions the 5th Mixed Brigade left vacant when they fled, including Bunagana. Some of the villages were taken without a fight. It appears the dissidents just passed through some of the villages after they finished looting. The FARDC had little trouble controlling the villages and no counterattacks were launched.[794] The dissidents had withdrawn into Virunga National Park.

It appeared General Nkundabatware's offensive was over, but his men left a wake of destruction in their path just like they had in the past. A number of women fleeing south towards Goma were assaulted by dissident soldiers who were patrolling the area. At least 50 women were raped during the attacks, most of them when the 5th Mixed Brigade pulled back to Kanyabayonga. A 20-year-old pregnant woman ran from Kalengera and hid in the nearby coffee fields. 83rd Brigade soldiers on patrol from Tongo found her. One of them raped her, then continued on patrol nonchalantly. 13 rape victims made it to Goma and were treated by MSF-France while other Congolese opted for the Doctors on Call for Service (DOCS) clinic that recieves monetary support from the United Nations Children's Fund (UNICEF).[795] Another report tallied 20 counts of rape and numerous cases of torture perpetrated by General Nkundabatware's men during the month of January.[796]

The 5th Mixed Brigade returned to their original posts after the joint operations were completed. They initially reported to Kiwanja along with a MONUC escort. Colonel Kasikila was ordered to report to Kinshasa for debriefing. During his absence, Colonel Espérant Masudi was the commanding officer of the 5th Mixed Brigade, but the Congolese were wary of

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[794] "MONUC Monitoring for 23 January 2006," Tom Tshibangu. MONUC Press. 23 January, 2006. http://www.monuc.org/News.aspx?newsId=9728.

[795] "North-Kivu: More Than 50 Violated Women in Rutshuru," Radio Okapi. English Translation. 8 February, 2006.

[796] "Year in Review 2006: Democratic Republic of the Congo January to June." Great Lakes Center for Strategic Studies. 2006. pg. 13.

the appointment because Colonel Masudi was the former commander of the ANC's 1st Brigade.

Colonel Kinkela, Deputy Commander of the 8th Military Region was ordered to reorganize the 5th Mixed Brigade. Governor Serufuli went to Bunagana, the hardest hit town, to survey the damage. The town was completely emptied out and the bodies of both civilians and soldiers lined the streets.[797] He was furious that Colonel Kasikila gave up his positions despite outnumbering the dissidents.

To secure the center of Rutshuru Territory, MONUC began patrolling near Rwindi, Rutshuru town, and Bunaganga. General Nkundabatware still had about 40 men positioned in Rwindi National Park that had not been uprooted yet. They attacked the MONUC convoy with mortars and small arms fire, but were overpowered by the armored vehicles and they retreated. Four dissidents were killed and three were captured. Most importantly, MONUC gained control of Rwindi.[798]

On 23rd January, Major Kamanzi's battalion looted Rutshuru town and Rubare. Nande in nearby towns set up barricades and burned tires to keep the FARDC out. The following day, Nande took to the streets in several localities, demanding the return of Colonel Kasikila. The demonstrations turned destructive and Banyarwandan homes were targeted, including Pasteur Nkuruyumuryango in Kiwanja. The General Directorate of Immigrations (DGM) office was ransacked. Governor Serufuli's house and his corn plantations located between Rutshuru town and Kiwanja were targeted, but police were able to prevent the worst of the damage.[799] In response, Hutu in Rutshuru town armed themselves with crude weapons and gathered to

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[797] "*Rutshuru: Á Qui Profite la Guerre*?," Onesphore Sematumba. Pole Institute. English Translation. 25 January, 2006.
[798] "U.N. Force Turns Back Congo Rebels," CNN. 22 January, 2006.
[799] "*Rutshuru: Á Qui Profite la Guerre*?," Onesphore Sematumba. Pole Institute. English Translation. 24 January, 2006.

confront the Nande and demand they cease rioting at once. Luckily the confrontation did not turn violent but tension in Rutshuru Province had clearly boiled over.

General Nkundabatware and his men met to regroup in Kikuku.[800] He regrouped briefly and recruited more soldiers to compensate for the FARDC reinforcements. General Nkundabatware reportedly contacted former UPC commander Bosco Taganda and asked for his help procuring more soldiers.[801] General Nkundabatware also refused to allow any of his soldiers to desert. One dissident soldier in Bishusha who demobilized and refused to rejoin his ranks was beaten to death and strung up in a tree by the 83rd Brigade as an example for anyone else thinking of joining the FARDC.[802]

Radio Okapi broadcast news of more desertions from the FARDC, this time from Colonel Kasikila's 5th Mixed Brigade based in Sake. Since General Nkundabatware's soldiers were constantly encountering Colonel Kasikila's troops, the defection of soldiers under his command served the dual purpose of strengthening General Nkundabatware's militia and weakening Colonel Kasikila's battalions.

Governor Serufuli wrote a memo to CIAT's president, MONUC's William Swing, and FARDC military authorities. He confirmed General Nkundabatware's soldiers were responsible for the attacks and claimed General Nkundabatware was receiving support from political exiles abroad like Raphaël Katebe Katoto (a Katangan millionare businessman who reputedly runs a Zambian rebel group) and General Kpama Baramoto (an Ngabandi who served as the head of Mobutu's infamous Civil Guard). The memo also strongly denounced

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[800] "Recapture of Kibirizi City Occupied by Insurgents at Rutshuru in North Kivu by the Indian Blue Helmets of MONUC," DigitalCongo 2.0. English Translation. 2 September, 2005. http://www.digitalcongo.net/fullstory.php?id=64336.

[801] "The Ethnic Communities of North-Kivu Require the Arrest of Laurent Nkunda," *La Conscience*. English Translation. 27 January, 2006.

[802] "Monthly Human Rights Assessment: January 2006." MONUC Human Rights Division. MONUC Press. 7 February, 2006.

the actions of the 5th Mixed Brigade.[803] The BBC reported Transitional Government officials sent a letter to Rwandan Foreign Minister Murigande to request General Nkundabatware's extradition. This meant the Transitional Government was saying he had fled to Rwanda for the time being.[804]

Just three days later, on 29th January, General Nkundabatware's undaunted army attacked several positions in Rutshuru Territory again. Shelling and heavy arms fire broke out in Rutshuru town. The BIP raided the ammunition dump of the 5th Mixed Brigade and stole numerous weapons and ammunition. Retreating FARDC forces, the BIP, and General Nkundabatware's men were accused of rape, beatings, and looting in and around the villages. One villager was killed in Kibutu during looting.[805] The dissidents took up positions in Rwindi and Kibirizi again after battling the 51st Mixed Battalion. MONUC helicopters evacuated the FARDC and helped them regroup.[806]

The series of attacks caused more civilian displacement around Kiwandja, Rwindi National Park, Kibirizi, Bunagana, Rangira, and Kanyabayonga. Most of them went to Kiwanja, where MONUC's Indian soldiers were based for the time being. Others fled to Nyakabande and civilians in Bunagana ran across the Ugandan border to Kisoro. Over 50,000 people were displaced by the end of January 2006.[807] Defense Minister Onusumba-who arrived to monitor the situation-was staying in MONUC's compound during the fighting, and

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[803] "*La Guerre de Rutshuru: Entre Éclaircie et Escalade*," Onesphore Sematumba. Pole Institute. English Translation. 1 February, 2006.

Note: General Baramoto denied these claims. ("General Baramoto Reacts to the Charges of the Ethnic Communities of North-Kivu," Radio Okapi. English Translation. 31 January, 2006. http://www.congoforum.be/fr/nieuwsdetail.asp?subitem=1&newsid=4593&Actualiteit=selected.)

[804] Sackur, Stephen. "Interview With Paul Kagame." HARDtalk. BBC News. 7 December, 2006.

[805] "Monthly Human Rights Assessment: January 2006." MONUC Human Rights Division. MONUC Press. 7 February, 2006.

[806] "Pursuit of the Fight to Rutshuru," Radio Okapi. English Translation. 31 January, 2006. http://www.radiookapi.net/article.php?id=3852.

[807] "DRC: Fighting in the Kivus Displaces 55,000," Reuters. 09 February, 2006.

he drove off in a convoy the first chance he saw a lull in the fighting.[808] Meanwhile, commercial planes of Hewa Bora and Wimbi Dira flew FARDC reinforcements from the 2nd Mixed Brigade to Goma and Bukavu respectively.[809]

The FARDC army headquarters in Rutshuru was raided on 31 January by dissidents hiding in Virunga National Park. The FARDC successfully defended the town, killing several dissidents in the process. However, the dissidents destroyed and looted the office of Colombe Radio-Television station during the attack, eliminating the only radio station in Rutshuru town. All the essential equipment for operation was looted or destroyed including computers and tape recorders. Gratefully, director Delphin Yenga Yenga was not present during the robbery. The same night, a guesthouse full of journalists was also robbed. They were threatened, but otherwise unharmed.[810]

FARDC soldiers from the 5th Military Region teamed up with MONUC's 2nd Indian Battalion and South African troops. Their combined ground strength, in concert with air support, overpowered the dissidents and they fled the towns they had occupied. The only town the dissidents were able to hold was Kibirizi.[811] The rest of them fled into the mountains around Runyoni and Cyanzu for cover. The 1st Indian Battalion in Magenba intercepted 43 dissidents from the 83rd Brigade fleeing from Rwindi National Park and convinced them to reintegrate into the FARDC.[812]

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[808] "Artillery Fire Sends East DRC Citizens Packing," Mail & Guardian. 02 February, 2006.
[809] "*La Guerre de Rutshuru: Entre Éclaircie et Escalade*," Onesphore Sematumba. Pole Institute. English Translation. 1 February, 2006.
[810] "Rebels Force Congo Radio Off Air," Todd Pitman. Associated Press. 31 January, 2006.
[811] "DRC: Military Insurgents Resume Attacks in North Kivu," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 1 February, 2006.
[812] "The Rwandophone Insurgents of Nkundabatware's in Rutshuru Attacked the FARDC Again at Rwindi in North Kivu," DigitalCongo 2.0. English Translation. 2 February, 2006. http://www.digitalcongo.net/fullstory.php?id=64052.

The recent fighting displaced up to 80,000 people by one estimate.[813] Many of them fled to Uganda. The Rwandophones who remained behind and were friendly with the RCD-G, now had an opportunity to consolidate their power.

When the fighting stopped, Defense Minister Onusumba made drastic and controversial changes in the FARDC deployments in an effort to quell the possibility of escalated ethnic tensions between Banyarwanda, Bahunde, and Nande in North Kivu following the attacks. William Swing and Governor Serufuli urged Defense Minister Onusumba to replace Colonel Kasikila.[814] He decided to follow their advice and removed Colonel Kasikila and the 5th Mixed Brigade. He redeployed them to Kananga (Kasai-Occidental Province) and replaced them with the 2nd Mixed Brigade from Kitona (Bas-Congo Province). Defense Minister Onusumba felt the brigade was properly prepared because they had completed more of the integration process. He rationalized that the 2nd Mixed Brigade was more battle-ready because they were trained by the Angolan Armed Forces (FAA). Though the 5th Mixed Brigade was smaller in numbers than the 2nd, Colonel Kasikila had successfully fended off several rebel incursions before December 2005 and the 5th Mixed Brigade had more combat experience then the 2nd Mixed Brigade. Despite the protests, President J. Kabila and Vice President Ruberwa did not override Defense Minister Onusumba's decision.

Some Congolese believe Colonel Kasikila was removed because he was so loyal to Presidentn J. Kabila. It was claimed Governor Serufuli attempted to bribe Colonel Kasikila in November of 2005 so he would defect and join General Nkundabatware's rebel group. He refused Governor Serufuli's offer.[815] Public critics of Colonel Kasikila accused him of bias

[813] "U.N. Force Turns Back Congo Rebels," CNN. 22 January, 2006.
[814] "DR Congo: A Rebellion of the "Rwandophones" Prepares in North Kivu," Committee of the Observers of Human Rights (CODHO). Press Release. English Translation. N˚64/CODHO/KN/06. 4 August, 2006.
[815] Ibid.

against Banyarwanda and unfair favoritism of Nande, his ethnic group, which make up a large portion of the Mai-Mai militia in the area he patrolled.

After making the changes, Defense Minister Onusumba visited Kitchanga to meet the military officers of the 83rd Brigade and disscuss his decision with them. Afterwards, he traveled to Kiwanja, where the local population was in upheaval because of their displeasure with the removal of the 5th Mixed Brigade. Luckily, the demonstrations never turned dire, but Defense Minister Onusumba did not change his mind.

While the 2nd Mixed Brigade began rotating in, many villagers preferred to stay in the bush for fear of reprisal attacks by Rwandophone militia. At least 70,000-80,000 people were still internally displaced.[816] Many children died as a result of malnutrition because the violence made it impossible to reach NGO feeding stations. In some cases, the survivors did not have a home to return to. The dissidents burned down at least 87 huts during the siege and[817] the U.N. had another humanitarian crisis on their hands.

Though the dissidents did not have control of many villages, they were still able to carry out attacks from the cover of the forests. On 4th February, a public bus traveling on the Goma-Sake road about 20 kilometers from Goma was ambushed. Armed men charged out of the woods and surrounded the bus. The bus driver stamped on the gas pedal to attempt a desperate escape. The soldiers opened fire, killing four people and wounding several others, but they somehow managed to escape.[818]

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[816] "DRC: Rape on the Rise in North Kivu As Fighting Displaces 70,000," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 10 February, 2006.
[817] "Democratic Republic of the Congo: Prospects for Peace and Normality." François Misser. Writenet. March 2006. pg. 12.
[818] "North Kivu: An Attack Makes Four Dead and Several Casualties on the Road From Goma," Radio Okapi. English Translation. 4 February, 2006. http://www.radiookapi.net/article.php?id=3887.

General Nkundabatware's men were desperate for supplies. As a result, the level of looting and murder in the area around Kibirizi increased. Kibirizi itself was looted and two homes were burned down during their occupation. In addition, at least 40 women (mostly young Nande and Bahunde girls 12 to 18-years-old) were raped to instill terror in the local population so they would give the soldiers whatever supplies they wanted. Another 40 rape victims were able to escape Kibirizi and seek medical treatment.[819]

Villagers living in Kitchanga, a base of operations for the 83rd Brigade, reported Masisi Territory had become a virtual prison. Members of the 83rd Brigade were deployed along all the main roads and numerous roadblocks were erected. If a civilian walked along a main road, they were inevitably stopped at a roadblock and forced to carry military supplies back to Bwiza (Rutshuru Territory) for them. If the traveller refused, they were whipped and/or beaten. In addition, the porters were often stopped and harassed at every roadblock on their way to drop off the items they were forced to carry.[820]

About one week later, MONUC's 2nd Indian Battalion went on the offensive and forced the 83rd Brigade out of Kibirizi. As the dissidents fled back to Kikuku, they looted and raped four women in the village Birundule. In Bulindi, dissidents stopped to loot the village and plunder crops from the local farmers' fields. One farmer was severely beaten after he protested the robberies.[821]

MONUC initiated regular patrols around Rutshuru village and Ishasha and the dissidents decided to hide in Virunga National Park to avoid them.[822] The density of the forest

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[819] "The Human Rights Situation in February 2006." MONUC Human Rights Division. MONUC Press. 18 March, 2006.
[820] "North Kivu: The Inhabitants of Kitshanga, Carriers of Burdens," Radio Okapi. English Translation. 16 February, 2006. http://www.radiookapi.net/article.php?id=3968.
[821] Ibid.
[822] "MONUC Monitoring for 2 February 2006," Tom Tshibangu. MONUC Press. 2 Febuary, 2006. http://www.monuc.org/News.aspx?newsId=9848.

provided excellent cover and the hills provided good lookout points. It was too difficult for MONUC to cover the entire area with a ground patrol. MONUC was concerned about another troop buildup near the border.

Massive disruption and instability followed the series of attacks. MSF closed its office in Rutshuru village. Many of OCHA's programs were suspended. Several offices of the Independent Electoral Commission (IEC) throughout Rutshuru Territory were closed, preventing voter registration.

Under intense pressure from the international community and Congolese citizens, the Transitional Government sent Defense Minister Onusumba to North Kivu to try and convince General Nkundabatware's men to rejoin the mixing process. Defense Minister Onusumba planned to have 12 mixed brigades operational before the elections. After five days, at least 1,400 soldiers from the 83rd Brigade surrendered and returned to the integration camp in Mushaki (Masisi Territory).[823] While it seemed like a victory for the Transitional Government, sources in Congo stated General Nkundabatware uses the mixing program to his advantage by embedding soldiers still loyal to him in the leadership positions of the mixed brigades.[824] In addition, there were reports General Nkundabatware's men moved into the villages the soldiers who were reporting for mixing used to occupy, including Tongo, Burungu, and Nyanzale.[825]

Other measures were considered to inhibit the violence. Some suggested expediting the E.U. military force's deployment, but the E.U. was resistant to the idea of an early deployment

[823] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N°108. 27 April, 2006. pg. 17.
[824] Private Interview. 2006.
[825] "Democratic Republic of the Congo: Prospects for Peace and Normality." François Misser. Writenet. March 2006. pg. 11.

for cost reasons. The E.U. was originally scheduled to deploy their force near the election date to provide added security and monitor the election.

There was also troubling news in South Kivu. Banyamulenge soldiers, including Colonel Maoro Rutereta and several of his top officers, deserted from the FARDC's 109th Brigade based in Uvira Territory. They refused to deploy in an area known to harbor FNL rebels. They instead went to Katobo en route to Mvyuranja, where they were reportedly meeting up with a small group of RDF soldiers.[826]

On 23rd February, unidentified soldiers in uniform ambushed a vehicle in Virunga National Park near the town of Kibirizi, the last village dissident soldiers abandoned during their last offensive.[827] On February 24th, the dissidents moved back into Runyoni and Bunagana.[828] The constant instability made it hard to convince displaced Congolese to return home, undermining the security sought for the elections. To add to the problem, the government-loyal FARDC committed crimes against civilians in North Kivu which undermined their authority. The newly deployed 2nd Mixed Brigade was accused of looting homes and raping women after they replaced the 5th Mixed Brigade.[829] At least 23 people in Lubero Territory were victims.[830]

Mai-Mai led by Major Konsole, a close associate of Jackson Kambale, went on a recruiting program in bolster their ranks in preparation for General Nkundabatware's next offensive. Desperate for security, several Nande girls and artisian miners joined up

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[826] "DRCongo (sic): Twelve Kinyarwanda-Speaking Soldiers Desert in East," *Agence France Pressé*. 21 February, 2006.
[827] "The Human Rights Situation in March 2006." MONUC Human Rights Division. MONUC Press. 8 May, 2006.
[828] "Democratic Republic of the Congo: Prospects for Peace and Normality." François Misser. Writenet. March 2006. pg. 11.
[829] "The Human Rights Situation in March 2006." MONUC Human Rights Division. MONUC Press. 8 May, 2006.
[830] "DRC: Rape on the Rise in North Kivu As Fighting Displaces 70,000," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 10 February, 2006.

voluntarily. Jackson's Mai-Mai launched an attack to secure the road to Nyamilima, a town heavily populated by Nande. Since the militia numbered only about 1,400, they always retreated into the forest when General Nkundabatware's men approach the area.[831]

[831] "The Mai-Mai Return to the Marquis in North-Kivu," *L'Avenir*. English Translation. 28 February, 2006.

Chapter 11: Presidential Elections Approach – Preparations for War

With elections quickly approaching, the need for security was heightened. Without security, no one would be able to vote. MONUC made it clear elections security was its number one priority and any military operations (or proposed operations) will be conducted (or not conducted) with this in mind. A defensive mindset was adopted with the intent of preventing violence before it happens. MONUC increased its number of patrols. internally displaced people (IDPs) in Isale were relocated out of Virunga National Park as a safety precaution.[832]

Important political developments were also occurring. A bill was passed in the Congolese National Assembly and the Senate that would remove the RCD-G's parliament seats in Bunyakiri, Kasha and Minembwe, which are all strongholds of Vice President Ruberwa.[833] The RCD-G urged parliament to modify the bill and create nationally recognized territories out of these key areas, thus consolidating Banyamulenge influence and creating new local government seats for the RCD-G to occupy. Electoral law guarantees a parliament seat for every territory. If the amendment was successful, Vice President Ruberwa would gain two seats for RCD-G friendly Banyamulenge in parliament. However, the request was denied because the Transitional Government concluded only two of the five necessary criteria for territorial recognition were met.

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[832] "Military Brief – North Kivu," Major Dalal Ajay. MONUC Press. 20 April, 2006. http://www.monuc.org/News.aspx?newsID=10754.

[833] Note: Vice President Ruberwa claims he was born in Rugezi, Minembwe Territory. Minembwe Territory includes the plateaus of Itombwe and Buzi, a grouping run by a local traditional chief. All three territories are not recognized nationally by the Transitional Government. They were created by the RCD-G Government in order to gain political influence. It was a provision of the Lusaka Agreement signed by Joseph Mudumbi on 8 August, 1999.

The RCD-G was further damaged by the defection of Banza Mukalay, the Vice President of Public Works, and Barthélemy Mumba Gama, the Secretary General. Sylvain Mutumbi, Jean-Bosco Barihima (a founding member of the RCD), and Mrs. Nyota also withdrew from the RCD-G to join the Alliance for Congo's Renewal (ARC) party led by Oliver Kamitatu Etsu, a former Movement for the Liberation of Congo (MLC) party member.

With the bill's modifications rejected, Vice President Ruberwa journeyed by himself to Kigali and visited President Kagame. Some analysts speculated he was planning a coordinated military response between the RDF and General Nkundabatware's men to consolidate Rwandophone influence in the Kivus.[834] The loss of Minembwe Territory was a major blow to the RCD-G party and President Kagame could not have been pleased with the outcome of the voting.

The RCD-G was also disturbed by insecurity in Goma. A young man was executed during the night in early March and his body was found lying in the streets. Several soldiers in uniform killed a worker of Governor Serufuli's during a robbery at her house in the Himbi District. The same night, another family was attacked by soldiers, this time in the Katindo District. Three people were stabbed and the house was plundered. Neither the Congolese police nor MONUC intervened in time to prevent the assault.[835]

Perhaps in response to the recent political developments, MONUC's William Swing made a public proposal for a joint military operation against General Nkundabatware. If captured, DPKO Undersecretary Guéhenno stated he would face trial in the Congolese judicial

[834] "Azarias Ruberwa Went to Kigali in Order to Plan Some War Strategies," *L'Avenir*. English Translation. Stéphane Salikoko. 22 February, 2006.
[835] "North-Kivu: Assassination of a Collaborator of Governor Serufuli," Radio Okapi. English Translation. 9 March, 2006. http://www.radiookapi.net/article.php?id=4112.

system.[836] However, the proposal was never put into action and Mr. Swing did not disscuss the matter in public any further.

Since Mr. Swing's proposal was not implemented, it was clear a military operation against General Nkundabatware was not going to happen before the elections. U.N. officials chose a different strategy. The U.N. Security Council activated a travel ban and froze the financial assets of several militia leaders, including General Nkundabatware and Colonel Mutebusi. While this may seem like a step forward, it did not prevent anyone from deserting the FARDC to join him nor did it punish anyone for crimes they committed against civilians. It also seemed unlikely immigration officials would honor the travel ban given the fact they allowed General Nkundabatware to travel freely to Kigali in the past.

MONUC's Force Commander, General Babcar Gaye traveled to Kigali and met with General James Kabarebe to discuss Rwanda's role in the upcoming Congolese presidential elections. He maintained the meeting was "routine."[837] When asked about MONUC's plans for General Nkundabatware, General Gaye clearly stated, "MONUC will never favor a solution through the use of force. Let us wait to see after the elections what will be the first actions of those to which the voters will have entrusted the responsibility to direct the country."[838]

In anticipation of violence, Ugandan cattle herders were evacuated from the Karuruma sector of Virunga National Park. The World Wildlife Fund (WWF) funded the move and the ICRC supervised it.[839] Ugandan immigration officials were not even notified beforehand

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[836] "The Fallen General Nkundabatware Will be Sent to the Authorities in Accordance With the Law," DigitalCongo 2.0. English Translation. 9 March, 2006. http://www.digitalcongo.net/fullstory.php?id=65519.

[837] "General Kabarebe, MONUC Boss Discuss DR Congo," Nasra Bishumba. The New Times. 25 April, 2006.

[838] "General Gaye: MONUC Will Never Favour (sic) a Solution Through the Use of Force," E.Young, R.Desclous. MONUC Press. 28 July, 2006. http://www.monuc.org/News.aspx?newsId=11943.

[839] "Conservation Partnership Achievement in the Virunga Landscape: Evacuation of Livestock from Karuruma Sector of Virunga NP, DRC," Yolente Delaunoy, Augustin Ndimu. CARPE News. 21 March, 2006.

about the resettlement and the herders were left stranded at the border. "The Ugandan Government has yet to know why these people were deported," said Christine Amongin Aporu, Ugandan Minister for Disaster Preparedness.[840]

In early March, General Nkundabatware was reportedly in Goma again.[841] Meanwhile, dissident FARDC soldiers from Rutshuru Territory were moving towards Bashali and Osso groupings. Locals reported they were looting their crops again. There were also several reports General Nkundabatware's soldiers attacked travelers using the road from Sake to Kitchanga.[842] In addition, Governor Serufuli's assistant was murdered in the Himbi District of Goma on 8th March by six "heavily armed" assassins during the course of what appeared to be a robbery.[843] One of the local chiefs implored the population to stay calm. He claimed the soldiers seen were military officers from Kinyana, Kayira, and Kirumbu who were waiting to report to FARDC integration centers.[844]

By the end of March, General Nkundabatware and at least 1,000 new Tutsi soldiers (including a number of adult women) settled in Masisi Territory. Both General Nkundabatware and Governor Serufuli own large farms there.[845] Masisi Territory, nicknamed the "Switzerland of Congo," is defined by its gently rolling, grassy hills with the occasional

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Note: The Central African Regional Program for the Environment (CARPE) is a USAID program directed exclusively at the Congo Basin rainforests.

[840] "Congo Evicts Hundreds of Ugandan Herdsmen From Game Park," DPA. MONUC Press. 27 March, 2006. http://www.monuc.org/news.aspx?newsID=10462.

[841] United Nations General Assembly. "Progress Report by the Independent Expert on the Situation of Human Rights in the Democratic Republic of the Congo." 61st Session: Agenda Item 67 (C). Document A/61/475. 28 September, 2006.

[842] United Nations General Assembly. "Progress Report by the Independent Expert on the Situation of Human Rights in the Democratic Republic of the Congo." 61st Session: Agenda Item 67 (C). Document A/61/475. 28 September, 2006.

[843] "North-Kivu: Assassination of a collaborator of Governor Serufuli," Radio Okapi. English Translation. 9 March, 2006. http://www.radiookapi.net/article.php?id=4112.

[844] "North Kivu: The Population Worried of the Massive Presence of Military Officers in Masisi," Radio Okapi. English Translation. 12 March, 2006. http://www.radiokapi.net/article.php?id=4128.

[845] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report Nº91. 30 March, 2005. pg. 14.

village nestled in between them. The land is perfect for cattle or goat grazing, and the abundant high ground provides plenty of lookout points. As a nice benefit to the Banyarwanda, nowhere else in Congo is the terrain so similar to Rwanda.

Many Rwandans and Banyarwanda purchased land in Masisi Territory to farm and raise goats. Several Congolese farmers were forcibly evicted and their land was taken over by General Nkundabatware's men. Banyarwanda began introducing Sanga cattle into Virunga National Forest and clearing plots of land to make new farming and grazing space. General Nkundabatware had essentially set up his own fiefdom. The 83rd Brigade provided his personal security and also protected the families of all the dissident soldiers in Masisi Territory from Mai-Mai and FOCA reprisals.[846]

General Nkundabatware and his militia were stationed in Masisi to prepare for an offensive and provide security for the Tutsi population from opposing Mai-Mai and FDLR/FOCA in northern Virunga National Park.[847] A military source in Congo stated General Nkundabatware is able to move freely around Masisi Territory and often travels to Kitchanga to visit relatives.[848] Kitchanga also has a pyrochlore and niobium processing factory[849] which

[846] "North-Kivu: The 83rd Brigade Claims Safety for L. Nkunda," *L'Avenir*. English Translation. 5 May, 2006.
[847] Private Interview. 2006.
[848] Ibid.
[849] "The Founder of 'Republic of the Volcans' is an 'Outlaw'," African Press Agency. 11 August, 2006.

Note: Raw pyrochlore entering the market is almost automatically assumed to be from Congo because Lueshe is the only major pyrochlore mining site in the world. If Rwanda is exporting it, it should raise serious flags. Moreover, the pyrochlore can be chemically examined and matched to the mineral composition trends of the Lueshe ore, thereby identifying it as originating from the mine. Since Lueshe is in rebel-controlled territory, and the Lueshe mine is officially closed, any potential buyer of the pyrochlore would have serious legal and ethical issues to answer for if they bought it.

If General Nkundabatware takes pyrochlore and cassiterite, then chemically treats it to yield niobium and exports it, suspicion is reduced because there are many possible origins for niobium. Rwanda has a small number of mining sites for coltan and cassiterite of their own, and they can always say the niobium orgininated from there and was treated at one of the smelting plants in Gisenyi or Kigali. This situation makes it much harder to identify the ore as originating from a conflict zone or rebel-controlled territory.

can be used to refine minerals extracted from the Lueshe mine his soldiers occupy. The minerals are then traded for arms and military supplies.

It did not take long for the dissidents to start causing trouble again. They began extorting the local population by forcing them to pay a "tax" for the army's protection. Soldiers of the 813th Battalion also extorted food daily from the market in Nyabiondo. Village chiefs were required to collect a portion of their subjects' crops to "contribute" to the dissident soldiers every week. Usually, the battalion commanders requisitioned the food for themselves, leaving nothing for the non-officers, which forced them to loot and extort even more.[850]

General Nkundabatware's militias stand accused of robbing, raping, and abducting locals on the road from Goma to Masisi village.[851] On 11th April, the 812th Battalion in Kazinga abducted a demobilized soldier and executed two soldiers of their own brigade who were going to join the mixing process. A week later, a civilian was arrested and taken to military intelligence headquarters to see Colonel Bintu. He was severely beaten, then released. On 24th April, two Rwandan women were raped and robbed in Karuba after being arbitrarily arrested by the 812th Battalion.[852]

In May, the 804th and 831st Battalions from Barangu illegally arrested and detained many civilians to extort them for money. In addition, at least 34 demobilized soldiers who tried to join the integration process were thrown into makeshift pits and detained as "deserters" by the 834th Battalion based in Kashuga. The 804th Battalion in Goma and the 831st Battalion in Barungu were reportedly holding several civilians in similar makeshift prisons. In late May, two civilians who were arrested for stealing by the 812th Battalion in Ngungu died as a result of

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[850] "North-Kivu: Population of Nyabiondo Tired of Nourishing the Soldiers," Radio Okapi. English Translation. 13 March, 2006. http://www.radiookapi.net/article.php?id=4133.

[851] Ibid.

[852] "The Human Rights Situation in April 2006." MONUC Human Rights Division. MONUC Press. 18 May, 2006.

the beatings they endured.[853] At some point, a sign was erected near Sake, just down the road slightly southeast of Masisi town. It read, "Warning: Laurent Nkunda."[854]

Many incidents attributed to government-loyalist FARDC troops in the area were actually committed by General Nkundabatware's militia and the dissident 81st and 83rd brigades.[855] In addition, some individuals refer to the dissident soldiers as "FARDC" because they still technically belong to the national army. This reference creates a false perception the government-loyal soldiers are responsible for crimes the dissidents committed. The dissident soldiers often still wear FARDC uniforms making it difficult for some witnesses to discern who is really responsible for individual crimes.

Sources in Congo, particularly the Congolese human rights group Voice of the Voiceless (VSV), state General Nkundabatware aspires to gain control of the 5th, 8th, 9th, and 11th Mixed Brigades. His plan, already set in motion, was to infiltrate the command structure of these brigades with ex-ANC and RDF soldiers. He wants to limit payment to regular soldiers, lowering their morale and will to fight. This should drive soldiers to rob civilians, eroding trust in the national army. Then, infiltrating officers are going to limit the number of arms to most of the brigades, leaving them under-equipped when General Nkundabatware's militia attacks (with the help of Kakolele Gakwavu). The 2nd Mixed Brigade, led by an ex-ANC soldier, will be armed properly. The ex-ANC officers loyal to General Nkundabatware are also planning to defect from their mixed units, leaving them without commanding officers, creating a leadership void and disorganization within the units during an offensive. [856]

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[853] "The Human Rights Situation in May 2006." MONUC Human Rights Division. MONUC Press. 26 June, 2006.
[854] "Democracy Under Threat," Beauregard Tromp. Daily News. 28 July, 2006.
[855] Private Interview. 2006.
[856] Press Release. Voice of the Voiceless. N˚040/RDC/VSV/CD/2006. English Translation. 9 July, 2006.

One common psychological warfare tactic he used to create instability is to disseminate rumors of his impending attack. Weary from years of unending combat, they go through the motions to prepare for another exodus to a shoddy displaced persons camp. MONUC has tried to combat this propaganda by opening dialogues with local chiefs in the area. The aim is to disrupt the elections by displacing people, keeping fear levels high so people will not go out to vote, and to keep MONUC occupied with other tasks rather than focusing on him and the elections.

One of General Nkundabatware's goals is to recruit an army large enough to pose a more serious threat to the FARDC and MONUC, who have armored personnel carriers, tanks, and air support at their disposal, giving them a huge firepower advantage. General Nkundabatware will need a combination of experienced soldiers and sheer numbers in order to mount a meaningful offensive and be able to mount attacks from several fronts. He has a number of different methods to meet this goal.

One method to gain experience in his army is to integrate RDF soldiers into the dissident FARDC ranks. According to sources in the Congo, RDF soldiers infiltrated through Virunga National Park to join demobilized former RDF soldiers that already penetrated across the Rwandan border. All the soldiers were reportedly dressed in FARDC uniforms to create confusion. They eventually deployed to Kitchanga, Nyabibwe, and Bishusha.[857]

Thus, it is important to note the RDF is currently in the process of demobilizing over 1,000 soldiers, including 26 officers. Officially, the demobilization's purpose is to save money for new equipment and training for active duty soldiers.[858] The RDF will supplement their downsized army with a reserve force that can be activated swiftly during wartime. RDF

[857] Private Correspondance. 2006.
[858] "RDF to Demobilize Over 1,000 Soldiers," Unnamed Author. The New Times. 14 August, 2006.

spokesman Major Jill Rutaremara said the recruiting campaign for the RDF reserves will target demobilized soldiers and "youth."[859]

Despite the renewed reports of RDF incursions into the Congo, President Kagame was unconcerned about the current state of affairs in the Congo. "As far as Rwanda is concerned, the problem has been resolved." "The situation [in Congo] is better than it has ever been before." "The situation in Congo shows nothing for which you could hold Rwanda responsible."[860]

While former RDF soldiers were gathering in the Congo, a small group of Nkundabatware's soldiers led by Major Makenga and Major Kavundi attacked the FARDC and Mai-Mai in Kibrizi, Vitshumbi, Ishasha, and Nyakakoma. They also raped and looted several small villages near these towns. Nearly 39,000 people fled the territories around Kanyabayonga, Kayna, and Kirumba to escape the renewed fighting. [861]

MONUC sent extra soldiers to Beni and Goma in case the fighting spread any further. The 2nd Mixed Brigade launched a counterattack and drove about 90 dissidents out of the area while securing Kikulu, Nyanzale, and Mutanda. In an effort to surround the area, Major Mbombo Tshibanga's 222nd FARDC Battalion was stationed in Rutshuru town and Captain Innocent's 223rd Battalion was placed between Mgunga and Kasengesi. MONUC sent a company of South African soldiers to bolster an FARDC company already based in Rwindi.[862] Meanwhile, the inhabitants of Rumangabo opposed the deployment of the 9th Mixed Brigade to North Kivu. The majority of these forces would be deployed to the key mining town of

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[859] "RDF to Form Reserve Force," Robert Mukombozi. The New Times. 19 August, 2006.
[860] Der Spiegel. "Speigel Interview With Rwandan President Paul Kagame: 'You Can't Trust the U.N.'" Spiegel Magazine. 28 February 2006.
[861] "Verbatim of MONUC Weekly Press Briefing of 8 February 2006," Yulu Kabamba. MONUC Press. 9 February, 2006. http://www.monuc.org/news.aspx?newsID=9901.
[862] Ibid.

Walikale and the Congolese were concerned because the bulk of the newly integrated 9th Mixed Brigade is Rwandophone.

Defectors from the 81st and 83rd Brigades dressed as peasants and farmers to blend into the villages of Kitchanga, Bibwe, Lushebere, and Kivumbu.[863] According to sources in Congo, these soldiers serve to broaden General Nkundabatware's recruiting campaign. The soldiers opened up recruiting campaigns in the towns they infiltrated.

General Nkundabatware and his loyalists also resorted to forced recruitment of children to reinforce their numbers. Some "recruits" were as young as 12-years-old.[864] A source interviewed in Congo said several children were taken in the village of Masisi.[865] A U.N. report cited 20 child abductions by General Nkundabatware's soldiers in Masisi Territory during Februrary 2006 and also reported at least 70 children were abducted in Masisi and Rutshuru territories between July 2005 and May 2006.[866] Seven young girls were seen with one group of dissident FARDC soldiers in January 2006. In February 2006, MONUC's Child Protection Division worked hard to sucessfully secure the release of 28 children from the 83rd Brigade.[867] At least 20 children were recruited from Biréré neighborhood of Goma and transported to Kitchanga and Pinga.[868] Reports of forced and voluntary recruitment of children from refugee camps in Rwanda continued to persist.[869]

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[863] Ibid.

[864] Note: Under international law, recruiting children under the age of 15 is a war crime and General Nkundabatware and his closest military officers can be charged by the International Criminal Court (ICC).

[865] Private Interview. 2006.

[866] United Nations Security Council. "Report of the Secretary General on Children and Armed Conflict in the Democratic Republic of the Congo." S/2006/389. 13 June, 2006. pg. 6.

[867] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.

[868] "Goma: The Commander of the 8th Military Region Denounces the Recruitment of the Young Ones by Rebels," Radio Okapi. English Translation. 22 June, 2006. http://www.radiookapi.net/article.php?id=4844.

[869] United Nations General Assembly/Security Council. "Children and Armed Conflict: Report of the Secretary General." United Nations General Assembly: Sixty First Session, Agenda Item 63 (a) Promotion and Protection of the Rights of Children. A/61/529-S/2006/826. 26 October, 2006. pg. 9.

The 81st and 83rd Brigades particularly targeted demobilized child soldiers who already had combat experience.[870] Some of these children were taken right from their homes. A number of the abducted children were later forced to kidnap other children, sometimes by gunpoint.

Dissident soldiers fill the childrens' heads with propaganda. They are told demobilization is useless because all they get is a piece of paper. General Nkundabatware's soldiers tell the children they will kill their families if they do not cooperate. When NGOs have tried to spread the word about the demobilization programs to the children the workers have been physically threatened by 81st and 83rd Brigades' soldiers.

On 22nd June, a bus transporting around 21 people, including 13 demobilized children traveling home to reunite with their families, was traveling on the road by Kabalekasha village when they were stopped at gunpoint by soldiers from the 835th Battalion. Six of the children, a pregnant woman, and the driver were taken into the bush with them as they retreated. The rest of the passengers and demobilized children were fortunate enough to escape.[871] It appears they specifically targeting the bus because the children were all demobilized soldiers.[872]

The driver was quickly released but the children and the woman were taken to a makeshift prison in a military camp and beaten. She was released the next day and taken to a hospital, but the children were retained.[873] MONUC's Child Protection Division negotiated directly with General Nkundabatware and secured their release after two days. Later, soldiers of the 835th Battalion kidnapped two of the same children again right from their homes and

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[870] United Nations Security Council. "Report of the Secretary General on Children and Armed Conflict in the Democratic Republic of the Congo." S/2006/389. 13 June, 2006. pg. 6.
[871] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.
[872] "Child Abduction Up Ahead of Congo Poll – Aid Group," Reuters. 28 June, 2006.
[873] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.

offered them each $20 (U.S.) and a promotion if they would rejoin the army.[874] They refused and were severely beaten.[875] Many of the other children taken off the bus who were freed went into hiding in Goma to avoid a similar fate.[876]

General Nkundabatware denies ever using child soldiers and claims he arrested the officer responsible for the bus abductions. "What can I do with children? You cannot use children," he said. "The day I have time to answer these charges, I will, because I'm not scared of doing so… We work with ability and efficiency. A child soldier can be neither able nor efficient."[877] He claims he allows NGOs to see "whatever they want" when they visit his military camps.[878] His child recruitment campaign had an insidious blowback effect. The Mai-Mai militias began retaining their own child soldiers and began a recruitment drive of their own to counter their enemy's growing ranks.[879]

He also appealed to adult villagers living in the area to voluntarily join his army. He traveled to several towns and villages in Masisi and Rutshuru territories giving "leadership seminars" and motivational speeches, using his psychology education and military intelligence training to spread propaganda among the locals.[880] By 1st August, it was estimated he commanded 5,000 soldiers.[881]

General Nkundabatware has a relatively large intelligence network at his disposal. This fact was emphasized by a high-ranking MONUC official who stated RCD-G officials in Goma

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[874] United Nations Security Council. "Twenty-Second Report of the Secretary General on the United Nations Organization Mission in the Democratic Republic of the Congo." S/2005/759. 21 September 2006. pg. 14.
[875] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.
[876] "Bleak Future for Congo's Child Soldiers," Karen Allen. BBC News. 25 July, 2006.
[877] "Congo's Dancing Rebels Hold Out Despie Elections," David Lewis. Reuters. 12 October, 2006.
[878] "We Are Ready for War, Rebels Warn Kabila," Steve Bloomfield. The Independent. 3 August, 2006.
[879] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.
[880] "Democracy Under Threat," Beauregard Tromp. Daily News. 28 July, 2006.
[881] Ibid.

and Kinshasa, along with allies in Rwanda (from the Department of Military Intelligence), all supply him with information. "Be very careful what you say in Goma," the official warned.[882] Stanislas Kisangani Endanda, a political science professor at the University of Goma, may have described it best, "Even as it is said that Rwandan troops have withdrawn from Congo, they left behind an elaborate information and political network [in North Kivu]."[883] As mentioned earlier, Governor Serufuli set up an independent intelligence network that shared information with him. Many Banyarwandan civilians also spy on his behalf and some of his soldiers also have military intelligence training.[884]

A series of arms caches have been established to ensure General Nkundabatware and his followers are well armed. A well-informed source in the Congo described how RDF soldiers seen in Uvira and Fizi were giving arms to ex-ANC soldiers in February and May of 2006.[885] A MONUC official later confirmed weapons were moving through Uvira.[886] RCD-G MP Bizima Karaha also reportedly coordinates arms purchases from South Africa for militia in Masisi, Rutshuru, Fizi, and Uvira territories. These arms shipments are also sent through Bujumbura's airport.[887]

The Congolese human rights group VSV reported a shipment of arms and "hi-tech" communications equipment arrived in the Congo via Gisenyi and Kibumba intended for General Nkundabatware's men.[888] A MONUC officer, commenting on the report, stated

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[882] Private Interview. 2006.
[883] "DR Congo: Security Concerns in a 'Democracy Without Democrats'," Sudan Tribune. 17 March, 2006.
[884] Private Interview. 2006.
[885] Ibid.
[886] Ibid.

Note: In June, MONUC was conducting door-to-door searches in some areas of Uvira Territory. They claimed they were looking for fraudulent elections equipment coming in through Bujumbura, but they may have also been looking for arms caches. (Private Interview. 2006.)

[887] "For Which Rolls Bizima?," *Grand-Lacs Confidentiel*. English Translation. 14 January, 2005.
[888] Press Release. Voice of the Voiceless. N˚040/RDC/VSV/CD/2006. English Translation. 9 July, 2006.

General Nkundabatware was probably getting his arms "from Uganda" and denied any large arms buildups or threat of attack from his militia.[889] While Uganda supplied several militias in Ituri with weapons, no one in MONUC ever publicly accused Uganda of supplying General Nkundabatware with weapons before.

Hutu civilian militias and the BIP were rearmed. An RCD-G member named Bertin Kirivita reportedly went to Nairobi on Governor Serufuli's order. He purchased thousands of weapons and uniforms. On his return trip, he smuggled them into Goma through Rwanda and he declared the "items" were medical supplies for North Kivu NGOs. A new NGO created by Governor Serufuli in late 2005, the Congolese Action for the Peace and Development (ACPD) distributed the weapons in Masisi Territory, Rutshuru Territory, and Goma. The sad irony is the fact the ACPD instituted a disarmament incentive program in March 2006. Governor Serufuli offered sheet metal for roofing in exchange for weapons and ammunition.[890]

The charges against the ACPD should come as no surprise when the individuals behind the organization are revealed. The Coordinator of the TPD, Mr. Kapalata, is also the Coordinator of the ACPD. The ACPD is intended to replace the disgraced TPD, which had become a political liability to Governor Serufuli and the RCD-G.[891] It should be noted, however, that the ACPD has not been placed on any sanctions list to date.

Though MONUC and the FARDC have limited General Nkundabatware's financial capabilities in the region by reducing the total area his men occupy, he still has a network of contacts providing him with a means to purchase supplies, arms, and pay his soldiers. In 2004,

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[889] "DRCongo: (Sic) Rights Group Calls for the Arrest of Rogue Rebel," *Agence France Pressé*. 10 July, 2006. http://www.monuc.org/News.aspx?newsId=11690.

[890] "Beginning of the Operation 'A Weapon Against Twenty Sheets' in Masisi," David Tshiala. *Le Potentiel*. English Translation. 7 April, 2006.

[891] "Inventory of Fixtures on the Movement and Proliferation of Weapons in North Kivu," Civil Society of the Democratic Republic of the Congo. English Translation. 26 May, 2006. http://www.societecivile.cd/node/2839.

before MONUC expanded its territory, General Nkundabatware purchased most of his necessities by aiding the illegal plunder of cassiterite and coltan in Kamituga, Walikale, Kasese and Kalima. Now, General Nkundabatware's militias occupy Lueshe and use forced labor to mine niobium and pyrochlore while also exploiting smaller cassiterite deposits in Masisi Territory.[892]

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[892] Note: Lueshe is located on the SOMIKIVU mining concession owned by German shareholders including the former SOMIKIVU manager (he left in 1997) Karl Heins Albers. As a result of a trust agreement, the German shareholders still have control of SOMIKIVU's activities. SOMIKIVU was a joint venture between *Gesellschaft für Elektrometallurgie mbh Nürnberg* (*GfE*) and the Congolese Government. Mr. Albers originally acquired the Lueshe mine in 1993 when the German firm he worked for, *GfE Metalle und Materialien GmbH*, gave him their shares. Albers partner (and Board of Directors member) in *GfE* was the RCD-G's Minister of Finance Emmanuel Kamanzi. *Gfe* itself was a subsidiary of Metalurg N.Y. ("Unanswered Questions: Companies, Conflict and the Democratic Republic of the Congo." Rights and Accountability in Development (RAID). March 2004. pg. 28-29; Confidential Source. Received January 2006.)

After Laurent Kabila took power, he was able to continue mining the property by dealing directly with the RCD-G Government. He bypassed the Congolese Ministry of Mines by paying the RCD-G off for rights to mine Lueshe without interference. The RCD-G was interested in doing business with him because he was the largest coltan trader in Goma. As such, the RCD-G wanted to move their illegally mined coltan through his business network to launder the profit and also loaned him ANC soldiers to guard the concession. (United Nations Security Council. "Letter Dated 26 January 2006 to the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/53. 27 January, 2006. pg. 23.)

One of Albers early business partners was Dr. Mis Tshaba Mulombu III, President L. Kabila's former presidential advisor and former chief of the Rwandan secret service in Goma. (United Kingdom House of Commons. "Memorandum Submitted by Thomas Eggenburg, Krall Métal Congo." Select Committee on International Development. 25 October, 2006.) The central Congolese Government sold the rights to mine Lueshe to Edith Krall Métal Congo SCARL (owned by Austrian Michael Krall) in 1999. Mr. Krall already had a copper/cobalt plant in Jinja, Uganda and wanted to expand his operations.

Mr. Krall sent a team to investigate Lueshe in early 2000. After learning Mr. Albers had RPA and ANC soldiers guarding the site, they were arrested by RCD-G officers. Mr. Albers, who was living in Kigali at the time, reportedly ordered the officers to kill the delegation. The chief of Secret Service refused the order and set them free. (Confidential Source. Received January 2006.) Mr. Krall has been in a legal battle to mine Lueshe ever since. (See Krall Métal Congo's website at http://www.niob.cc/cms/. Please note the site is primarily in German with a small part in English.)

Mr. Albers also owned GBC, Goma's main coltan exporter during the coltan price boom of 2000. GBC was also the primary seller of unprocessed tantalum to H.C. Starck, a huge mineral processing company owned by The Bayer Group. ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country," Dominic Johnson, Aloys Tegerea. Pole Institute. N˚15. December 2005. pg. 25.) Mr. Albers also did business with COPIMAR (Cooperative for the Promotion of Artisanal Mining Industries), an exporting industry managed by RPA Major Dany Nzaremba, and other Rwandan firms like Godefrey Bayoli Stones, the General Business Company Rwanda, and Great Lakes Trader Kigali. (United Kingdom House of Commons. "Memorandum

A network of wealthy Congolese businessmen is able to support General Nkundabatware both directly and indirectly through finances and/or services. The *Société Minière du Kivu*'s (SOMIKIVU) current managing director is Modeste Makabuza,[893] a Tutsi from Masisi Territory who also owns his own niobium mine in Rutshuru. Mr. Makabuza is a

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Submitted by Thomas Eggenburg, Krall Métal Congo." Select Committee on International Development. 25 October, 2006.)

Mr. Albers U.N.-blacklisted firm Masingiro was the parent company of GBC. Masingoro was a mineral trading company later integrated into Karl Heins Albers Holding International (KHA). Masingoro sent pyrochlore from Lueshe to be assayed for purity by British firm called Alfred Knight Holdings (AKH). AKH had a branch in Kigali and they also owned a subsidiary in Katanga Province but it was closed in 2005. AKH did assays for Mr. Albers from 2002-2004 and was the main re-exporter of cassiterite and coltan. The only pyrochlore in the area is found in the Lueshe mine, so it is extremely unlikely AKH could not have known were the minerals were coming from. (United Kingdom House of Commons International. "Conflict and Development: Peacebuilding and Post-Conflict Reconstruction." Select Committee on International Development. HC 923-VII. 4 July, 2006.)

Mr. Albers business partner (Board member of KHA International AG; Chairman of KHA subsidiary Niobium Mining Company Metallurgie SARL-Kigali branch; retired Minister of Foreign Affairs, and former German ambassador to Rwanda) Johanna König helped facilitate the purchase of minerals from Lueshe through a complicated network of German businesses. The capital from the sales provided the RCD-G and Rwanda with income they could use for military spending. It is quite likely some of the minerals purchased were mined illegally, but the operation apparently had the blessing of the Germany's Foreign Ministry. Karl Albers resigned from SOMIKIVU, delegated control of most of his firms, and then fled the Congo in 2004. ("They Are Ready," german-foreign-policy.com. 29 May, 2006. http://www.german-foreign-policy.com/en/fulltext/56001.)

Another subsidiary of KHA is the Niobium Mining Company (NMC) based in London. NMC Metallurgy SARL was opened as a subsidiary of NMC in Kigali. NMC Metallurgy acquired the Karuruma smelter plant from the Rwandan Government as part of their privatization plan. The Karuruma plant's creation was partially financed by the Rwandese Commercial Bank, which was run by John Madder, a KHA shareholder. It was previously owned by Rwanda's Public Office for Mine Development (REDEMI). ("Unanswered Questions: Companies, Conflict and the Democratic Republic of the Congo." Rights and Accountability in Development (RAID). March 2004. pg. 28; Confidential Document. Received January 2006.)

A British firm called A&M Minerals Limited, a subsidiary of The A&M Group, also got in on the act. German Michael Herzfeld (Manager of A&M's offices in New York and Brussels) wired money to Mr. Albers in exchange for the ability to process minerals mined from Lueshe. Mr. Herzfeld also supplied SOMIKIVU's *de facto* manager Modest Makabuza with chemicals used to refine pyrochlore from Lueshe, which he likely uses in conjuction with the cassiterite purchasing store he owns. (United Kingdom House of Commons. "Memorandum Submitted by Thomas Eggenburg, Krall Métal Congo." Select Committee on International Development. 25 October, 2006.) It is also possible he uses it at the processing plant in Kitchanga.

[893] Note: Mr. Makabuza also used to be a major shareholder in Air Navette, an airliner that flew to Goma, Bukavu, Kisangani, Gabadolite (MLC Headquarters), Kampala, Bunia, Gamena, and Kigali. The company was believed to be involved in transporting illegally mined minerals to Kigali. The company was also hired several times by General Saleh and Vice President Bemba. (United Nations Security Council. "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2001/357. 12 April, 2001. pg. 17.)

close relative of President Kagame but no direct business ties between the two have been discovered.[894] He is also the brother of Alexis Makabuza, an MP in the Transitional Government and the President of Governor Serufuli's NGO "TPD" that is accused of arms distribution in violation of a U.N. arms sanction. The TPD is also involved in transporting and trading coltan and cassiterite in Goma and Alexis is in charge of this operation.[895] Modeste also owns his own cassiterite purchasing store in Goma but it is unknown if he does business with his brother.

Modeste runs Jambo Safari, one of the largest transport companies in North Kivu. Jambo Safari also offers tourism packages to remote destinations, including gorilla safaris in Virunga National Park offered through the Congo Institute for Nature Conservation (ICCN).[896] When the 2nd Congo War began in 1998, Mr. Makabuza used Jambo Safari to import oil from Kenya and sell it in the Congo for profit.[897] He also is a shareholder in Air Navette, another charter and cargo flight company.

Modeste also owns the Goma branch of the Kenyan private security firm KK Securities.[898] He is a shareholder in Supercell (a telecommunications company) and he owns *Société Congolaise d'Assurances et de Rassurances* (SCAR), a large Congolese insurance company with branches in Bukavu and Goma. He was directly involved in the arms buildup

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[894] Confidential Report. Received January 2006.

[895] "Undermining Peace – Tin: The Explosive Trade in Cassiterite in Eastern DRC." Global Witness. June 2005. pg. 19.

[896] Ibid. pg. 17-19.

Note: Jambo Safari was also involved in the coffee export business in Congo several years ago.

[897] United Nations Security Council. "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2001/357. 12 April 2001. pg. 16.

[898] Note: KK Securities started in Mombassa and currently has offices in Goma, Bukavu, Kampala, Bujumbura, Kigali, Butare, Byumba, Cyangugu, Gitarama, Kibungo, Kibuye, Gisenyi, and Nyagatare. While KK Security does not have a large presence in the Congo, it is very influencial in Rwanda. Most Rwandan-owned businesses hire KK employees as do some embassies, but many foreigners (including the U.S.) contract with Armor Group, which has a huge compound in Kigali.

for General Nkundabatware prior to the invasion of Bukavu[899] and supposedly even offered a bounty for the murder of General Amisi, but no one carried out the contract.[900]

Governor Serufuli reportedly provided funds to General Nkundabatware from his own budget in 2006.[901] Governor Serufuli is able to collect a substantial amount of money for the RCD-G through control of Goma's customs post and the *Office pour la Protection des Recettes Publique* which collects import and export taxes on all goods going to and coming from Beni and Lubero (RCD-ML controlled territory). Mr. Deo Rugwiza, a Tutsi member of the RCD-G, was appointed as the Coordinator of Customs Authority in North Kivu by Governor Serufuli. Customs taxes provide a large source of income for the RCD-G as does the abilty to create new "taxes" to apply on goods at any time.

By the end of July 2006, it was reported General Nkundabatware was paying each of his soldiers about $100 (U.S.) a month in comparison to a general in the FARDC who makes only $70 (U.S.) per month (if he is even paid). Regular soldiers in the FARDC are supposed to receive $20 (U.S.) monthly.[902] The FARDC are currently paid irregularly, so it is easy to see why many soldiers would consider fighting for him. In addition, the dissidents in the 81st and 83rd Brigades were still getting their FARDC salaries from the Congolese Government because they were technically still part of the FARDC.

In South Kivu, a separate network of people was supposedly preparing an uprising. There were unsubstanciated rumors the Defense Attaché Officer (DAO) of the U.S. Embassy

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[899] "We Will Burn Some…," german-foreign-policy.com. 20 June, 2006. http://www.german-foreign-policy.com/en/fulltext/56007.

[900] Confidential Report. Received January 2006.

[901] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N˚108. 27 April, 2006. pg. 17.

[902] "Democracy Under Threat," Beauregard Tromp. Daily News. 28 July, 2006.

in Burundi[903] was coordinating the movement of mercenaries around Minembwe. The mercenaries are flown to Bujumbura from Ethiopia,[904] Somalia, and Eriteria then smuggled across the border into the Congo. They were joined by Congolese mercenaries paid to fight by a Rwandan named Jean-Pierre Kabiligi. The mercenary units are dispersed around Kiliba, Ruhuru, Nyakabere, Mutarule, Rushima, and Bwegera.[905] There have also been reports of FAB soldiers in Fizi Territory, but investigations into these claims were never officially reported.[906]

With elections on the horizon, both the Congolese and the international community were nervous General Nkundabatware would disrupt the Kivus and prevent them from voting. As the elections date approached, militia sympathetic to General Nkundabatware were seen gathering in Mushaki, Kitchanga, Lueshe, and Nyanzale. Colonel Mutebusi was still in Rwanda and there was always a possibility he would return to Congo with his soldiers to aid General Nkundabatware. The Congolese people did not know what to expect.

MONUC's Indian Brigade held a meeting in Mubambiro to sensitize soldiers to the mixing process. Several officers from the 83rd Brigade attended. General Satya told them

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[903] Note: The United States' Department of State website currently lists Mr. Chris Brooks as the DAO in Burundi, but the U.S. Embassy in Burundi's official website claims the DAO Military Attaché post is vacant. It only lists Mr. Michael Roehrig as the Operations Manager DAO. (United States Department of State. "Key Officers of Foreign Service Posts: Burundi." Accessed 21 January, 2007. http://foia.state.gov/MMS/KOH/key_country.asp?ID=Burundi; Embassy of the United States: Bujumbura, Burundi. "About the Embassy." Accessed 21 January, 2007. http://bujumbura.usembassy.gov/burundi/key_officers.html.) The Military Attaché Office of the United States' embassies is synonymous with the DIA, the intelligence branch of the United States Armed Forces. The DIA openly recruits Army and Navy intelligence officers to work for them as military attachés in overseas embassies though some countries also hire former C.I.A. officers. (See: http://www.dia.mil/employment/military/AFAC/AFSCDAS.htm and http://www.dia.mil/employment/military/NAVY/index.htm)

[904] Note: It was reported Kellogg, Brown, & Root, a subsidiary of Halliburton, built a military training facility for the RPA in Ethiopia in 1995-1996. (Madsen, Wayne. "Jaded Tasks- Brass Plates, Black Ops, & Big Oil: The Blood Politics of George Bush & Co." Walterville, Oregon: TrineDay. 2006. pg. 12.)

[905] "The Third War in Congo: American Diplomats and UNO Agents Organize Infiltrations," *Grand Lacs Confidentiel*. English Translation. October 2005.

[906] "The Human Rights Situation in March 2006." MONUC Human Rights Division. MONUC Press. 08 May, 2006.

General Nkundabatware's speeches were pure propaganda and he pleaded with them to join the brassage process. He promised them proper and punctual payment for their services. General Amisi told them they would have three weeks to decide.

The officers turned down the offer again because MONUC and the FARDC could still not guarantee protection for their families in Masisi Territory. The soldiers also wanted their refugee family members repatriated from Rwanda. Repatriation is a function of the UNHCR, not the Congolese Government, so General Amisi could not grant this request. In addition, they also wanted General Nkundabatware's safety guaranteed because they considered him a brother.[907] This was a promise the FARDC could not make.

The dissident-controlled area leading from Kanyabayonga to Goma was virtually abandoned by civilian traffic. Even the FARDC lacked a presence. The last two weeks of May were marked by several attacks against vehicles on the road to Goma by soldiers coming from in and around Virunga National Park.[908] Some sources blamed FOCA for the attacks.[909]

Several commercial companies had their vehicles robbed again. A bus full of manioc coming from Minova was attacked near Kasengesi. This was the same stretch of road where four Congolese people were killed in March and another traveler was murdered just three weeks prior. The soldiers were angry there was nothing of value in the vehicle. They killed the driver and let the passenger go.[910] After May, no one wanted to risk traveling the road until their security was guaranteed. Business in North Kivu came to a stand still.

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[907] "North-Kivu: The 83rd Brigade Claims Safety for L. Nkunda," *L'Avenir*. English Translation. 5 May, 2006.
[908] "Butembo: Renewal of the Insecurity on the Axis of Kanyabayonga-Goma," Radio Okapi. English Translation. 24 May, 2006. http://www.radiookapi.net/article.php?id=4620.
[909] "Sociopolitical and Security Context in North-Kivu Province," Civil Society of the Democratic Republic of the Congo. English Translation. 26 May, 2006. http://www.societecivile.cd/node/2840.
[910] "North-Kivu: Armed Attack at a Bus on the Road to Kasengesi," Radio Okapi. English Translation. 28 May, 2006. http://www.radiookapi.net/article.php?id=4651.

The 83rd Brigade continued to discourage dissident soldiers from demobilizing. At least 30 deserters were detained in underground prisons near Kashuga. Local villagers informed MONUC patrols about the prisons and they went to investigate but the 1st Company of the 834th Battalion prevented MONUC's Indian Brigade from inspecting Kashuga. Colonel Innocent Kabundi, the commander of the 834th Battalion based in Mwesso, did admit he was holding 34 deserters from his battalion who he claimed illegally turned their weapons in to MONUC.[911]

The following week, MONUC's Indian Brigade and members of MONUC's Human Rights Division went back to Masisi Territory to check on reports that civilians were being held in the prisons as well. Some of them feared the dissidents might have imprisoned the villagers that informed them about the prisoners in Kashuga. MONUC was again turned away from Kashuga by the 834th Battalion. MONUC was also repelled from Burungu, the headquarters of the 804th Battalion. A military officer did confirm the detention of an unspecified number of civilians, but assured MONUC they were being held for crimes and were not arbitrarily arrested.[912]

On 8th June, dissident FARDC from the 83rd Brigade based in Sake robbed 30 homes near the Virunga National Forest. Goats, money, and cell phones were stolen.[913] The dissident soldiers retreated towards Karuba, creating more anxiety for the Congolese. Traumatized villagers retreated to Goma for protection. After the villagers started fleeing, the 804th Battalion stole goats, telephones, and money from 39 homes in Sake.[914] On 25th June, two

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[911] "North Kivu: Military Officers and Civilians in Underground Prisons of Masisi?," Radio Okapi. English Translation. 1 June, 2006. http://www.radiookapi.net/article.php?id=4678.

[912] Ibid.

[913] "North-Kivu: Armed Attack in Sake," Radio Okapi. English Translation. 8 June, 2006. http://www.radiookapi.net/article.php?id=4741.

[914] "Monthly Human Rights Assessment: June 2006." MONUC Human Rights Division. MONUC Press. 14 July, 2006.

demobilized soldiers were ambushed in Masisi town and beaten with a hammer by the deputy commander of the 813th Battalion. The commander did not want any soldiers to turn in their weapons to any of the disarmament programs giving cash for rifles.

Things took a major turn in early July. On the night of July 4th, FARDC Ground Forces Chief of Staff Sylvain Mbuki was admitted to the private Ngaliema Clinic with acute symptoms of illness. General Mbuki was 35-years-old with no known chronic illnesses. Doctors who monitored him said there were no problems with his blood pressure or his cardiac status. He died mysteriously later that night and was quietly buried without an autopsy. The public was not notified until two days after his death.[915] President Kabila appointed General Amisi to replace him.

Less than two months earlier, General Agolowa (Commander of the 10th Military Region who replaced General Mabe) was rushed to a hospital in Europe with similar symptoms to General Mbuki. Almost immediately, rumors spread they were both poisoned by Rwandan agents even though there was no proof to support the claim. Rwanda's Department of External Intelligence (DEI) has reportedly used this method before to kill political opponents and MONUC's military intelligence units are reportedly aware of it.[916]

In 1996, starving Hutu refugees in Zaire refused to eat American rations because they knew the U.S. supported the RPA and they were afraid the food was poisoned.[917] Rwandans are not the only ones accused of using poison. FAZ soldiers also used poison as an

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[915] "Mysterious Death of Major-General Sylvain Buki Sows Insecurity in the Rows of the Military Heirarchy," *Voix des Sans-Voix*. Press Release. 043/RDC/VSV/CD/2006. English Translation. 13 July, 2006; Private Interview. 2006.

[916] Private Interview. 2006.

[917] Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, New York and Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 209.

assassination technique during President Mobutu's reign. The illness induced by the poison reportedly presents very similar to malarial symptoms.[918]

On 8th July, 425 rebels from the 81st Brigade left General Nkundabatware to enter the demobilization process.[919] General Nkundabatware relocated from Kiloliwe to Kitchanga and began recruiting more demobilized soldiers and children. MONUC officials claimed there was no sign of troop movement from his rebels, but commented General Nkundabatware encouraged and perhaps aided rebel militia still resisting demobilization in Ituri.[920] MONUC was sending confusing signals to the Congolese people with contradictory statements to what villagers in North Kivu were seeing.

At the same time his soldiers were repositioning, a delegation campaining for Miss Odya Kalinda (Civil Society member and Human Rights worker) were forcibly stopped on the road from Mushaki to Goma by masked men. Everyone in the car immediately jumped out and ran away. The vehicle was looted of communication devices and money. Laurent Kidale, one of the passengers, pleaded for the deployment of mixed brigades in Masisi Territory.[921]

During the month of July, there were several more incidents of violence committed by the dissident soldiers. On 7th July, they tried to plunder several homes in Rubare and Kiruhura. After a brief skirmish with the 9th Mixed Brigade, they retreated. Just days later, on 13th July, soldiers from the 811th Battalion under the command of Major Claude broke into a family's home in Boya. They viciously slammed a young Congolese child on the ground and raped the

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[918] Private Interview. 2006.

[919] "*Nord-Kivu : 425 Soldats Disent Non à Laurent Nkunda,*" Radio Okapi. English Translation. 4 July, 2006. http://www.radiookapi.net/article.php?id=4924.

Note: This is likely part of his plan to infiltrate the regular units of the FARDC.

[920] "DRC: An ONG Worries About the Capacity of Harmful Effect of a Dissident General," *Agence France Pressé*. 9 July, 2006.

[921] "*Nord Kivu: Le Comité de Campagne d'une Candidate Dépouillé Par des Hommes Armés,*" Radio Okapi. English Translation. 8 July, 2006. http://www.radiookapi.net/article.php?id=4958.

mother while the rest of the soldiers held her husband down. On 14th July, several women walking to the market in Mutili were ambushed by soldiers from the same battalion. One woman was immediately shot and the rest were robbed at gunpoint. In late July, Congolese NGOs were trying to help MONUC convince soldiers to enter the brassage process. A local worker was apprehended in Kibaki by the 813th Battalion. They took him to their base in Ngungu and beat him to death.[922] The MSF hospital in Rutshuru town treated several gunshots during July, including 10 civilian victims during the week of 17-23 July, 2006. One victim, a five-year-old child, lost his leg.[923]

General Nkundabatware's men and FDLR/FOCA soldiers were harrasing parliamentary campaigners in North Kivu. Bertin Banganyigabo (RCD-G) and his political team were ambushed by armed men near Luchei. Four campaigners for Odette Kalinda Odia (an ally of President J. Kabila) were threatened in the same area. Another parliamentary candidate was attacked near Rwindi on his way to Butembo.[924] Several areas in Lubero Territory controlled by FDLR/FOCA were off limits to political candidates.

A MONUC official claimed they do not carry a regular direct dialog with General Nkundabatware and usually communicate though emissaries.[925] A separate source in Goma stated there was a break from this policy in late July.[926] A delegation of MONUC officials traveled to meet General Nkundabatware face-to-face in Kitchanga. The U.N. pleaded with him not to cause trouble during the elections, and he agreed not to conduct attacks for a while. They also heard he was going to formally create a political movement and they wanted to

[922] "Monthly Human Rights Assessment: July 2006." MONUC Human Rights Division. MONUC Press. 15 August, 2006.
[923] "The Road of All The Dangers," *Médecins Sans Frontières*. Press Release. English Translation. 16 August, 2006. http://www.msf.fr/site/actu.nsf/actus/rdcnkivu100806?OpenDocument&loc=re.
[924] "Year in Review 2006: Democratic Republic of the Congo July to December." Great Lakes Center for Strategic Studies. 2006. pg. 5.
[925] Private Interview. 2006.
[926] Ibid.

ensure he was not planning on entering the political fray to derail the election process. MONUC then set up a mobile base in Kitchanga to begin patrolling the area.[927] It is unknown if he was given or promised anything in return.

On 25th and 27th July, General Nkundabatware agreed to meet publicly with the media. He held a press conference at his rear base in Bwiza, a village located in the Bwito Grouping of Rutshuru Territory. Journalists from Reuters, the Financial Times, AFP, Voice of America (VOA), and Africa Channel attended. He arrived accompanied by several well-armed FARDC bodyguards. He expressed a willingness to open a dialogue with President J. Kabila should he win the elections, but cautioned him to be mindful of all ethnic groups in the Congo. He charged President Kabila was only the president of his clan, not the president of the Congo.[928] He said he would not recognize the election as valid because it was "not inclusive."[929]

He reinforced his peace pledge to MONUC. He said to reporters, "My challenge is not a military one – if it was, I would already have made it. I do not foresee any attack. We are not going to trigger a war, not at all. That is not the solution."[930] He claimed he would wait several months before considering an attack.[931]

At the same time, he gave a very stern warning to President Kabila. He said the only way President Kabila can avoid war is to allow over 50,000 Tutsi refugees in Rwanda to return home safely to the Congo with full citizenship rights.[932] The General said he would refuse all

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[927] "Breaking10: Story 624 Rebels/Election Kitchanga, Eastern Congo July 28, 2006," Reuters. Transcript of Television Segment BN10. 29 July, 2006. http://tvscripts.edt.reuters.com/2006-07-29/18b5e786.html.

[928] Note: General Nkundabatware is referring to the Balubakat, Laurent Kabila's ethnic group from Katanga Province. Many of President J. Kabila's closest advisors are Balubakat and this ethnic group is known to be very anti-Rwandan and Congolese nationalist. Their primary goal is to ensure national sovereignty over the eastern provinces of Congo.

[929] "We are Ready for War, Rebels Warn Kabila," Steve Bloomfield. The Independent. 03 August, 2006.

[930] "No Attacks During DRC Polls: Rebels," Lucie Peytermann. Sunday Times. 27 July, 2006.

[931] "We are Ready for War, Rebels Warn Kabila," Steve Bloomfield. The Independent. 03 August, 2006.

[932] Note: Current Congolese law states that all refugees present on or before 30 June, 1960 (Congolese Independence Day) are considered citizens of Congo. Dual citizenship is illegal in the Congo.

offers to demobilize unless Banyarwandan refugees were allowed to return home with all his conditions met. He also articulated emphatically he would resist any arrest attempts. "If they come to arrest me, it will be an open fight. I will defend myself."[933] He also left no doubt he would fight if his demands were not eventually met. "We are soldiers. We are going to fight."[934]

He announced the formation of his new political party/military force named the National Congress for the Defense of the People (CNDP) which he claimed would fight for the rights of Rwandophones. General Nkundabatware stressed the creation of the CNDP was to allow Banyarwanda in exile to have a political voice in the Congo, not to start a war. General Nkundabatware declared himself the CNDP's President and Patient Mwendanga was named his Political Advisor. Major Dieudonné Kabika Murega, the AFDL-CZ's former spokesman in Goma, was appointed the CNDP's official spokesman.[935] Kitchanga was designated the capital of CNDP-controlled territory.

Elements of a rebel group based in Ituri called the "Congo Resistance Movement" (MRC)[936] reached an agreement with General Nkundabatware to join the CNDP's armed wing

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[933] Ibid.

[934] "We are Ready for War, Rebels Warn Kabila," Steve Bloomfield. The Independent. 03 August, 2006.

[935] Note: The other CNDP officials are: Executive Secretary – Dr. Robert Lumoyo Mwanango; Minister of Health – Dr. Tolo Kalombo; Security Advisor – Jeackin Muhire; Legal Advisor – Mr. Tibasima; Minister of Finance – Professor Leon Sibomana; Senior Military Advisor and Military Spokesman – Colonel Bernard Byamungu; Military Advisor and Spokesman for Ituri – Colonel Jovithe Linganga; Military Advisor and Spokeman for Beni and Lubero territories – Colonel Moses Kambale; Press Secretary – Jean-Claude Omari; Political Advisor and Spokesman – Réné Abandi.

[936] Note: Ituri was originally an informal district in the Orientale Province of Congo located northwest of North Kivu. Like Minembwe Territory created by the RCD, Ituri was not originally recognized by the Congolese Government. It was created in June 1999 by General James Kazini of the Ugandan People's Defense Forces (UPDF) in order to install Adele Lotsove Mugisa (a Hema) as governor because she was allied with Uganda. The move was much like Governor Serufuli's appointment by Rwanda in North Kivu. Mrs. Lotsove declared the new province of Kibali-Ituri shortly after being appointed governor by General James Kazini, one of the original members of the NRM/NRA and a relative of President Museveni's wife, First Lady Janet Museveni. (Clark, John (Editor). "The African Stakes of the Congo War." New York, New York: Palgrave MacMillan. October 2004. pg. 212.) The new Congolese Constitution, ratified in 2006, declared Ituri an official district of Orientale Province.

and integrated its troops into his army.[937] This group was actually a breakaway faction of the MRC who did not want to join the mixing process. Though the group was led by Colonel

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During the North-South Sudanese war in the early 1990s, General Kazini helped set up Ugandan arms shipments to John Garang de Mabior's SPLA. (Private Correspondance. 2006.) General Kazini then led the UPDF forces into Orientale Province at the beginning of the 2nd Congo War. When the UPDF withdrew most of their soldiers from the Congo after the Lusaka Accords were signed, General Kazini trained Bahema militias to act as a Ugandan proxy force in Ituri. He also formed the Rally for Congolese Democracy – National (RCD-N) led by Roger Lumbala. The RCD-N were a group of ANC defectors who originally relocated based to Bafwasende. (United Nations Security Council. "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources an Other Forms of Wealth in the Democratic Republic of the Congo," S/2001/357. 12 April, 2001. pg. 37; United Nations Security Council. "Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources an Other Forms of Wealth in the Democratic Republic of the Congo," S/2001/1072. 13 November, 2001. pg. 20.)

He later admitted to the U.N. he personally facilitated the plunder of untold millions of dollars (U.S.) in gold and diamonds during the war. ("Ugandan Army Chief 'Lied' Over Congo," BBC News. 21 May, 2002.) General Kazini was the head of Uganda's diamond smuggling operations in Kisangani until the RPA forced the UPDF out of town following a series of bloody battles. General Kabarebe denied the wars in Kisangani were over control of the *comptoirs* but rather longstanding tensions between the two armies.

General Kazini worked with MLC President Jean-Pierre Bemba to confiscate tons of coffee beans during the 2nd Congo War. He also stole timber from *Amex-bois* in Bangaboka and *La Forestière*. (United Nations Security Council. "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources an Other Forms of Wealth in the Democratic Republic of the Congo," S/2001/357. 12 April, 2001. pg. 8-9.) General Kazini was never tried for his mineral plundering or violations of the U.N. arms embargo on the Congo. General Kazini is currently under investigation by the Uganda Revenue Authority for abuse and tax waiver fraud.

[937] Note: The MRC is a conglomerate of all the militias in Ituri who refused to join the mixing process and Congolese refugees recruited in Uganda. It includes former soldiers from the Patriotic Forces for the Liberation of Congo (FPLC), the armed wing of the UPC, the Gegere (Bahema from northern Ituri) militia Party for Unity and Safeguarding of the Integrity of Congo (PUSIC), Patriotic Resistance Front in Ituri (FRPI), Popular Force for Democracy in Congo (FPDC), some members of the Walendu (Lendu) FNI, and various other smaller Bahema and Walendu militias. Their common goal is to resist MONUC's military and the mixing process. The MRC set up headquarters in Aveeba, but they are currently concentrated primarily near Zumbe and Kambutso.

It was created in December 2005 when rebel leaders from their respective armed groups met in Kampala with UPDF leaders. Its creation was funded by money laundered from the Aru and Mahagi customs posts. ("Escaping the Conflict Trap: Promoting Good Governance in the Congo." International Crisis Group. Africa Report N˚114. 20 July, 2006. pg. 10.) Uganda, which has an arms factory in the Nakasongola District, is accused of arming the MRC. 10 senior MRC members were arrested in Kampala. ("British Ally Behind World's Bloodiest Conflict," David Blair. Daily Telegraph. 27 April, 2006.)

The MRC situation took an interesting turn in October. Rwandan police "intercepted" Colonel Rene Manda, a Lendu member of the MRC, at the customs border post in Gisenyi, Rwanda. Colonel Manda was arrested with John Tibasima, his half-Rwandan, half-Mahima contact in Kigali. He was traveling on temporary travel documents issued in Uganda by the First Secretary of the Congolese Embassy in Uganda (Marcel Mbangu). Colonel Manda originally said he was in Kampala for medical treatment and he took a bus to Kigali when he was released from the hospital. The police claim he was recruiting for the MRC and trying to turn the FARDC against President Kabila. ("Congolese Colonel Rebel in Custody," Aloys Badege. The New Times. 05 October, 2006.) Since there was no formal extradition treaty between Congo and Rwanda at the time, it

Kakolele, General Nkundabatware hand-picked on of his Banyarwandan officers to lead the MRC faction.[938] They helped General Nkundabatware's recruiting drive by coaxing demobilized soldiers from other militias in Ituri to join his cause.[939]

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was decided they would both be tried in Rwanda. Some people wondered if the incident was staged to create instability for the 2nd round of presidential elections.

Though some of the MRC agreed to a deal with General Nkundabatware, at least 500 members, including leader Matthieu Ngudjolo, have agreed to demobilize and reintegrate into the FARDC. Mr. Ngudjolo will become a colonel. Prior to taking up arms, he was actually a Red Cross medical assistant. ("Measures to Keep Peace in Congo Draw Fire," Tristan McConnell. The Christian Science Monitor. 5 September, 2006)

Despite the agreement to disarm by their commander, elements of the MRC continued to cause trouble. 200 MRC soldiers attacked Tsumbi in Djugu Territory and abducted several villagers on 16th September, though the hostages were later released. ("Monthly Human Rights Assessment: September 2006." MONUC Human Rights Division. MONUC Press. 9 October, 2006.) However, after October 2006, there were progressively fewer reports of incidents with the MRC.

Colonel Ngudjolo continued to prepare his men for mixing as per the agreement. Colonel Ngudjolo and MRC Secretary General Dieudonné Mbuna appeared for a meeting with FARDC officials near Bunia, where he was given $5,000 (U.S.) by the FARDC's Ituri commander General Mayala as a show of good will to use toward "sensitizing" his men for mixing. The Colonel promised to personally report to the Rwampara mixing center southwest of Bunia with 200 men on 28th December. ("Ituri: Chief Militiaman of the MRC Ready for Mixing," Radio Okapi. English Translation. 16 December, 2006. http://www.radiookapi.net/article.php?id=6262.) On 25th December, they were seen leaving Nizi heading for the Yambi Yaya transit center and 300 more soldiers reported to a disarmament center on December 29th. ("Congo Rebels Seize Hostages in Army Clashes," Reuters. 29 December, 2006.)

[938] *Unterwegs mit Rebellen* (*Der Kampf der Generäle*). Dir. Hannes Nordmann. Nordmann TV. September 2006.

[939] "Ituri: The MRC Recruits the Demobilized According to the Police Chief of the District," Radio Okapi. English Translation. 22 April, 2006. http://www.radiookapi.net/article.php?id=4404.

Chapter 12: Post-Preliminary Elections

President J. Kabila won the preliminary election, but failed to garner more than 50% of the votes. This means a runoff election would be held on 29th October between President Kabila and the runner-up: Vice President Bemba. President Kabila's base of support for his Alliance of the Presidential Majority (AMP) is focused in eastern Congo while Vice President Bemba's Union for the Nation (ONE) followers are consolidated in the west. Vice President Bemba was backed by some of President Mobutu's former supporters (Mobutists) in the second round; however, with François Joseph Mobutu Nzanga Ngbangawe's[940] (Mobutu Sese Seko's son) *Union of Mobutists Démocrates* party (UDEMO) and Antoine Gizenga's Unified Lumumbist Party (PALU) joining the AMP and increasing President Kabila's voter base in western Congo, Vice President Bemba had s greatly diminished chance of winning.

Vice President Bemba's hope was to fracture The Union for Democratic and Social Progress (UDPS) party from President Etienne Tshisekedi Wa Mulumba and gain his followers' votes. Tshisekedi had ordered the UDPS to boycott the elections, but former allies of President Mobutu in the UDPS were willing to help Vice President Bemba because his father, a prominent businessman, was a close personal friend of Joseph Mobutu's. Vice President Bemba's plan ultimately failed because Mr. Tshisekedi uncovered the plot and banned 18 party members, including two founding members, Chief of Staff Remy Masamba and President of the National Committee Mubake Valentine.[941] The party then released an official statement proclaiming they would not back either candidate and the actions of the

[940] Note: Nzanga Mobutu is married to Cathy Bemba, Jean-Pierre Bemba's sister. He is the current Minister of Agriculture.

[941] "Kinshasa: UDPS Will Not Support Any Party With the Next Polls," Radio Okapi. English Translation. 5 October, 2006. http://www.radiookapi.net/article.php?id=5544.

banned party members did not reflect the views of the UDPS. The ever influencial Catholic Church also officially announced its neutrality. The RCD-G also took a stance of neutrality and President Azarias Ruberwa did not instruct Rwandophones to vote for anyone in particular.

The runoffs meant extra security measures instituted for the first round of elections will have to stay in place. E.U. election monitors will remain, as will the increased number of MONUC soldiers and military observers deployed all across Congo. This will require more donor money from Security Council members and E.U. member nations. In addition, the EUFOR will be unable to intervene with military force after their mandate runs out on 30th November, 2006.[942]

Although he kept his word not and refrained from fighting to disrupt the elections, he failed to keep his word and wait several months before considering another attack. Only six days after the elections, General Nkundabatware's dissident FARDC soldiers from the 834th Battalion led by (then) Lieutenant Colonel Kabundi battled the FARDC's 94th Battalion in Sake. Two government soldiers and one civilian were killed while 18 civilians and 14 FARDC soldiers were wounded during the four hour battle.[943] Thousands of people threw their meager belongings on their backs and fled Sake eastward for Goma.

General Narena Satyanarayana of MONUC's Indian brigade in the area claimed the fighting occurred over a "misunderstanding" in the market and there was no imminent danger.[944] Despite the claim there was nothing to fear, Congolese community spokesperson Mr. Timutimu testified otherwise. He said almost everyone who fled Sake did not return home after the fighting ceased and General Nkundabatware's troops were now advancing from

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[942] "EUFOR Will be in DR Congo 'Into December' After Mandate Expires," *Deutsche Pressé Agentur*. 23 October, 2006.

[943] "*Affrontement de Deux Bataillons des FARDC à Sake : 3 Morts et 14 Blessés Parmi les Militaires*," Radio Okapi. English Translation. 5 August, 2006. http://www.radiookapi.net/article.php?id= 5162.

[944] "Thousands Flee Congo Clash," Eva Gilliam. Reuters. 5 August, 2006.

Masisi Territory toward Sake. He also stated General Nkundabatware was still using Kitchanga as a rear base even though MONUC's military has a base there. MONUC was allowing the General to move around Masisi Territory without restraint.[945]

Radio Okapi confirmed some of Mr. Timutimu's report. They reported Sake was still a ghost town two days after the attacks. Shops were closed, goat herders were absent around town and it was eerily quiet except for the plodding footsteps of the soldiers on patrol. The traumatized villagers of Sake had seen enough fighting the last two years to realize it was better to play it safe and wait for the integrated brigades to arrive before returning home.[946] About 15 kilometers down the road west of Sake, dissident soldiers of the 83rd Brigade involved in the fighting were indeed marching towards Sake.

A meeting between the 83rd Brigade and the 111th Battalion from Kamoka was mediated by MONUC's Indian brigade. It was agreed the 9th Brigade should be removed for the sake of the villagers' safety and to calm the situation down. The 9th Brigade was transferred from Sake to Rutshuru Territory and the 11th Mixed Brigade from Luberizi, South Kivu was moved to Sake and began conducting joint patrols with MONUC. General Nkundabatware ordered the 813th Battalion under the command of Major Beaudouin Ngaruye to patrol the area around Sake. They deployed from their base in Nyakigano along the road leading from Sake to Masisi town.

The dissident soldiers put on patrol did not cease their violent behavior. They beat a demobilized ex-ANC soldier to death on August 9th because they considered him a "deserter." On 11th August, they were patrolling the road near Chabichanga and noticed a car driving east

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[945] "MONUC Monitioring – 7 August 2006," Tom Tshibangu. MONUC Press. 7 August, 2006. http://www.monuc.org/News.aspx?newsId=12062.

[946] "*Nord-Kivu: Sake S'est Vidé de ses Habitants*," Radio Okapi. English Translation. 5 August, 2006. http://www.radiookapi.net/article.php?id=5169.

towards Sake. They sprung an ambush and opened fire on the car, killing one passenger and wounding several others. Additional soldiers rushed out of the woods and looted the car, then disappeared back into the foliage. On the night of the 13th, several dissidents crept into Kimoka village and robbed two houses. [947]

The Observers Committee of the Human Rights (CODHO) reported Colonel Kihanga, a commander from the 81st Brigade, set up a military camp in Katale to hold recruitment meetings for Rwandophones interested in joining the CNDP. His primary targets were Hutu, particularly in Rutshuru Territory, in order to strip support from Governor Serufuli. He also held recruitment meetings in Miancha, Bihambwe, Mihanga, Kirumbu, Muheto, Lushebere and Kahongole from July 1st to August 3rd. Meetings between the political staff and military officers of the CNDP were held in Virunga National Park.[948] Abbé Benjamin Narumi[949] of Lushebere reportedly joined the CNDP's political party. Abbé Narumi reportedly used his churches to host recruitment meetings. Mr. Nzabirinda, a Hutu Assistant Administrator of Masisi Territory's Charge of Finances, also reportedly joined the CNDP.[950]

On 6th August, General Nkundabatware held a meeting in Nyamitaba where he promised the residents he would personally assure their safety from the Mai-Mai, criminal FARDC elements, and the FDLR/FOCA.[951] He again called for an overthrow of President Kabila, effectively retracting statements he made in his July interview about opening a dialog

[947] "Monthly Human Rights Assessment: August 2006." MONUC Human Rights Divison. MONUC Press. 19 September, 2006.
[948] "DR Congo: A Rebellion of the "Rwandophones" Prepares in North Kivu," Committee of the Observers of Human Rights (CODHO). N˚64/CODHO/KN/06. English Translation. 4 August, 2006.
[949] Note: He is the Manager of farms in the Diocese of Goma.
[950] Ibid.
[951] "False Binomials and True Fractions: First Lessons Drawn From the Elections in DRC," Onesphore Sematumba. Pole Institute. English Translation. 19 August, 2006.

with the government. "It is time for us to rise in unity and fight against the dictatorship of President Joseph Kabila who continues to exterminate our people," he proclaimed.[952]

He took quick action on his threats. Parliamentary candidates aligned with President Kabila were harassed by Hutu elements of the 83rd Brigade in Rutshuru Territory. The soldiers warned the campaigners Rutshuru was "RCD territory." He also deployed soldiers dressed in civilian cloths to the Bihamwe Grouping in Masisi Territory. They threatened the villagers with death if they did not vote for the RCD's candidates.[953] ONE Tutsi National Assembly candidate Dunia Bakarani said he was threatened by General Nkundabatware's soldiers.[954]

He also instituted a campaign to win the "hearts and minds" of the locals. At meetings, he continually promised villagers security from the FDLR and Mai-Mai in the area. On Sundays, General Nkundabatware held Methodist sermons and preached ethnic tolerance to those who attended.[955] When questioned by the Canal CVV radio station about the purpose of his poltical meeting in Nyamitaba, he replied it was only "a festivity" meant to bring together local tribes and promote ethnic reconciliation. He claimed the Bahunde, Bashis and Banyarwanda wanted to promote a peaceful cohabitation in Masisi Territory.[956] He also reportedly announced the official creation of the "Republic of the Volcans"[957] at the meeting, a

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[952] "Rebel General Calls for War Against DRC Army," Rwanda Information Exchange. 08 August, 2006. http://www.rwanda.net/index.php?option=com_content&task=view&id=38&Itemid=99999999.

[953] "Monthly Human Rights Assessment: July 2006." MONUC Human Rights Division. MONUC Press. 15 August, 2006.

[954] "Dunia Bakarani, Tutsi Survivor with '*Le Soft*': 'Laurent Nkunda Received the Order to Engage the Countryside of Bukavu," *Le Soft*. English Translation. 10 January, 2007.

Note: Mr. Bakarani is a 34 year-old Tutsi farmer from Mushaki. He does not have any previous political experience.

[955] "Nkundabatware Recruits in Prospect For an Offensive," Franck Mandi. Africa News. 18 September, 2006.

[956] "'I Have Never Created any Volcans Republic in DRC' Says Laurent Nkunda," African Press Agency. 12 August, 2006.

[957] Note: According to sources in the Congo, it is a known goal Rwandophones desire to turn certain territories of North Kivu into an autonomous state run by a Rwandophone government. It would include Goma and several key mining areas like Masisi and Walikale territories. A MONUC official said Governor Serufuli tried to pass an amendment to the Congolese Constitution creating an independent state for Rwandophones in

claim he denies.[958] Despite his denials, a document released publicly by OCHA confirmed his proclamation.[959]

He held a similar meeting in Kitchanga on 10th August. He told supporters he did not wish to attack the 8th Military Region soldiers and preferred to open a dialog with them. On the other hand, he announced the formation of a plan to attack the elements of President J. Kabila's *Garde Républicaine* deployed in North Kivu.[960]

He filmed a propaganda movie promoting the CNDP and his supporters were selling it at the markets in eastern Congo. He also screened the movie in several Tutsi refugee camps in an effort to gain support.[961] He implored all locals in Masisi and Rutshuru territories to support the CNDP's army. Any family with more than two of any particular livestock species was told to donate one of each to the CNDP. Any family with more than two males had to give one to the army.[962]

North Kivu. Sources in the Congo called it, "The Republic of the Volcans." (Private Interview. 2006.) Not surpisingly, the amendment was voted down.

The Republic of the Volcans is based on an old land claim Rwandans have on the Kivus. In 1910, the German colonial powers annexed North Kivu, South Kivu, and Idjwi Island from Rwanda to the Congo. In addition, part of northern Rwanda was annexed to Uganda and a part of eastern Rwanda was annexed to Tanzania in 1912. The reclamation of this territory to create an autonomous state for Banyarwanda is the ultimate goal of the "Volcans Republic." This is not a new concept General Nkundabatware created. Documents from 1995 tell of Banyarwanda political efforts to create a Volcan Territory. ("*L'Occupation du Masisi par les Banyarwanda, une Concrétisation Partielle du Projet <<République des Volcans>>*," Azap/*Le Standaard*. English Translation. 22 August, 1995.) It was reported Bizima Karaha would be president of the Republic and Major Chiribanya would be the vice president. ("Message of Congratulations to General Laurent Nkundabatware & Allies," Civil Society of the Democratic Republic of the Congo. English Translation. 29 June, 2004. http://www.societecivile.cd/node/1770.)

[958] Ibid.

[959] United Nations Office for the Coordination of Humanitarian Affairs. "Humanitarian Situation in DRC: August 2006." English Translation. September 2006. pg. 2.

[960] "*Laurent Nkunda Crée un Mouvement Politico-Militaire Dénommé «Congrès National Pour la Défense du Peuple» Sur Fond des Violations des Droits Humains*," *Centre de Formation et de Promotion des Droits de l'Homme*. *Ligue des Droits de la Personne dans la Région des Grands Lacs*. English Translation. 15 August, 2006.

[961] "Congo Province Still Crucible for War Despite Polls," David Lewis. Reuters. 13 October, 2006.

[962] "Former General Nkundabatware Proclaims 'Volcans Republic' in DRC," African Press Agency. 11 August, 2006.

He also occasionally hosted members of the international media. He presented a rosy picture of Masisi Territory under CNDP rule. Villagers were happy and safe. The markets and cattle industry were flourishing and the abusive elements of the mixed FARDC brigades were kept out by the General's protective army. He was funding a hospital in the area and provides fresh milk from his goats to the underprivledged. General Nkundabatware also said children were able to attend school without harassment or abductions and he even built a school in the area and pays all the teachers salaries.[963] As a former teacher himself, he understands the value of a education.

But of course, not everything about the CNDP was so sublime. General Nkundabatware began appointing his own politicians to administrative positions in Masisi Territory. He appointed a Munyarwanda primary school headmaster named Nzabirindi Bagabo to be the new Administrator of Masisi Territory, overriding Justin Mukenya, a Hunde appointed the Territory Administrator by the Sun City Final Act.

In addition, the CNDP began imposing taxes in Masisi Territory that directly defied the Provincial Government. All businesses in the area were required to pay the CNDP in order to operate without harassment from the army. They essentially set up their own customs post for goods entering and leaving Masisi Territory. Almost everyone passing through a roadblock was solicited for money. Farmers were taxed for their land and the local markets were also subject to various arbitrary taxations.[964] Andre Bayibika, Deputy Administrator of Masisi Territory, commented in despair, "We've lost control. The government does not receive taxes anymore, Nkunda collects it all. Nkunda is running his own government here, with his own

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[963] *Unterwegs mit Rebellen* (*Der Kampf der Generäle*). Dir. Hannes Nordmann. Nordmann TV. September 2006.

[964] "The Political Future of Ruberwa and Z'ahidi After a Call for the Neutrality of the Voters," Angelo Mobateli. *La Potentiel*. English Translation. 1 November, 2006.

army." General Nkundabatware was able to collect over $1 million dollars (U.S.) annually from his taxation.[965]

The Provincial Government of North Kivu was very upset with the CNDP's initiatives because they blatently undermined the provincial authorities. Governor Serufuli visited Muheto and proclaimed General Nkundabatware's appointment of a new territorial administrator was null and void. He urged the population not to worry about General Nkundabatware and his men. He told them General Nkundabatware departed had for Bwiza and was not in charge of any territory. Governor Serufuli also lauded members of the 83rd Brigade who abandoned General Nkundabatware to report to the Rumangabo mixing center.[966]

Governor Serufuli met with General Nkundabatware in Bwiza and told him the CNDP could not hold political meetings without his permission and to do so is illegal. General Nkundabatware told him, "I do not need your permission, you are provincial governor, we are a national movement!" He also warned Governor Serufuli he would not be welcome in Masisi Territory or Bwito Grouping anymore. To prove his point, the next time Governor Serufuli tried to go west on the road past Sake, he was met by one of General Nkundabatware's roadblocks and forced to turn back to Goma at gunpoint.[967]

The CNDP's creation indicated a divorce between General Nkundabatware and the RCD-G. They had lost so much political representation in the elections they could not politically protect General Nkundabatware from the Congolese Government and their military officials anymore. RCD-G cabinet members were all going to be replaced by AMP-loyal presidential appointments.

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[965] "Congolese Vote as Fiefdoms Emerge in Far-Flung Provinces," Taipei Times. 29 October, 2006.
[966] "*Nord-Kivu: Serufuli Dit Non au Discours Tribal de Laurent Nkunda à Masisi*," Radio Okapi. English Translation. 20 August, 2006. http://www.radiookapi.net/article.php?id=5244.
[967] Johnson, Dominic. "*Der Rebell Auf Dem Sprung Aus Den Masisi-Bergen (Kongo)*." *Die Tageszeitung*. Number 8082. English Translation. 23 September, 2006. pg. 5.

Governor Serufuli was still valuble to the General because he had influence over the TPD, ACPD, and controlled numerous financial assets and customs posts. Governor Serufuli separated from the RCD-G and was running for governor as an independent this time. General Nkundabatware asked Governor Serufuli to join the CNDP, but he refused. Knowing his refusal was an unspoken declaration of political war, Governor Serufuli asked President Kagame to act as a mediator to General Nkundabatware and try to make peace, but it seems he refused to get involved.[968]

Since he refused to join the CNDP and had already demanded the CNDP stop holding meetings, General Nkundabatware assumed Governor Serufuli was supporting President J. Kabila in hopes of keeping his gubernatorial appointment. The CNDP needed to exert political control over the Bwito Grouping (Rutshuru Territory), a stronghold of Governor Serufuli. This would require political campaining in Governor Serufuli's strongholds and a brutal supression of his influence in CNDP-controlled territory. The General's divorce with Governor Serufuli was finalized when the CNDP decided to politically backed Victor Ngezayo and Mututulo Kambale for the Governor/Vice Governor ticket.

For his part, Governor Serufuli campaigned hard in Rutshuru Territory. He contributed materials to rebuild local churches, schools, and health centers. He also distributed spades and hoes to workers willing to help build roads.[969]

39 members of the *Baraza ya Wazee* (the old ones) Forum (a committee comprised of native ethnic groups in North Kivu, referred to as *autochrones*) in North Kivu held a meeting in Goma to discuss the CNDP's creation. They drafted an official letter and sent it to

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[968] "North Kivu: Governor Serufuli Refuses to Take the Weapons of Laurent Nkunda," Yvon Mbwebwe Kabeya. *La Specula*. English Translation. 6 November, 2006. http://www.laspecula.com/africa_publ/nord_kivu_le_gouverneur_Serufuli_refuse_de_prendre_les_armes_de_Laurent_Nkunda.htm.

[969] "The Governor of North Kivu Stays in Rutshuru Territory," David Tshiala. *Le Potentiel*. 8 September, 2006.

Kinshasa. It implored the Transitional Government to arrest General Nkundabatware and remove Jackson's Mai-Mai, FOCA members in Virunga National Park, and Colonel 106's militia in Itebero, South Kivu.[970] They also asked the FARDC to deploy mixed brigades as soon as possible to enforce peace in the region.[971]

On 5th September, Colonel Mayanga's FARDC soldiers from the 9th Mixed Brigade were on patrol in Rutshuru Territory. They were ambushed by dissident soldiers from the 83rd Brigade as they scouted along the dirt road near Kalengera. An FARDC colonel and one other government soldier were killed when the 83rd Brigade opened fire. A nine-year-old girl was killed by a stray bullet. The dissidents grabbed two FARDC soldiers and took them hostage, then retreated into the adjacent forest. MONUC initiated negotiations with General Nkundabatware for the safe return of the hostages, one of whom is a corporal.[972]

Roughly a week later, three trucks carrying goods and two minibuses filled with passengers were in a convoy traveling south from Beni and Butembo. They were stopped at gunpoint by the 83rd Brigade in Lubare. They unloaded the passengers and methodically looted all the vehicles. When they were finished, they robbed passengers and viciously raped women they did not recognize. After two hours of robbery and sexual assault, the soldiers left and no one was killed.[973]

In September, ex-ANC soldiers in the 89th Brigade were stationed in Ngite a few kilometers north of Beni at the integration center. On the night of the 11th, they attacked and

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[970] Note: Jackson was arrested by the FARDC's 2nd Mixed Brigade near Beni on 10th November, 2006. After transferring to Goma, he promised FARDC Colonel Delphin Kayimbi his men would demobilize. He agreed to speak to his military officers in Milima about demobilizing ~1,000 soldiers located in the Binza Grouping of Rutshuru Territory. ("Goma: Arrest of a May-May (sic) Boss of the Territory of Rutshuru," Radio Okapi. English Translation. 11 November, 2006. http://www.radiookapi.net/article.php?id=5915.)

[971] "North-Kivu Calls for Dismanteling of Militias in DR Congo," African Press Agency. 15 August, 2006.

[972] "North-Kivu: 9th and 83rd Brigades Clashed Again," Sylvain Kapuya. *Le Potentiel*. English Translation. 7 September, 2006.

[973] "North-Kivu: Five Vehicles Plundered by Soldiers of Laurent Nkunda in Lubare," Minnow-Clement Kongo. *Le Potentiel*. English Translation. 13 September, 2006.

looted the nearby village of Losa. Luckily, nobody was killed and only one person was wounded.[974]

In mid-September, the 14th Mixed Brigade became fully operational and Defense Minister Onusumba was prepared to deploy them in Masisi Territory. General Nkundabatware released a statement proclaiming he would not allow any "hostile" forces to deploy in Masisi Territory or Bwito Grouping and would use force if necessary. He also threatened the electoral process. "If that [deployment] had been suddenly carried out, that means that there will be confrontations and, consequently, there would be no elections in serenity."[975] He later changed his tone stating, "I'm not afraid of being arrested but I think we should avoid creating a problem that may put the presidential runoff at risk."[976]

Defense Minister Onusumba stated the FARDC does not have an open dialogue with General Nkundabatware and was "absolutely" expecting an armed confrontation with him at some point.[977] Vice President Ruberwa, situated in Goma with Defense Minister Onusumba for the Council of Ministers meeting, immediately voiced his concerns about the deployment. He emphasized that the Kivus could not hold elections if General Nkundabatware attacked and created any instability. He even hinted General Nkundabatware should be promised amnesty for his war crimes if he would be willing to join the FARDC peacefully.[978]

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[974] "Monthly Human Rights Assessment: September 2006." MONUC Human Rights Division. MONUC Press. 9 October, 2006.

[975] "Goma: Ruberwa Issues Reserves as for the Deployment of the 14th Brigade," Radio Okapi. English Translation. 21 September, 2006. http://www.radiookapi.net/article.php?id=5459.

[976] "MONUC Monitoring – 26 September 2006," Tom Tshibangu. MONUC Press. 26 September, 2006. http://www.monuc.org/news.aspx?newsID=12520.

[977] "MONUC Monitoring – 21 September 2006," Tom Tshibangu. MONUC Press. 21 September, 2006. http://www.monuc.org/news.aspx?newsid=12472.

Note: In October 2006, Defense Minister Onusumba was replaced by Tharcisse Abarugira, the former Deputy Minister for Security and Public Order.

[978] "Threatening Nkunda, Anxious Ruberwa: Dark Clouds in the East of DR Congo," *La Potentiel*. 23 September, 2006.

Ironically, the 14th Mixed Brigade is led by Colonel Rugayi, a Hutu and long time supporter of General Nkundabatware who joined the brassage process from the 81st Brigade. The majority of the mixed soldiers are Hutu, some of whom are ex-LDF soldiers loyal to General Nkundabatware.[979] In addition, Alphonse Kubuya, the President of the *Baraza ya Wazee* and several local customary chiefs also warned that many soldiers in the 14th Mixed Brigade were former fighters for General Nkundabatware's dissident army and their deployment in North Kivu would only strengthen his cause.[980]

On 14th September, General Nkundabatware disseminated a press release from Bwiza written in his capacity as the president of the CNDP. He berated Joseph Kabila and accused him of electoral fraud in North Kivu, but did not openly back Jean-Pierre Bemba's ONE in the second round of elections. The press release professed the CNDP would not disrupt the election and would open dialogs with the winner of the elections.[981]

General Nkundabatware also condemned Kabila's plans for the FARDC in North Kivu. He denounced the proposed deployment of the 14th Mixed Brigade from Rumangabo mixing center. In addition, he claimed he was upset the 9th Mixed Brigade under the command of another Hutu ex-ANC officer, Colonel Mayanga, was being deployed to Bwito. General Nkundabatware claimed his former Hutu allies were deployed by Kabila to purposely inflame ethnic division between Hutu and Tutsi in Masisi Territory. He sternly warned he would meet any "threats" against Tutsis with force.[982]

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[979] "Rebel Leader Vows to Fight Army," News 24. 20 September 2006.
[980] "Goma: Ruberwa Issues Reserves as for the Deployment of the 14th Brigade," Radio Okapi, English Translation. 21 September, 2006. http://www.radiookapi.net/article.php?id=5459.
[981] Press Release of the CNDP. General Laurent Nkunda Mihigo. *Congrès National pour la Défense du Peuple*. 14 September, 2006.
[982] Ibid.

The situation was made worse when the 11th Mixed Brigade and the Military Police already deployed in Goma began harassing the Banyarwandan population. The temporary commander of the 8th Military Region, General Eugene Mbuyi Musamu, denounced this behavior because he knew how important stability would be over the next few months. He ordered the Military Police to mix their brigades immediately with the hopes ethnic-driven crime would be reduced.

On 26th September, the carnage continued. Three soldiers from Major Claude's 811th Battalion attacked and looted a farm in Kauma. They embarrassed the residents by forcing them to carry their own stolen possessions back to the battalion's military base. One man who lived there refused to comply and they shot him in the head.[983]

In early October, General Nkundabatware's loyalists from the 81st Brigade of Major Baudouin ransacked a farmhouse in Mushaki near one of the FARDC mixing centers. They stole food and cattle. Apparently, the owner of the farm, Mr. Mashago, has a son who is an FARDC officer in the 81st Brigade. His son expressed a desire to enter the mixing process and they were ransacking his family's home as a warning.[984] In about one week's time, the 811th Battalion reported to Lubero Territory for mixing anyway.

On 6th October, Governor Serufuli's brother-in-law rode a motorcycle (Boda-Boda) from Rutshuru town to Nyanzale. He went there spying for Governor Serufuli. General Nkundabatware's soldiers were alerted to his presence so they set up a roadblock to capture him on his way back.

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[983] "Monthly Human Rights Assessment: October 2006." MONUC Human Rights Division. MONUC Press. 20 November, 2006.

[984] "North-Kivu: Not Mixed Elements Plunder a Farm in Mushaki," Radio Okapi. English Translation. 5 October, 2006. http://www.radiookapi.net/article.php?id=5547.

On his return trip, Governor Serufuli's brother-in-law was traveling with a passenger. They were stopped at a roadblock and he reacted instinctively. He convinced them he was a simple motorcyclist since the soldiers manning the roadblock apparently did not know what Governor Serufuli's brother-in-law actually looked like. They seized the passenger instead, mistakenly thinking he was the one they were looking for. They beat him, then shot him on the side of the road and unknowingly let Governor Serufuli's brother-in-law go.[985]

Insecurity was further heightened in Masisi Territory when the local Hunde chief of Osso-Banyungu Grouping, *Mwami* Mushesha, died suddenly. Officially, he died of a heart attack, but he was visited by General Nkundabatware's soldiers at his home twice just before he died. Masisi's Territorial Administrator Mr. Mukanya refused to discuss the death with anyone. There were no actual witnesses to his death but given the past history of General Nkundabatware's Banyarwandan army targeting Bahunde, many people were suspicious and very worried the incident was a forebearer of things to come.[986] To add further suspicion, General Nkundabatware's men attacked the Mai-Mai in Muramba only a day later in what appeared to be an assassination operation on another local chief. The chief, a woman, and her young child were all killed by gunfire and the assassins quickly fled.[987]

Other incidents in North Kivu contributed to the instability. Only days after the death of *Mwami* Mushesha, Carine Ndeze and her daughter were killed in the Mudja Sector of Goma while they were working in the fields. A family friend told the police they were killed because of a conflict between the victims' families and a dissident FARDC officer. Colonel Bindu was

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[985] "North Kivu: Governor Serufuli Refuses to Take the Weapons of Laurent Nkunda," Yvon Mbwebwe Kabeya. *La Specula*. English Translation. 6 November, 2006. http://www.laspecula.com/africa_publ/nord_kivu_le_gouverneur_Serufuli_refuse_de_prendre_les_armes_de_Laurent_Nkunda.htm.

[986] "North-Kivu: Mwami Mushesha Died in Mysterious Circumstances," Taylor Toeka Kakala. *Le Phare*. English Translation. 7 October, 2006.

[987] "Monthly Human Rights Assessment: October 2006." MONUC Human Rights Division. MONUC Press. 20 November, 2006.

contacted in his capacity as commander of the 8th Military Region and he confirmed the perpetrator was a dissident captain in the FARDC.[988]

The villages of Kauma and Bukombo were traumatized by a series of murders that began in late September and continued into October. A soldier killed a civilian in Kauma for refusing to carry his supplies. In retaliation, a civilian mob assaulted a different soldier in the same village and beat him to death. Three days later, a shopkeeper in Bukombo was murdered in his home and his body was defaced, suggesting a targeted killing. The populations of Kauma and Bukombo began spending the night in the bush or in Kautu out of fear the assassins would return.[989]

The elected deputies of North Kivu gave a declaration at the Congolese National Assembly denouncing the recent events in their province. They stated General Nkundabatware's men were killing either civilians or FARDC soldiers daily in the area they controlled. The deputies appealed MONUC, the Congolese police force, and the European Union Force (EUFOR) to ensure the safety of all voters.[990]

On 9th October, the 811th Brigade was recalled from Ituri District to the Nyaleke training center for mixing. The newly retrained 13th Mixed Brigade was deployed to take their place. FARDC officials were scrambling to complete as much of the mixing process as possible before the elections, but it was unclear at the time if the units being deployed recieved ample retraining.

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[988] "Goma: A Woman and Her Young Girl Killed in the Fields," Radio Okapi. English Translation. 9 October, 2006. http://www.radiookapi.net/article.php?id=5577.

[989] "North-Kivu: The Population Flees the Villages for Insecurity in Masisi," Radio Okapi. English Translation. 9 October, 2006. http://www.radiookapi.net/article.php?id=5575.

[990] "Deputies Denounce Preparations of War in Eastern DRC," Angola Press. English Translation. 7 October, 2006.

The climate of instability created a situation General Nkundabatware could take advantage of. His alliance with the MRC signaled a new trend. He recognizes militia without leadership represent an opportunity to bolster his forces and reduce his need for forced recruitment.[991] More guerrilla fighters will emerge as MONUC and the FARDC continue

[991] Note: One of the MRC's founders, Innocent Kaina (a.k.a. India Queen) was captured by MONUC in September 2006 and, as mentioned earlier, the MRC's current commander, Mathieu Ngudjolo, agreed join the mixing process in exchange for general amnesty and the rank of colonel in the FARDC. The last formal militas active in Ituri were the FNI, elements of the MRC allied with General Nkundabatware, and the Front of Patriotic Resistance of Ituri (FRPI). There are also FRPI splinter-groups in Kodeza (led by Commander Yuda) and the Semliki Planes of Uganda (led by Commander Zakayo). ("Recently Demoblilized Militiamen Re-Arming in Volatile Ituri District," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 17 September, 2006.)

One of the last remaining militia in Ituri to disarm was the FRPI, an Ngiti (Lendu from southern Ituri)/Lendu armed group based in the area around Komanda. Their ranks were estimated at about 3,000 men. They often resort to looting, intimidation, and murder to obtain their supplies and in the past there have been reports of FRPI soldiers using UPC uniforms to confuse the locals. ("The Human Rights Situation in December 2005." MONUC Human Rights Division. MONUC Press. 23 January, 2006.)

On 1st October, they attacked the 811th FARDC Brigade in Singo (led by General Nsiona Mbuayama) to gain access to a small gold mine located there. They were repelled back towards the mountains north of Singo. ("Recently Demoblilized Militiamen Re-Arming in Volatile Ituri District," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 17 September, 2006.) Six days later, they attacked the FARDC again near Aveba and tried to push them off Mount Awi. The Bangladeshi contingent and a South African company reinforced the FARDC and pushed them back. 12 militamen were killed and two Bangladesh soldiers were wounded. The FRPI fled south to their base in Tchei, a town primarily inhabited by Ngiti. ("RDCongo (sic): 12 Militiamen Killed, 2 Blue Helmets Wounded in Combat in Ituri,"*Agence France Pressé*. 7 October, 2006.)

The FRPI's commander Cobra Matata is said to be so ruthless many combatants deserted him for the mixing centers so he killed several of them as an example to his soldiers. ("Recently Demoblilized Militiamen Re-Arming in Volatile Ituri District," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 17 September, 2006.) Cobra Matata, whose real name is Justin Banaloki Matata, is an Ngiti who has been in the bush since at least 2002. He resisted the integration process and refused to allow his soldiers to join the FARDC until recently. After being pinned down by MONUC and the FARDC with dwindling supplies, he finally agreed to disarm on 30 November. However, Matata stated he wants to join/create a political party. Before they were both disarmed, Matata was allied with Matthieu Ngujolo, the MRC's commander.

3,500 FPRI (including 150 children) were scheduled to stage for transportation from Yambi to disarmament centers in Rwampara (near Bunia) on 11-17th December following an agreement with the FARDC on November 28th. ("Close to 6,000 Militiamen to Surrender Their Weapons in Ituri," Crispin Nlanda. MONUC Press. 30 November, 2006.) As of 12th December, only five officers and 39 child soldiers reported to the transit centers in Aveba and Kageba after Matata delivered over 100 soldiers on the day the agreement was signed. ("Ituri: Timid Beginning of the Disarmament Process of FPRI Combatants," Radio Okapi. English Translation. 12 December, 2006. http://www.radiookapi.net/article.php?id=6218.)

When Matata agreed to disarm, General Mayala gave him $5,000 (U.S.) to use toward sensitizing his men. The FPRI soldiers claim he misused the money and did not use it to pay them their demobilization dues

which is why they have not reported for mixing. Matata simply promised to bring 250 soldiers to the processing center soon. ("Ituri: Dissatisfaction Within the FPRI With Cobra Matata," Radio Okapi. English Translation. 23 December, 2006. http://www.radiookapi.net/article.php?id=6315.) The first 100 were transferred from Yambi on 24th December. ("Bunia: Militiamen of the FPRI on Standby for Their Demobilization," Radio Okapi. 24 December, 2006. http://www.radiookapi.net/article.php?id=6318.) Matata will be given amnesty and the rank of colonel in the FARDC by General Mayala.

Many Congolese find it extemely offensive to grant Cobra Matata amnesty when he personally participated in some of the most atrocious acts of violence during the 2nd Congo War. In particular, he was one of the commanding officers who participated in the Nyakunde massacre on 5-15 September, 2002. The attack on Nyakunde was conducted in response to a UPC attack on the Bahema population in Solongo. Militias, driven by the desire to control gold-rich areas, punished innocent civilians of the same ethnicity as their rival soldiers'. The APC, FRPI, Ngiti militia, and FNI all simultaneously attacked Nyakunde from several directions. When the battle broke out, they attacked the UPC soldiers first to remove the town's defenses so they could secure the nearby airstrips and facilitate the importation of arms and the exportation of gold.

Once the UPC were defeated, an "ethnic cleansing" began. Ngiti fighters immediately began slaughtering Bahema, Gegere, and Bira civilians. The fighters had a list of specific people they were looking for. A one-year-old child and an eight-month-old baby were killed. Often, corpses were sexually mutilated or dismembered and some combatants took part of the corpse with them to instill terror in the local population and opposing militias.

One of the worst events of the attack was the destruction of the *Centré Médical Evangélique* (CME), the region's largest and best equipped hospital. The Ngiti combatants broke down the doors and climbed through shattered windows to gain entrance into the building. Once inside, they killed everyone they could find. Patients were killed as they lay in their beds too sick to move. The bodies were callously thrown into a latrine or buried in a mass grave. About 70 surviving Bahema and Gegere were tied up and taken to a nurses' compound were they were beaten and locked in a small room; forced to live in their own filth. A newborn died there because its mother did not have access to any milk and could not feed it.

Nyakunde and the CME were completely looted. Ngiti combatants forced the male prisoners to act as porters and carry military equipment dropped off at the airstrips back into town. When their forced labor was finished, Ngiti executed all of them, including Pastor Solomon. When Ngiti commander Colonel Khandro Ndekote returned to the village, he was furious his men had not killed all the remaining prisoners. He whipped his own soldiers and killed a young Rwandan girl himself. The Ngiti soldiers promptly murdered the rest of the prisoners and dumped them in the latrines. After 10 days, at least 1,200 people were killed. Hundreds of bodies lay strewn out in the streets. (United Nations Security Council. "Letter Dated 16 July 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/573. 16 July, 2004. pg. 19-21; "Ituri: 'Covered in Blood'." Human Rights Watch. Volume 15 Number 11 (A). July 2003. pg. 30-35.)

Later in 2002, Cobra Matata led an attack against Hema civilians on the road toward Medu and Bole. On 22 April, 2005, Matata led the FRPI in an attack on Kagaba with the FNI. Nepalese, Pakistani, and Moroccan MONUC soldiers backed up by gunships quickly responded and fought the FRPI/FNI in Bogoro, Lakwa, and Nombe. Several milita members were killed and they retreated. ("DRC: The Ituri Brigade of MONUC in an Operation of Support to the FARDC South of Bunia," Tom Tshibangu. MONUC Press. MONUC/PIO/PR/19/2005. 27 April, 2005. http://www.monuc.org/News.aspx?newsId=6596.) In perhaps the ultimate insult to the Bira people of Ituri, Cobra Matata returned to the same area around Nyakunde on 27th July, 2006 and attacked the village of Zaboli. Four people were killed in the raid and the FRPI took 14 Bira as hostages, four of whom were later confirmed dead. ("Blood Still Runs in Nyakunde," Marcel Lutele. *Le Potentiel*. English Translation. 21 August, 2006.)

rooting out militia in the Orientale Province north of Durba and Watsa.[992] Rebels in nearby

[992] Note: The mining concession that included the Watsa/Durba area (OKIMO Concession #38) was obtained by Barrick Gold from the Office of Kilo-Moto (OKIMO) on 3rd August, 1996 before the fall of Mobutu Sese Seko. OKIMO, the state-owned gold mining firm, became a joint partner in Barrick's project. Barrick initially became interested in the concession after the U.S.-based consulting firm Davy McKee Corporation completed a feasibility study of the area in 1991. Between October and December of 1996, while the war was raging in the area southwest of the concession, Barrick completed several of their own exploratory drills, but the results were less promising than the reports OKIMO gave the company. In 1996, Barrick also made a side deal with General Kpama Baramoto, head of President Mobutu's *Guarde Civile.* General Baramoto allowed Barrick to mine gold around his base in Bunia in exchange for funds to rebuild Bunia's airport. (Reno, William. "Sovereignity and Personal Rule in Zaire." African Studies Quarterly. Volume 1, Issue 3. May 1997.)

Barrick restructured their mining contract after the AFDL-CZ took power in 1997, but retained the rights to Concession #38. Barrick was allowed to keep the contract Mobutu Sese Seko signed after Laurent Kabila took power because L. Kabila's Finance Minister Mawampanga Mwana Nanga (who later became Minister of Agriculture) insisted Kabila honor "good faith" contracts between President Mobutu and foreign mining firms. This was an unusual move because Minister Nanga was a staunch critic of foreign mining firms. He had already canceled the mining contracts of Belgium's *Union Minère* (now Umicore) and DeBeers/Anglo-American despite strong protests from Nelson Mandela. However, Minister Nanga apparently had a soft spot for American-connected firms, perhaps because he graduated from Pennsylvania State University and taught at Kentucky University. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 283, 300-301.)

Minister Nanga urged AFDL-CZ's Mining Minister Kambale Kabila Mututulo to sign off a one billion dollar (U.S.) deal to Jean-Raymond Boulle's Hope, Arkansas-based (at the time) American Mineral Fields Incorporated (AMF). The deal was for two huge mining concessions in Kipushi and Kolwezi, located in the Katanga Province (then Shaba Province). Mr. Boulle desperately needed access to the minerals because he was bidding to acquire the contract to build a new space station to replace Mir, a $60 billion dollar (U.S.) endeavor. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 281; Baracyetse, Pierre, Loudiebo, Alexandre. "The Geopolitical Stakes of the International Mining Companies in the Democratic Republic of the Congo (Ex-Zaire)." English Translation. 2000.)

A major competitor of Anglo-American (despite only existing since 1995) with several former Anglo-American/DeBeers directors on its executive team, AMF already had the deal lined up in April 1997 after Mr. Boulle (a Briton born in Mauritius) visited L. Kabila in Goma after the AFDL-CZ/RPA captured the mining center Lubumbashi (Katanga Province) and put Katangan Governor Kyungu ku Mwanza under house arrest. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 280-283.) Mr. Boulle reportedly fronted $50 million dollars (U.S.) to L. Kabila for the deal and he likely used some of it to buy arms and equipment. (Baracyetse, Pierre, Loudiebo, Alexandre. "The Geopolitical Stakes of the International Mining Companies in the Democratic Republic of the Congo (Ex-Zaire)." English Translation. 2000.)

American Diamond Buyers, another company owned by Mr. Boulle and Joseph Martin (and a competitor of DeBeers), reportedly paid L. Kabila $25,000 (U.S.) to buy a diamond mining license from the AFDL-CZ. ("Friends in High Places," Richard C. Morais. Forbes. 10 August, 1998.) When the company opened for business in Kisangani before the 1st Congo War was even over (but after the ADFL-CZ controlled the town), Zairians literally broke the door down to sell their diamonds. Several people could be seen around town wearing tee-shirts given out by the company. ("U.S. Firms Stake Claims in Zaire's War," Cindy Shiner. CNN. 17 April, 1997.)

Mr. Boulle (a former Anglo-American executive) also allowed L. Kabila and Minister Nanga to use his personal corporate Lear jet for transportation around the country. In return, besides the mining contracts, L. Kabila allowed Mr. Boulle to set up a trading post in Mbuji-Mayi immediately after the AFDL-CZ captured the city during the same month Lubumbashi fell. He also greatly reduced the price of AMF's annual mining license fees. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 280-283.)

One week before the AFDL-CZ took Kinshasa, AMF chartered a group of investors to meet L. Kabila. Mr. Boulle hoped to attract investors for his new mining projects. Representatives from CIBC Wood Gundy, Bunting Warburg (a branch of London's SBC Warburg), First Bank of Boston, Citibank, Deutsche Morgan Grenfell, and Goldman Sachs attended along with several reporters, Robert Briscotti (investment banker), Robin Sanders (Director of African Affairs for the NSC), and Cynthia McKinney (former U.S. Congresswoman for the State of Georgia). (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 283; "Firm From Clinton's Home Town Has Deal With Zaire Rebel Chief," Christopher Ruddy. NewsMax. 16 May, 1997; "Congo-Zaire," Conor de Lion. Global Finance. June 1997.) The meeting went over well. Washington D.C. based New Millenium Investment Limited signed a joint venture deal with the AFDL-CZ to run Goma's Development Bank. Bethesda, Maryland-based Comsat signed on to sell satellite phones in Goma ("U.S. Firms Stake Claims in Zaire's War," Cindy Shiner. CNN. 17 April, 1997.)

Almost immediately after AMF got its mingin contract with the AFDL-CZ, DeBeers sent the head of its Kinshasa branch (Nicholas Davenport) and an Anglo-American director to meet with L. Kabila and Minister Mawampanga in Goma to plead for a contract. Under the Mobutu regime, DeBeers held a 4% stake in MIBA while its Central Selling Organization had rights to the entire Zairian state production. DeBeers also had five *comptoirs* in Zaire that bought from artisian miners. ("DeBeers Bows to Zaire Rebels," Stefaans Brümmer, Chris McGreal. Mail & Guardian. 18 April, 1997.)

DeBeers was also deeply entrenched in Zaire through its partner Anglo-American. The Canadian company Banro Corporation merged with Belgium-based *Mines D'or Du Zaire* (MDDZ) in September 1996 shortly before President Mobutu left Zaire in exile. A ~13% shareholder in Banro was U.K.-based Cluff Mining. The majority shareholder in Cluff Mining was Anglo-American. (United States Department of the Interior. "The Mineral Industry of Zaire." George J. Coakley. 1997.) Through the merger, Banro was able to obtain a 93% interest in SAKIMA. (United States Department of the Interior. "The Mineral Industry of Congo (Kinshasa)." George J. Coakley. 1998.) Today, Banro is actively mining gold in Twangiza, Kamituga, Lugushwa, and Namoya in South Kivu.

Barrick created a joint-venture with the Anglo-American Corporation (nearly 50% owned by DeBeers) in March 1998 to explore Concession #38 in preparation for active mining. In 1998, Anglo-American created its AngloGold Limited subsidiary and in May 1998, the firm purchased nearly half of Barrick's stakes in the Congo. ("Gold Producer Buys Barrick Properties," Las Vegas Review-Journal. 17 May, 1998.) Exploration occurred from February to August 1998 but their staff was forced to flee in August due to the outbreak of the 2nd Congo War. Anglo-American's subisidiary AngloGold assumed operational control of the concession on 5 August, 1998, but Barrick and Anglo-American were never able to actively mine the concession because of the war. OKIMO seized possession of the land after they fled.
("The Curse of Gold: Democratic Republic of the Congo." Human Rights Watch. 26 April, 2005. pg. 16; "OKIMO History," ASC Goldagem SPRL. Accessed 9 February 2007. http://www.goldagem.com/corporate/index.php?option=com_content&task=view&id=12&Itemid=28.) After OKIMO reclaimed the concession, Barrick made a side deal with RCD Mining Minister Alex Thambwe in 1999 for the rights to mine the land, but Barrick was unable to mine on the land because of the ongoing war on the mining concessions in Ituri. (United States House of Representatives Subcommittee on International Operations and Human Rights of the Committee on International Relations. "Suffering and Despair: Humanitarian Crisis in the Congo." One Hundred Seventh Congress, Session 1. Serial No. 107–16. 17 May, 2001.)

After the 2nd Congo War began, the UPDF and RCD-ML occupied Watsa until they withdrew due to the Lusaka Accords (1999) and militias in Ituri multiplied drastically in 2000 to seize control of the power void left behind when the UPDF withdrew. Barrick Gold sub-contracted its concession to Uganda's Caleb International, owned by General Saleh. ("Shifting Sands: Oil Exploration in the Rift Valley and the Congo Conflict." Dominic Johnson. Pole Institute. 13 March, 2003. pg. 9-10.) It appears the intent was to hold and protect the concession for Barrick until the fighting stopped. Meanwhile, the UPC, APC, FNI, FAPC, and various other factions fought over Watsa and Durba until most of them either disarmed or were driven out by MONUC/FARDC offensives last year. The ALC moved into the area until mid-2006, until MONUC gained full control over Watsa. (Private Interview. 2006.)

Barrick Gold is a former business partner of the previously mentioned firm American Mineral Fields Incorporated (now named Adastra Minerals), who still owns their extensive concessions in Katanga Province. Barrick was also partnered with the infamous and now defunct mining firm Bre-X Minerals Limited. ("The Western Heart of Darkness: Mineral-Rich Congo Ravaged by Genocide and Plunder," Asad Ismi. CCPA Monitor. October 2001.) Another partner of Barrick's was Ashanti Goldfields Limited, which would later be purchased by Anglo-American Corporation and renamed AngloGold-Ashanti Limited.

AngloGold-Ashanti is actively mining on Concession #40 in and around Mongbwalu, where local Anglo officials stand accused of illegally paying off the FNI in 2004 to mine the area in safety. They also reportedly allowed the FNI and its President Floribert Njabu to use company vehicles, jets (chartered by Kilwa Air, who also chartered for MotoGoldmines Limited), lawyers, and housing. Jean-Pierre Bemba was reportedly the man who suggested AngloGold work with the FNI in order to start mining in 2004. William Swing was supportive of AngloGold-Ashanti's exporation plans in FNI territory. At the time, MONUC did not have a presence in Mongbwalu, only Bunia. AngloGold-Ashanti employees (at the time) who had direct contact with the FNI were Ashley Lassen (Head of AngloGold-Ashanti's Uganda branch), Howard Fall (Project Manager in Mongbwalu), Jean-Claude Kanku (consultant), Desire Sangara (AngloGold-Ashanti's Manager in the Kinshasa office), and Mark Hanham (Engineer). ("The Curse of Gold: Democratic Republic of the Congo." Human Rights Watch. 26 April, 2005; Private Interview. 2006.)

AngloGold-Ashanti's President and Non-Executive Director Sir Samuel Kwesi Jonah, reportedly backed the RCD financially after L. Kabila revoked a mining contract from him while he was the Chief Executive Officer of Ashanti Goldfields Limited. Ashanti originally bought the concession from Mindev for only five million dollars (U.S.). After the RCD/ANC controlled the area, the RCD Minister of Mining Alex Thambwe returned the contract to Ashanti Goldfields. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 305.)

Sir Jonah is a Board Member of Lonmin, the Commonwealth African Investment Fund (Comafin), Transnet Limited, Anglo-American Platinum Corporation Limited, the Ashesi University Foundation, Equinox Minerals (Chairman), the uranium-producing nuclear power company UraMin Incorporated (Chairman), Anglo-American Corporation, Moto Goldmines Limited, Scharrig Mining (Chairman), Sierra Rutile Limited (Chairman), Sierra Resources Holding, Titanium Resources Group, Copper Resources Corporation (with George Arthur Forrest and George Andrew Forrest), Standard Bank of South Africa, Bayport Holding Limited, Transnet Limited, Equator Exploration Limited in Nigeria and São Tomé – Príncipe (with Baronness Chalker), and Mittal Steel (currently in the proverbial hot seat for a contract they signed with the government of Liberia).

He is a member of the Advisory Council of the U.N. Secretary General's Global Compact, South African President Thabo Mbeki's International Investment Advisory Council of South Africa, the African Regional Advisory Board of the London Business School, First Atlantic Merchant Bank, Defiance Mining, and Ghanian President John Kufuor's Ghana Investors' Advisory Council, and President Obasanjo Nigerian Investors' Advisory Council. He also holds an honorary British knighthood and several other international awards and titles.

Sources in Aru state "white executives" from Barrick Gold come and inspect Watsa every few months, but the company refuses to resume operations until fighting stops in the area. With MONUC in full control of

Watsa, the fighting has ceased. MONUC's logistics branch has established regular flights there. Barrick can now try and repossess their mining license for the concession. The infrastructure in Watsa, Doko, and Durba has been restored. Durba has a working grinder and Nzoro has an active hydro-electric power source. The Kenyan construction firm Civicon has begun work on a 108 kilometer road leading from the Vura border post to Watsa and should be finished in nine months time barring the return of armed warfare in the area. The Australian/Canadian firm Moto Goldmines Limited provided some of the equipment for the job as per a contractual agreement with the Congolese Government. ("Ituri: Machines of BTP to Rehabilitate the Aru-Watsa Axis," Radio Okapi. English Translation. 20 January 2007. http://www.radiookapi.net/article.php?id=6579.)

Currently, the Canadian company African Mineral Fields Incorporated (AMFI), recently purchased by Nevada-based Magnus Resources Incorporated, owns rights to a section of Concession #38. African Mineral Fields also owns gold mining concessions in Uganda at Mwerusandu, and Mitoma, Mubende, and Lugazi. Bruce Milne, AMFI's Uganda Exploration and Country Manager, originally discovered the concessions Barrick Gold currently owns in Tanzania. John Dixon, a consulting geologist for AMFI, once worked as a consultant for Placer Dome from (2000-2006). Placer Dome was bought out by Barrick in late 2005.

Moto Goldmines Limited (headed by Sir Samuel Jonah) entered into a joint venture on Concessions # 38 and #39 through its subsidiary Borgakim Mining SPRL (a subsidiary of Border Energy Limited, which is itself a subsidiary of Moto Goldmines Australia Limited, whose parent company is Moto Goldmines Limited). Originally, a joint venture was created between the privately owned Orgaman SPRL and OKIMO on May 10, 2003. Moto Goldmines then bought into the existing agreement between the two and became a 60% owner of the property. (Alternative Investment Market (London). "Schedule 1 – Pre-Admission Announcement: Moto Goldfields Limited." 17 March, 2006. http://www.motogoldmines.com.au/aim/Pre-admission%20announcement%20and%20appendix0306.pdf. [Note: Must have Adobe Reader to view.])

Moto Goldmines Limited was created when Moto Goldmines Australia Limited (formerly Equis Limited) and King Products Incorporated (formerly Wizard Lake Petroleum Corporation) merged in 2005. Moto Goldmines has set up a complicated series of 13 subsidiaries in order to control as much of Concession # 38 as possible. Border Energy Limited is a wholly owned holding company of Moto Goldmines Limited. Moto Goldmines Limited created several subsidiaries as joint ventures with Border Energy, many of which are active in Ituri District and have entered into joint ventures of their own with OKIMO. They include Rambi Mining SPRL, Blue Rose SPRL (owned by Blue Rose Investments Limited in Strathavon, South Africa), Kibali Gold SPRL, Amani Gold SPRL, Gorumbwa Mining SPRL, Tangold SPRL (owned by Greendale Universal Holdings Limited in Roadtown on Tortala Island, British Virgin Islands) , and the aforementioned Borgakim SPRL. Orgaman SPRL was previously established in the Congo to import frozen fruit and is owned by Belgian William Damseaux. Reginald Gillard is the company's President and Jean-Claude Damseaux is the Vice President.

The deal to include Moto Goldfields Limited in the contract has come under heavy scrutiny by the Congolese Government. Mr. Victor Kasongo Shomary, OKIMO's Managing Director, never approved the contract, but three of the four OKIMO Directors did. The contract was questionable because it had a clause that allowed OKIMO's Directors to short-sell additional plots of land to Borgakim SPRL. Additionally, the percentage of ownership allocated to OKIMO was only 30% and any additional joint ventures with another Moto Goldmines Limited subsidiaries would likely reduce the percentage further. The contract also required Borgakim SPRL to pay for prospecting the concessions, but they have opted to rely on old studies (funded entirely by OKIMO) for data as a way to save themselves money, which is a breach of the legal agreement. The Ministry of Finance has suspended all negotiations between OKIMO, Borgakim SPRL, and Moto Goldfields Limited. In addition, the contracts of Moto Goldfields Limited's smaller subsidiaries are under review because of late payments on the lease agreements. ("Business Borgakim-OKIMO: Exact Contours of a Contract That Wants 'to Kill' Kilo-Moto for Good!," DigitalCongo3.0. English Translation. 18 January, 2007. http://www.digitalcongo.net/article/40343; "OKIMO, The Very Annoyed Trade-Union Delegation!," *La Prospérité*. English Translation. 19 January, 2007; "Mining Conflict OKIMO-Borgakim: Anxious Interference of Minister Balamage!," DigitalCongo 3.0. English Translation. 30 December, 2006. http://www.digitalcongo.net/article/39948.) On top of all this, OKIMO's management is also under

investigation for stealing gold from Concession #38. Director Kasongo, OKIMO's Financial Director, and its Sales Manager all stand accused of diverting mined gold for personal profit.

A number of smaller companies with leases on Concession #38 and/or #39 have not honored their contracts because they have been inactive on the mining sites. One is the private firm Aston and Sheffield Commodities-Goldagem SPRL. Aston and Sheffield is Goldagem's parent company. Goldagem itself is based in Dubai and run by Taoufik Mathlouthi, Chairman of Mecca Cola. Two additional small firms that have not paid for their mining leases are Rambi Mining SPRL and Amani Gold SPRL.

A large company that has failed to honor its mining contract in Ituri is Mwana Africa PLC, owned by Mwana Africa Holdings Limited based in Johannesburg, South Africa. It was founded by three former Anglo-American directors in 2003. The firm began a joint project with OKIMO in June of 2005. Mwana Africa is also the vast majority shareholder of a joint venture with Anglo-American located south of Kolwezi, Fungerume, and Likasi in Katanga Province. They are negotiating with Gécamines to purchase another concession in Katanga Province to expand their project.

Mwana Africa Holdings Limited was bought out by the Dublin-based (Ireland is known to be very leinient on corporate taxes) company African Gold PLC. African Gold PLC purchased Tangold SPRL in June 2004. Tangold SPRL itself owned a single portion of OKIMO Concession #38 at the time of the purchase and that contract is on the verge of being canceled. Mwana Africa Holdings owns part of Australia-based Gravity Diamonds Limited, a joint venture with BHP Billiton, Asia Marketing Limited (registered in Israel), Intergroup Consultants Limited, and a number of private diamond firms primarily registered in Antwerp, Belgium, home of the Diamond High Council (HRD). Incidentally, Antwerp was also the main port of entry for coltan coming to Europe from the Congo during the coltan boom of the early 2000s. Gravity Diamonds is active in the Congo's former Kasai Province, Angola, and Australia. Mwana also owns Sibika S.A., which had a 20% stake in MIBA at the time of purchase. ("Year in Review 2006: Democratic Republic of the Congo July to December." Great Lakes Center for Strategic Studies. 2006. pg. 24.)

Mwana Africa Holdings also bought Bindura Nickel Corporation from AngloGold-Ashanti in 2004. Bindura was chiefly active in Zimbabwe as it was a joint venture between AngloGold-Ashanti and the government of Zimbabwe run by President Robert Mugabe. In early May 2004, Bindura's Chief Executive Officer Leonard Chimimba was shot and killed outside his home in Harare after returning from a meeting with bank executives. He also reportedly visited the Governor of Zimbabwe's Reserve Bank (Gideon Gono) the day before. The murder occurred after over half a million dollars (U.S.) worth of nickel disappeared from two Bindura trucks driving to South Africa in March. The incident is believed to be the work of business insiders working with criminal syndicates in South Africa. ("Mining Boss Shot Dead," Daily Mirror. 12 May, 2004.)

Notables directing African Gold PLC are Hank Slack (Director of Anglo-American [1981-1999], Chief Executive of Minorco [1991-1999], current Director of Terra Industries and Engelhard Corporation, former Director of Solomon Brothers and SAB Miller), John Teeling (Chairman of Minco, Petrel resources, Pan Andean Resources, and African Diamonds), Oliver Baring (Executive Chairman of the First Africa Group; former Anglo-American Director; current Chairman of Cluff Mining PLC; non-executive Director of Merrill Lynch World Mining Trust and the Tiedmann Trust Company, and advisor for the The Senient Resources Fund).

Another major player is African Gold's Chief Executive Officer Kalaa Mpinga. Mr. Mpinga is the son of a former Prime Minister and nephew of Mr. Pierre-Victor Mpoyo (One of L. Kabila's advisors; the former Congolese Minister of Economy; former Minister of State; owner of the Central Mining Group, and business partner of Zimbabwean Billy Rautenbach, the Director of Gécamines in 1998). Kalaa received his Agricultural Development and Economics degrees at the University of California-Davis (U.S.) and McGill University (Canada) respectively. After graduating, he went to work for the Bechtel Corporation in San Francisco. In 1991, he left to join LTA Limited, which was owned by Anglo-American Corporation. In 1997, he was promoted to Executive Director of Anglo-American's mining division and worked in the Congo's Ministry of Economy under his uncle. From 1998-2000, Mr. Mpinga was a Patron and Board

Member of the African Business Roundtable and he was also an Executive Director of New Business Africa. In 2001, he was one a founding member of Mwana Africa Holdings.

He currently is a Director of Group Five Limited (a huge construction firm), and GijimaAST, a technology corporation based in South Africa. In addition, he is Chairman of Bindura Nickel Corporation. Many of Mr. Mpinga's recent projects are funded by Lansdowne Partners Ltd. and Marshall Wace LLP. ("Fertile Ground: Hedge Funds Travel to Africa," Alistair MacDonald. The Wall Street Journal. 6 October, 2006.) On a personal note, Mr. Mpinga is an open admirer of the late DeBeers/Anglo-American patriarch Harry Oppenheimer, calling him, "A great African, a man with a vision for the continent and indeed a pioneer of African renaissance." ("Tribute to Harry Oppenheimer: Pioneer of African Renaissance," Kalaa Mpinga. Daily Dispatch. 29 August, 2000.)

Barrick's business practices have not gone completely unnoticed. In December 2002, Barrick Gold was sued in an anti-trust case for literally manipulating the price of gold on the world market. Banking giant J.P. Morgan (prior to their merger with Chase Manhattan) was an investor in a company called Argo Partnership, who became a significant shareholder in TrizecHahn. Barrick bought TrizecHahn , making J.P. Morgan a shareholder in Barrick Gold by virtue of the buyout. J.P. Morgan reportedly loaned Barrick gold reserves from a central bank to short-sell on the market, increasing the supply and driving the price down. The money from the gold sales was invested in money market instruments at J.P. Morgan for a higher return than the gold borrowing rate, thus creating a profit. The short sales were considered off-sheet assets, so the purchase of gold off the market was not reflected as a loss in their balance sheet. ("Don Doyle Explains 'Blanchard vs. Barrick and J.P. Morgan'." Jay Taylor. Jay Taylor's Gold and Technology Stocks. Volume 22, Number 15. 3 January, 2004.)

Barrick would then mine the gold needed to replace the borrowed stores at the central bank, but a clause in the J.P. Morgan gold lending deal gave Barrick an infinite number of years to pay back the central bank. This meant Barrick could buy up the gold supplies to drive the price up, or they could dump their borrowed stores and drop the price generating a profit for both Barrick and J.P. Morgan. Recall that during 1998, as Barrick was evicted from the Congo, the price of gold was falling considerably. It has been rising steadily since 2001. (Ibid)

The individuals behind Barrick Gold are so well-connected they are worth noting in detail:

Howard Beck: Corporate Director of Barrick Gold. Formerly involved with BAE, and Citibank Canada. BAE bought out United Defense Industries (a company formerly owned by The Carlyle Group) in 2005. Just recently, BAE was the subject of a corruption probe in Great Britain, but Prime Minister Tony Blair and Attorney General Lord Peter Goldsmith ordered the investigation suspended. Some British officials believe the firm lobbied Lord Goldsmith to drop the investigation. (UK Defence Firm Lobbied Minister to Drop Corruption Probe: Report," *Agence France Pressé*. 16 December, 2006.) BAE is a 20% owner of Airbus. ("BAE Systems," Campaign Against Arms Trade. Accessed 12 February, 2006. http://www.caat.org.uk/publications/armsfairs/dsei-2003-report/baes.php.)

Gustavos Cisneros: Board Member and International Advisory Board Member of Barrick Gold. He is the Chief Executive Officer of Cisneros Group, which includes television and radio networks, broadcasting and telecommunications operations, programming and production companies for television and radio, supermarkets, beverage production, fast food outlets, video franchises, and music production. He essentially owns the Latin-American media market.

Mr. Cisneros is Venuzeuelan and a stauch opponent of Venezuela's current Populist President Hugo Chavez. Mr Cisneros is a founding (and current) member of the International Advisory Board of the Council on Foreign Relations and a former Director of the International Advisory Committee of Chase Manhattan Bank. He is director of the Chairman's Council of the Americas Society and a member of the International Advisory Council of the United States Information Agency, the Board of Overseers of the International Center for Economic Growth, the International Advisory Board of Power Corporation of Canada, the International Advisory Board of Gulfstream Aerospace Corporation, the International Advisory Board of AEA Investors

Incorporated, and is a board member of Panamerican Beverages Incorporated (a Coca-Cola bottling company).

In addition, he is a Trustee of Rockefeller University in New York and sits on the Board of Georgetown University. He also sits on the International Advisory Board of Columbia University, the Advisory Committee for the David Rockefeller Center for Latin American Studies at Harvard University, and the Rockefeller University Fund. Mr. Cisneros acts as the Commissioner of the Global Information Infrastructure Commission and is a member of the Council for Latin American Studies at John Hopkins University. In addition, Mr. Cisneros is a Governor of the World Economic Forum. ("Gustavo A. Cisneros," americaneagle.com. The Global Information Infrastructure Commission. Accessed 9 October, 2006. http://www.giic.org/commissioners/bio/bio_cisneros.asp.)

Donald Carty: A Corporate Director of Barrick Gold, Dell, Sears, and Roebuck. He is also the Chairman of Virgin America, Porter Airlines, and is the former Chief Executive Officer of American Airlines.

Marshall Cohen: Lawyer for Cassel's Brock & Blackwell, and former Canadian Deputy Minister of several areas including Finance, Industry, Trade & Commerce, Energy, and Mines & Resources. He is a Corporate Director of Barrick Gold, American-International Group, TD Ameritrade, Premcor Incorporated, Metaldyne Corporation, Toronto-Dominion Bank, and Lafarge Corporation. He is a member of the International Advisory Committee for The Blackstone Group. Formerly, he was the International Councillor for CSIS, and a former member of the Executive Committee of The British-North American Committee and The Trilateral Commission. He was also the Chairman of the International Trade Advisory Committee for the Government of Canada.

John Crow: Corporate Director of Barrick Gold. He is the former Governor of the Bank of Canada (1987-1994); Chairperson of the Central Bank Governors of the Group of Ten countries, and one-time head of the North American Division of the International Monetary Fund (IMF).

Brian Mulroney: Corporate Director and Chairman of the International Advisory Board of Barrick Gold and most notably, the former Prime Minister of Canada (1984-1993). He is a Director of Archer Daniels Midland Company, the Atlantic Institute for Market Studies, and the Cendant Corporation. He is Chairman of Trizec Properties Incorporated, America Online-Latin America Incorporated, and Quebecor Incorporated. He sits on the International Advisory Board of the China International Trust and Investment Corporation, JPMorgan Chase, Independent News and Media, Power Corporation, Bombardier Incorporated, Aerospace Group - North America, and General Enterprise Management Services Limited. In addition, he is an honorary trustee of the George H.W. Bush Presidential Library and Senior Partner in the Ogilvy Renault law firm.

Anthony Munk: Peter Munk's son. He is a Director of Barrick Gold and Onex.

Peter Munk: Founder, Director; member of the International Advisory Board; and former Chief Executive Officer of Barrick Gold and the Trizec Corporation. Mr. Munk also founded Clairtone Sound Corporation. In addition, he is a member of the World Gold Council and the 1001 Club. Mr. Munk is a close friend of infamous Saudi Arabian arms dealer Adnan Khoshoggi, who was involved in financing and setting up arms deals to Iran during the Iran-Contra scandal. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 74.) Mr. Khoshoggi helped Mr. Munk launch Barrick Gold in 1983, but later sold his shares to Mr. Munk just before details of his involvement in Iran-Contra broke in 1985.

Lord Charles Powell of Baywater: Lord Powell is a cross-bench member of Britain's Upper House of Parliament and the House of Lords, where he sits on the Economic Affairs Committee. He served as the Private Secretary and Advisor on Foreign Affairs and Defense to former Prime Ministers Margaret Thatcher and John Major. Lord Powell is currently an Advisor to the Chairmen of BAE and Eastern Star Publications. He is a principal at New Bridge Strategies, a business advisory firm currently working in Iraq. He holds many directorships, including: British Mediterranean Airways, Caterpillar Incorporated, Financière Agache, Moet-Hennessy Louis Vuitton, Sagitta Asset Management (Chairman), Mandarin Oriental Hotel Group,

Jardine Matheson & Company Group, Textron Corporation, Yell Group, Limited Schindler Holdings, Switzerland, and Northern Trust Global Services.

He also serves on the Advisory Board of Barrick Gold, Diligence (a PMC), Hicks Muse. Delta HPC (a former business partner of Lockheed Martin), GEMS Private Equity Fund, Rolls-Royce European Strategy Board, Textron International, Wingate Capital, Magna Corporation, the European Advisory Group GMBH, Thales U.K., and Alfa Capital. Lord Powell is Chairman of the Said Business School Foundation's (Oxford University) Board of Trustees. He is also active with several non-corporate groups including trustee postitions at the Aspen Institute (USA), British Museum, and the Karim Rida Said Foundation. He is a Director of the Atlantic Partnership, the Singapore Millennium Foundation, and the U.K.-China Forum. He is also President of the China-Britain Business Council and a member of the Council of the International Institute for Strategic Studies.

William Cohen: Member of Barrick Gold and Intel Corporation's International Advisory Boards. Intel was a major consumer of tantalum in the early 2000s during the computer industry boom. He is currently the Chairman and Chief Executive Officer of the Cohen Group, an international business consulting firm. He is currently a Director at Viacom and AIG. Mr. Cohen is also CNN's World Affairs Contributor. He was the U.S. Secretary of Defense (1997-2001) during the beginning of the 2nd Congo War and NATO's bombing of Kosovo.

Prior to working for the DOD, he was a U.S. Senator for the state of Maine (1979-1997) and served on the Select Committee on Intelligence (1983–1991, 1995–1997), the Governmental Affairs Committee (1979-1997), Assistant Secretary of State for African Affairs (1989-1993 in George H.W. Bush's administration) and the Armed Services Committee (1979–1997). In addition, he served on the Iran-Contra investigative committee in 1987. Before he was elected Senator, he was a House Representative for Maine's 2nd District (1973-1979). While in Congress, he served on the House Judiciary Committee that investigated the Watergate scandal. He served on the Board of Directors of the Council on Foreign Relations (1989-1997) on its Middle East Study Group and currently works for several think-tanks and committees including the CSIS (Counselor and Trustee) , the School for Advanced International Studies, the William S. Cohen Center for International Policy and Commerce at the University of Maine in Orono (Chairman), and the Brookings Institution. He established and led U.S. delegations to the American-Arab Dialogue in Cairo and is the Chairman Emeritus of the U.S.-Taiwan Business Council. Mr. Cohen is also a former trustee of the Africa Foundation. In May 1992, he got Rwandan opposition parties to meet with RPF officials in Brussels. (Philpot, Robin. "Rwanda 1994: Colonialism Dies Hard." Robin Philpot, The Taylor Report (Phil Taylor). 2004. http://www.taylor-report.com/Rwanda_1994/.)

Paul G. Desmarais Senior: Member of the International Advisory Board of Barrick Gold and Chase Manhattan Bank N.A. He is Chairman of the Executive Committee of the Power Corporation, and honorary President of the Canada-China Business Council. He is a former Director of TotalElfFina; former member of the Trilateral Commission; current member of the Privy Council, and a Companion of the Order of Canada. He is on the Advisory Board of the Carlyle Group and CSIS. Mr. Desmarais is a personal friend of the Bush family (Former U.S. President George H.W. Bush is the former Chairman of Barrick Gold's International Advisory Board [1995-1999]) and Brian Mulroney. ("Paul Desmarais," Wikipedia. Accessed 10 October, 2006. http://en.wikipedia.org/wiki/Paul_Desmarais.)

Vernon Jordan Junior: He was Chairman of Bill Clinton's presidential transition team and one of his top political advisors as well. He is currently a Senior Counselor practicing general, corporate, legislative and international law with the firm Akin, Gump, Strauss, Hauer, & Feld. In addition, he is a member of the Bilderberger Group, the Iraq Study Group, the Council on Foreign Relations, and the Trilateral Commission. He sits on the Board of Directors for American Express, Dow Jones & Company, Lazard Freres and Company, J.C. Penney Company, Xerox Corporation, Ashbury Automotive Group, and the LBJ Foundation. He is also a member of the International Advisory Boards of Barrick Gold and Daimler-Chrysler. Mr. Jordan serves on the Board of Governors for the Joint Center for Political and Economic Studies; a Senior Managing

Director with Lazard Freres & Company; and a Trustee of Howard University. He is a former Director for Revlon, Sara Lee, Corning, and Nabisco.

He has been involved with several African-American civil rights, equality, and empowerment groups. He served as President and Chief Executive Officer of the National Urban League, Incorporated; Executive Director of the United Negro College Fund; Director of the Voter Education Project of the Southern Regional Council; attorney-consultant at the U.S. Office of Economic Opportunity; Assistant to the Executive Director of the Southern Regional Council; and Georgia Field Director of the National Association for the Advancement of Colored People. He also received numerous presidential appointments including a spot on the Secretary of State's Advisory Committee on South Africa.

Karl Otto Pöhl: Member of the International Advisory Board of Barrick Gold, the Carlyle Group, former Chairman of the German Bundesbank (Central Bank) from 1980-1991, and former German Governor of the IMF. He served in Germany's Economics and Finance Ministries. He is currently a partner in Sal. Oppenheim Junior & Cie investment bank; member of the Bilderberger Group; Director of GAMCO Investors Incorporated and Gabelli Funds LLC; and Senior Advisor to the Ahli United Bank.

Nathaniel Rothschild: International Advisory Board member of Barrick Gold and Co-chairman of Atticus Capital. He is a Director of RIT Capital Partners PLC, Trigranit (Chairman), The Rothschild Foundation, JNR Limited (Chairman), and a member of the Belfer Center's International Council at Harvard's John F. Kennedy School of Government. In addition, Mr. Rothschild is on the International Advisory Council of the Brookings Institute. Mr. Rothschild is the only son of Jacob Rothschild and belongs to the well-known Rothschild family of bankers.

Andrew Young: Member of the International Advisory Board of Barrick Gold, Argus Newspapers, and Delta Airlines. He was a close personal friend of Dr. Martin Luther King Junior, a prominent African-American civil rights activist in the U.S. Mr. Young is a former Ambassador to the U.N. (1977-1979) under President Jimmy Carter and a Georgian Congressman from 1973-1977. He served two terms as Mayor of Atlanta, Georgia where he was Co-Chair of the Atlanta Committee for the Centennial Olympic Games in 1996. He was appointed by Bill Clinton to chair the Southern Africa Enterprise Development Fund. Mr. Young is the former Chairman of Working Families for Wal-Mart and the Southern Africa Development Fund. He was also a Director of the Drum Major Institute and a consultant for Nike. In addition, Mr. Young is the former President of the National Council of Churches (2000-2001) and a former member of the National Security Study Group.

He is the current Co-Chair and Co-Founder of GoodWorks International (GoodWorks is a member of the Corporate Council on Africa; Associate of the African-American Institute; affiliate of the Council of Foreign Relations, and Senior Advisor of the National Democratic Institute for International Affairs. Client corporations of GoodWorks include Barrick Gold, ChevronTexaco, Monsanto, Nike, and Coca-Cola.). He teaches public affairs as a professor of policy studies at Georgia State University's Andrew Young School of Policy Studies. Mr. Young is a Director of Argus, Host Marriott Corporation, Archer Daniels Midland, Cox Communications, Atlanta Market Center, the Atlanta Falcons, and Thomas Nelson Publishing. He is currently a member of the Bretton Woods Committee, the Council of Foreign Relations, and is an active Freemason. Mr. Young is also currently promoting international investment in Rwanda and is working on creating a convention of international investors in Kigali that will be the largest African business summit to date. It is currently scheduled for 2010.

In addition to George Herbert Walker Bush, Barrick Gold has several other former associates from the late 1990s with major credentials:

Howard Baker Junior: Tennessee's Republican Senator from 1967-1985, including two terms each as Senate Majority and Senate Minority Leader. He then served as President Ronald Regan's Chief of Staff in 1987-1988. After parting ways with President Reagan, he joined Donelson, Bearman & Caldwell (1989-2001), a lobbying firm for hire that represented Barrick Gold. In 2001, he was called to serve as the U.S. Ambassador

areas who rebuke the demobilization process may end up joining General Nkundabatware if he can convince them to unite under the banner of a common cause. If not, he may simply offer to pay them with revenue made from refining and selling niobium and pyrochlore from the Lueshe mines or money funneled to him by his backers in Goma and Rwanda. He has explicitly expressed his desire to expand his sphere of influence in Ituri. When asked during an interview what his plans were, he replied, "In one year? There I will continue. Tomorrow perhaps in Ituri."[993]

The Congolese Government is well aware of this plan and the FARDC proactively dismantled one of General Nkundabatware's recruiting networks based in Bunia. An FARDC officer, two soldiers from the 4th Mixed Brigade (and a demobilized rebel who became a taxi driver, were all arrested in Zumbe for recruiting demobilized child soldiers over several

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to Japan. In 2005, he stepped down from his post and reunited with Baker, Donelson, Bearman, Caldwell & Berkowitz as a full partner. He also joined the Advisory Board of Citigroup. Mr. Baker also runs the University of Tennessee-Knoxville Center for Public Policy named in his honor.

Edward Ney: This former director of Barrick was George Herbert Walker Bush's Ambassador to Canada (1989-1992); a reward for running Bush's presidential ad campaign in 1988. Mr. Ney took charge of Young and Rubicam (acquired by WPP Group in 2000), a public relations agency-for-hire in 1970 and he built it into the largest firm of its kind. Mr. Ney was named Chairman of the Advisory Board at Burson-Marsteller, a subsidiary of Young and Rubicam. Burston-Marsteller is also a public relations firm-for-hire who was hired to cover up Shell's nefarious business policies in Nigeria. They were also hired by General Jorge Videla's violent regime in Argentina, and the Government of Indonesia during the time they were enacting their murderous policies during their occupation of East Timor. Burson-Marsteller also worked for Monsanto during their Bovine Growth Hormone scandal; lobbied for the North American Free Trade Agreement (NAFTA) and tobacco companies; covered for Union Carbide after the Bhopal disaster, and worked to improve Exxon's image after the Valdez spill in Alaska. ("Burston-Marsteller: A Corporate Profile," Corporation Watch UK. July 2002. http://www.corporatewatch.org.uk/?lid=395.)

John Trevor Eyton: Mr. Eyton was a Canadian Senator first appointed in 1990 by (then) Prime Minister Brian Mulroney. He is a Director of Brazoil, Coca Cola, IQ Ludorum, Nayarit Gold, Owen Media Partners, General Motors Canada, IMAX, Partners for Youth, Nestle Canada, Noranda Incorporated, the International Chamber of Commerce (Paris), Excor-Zerust Canada, and Brookfield Asset Management. Mr. Eyton is Chairman of the Canadian Sports Hall of Fame, Excor-Zerust Canada, Ivernia, Multi-Games Incorporated, Richview Resources, and Silver Bear Resources. He is Governor of the Canadian Olympic Foundation, Junior Achievement Canada, and the Canadian Sports Hall of Fame. Previously, he served as a Senior Partner at the law firm of Tory Tory Deslauriers & Binnington and as Chairman of EdperBrascan (now Brookfield Asset Management). He is also a member of the Trilateral Commission.

[993] "*Der Rebell Auf Dem Sprung Aus Den Masisi-Bergen (Kongo).*" Dominic Johnson. *Die Tageszeitung*. Number 8082. English Translation. 23 September, 2006. pg. 5.

months. During questioning, they revealed they were working for General Nkundabatware and Bosco Taganda, the former UPC stongman, who were coordinating the "recruitment."[994]

One of General Nkundabatware's financial networks was also shut down. Four women from Nyabiondo (led by Mama Dinghy) trafficking hemp into Rwanda were arrested by Police Chief Kasikila Mupenda. Inside Rwanda, the hemp was sold to produce money used to buy arms for General Nkundabatware. Jeanine Kabulo, one of the women arrested, said her network was also involved in exchanging intelligence between General Nkundabatware and unnamed Rwandan allies.[995]

As the second round of elections approached, General Nkundabatware opted to present himself as a legitimate political alternative to the AMP and ONE. He registered the CNDP with the Office of National Assembly and received an official sign and seal for his organization. The move was controversial because it effectively legitimized his mutiny.

He told the Associated Press MONUC would not attempt to harass or arrest him. "I often speak to them. I live beside them [MONUC has a base in Kitchanga]. They know where I am. They do not stop me because they are not persuaded that I would be a threat for peace."[996]

He moved back into one of his farmhouses on top of a lush hill in Kiloliwe and set up numerous manned checkpoints across Masisi Territory to provide security for himself. He stated he would not interfere with the electoral process and was willing to open talks with whoever won. "I prefer to talk," he claimed, but he also warned the Congolese Government he

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[994] "In Bunia: Laurent Nkunda Recruits Soldiers and Demobilized for a New Attack," Stephan Salikoko. *L'Avenir*. English Translation. 5 October, 2006.

[995] "North-Kivu: 500 kgs of Hemp Bound for Rwanda Siezed in Goma," Minnow-Clement Kongo. *La Potentiel*. English Translation. 14 October, 2006.

[996] "The Minister of the Department of the Interior Excludes any Negotiation, the Neutralization of Nkunda is a Question of Political Good Will," Angelo Mobateli. *Le Potentiel*. English Translation. 1 December, 2006.

would respond militarily to any harassment of Banyarwanda.[997] As one of his last acts as a transitional vice president, Azarias Ruberwa ordered the FARDC to end all operations against General Nkundabatware to avoid antagonizing him before the election.[998]

He also had set up a military training camp in Kiloliwe during the summer. During October, amid the lush, rolling hillsides and forests, his men openly conducted ambush drills and sang Kinyarwandan war songs much like the RPA did during its early days.[999] They wore nice, clean military uniforms, hats, berets, and boots. They had various weapons in their arsenal, including RPGs, assault rifles with grenade launchers attached to them, and heavy caliber machine guns. They also had short-wave Motorola radios (Walkie-Talkies) and numerous mobile phones for communication. He reportedly had an estimated 10,000 men at his command.[1000]

As the second round of elections drew even closer, General Nkundabatware did not provoke widespread violence, but he interfered with the election process in Masisi and Rutshuru territories. His men were ordered not to allow any political campaigning in CNDP-controlled areas . On 23rd October, Jules Mugira was out campaigning for the AMP. Soldiers from the 81st Brigade stopped him at a roadblock and refused to allow him down the road to Karuba.[1001] An independent provincial candidate was harrased in Kitchanga. Dufina Tabu, another independent candidate, was accosted and interrogated in Kitchanga by General Nkundabatware's men.[1002] Governor Serufuli continued to be denied entry into Rutshuru Territory. The police headquarters in Masisi town was taken over by General Nkundabatware

[997] "Congo Rebel to Talk With Election Winner," C. Bryson Hull. Reuters. 29 July, 2006.
[998] "Congo: Danger in Round Two." The East African. 23 October, 2006.
[999] "Congo's Dancing Rebels Hold out Despite Elections," David Lewis. Reuters. 12 October, 2006.
[1000] "The Political Future of Ruberwa and Z'ahidi After a Call for the Neutrality of the Voters," Angelo Mobateli. *La Potentiel*. English Translation. 1 November, 2006.
[1001] "North-Kivu: Armed Men Prevent the Election Campaign in Masisi," Radio Okapi. English Translation. 23 October, 2006. http://www.radiookapi.net/article.php?id=5705.
[1002] Ibid.

loyalists. As a result, several campaigners decided not to enter Masisi Territory because they feared for their safety. In addition, a Hutu civilian was killed in Shoa/Kauli by a soldier from the 811th Battalion of Major Claude.

When the second round of voting occurred on 29th October, General Nkundabatware ordered all Rwandophones to abstain from voting. His sphere of influence covered Masisi Territory, Bwito Grouping, and small regions in Walikale Territory, an area holding an estimated total of 650,000 voters.[1003] Though it appears many people obeyed General Nkundabatware, Joseph Kabila still won the vote in North Kivu and on 16th November 2006, for better or for worse, the Supreme Court pronounced him the President-Elect of the Congo.

[1003] "Deputies Denounce Preparations of War in Eastern DRC," Angola Press. English Translation. 7 October, 2006.

Chapter 13: General Nkundabatware's Post-Election War

Almost immediately after the elections, U.S. President George W. Bush locked the financial assets of General Nkundabatware and several other individuals in a attempt to show support for the Congolese elections.[1004] President Bush only has the authority to freeze assets located within the United States. Most of the individuals sanctioned, including General Nkundabatware do not have any known assets in the United States. U.S. Embassy spokesman Christopher Davis believed that fact did not matter. "It is a warning to anyone else about dealing with these individuals…that they run the risk of finding themselves under sanctions."[1005] The barring of Americans from doing business with the General was the only useful clause of the sanctions and it remains to be seen if the sanctions will actually have a deleterious effect on him.

It did not take long after the final round of elections for instability to increase in North Kivu. When the elections results were announced, eastern Congo, a Kabila stronghold, erupted into celebration. During one celebration in Goma, gunmen opened fire into the air to break up the jovial gathering. In the Keshero District of Goma, one woman was killed and her husband was tied up, but his life was spared.[1006] A civilian Hutu was killed in Mutabo by a soldier from the 9th Mixed Brigade when he refused to carry the soldier's supplies for him.[1007]

In early November, another convoy of traders was attacked between Rutshuru town and Kayna in Lubero Territory. The 9th Mixed Brigade was escorting the convoy and retaliated

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[1004] Note: See http://www.whitehouse.gov/news/releases/2006/10/20061031-2.html for the full text.
[1005] "DRC Welcomes US Sanctions on Warlords," Heidi Vogt. Independent Online. 1 November, 2006. http://www.int.iol.co.za/general/news/newsprint.php?art_id=qw1162389420198B236&sf=.
[1006] "North Kivu: Outside the Joy Due to the Victory of Kabila, A Murdered Woman in Goma," Radio Okapi. English Translation. 16 November, 2006. http://www.radiookapi.net/article.php?id=5969.
[1007] "Monthly Human Rights Assessment: October 2006." MONUC Human Rights Division. MONUC Press. 20 November, 2006.

immediately. Two of the attackers were killed. Later the same day, another convoy was ambushed between Kayna and Kanyabayonga. None of the traders were hurt, but mobile phones, money, and merchandise they were transporting were stolen. Colonel Mayanga, commander of the 9th Mixed Brigade and former ally of General Nkundabatware, immediately declared the were FOCA militants.[1008]

There were also a series of brutal attacks in South Kivu attributed to FOCA. A gunfight in early November killed seven rebel fighters. Just over a week later from November 10th to 14th November, a series of raids in Walungu Territory claimed seven civilian lives. In addition, the combatants reportedly kidnapped 37 people.[1009]

10th Military Region commander General Sylvain Tshikwej sent reinforcements to secure Walungu Territory and the attacks ceased. He was perplexed because the villages FOCA supposedly ambushed were all amply manned by the FARDC at the time of the attacks. The general asked the Civil Society to help identify the perpetrators of the crimes so justice could be carried out if anyone in the FARDC was involved.[1010]

FOCA denied having any part in the attacks. Furthermore, FDLR spokesman Munyandekwe Anastase claimed FOCA did not have any troops in Walungu Territory, where both MONUC and the FARDC currently have a permanent presence. He blamed the Rastas for the attacks.[1011]

[1008] "North-Kivu: Two Armed Gangsters Killed in Lubero," Radio Okapi. English Translation. 7 November, 2006. http://www.radiookapi.net/article.php?id=5870.

[1009] "Taking of Hostages Repeated in Walungu: The 10th Military Area is Mobilized," Radio Okapi. English Translation. 14 November, 2006. http://www.radiookapi.net/article.php?id=5938.

[1010] "*Sud-Kivu : La 10e Région Militaire s'en va Guerre Contre des Attaques et Prises d'Otages Répétées de Walungu*," Radio Okapi. English Translation. 14 November, 2006. http://www.radiookapi.net/article.php?id=5945.

[1011] "FDLR Denounce the Plan of Rwanda Aiming to Destabilize the RDC," Stephan Salikoko. *L'Avenir*. English Translation. 8 November, 2006.

During a visit to Japan, President Kagame commented on the recent attacks. He told the press, "If we are attacked by rebellious militia or whoever, we will have the right and the capacity to regulate the problem. We will do what any country would do if we are attacked. It is as simple as that. It is possible to find other means to regulate the problem, even in the event of rebellious attacks, especially working with the government of Congo as they are going through elections."[1012] Rwanda's Foreign Minister Murigande added, "If it were needed, Rwanda is always ready to go seek them (Hutu rebels) ourself…"[1013]

A day later, President Kagame became upset with how his comments were portrayed by *Agence France Pressé*. When he returned to Kigali, he held a press conference to explain what he meant. "What they (AFP) reported was their own information, not what I said. What I said was that if we are attacked by anybody from Congo we would do what any country would do to protect itself.[1014] If I were to go back to Congo, I would be frank about it."[1015]

On 16th November, Lieutenant Colonel Kabundi marched to Sake with a heavily-armed entourage of dissidents from the 83rd Brigade. This movement of troops came after General Nkundabatware redeployed them to Kimoka, located only four kilometers from Sake. There were also reports of his troops gathering at the high ground positions in Virunga National Forest near the Ugandan and Rwandan borders.[1016] It appeared another offensive was in the works.

[1012] "Rwandan Leader Threatens Congo Invasion if Attacks Go On," *Agence France Pressé*. 8 November, 2006.
[1013] "The Notebook of C. Braeckman: Congo, New Border…for its Neighbors," Colette Braeckman. Congo Forum. English Translation. 10 November, 2006. http://www.congoforum.be/fr/nieuwsdetail.asp?subitem=1&newsid=18987&Actualiteit=selected.
[1014] "Kagame Refutes DRC Media Reports," James Munyaneza, Ignatius Ssuuna. The New Times. 14 November, 2006.
[1015] "Rwanda's Kagame Denies Congo Invasion Reports," Reuters. 13 November, 2006.
[1016] "North-Kivu: Resumption of the Engagements in the Sector of Runyoni," Radio Okapi. English Translation. 5 December, 2006. http://www.radiookapi.net/article.php?id=6155.

The 83rd Brigade entered the market in Kimoka and all the merchants fled in terror, fearing another shootout similar to the fighting in August. The 11th Mixed Brigade, a transplant from South Kivu (led by Colonel Mukisa), responded quickly and confronted Lieutenant Colonel Kabundi. Colonel Mukisa demanded to know what his soldiers were doing in town. Lieutentant Colonel Kabundi claimed he was mearly returning from Mushaki and "preferred" to go through Sake to return to Kimoka.[1017] Regardless, the dissidents turned away and no shots were fired. Not feeling optimistic, the 11th Mixed Brigade reinforced their positions in Sake just in case.

A senior ICCN ranger reported several poaching incidents in Virunga National Park committed by FARDC soldiers from the 14th Mixed Brigade. Colonel Mayanga, commander of the 14th Mixed Brigade, confronted him about the charges. He ordered his men to arrest and whip the ranger. The interim commander of the 8th Military Region, Colonel Delphin Kahimbi (ex-FAC), was informed of the situation and quickly secured the ranger's release. Colonel Mayanga said he was insulted by the ICCN official and that was why he arrested and punished him.[1018]

The 81st and 83rd Brigades loyal to General Nkundabatware were still receiving pay from the Congolese Government because they were legally a part of the FARDC, but soldiers from the battalion based in Mushaki had not reciveved payment for several months. They contacted Colonel Kayimbi and presented him with proof that their commander Colonel Smith had laundered the money for himself.[1019] Colonel Kayimbi did not take immediate action, so

[1017] "North Kivu: Interruption of the 83rd Non-Mixed Brigade Creates a Panic in Sake," Radio Okapi. English Translation. 16 November, 2006. http://www.radiookapi.net/article.php?id=5976.
[1018] "Goma: A Civil Servant of the ICCN Tortured on the Order of an FARDC Colonel," Radio Okapi. English Translation. 15 November, 2006. http://www.radiookapi.net/article.php?id=5953.
[1019] "Sake: Kinshasa Cuts Food to the Soldiers of Nkunda," Taylor Toeka Kakala. *Le Phare*. English Translation. 4 December, 2006.

they blocked the road from Goma to Masisi. This caused dramatic inflation in Masisi and the population suffered for it, forcing FARDC officials and MONUC to consider taking action.

The Karisimbi Commune was the victim of a series of robberies committed by elements of the 11th Mixed Brigade. A community leader in Karisimbi was beaten for denouncing the crimes and a 12-year-old was shot in Nyabyunyu by elements of the 113th Battalion based in Mugungu to the north. Colonel Kayimbi promised an official inquiry.[1020]

General Nkundabatware responded by sending more soldiers from Kitchanga and Mushaki to Kimoka near Virunga National Forest. RDF soldiers crossed the border from Rwanda and took up positions in Virunga National Park. Sources state many of the soldiers openly admitted to Tutsi residents in the area they were from Rwanda.[1021]

Demobilized RDF soldiers from Goma arrived in Kimoka dressed as civilians. They traveled in civilian clothes and changed into uniform when they arrived at their destination. They were given weapons and FARDC uniforms by the 83rd Brigade when they arrived.[1022] Captain Rugishi Radjabu Kanyose (a.k.a. Mungu), a close associate of General Nkundabatware, was seen in Kitchanga during the time the dissidents were relocating.[1023] Colonel Kayimbi was aware of the situation but his orders from General Amisi were to leave the dissidents alone unless they attacked first.[1024]

Colonel Kayimbi's time as the temporary commander of the 8th Military Region was up. His replacement was announced on the 21st. General Amisi chose General Louis Ngizo,

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[1020] "*Nord Kivu: Vague d'Insécurité à Goma*," Radio Okapi. English Translation. 16 November, 2006. http://www.radiookapi.net/article.php?id=5975.

[1021] Private Interview. 2007.

[1022] "Rebel General Laurent Nkundabatware Intensifies Enrolment (sic) Campaigns," African Press Agency. 21 November, 2006.

[1023] "Goma: Arrest of the Coordinator of Laurent Nkunda's Group," DigitalCongo 3.0. English Translation. 9 January, 2007. http://www.digitalcongo.net/article/40107.

[1024] "North-Kivu: Strong Military Presence of the Men of Laurent Nkunda in Sake," Radio Okapi. English Translation. 20 November, 2006. http://www.radiookapi.net/article.php?id=6002.

the former Deputy Commander of the 10th Military Region under General Mabe. Colonel Kayimbi became the Deputy Commander of the 8th Military Region. As General Ngizo took his post, FARDC officials (likely General Amisi or General Kisempia) ordered an attack that would drastically change the complexion of North Kivu's security situation.

On Tuesday, 21st November, the FARDC decided to take the drastic action people were demanding. The 11th Mixed Brigade from Sake and MONUC's Indian soldiers attacked Kimoka and Rutoboko near General Nkundabatware's base camp in Kiloliwe.[1025] It appears the operation was a pre-emptive strike in response to the recent troop movements in Virunga National Park. The operation clearly intended to catch or kill him.

The 81st Brigade defended their position, but the surprise attack forced General Nkundabatware, his bodyguards, and CNDP officials to flee for the hills where they set up a mobile base of portable tents similar to his strategy in Minova after he fled Bukavu in 2004.[1026] The 81st Brigade set up roadblocks and ambush points along the road to Katale and prevented all vehicles and travelers from using the road.

Once the General was safe, more reinforcements gathered in Virunga National Park. The FARDC fled the area around Kitchanga to regroup as their plan to get General Nkundabatware had failed. They regrouped in Sake and prepared for the counterattack, but it

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[1025] Private Correspondence. 2006.

Note: The report of MONUC participating in the attack is uncorroborated. The source of this information was close to General Nkundabatware and may have been misinformation used to harm MONUC's credibility following claims they would not participate in an active offensive against him.

[1026] "The FARDC and the Soldiers of the Deposed General Kundabatware (sic!) Enter Armed Confrontations in the East of the DRC," Armees.com. English Translation. 21 November, 2006. http://www.armees.com/Affrontements-armes-a-l-est-de-la-RDC-entre-les-FARDC-et-les,11166.html.; Private Correspondence. 2006.

remained quiet in Sake. One FARDC soldier was confirmed killed during the skirmish.[1027] In frustration at their defeat, the 11th Mixed Brigade began harassing several Banyarwanda in the area.[1028] Congolese civilians began to leave Sake for Goma fearing a reprisal attack from General Nkundabatware.

The situation reached a breaking point on Friday the 24th, when a Congolese National Police (CNP) officer gunned down a Rwandan relative of General Nkundabatware's named Eric Musafiri Mayugi, a recently demobilized captain in the RDF. [1029] His vehicle was stopped on suspicion of smuggling weapons by the CNP while he was on his way to Kimoka from Goma. None of the CNP officers present spoke Kinyarwandan and heated arguments ensued. After Captain Musafiri's driver was detained, Captain Musafiri reportedly drew a sidearm and was shot dead by the CNP. The police never reported if weapons were ever found in the vehicle.[1030]

At 04:30 local time on Saturday, 25th November, General Nkundabatware ordered a counter-attack. Soldiers from the 81st and 83rd Brigades crept through the woods with all their heavy weaponry: RPGs, mortars, and heavy machine guns. They began shelling the FARDC's positions in Sake. The fighting lasted several hours and over 2,000 FARDC soldiers engaged the dissidents.[1031]

[1027] "The FARDC and the Soldiers of the Deposed General Kundabatware (sic!) Enter Armed Confrontations in the East of the DRC," Armees.com. English Translation. 21 November, 2006. http://www.armees.com/Affrontements-armes-a-l-est-de-la-RDC-entre-les-FARDC-et-les,11166.html.

[1028] Private Correspondence. 2006.

[1029] "Kabila Visits Goma," Aloys Badege. The New Times. 1 December, 2006; "DRC: New Exodus in North-Kivu," Arnaud Zajtman. *BBC Afrique*. English Translation. 26 November, 2006.

[1030] "A Precarious Peace in Sake," *Le Phare*. English Translation. 29 November, 2006.; "*Rapport Sur l'Etat des Lieux de la Situation Liee aux Recents Affrontements de Sake Nord-Kivu*." Congolese Civil Society of North Kivu. English Translation. 28 November, 2006.

[1031] "Attack Against the Army in Sake (DRC): 3 Dead (New Hospital Assessment)," *La Conscience*. English Translation. 25 November, 2006.

After morning passed, the FARDC was able to push the dissidents back into the forest. Some headed northwest towards Masisi town while others stayed behind and asserted control of the high ground near Sake. MONUC's Indian battalion spokesman Major Ajay Dalal said there were occasional small attacks after that but everything was quite calm by nightfall.[1032] The FARDC and MONUC remained in control of Sake.

During the fighting, three soldiers of the 11th Mixed Brigade were killed.[1033] 25 wounded soldiers and civilians were evacuated to Goma in ambluances by MONUC but several other casulties remained behind.[1034] The mobile phone antenna in Sake was destroyed during the battle so civilians were unable to use their phones to communicate or call for help. Governor Serufuli called for calm and reminded everyone the FARDC was still in control of the situation. Despite the reassurances, nearly 15,000 people fled the fighting towards Goma and Mugunga with luggage in tow while 2,000 others fled south to Kirotshe, Bweremana, Minova, and the Bulenga Peninsula.[1035] International NGO workers were ferried across the Rwandan border for safety.[1036]

MONUC was worried General Nkundabatware would make a move on Goma. While MONUC had a firepower advantage, General Nkundabatware had more men at his immediate disposal than the Indian battalions. MONUC deployed 1,000 soldiers in the area that morning.[1037] They set up patrols and ambush positions in and around Goma after the first shots were fired in preparation for the worst case scenario. Some of the soldiers were sent to

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[1032] Ibid.
[1033] "Attack Against the Army in Sake," *Le Soir*. English Translation. 25 November, 2006.
[1034] Ibid; "Attack Against the Army in Sake (DRC): 3 Dead (New Hospital Assessment)," *La Conscience*. English Translation. 25 November, 2006.
[1035] "Thousands Flee Rebel Attack in Eastern Congo," David Lewis. Reuters. 25 November, 2006.; "South Kivu: More than 2,000 Moved Arrived in Minova Sunday," Radio Okapi. English Translation. 27 November, 2006. http://www.radiookapi.net/article.php?id=6078.
[1036] Private Correspondence. 2006.
[1037] "Attack Against the Army in Sake (DRC): 3 Dead (New Hospital Assessment)," *La Conscience*. English Translation. 25 November, 2006.

Sake as reinforcements. MONUC's attack helicopters and armored vehicles were prepared for battle as well.

Very early the next morning, the 11th Mixed Brigade attacked the positions of the 81st and 83rd Brigades near Sake with the hopes of pushing them out before their reinforcements arrived. The FARDC made another push towards Kitchanga, Kiloliwe and Masisi town. The dissidents met the western front attack at Bitongo. The FARDC's attacks failed again because the dissidents received reinforcements before the FARDC could make any headway into Masisi Territory.

The dissidents then went on the offensive and by mid-morning had succeeded in pushing the 11th Mixed Brigade back into Sake. They continued to engage the FARDC in Sake relentlessly and pushed them a few kilometers outside of town. The dissidents continued their advance onward towards Goma so MONUC soldiers in Sake called in their gunships and they fired "warning shots" at the dissidents. General Nkundabatware's men retreated back into the west side of Sake and 600-800 soldiers took up positions town and on the surrounding hills to establish artillery positions. Major Dalal claimed MONUC was able to keep their presence in the eastern part of Sake.[1038]

At the same time the 11th Mixed Brigade attacked, the 9th Mixed Brigade and FOCA simultaneously attacked General Nkundabatware's strongholds of Nyanzale, Kikuku, Bunagana, and Tongo, which had been under control by General Nkundabatware's soldiers for months and was were his soldiers had been gathering recently. The attack was designed to stretch General Nkundabatware's forces thin because he was being attacked from six positions

[1038] "UN Says Engages Rebels as Army Flees Congo Town," David Lewis. Reuters. 26 November, 2006; "Congo Rebels Hold Eastern Town, Repel Army—UN," David Lewis. Reuters. 26 November, 2006; Private Correspondance. 2006; "Dissenting Soldiers Partly Occupy the Town of Sake in the East," *Jeune Afrique*. English Translation. 26 November, 2006.

at once and also to begin boxing him in to cut off his escape route to Rwanda. The FARDC successfully took back the lower part of Tongo, but the rest of the attacks were not very successful. The dissidents were able to hold positions on the mountains overlooking Tongo and the Supercell tower in Mulingi to the north.

Roughly 2,500 people fled the area to Rubare and Kalengera.[1039] The MSF-France team in Nyanzale was forced to flee from the fighting. Colonel Mayanga claimed his 9th Mixed Brigade had captured several localities in western Rutshuru Territory from General Nkundabatware's men, but he was not telling the truth.[1040]

By afternoon the fighting ceased. General Amisi arrived from Kinshasa and met with civilian and military MONUC officials in Goma to discuss the situation. They began formulating a diplomatic solution. A temporary ceasefire was brokered and MONUC allowed the dissidents to hold their positions in western Sake. General Amisi was furious at MONUC's decision to allow them to stay in Sake and he decided to stay in Goma and personally take command of FARDC operations.[1041]

MONUC and the defeated 11th Mixed Brigade set up defensive positions in Mubambiro and Kasengezi (both between Sake and Goma). Colonel Rugayi's 14th Mixed Brigade guarded the Goma's outskirts and MONUC was stationed inside the city. After all the soldiers settled into position, General Nkundabatware began negotiations with Kinshasa officials. Unofficial counts put the FARDC death toll at 26 and 100 others wounded.[1042]

[1039] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 27 November, 2006.
[1040] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 28 November, 2006.
[1041] "The War of North Kivu: Between Falcons and Doves?," Onesphore Sematumba. Pole Institute. English Translation. 18 December, 2006.
[1042] Private Correspondence. 2006.

The city of Goma erupted on the night of the 26th. The current situation reminded them of the standoff at Kavumu over two years prior. Many of the Congolese were worried MONUC would just let General Nkundabatware walk past them and take Goma like they had allowed him to take Bukavu. Townspeople in Ndosho were furious MONUC was not disarming the dissidents, but spokesman Jacqueline Chenard stressed they could not because the 81st and 83rd Brigades were technically FARDC brigades. In addition, the Congolese from Sake were angry the dissidents and the Mixed Brigades were allowed to loot the town during their respective occupations.[1043] The main hospital and three clinics were plundered and all the medication was gone.[1044]

The townspeople vented their frustrations at MONUC's surrender of Sake. U.N. vehicles were stoned as they drove around town on patrol. A giant pyre was created in the middle of the road at one of the universities. In other areas of town, angry mobs physically prevented U.N. vehicles from passing by.[1045]

Early Monday morning, a few battalions of the 14th Mixed Brigade launched a counter-attack on Kimoka and on the road to Masisi town in an attempt to infiltrate Kiloliwe and Kitchanga again and gain control of General Nkundabatware's base of operations. FARDC reinforcements from South Kivu were scheduled to arrive and attack the dissidents along the axis of Mushaki.[1046] The FARDC was able to control Kimoka, but was unable to advance further. Later, the 116th Non-Mixed Battalion (commanded by Colonel Jonas Padiri) from the 10th Military Region arrived from Minova and took up positions in Kimoka. A separate group

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[1043] "*Sake Pillé de Fond en Comble*," Taylor Toeka Kakala. *Le Phare*. English Translation. 30 November, 2006.
[1044] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 30 November, 2006.
[1045] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 27 November 2006.; "DRC: Sake Sneezes, Goma Catches Cold," Onesphore Sematumba. Pole Institute. English Translation. 27 November, 2006.
[1046] "North-Kivu: Sake Taken Again by the FARDC," Radio Okapi. English Translation. 27 November, 2006. http://www.radiookapi.net/article.php?id=6081.

from the 116th Battalion secured the road stretching from Sake to Minova. FARDC battalions intercepted the 83rd Brigade moving south toward Kirotshe and attacked. In addition, FOCA attacked the 83rd Brigade in Kikuku and seized a cache of their ammunition.[1047]

At about 05:30, the 81st and 83rd Brigade positioned in and around Sake attacked Mubambiro and Kasengezi. The 11th Mixed Brigade quickly abandoned their positions and fled back to Goma, leaving MONUC alone to defend the road to Goma. After nearly an hour of fighting with MONUC, the dissidents began pushing forward towards Goma after driving MONUC back a short distance. MONUC brought in their attack helicopters and fired on the advancing dissidents near Sake and in Kasengezi.

The attack was very intense and MONUC helicopters fired over 50 rockets.[1048] They indescriminantly fired into Kasengezi and the outlying areas of Sake, endangering anyone who fled into the bush.[1049] The dissidents were quickly forced to retreat and the Indian infantry soldiers with armored vehicles persued them through Sake and continued the attack, forcing them out of town and west beyond Kimoka. During the fighting, a motorcyclist trying to escape from Mubambiro was killed.[1050] At least 150 dissident soldiers were reportedly killed during the battle prompting some dissidents to surrender and report to the mixing center at Rumangabo.[1051]

Major Faustin Muhima of the 83rd Brigade contacted MONUC by satellite phone and said he wanted to negotiate a cease-fire, but MONUC demanded his soldiers withdraw to their

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[1047] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 28 November, 2006.
[1048] "UN Forces Stall Rebel Advance on East Congo City," David Lewis. Reuters. 27 November, 2006.
[1049] Private Correspondance. 2006.
[1050] "*Rapport Sur l'Etat des Lieux de la Situation Liee aux Recents Affrontements de Sake Nord-Kivu*." Civil Society of North Kivu. English Translation. 28 November, 2006.
[1051] "Over 150 Rebels Killed in Recent Congo Fighting," David Lewis. Reuters. 5 December, 2006.

barracks first before any talks would be held.[1052] General Nkundabatware claimed MONUC instigated the combat and denied his men were advancing on Goma. "We've told our soldiers to pull back… we want to reorganize and try to work out what is happening."[1053]

By mid-day Sake was quiet and a government delegation led by Minister of the Interior General Denis Kalume Numbi (formerly the Deputy Defense Minister and Minister for Planning and Reconstruction), and Haile Menkerios (MONUC's Deputy Special Representative of the Secretary-General) traveled to Goma to prepare for talks with General Nkundabatware and to determine the humanitarian needs of displaced Congolese. Colonel Muhundo was removed from command of the 11th Mixed Brigade for retreating from Sake and replaced with Colonel Ramazani (Rama). Colonel Muhundo apparently issued an order to stop all military operations against General Nkundabatware.[1054] After the switch, the 11th Mixed Brigade was redeployed to Sake.

The humanitarian agencies were unable to get access to Sake, Minova, and the Ndosho and Keshero Districts in western Goma. Humanitarian workers staying at MONUC compound in Kitchanga decided to leave because of concerns the compound would be targeted by the 83rd Brigade. They hurried north to Mwesso for the time being until a cease-fire was in effect so they could safely pass to Goma.

The situation in Goma continued to deteriorate. The conflict prevented commercial traffic to Masisi and Rutshuru town and the food supplies in Goma's markets were running very low. As a result, inflation was running wild. Goma's inhabitants, fearing an offensive in the city, closed down their shops and took cover. Some fled to Mugunga. Schools were closed

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[1052] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 27 November, 2006.
[1053] "UN Forces Stall Rebel Advance on East Congo City," David Lewis. Reuters. 27 November, 2006.
[1054] "Discussing with North Kivu Deputies: Lt-General Kisempia is Known to Put an End to the Pride of Nkunda," Stephan Salikoko. *L'Avenir*. English Translation. 4 December, 2006.

and the markets were barren. Masisi Territory did not fare much better. The health center in Bihambwe was pillaged and the hospital in Masisi town was looted of all its medicine.

During the afternoon, soldiers from Colonel Rugayi's 14th Mixed Brigade were transported to Sake in trucks. General Amisi called up more FARDC reinforcements from South Kivu. Help arrived in the form of a battalion based in Mukwija. Then, the night of 27 November, Mount Nyamulagira erupted, causing great fear in Goma, which was still recovering from the eruption of Mount Nyirangongo in 2002. The eruption put an end to the fighting overnight though gratefully Goma was not in danger from the lava flows.

Sake was quiet when the sun rose the next day and the 11th and 14th Mixed Brigades were patrolling Sake and the surrounding hills. CIAT called for an immediate cease-fire and a withdrawal of the 81st and 83rd Brigades to their respective barracks. CIAT also encouraged them to join the mixing process by the end of the year.

In Goma, General Amisi, Governor Serufuli, Minister Kalume, Haile Menkerios, and Vice Minister of Defense Augustin Barahani held two private meetings at the Hotel *Ihusi de Goma* to discuss the terms of a potential peace deal to offer General Nkundabatware.[1055] During one of the meetings, it was decided the *Baraza ya Wazee* would intermediate between them and General Nkundabatware. With the guidance of MONUC military officials, the group drafted a formal ceasefire agreement that included several requirements: to stop all fighting in Sake; to allow the creation of a demilitarized zone in Sake; to allow MONUC to oversee the zone; allow free movement of civilians and humanitarian organizations; let all displaced civilians from Sake return home without harassment; to draw up a list of objections or

[1055] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 28 November, 2006.

revisions to the proposal, one list from the CNDP and another from the 81st and 83rd Brigades. They also requested a meeting between all involved parties on 10th December for a follow-up.

Around 09:00 in the morning, the 81st and 83rd Brigades attacked the FARDC positions on the hills near Sake from the north. After fighting most of the day, the FARDC was able to regain several high ground positions around Sake including the Celltel tower, but the dissidents took back Kimoka from the 116th Battalion. The 116th Battalion responded by attacking the 81st Brigade in Ngungu. MONUC reinforced the FARDC near Sake and fired on the dissidents whenever they made a move to take high ground, particularly . Nine government soldiers and one civilian were confirmed dead since Sunday.[1056]

Even though the fighting was ongoing only two kilometers from Sake, a diplomatic delegation including Mr. Menkerios, Minister Kalume, the new Defense Minister Tharcisse Abarugira, General Amisi, General Behl (Commander of MONUC's North Kivu Brigade), and officials from OCHA and UNICEF traveled to Sake at noon to determine if it was safe for displaced civilians to come home. The situation was dire for the displaced Congolese from Sake because many of them were unable to bring any food with them when they escaped and OCHA felt the situation was too insecure to begin food distribution and the war had caused rampant inflation so very few people could afford to buy food anymore. Sake was still almost completely empty.[1057] It was also an opportunity to investigate claims the 11th Mixed Brigade was preventing displaced villagers from returning to Sake so they could continue to loot the town. The claims were later verified by FARDC and humanitarian workers from Goma.[1058]

[1056] "DRC: Sporadic Fighting Continues Near Sake," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 29 November, 2006.

[1057] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 28 November, 2006.

[1058] "*Sake Pillé de Fond en Comble*," Taylor Toeka Kakala. *Le Phare*. English Translation. 30 November, 2006.

Everything was calm on the morning of 29 November. The 14th and 11th Mixed Brigade continued patrolling Sake with MONUC. MONUC brought in several armored vehicles for added support. The FARDC continued reconnaissance missions in the hills between Sake and Kimoka. 151 bodies were found in the hills, which MONUC and the FARDC claimed were dissident soldiers.[1059] The 81st and 83rd Brigades were still holding their positions in Kimoka. Tongo remained in a standoff. Some people tentatively started to return home to Sake.

UNICEF, OCHA, UNHCR, and the WFP headed south from Goma to establish humanitarian needs. They visited Kirotshe, Shasha, Bweremana and Minova. The FARDC had set up roadblocks and ambush positions along the road so the humanitarian convoy was able to travel in safety. The four health centers along the road were functioning, but were low on some supplies. 830 families were in Minova at the time.[1060]

MONUC and the FARDC also set up roadblocks between Sake and Mugunga. MONUC and the CNP manned a checkpoint in Mubambiro to search vehicles for weapons. 800 families were displaced to Mugungu, while roughly 1,100 familes were displaced by the fighting in Rutshuru Territory to Kalengera, Rubare, and Rutshuru town.[1061]

Minister Kalume publicly disagreed with the ceasefire proposal and wanted a military solution. It was possible this was a ploy so the public would not get upset if the Congolese Government was considering amnesty in exchange for a ceasefire. He announced the government would not negotiate with General Nkundabatware and all soldiers under his command would no longer receive payment or rations for being part of the FARDC. Minister

[1059] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 29 November, 2006.
[1060] Ibid.
[1061] Ibid.

Kalume demanded three things, "One, to cease with hostilities. Two, to fold up these men. Three, to put them at the dispense of the government for mixing."[1062] Defense Minister Habarugira wanted to open talks so he sent the *Baraza ya Wazee* (led by Alphonse Kubuya) to deliver the terms of the ceasefire to the General but elements of the FARDC in Sake and some of the local residents prevented the convoy from traveling to Kimoka because they did not want anyone to engage in dialog with General Nkundabatware.[1063] The fact one of the *Baraza* members was a Tutsi did not fare well with the locals in Sake.

On Thursday, 30th November, after a brief visit with Jean-Pierre Bemba, newly anointed President Joseph Kabila made an unannounced visit to Goma. He was accompanied on his trip by PPRD Secretary General Vital Kamerhe and Mr. Chishombo, a political advisor. He was greeted at the airport by Governor Serufuli, General Amisi, and General Ngizo. The *Garde Républicaine* was deployed in Goma and Sake for his protection.

U.N. officials claimed President Kablia was bringing a reconciliatory and calming message, not a military solution. Said one Congolese official, "He [Kabila] wants to ensure that people understand he wants to work with everyone, including the Tutsis."[1064] President Kabila spoke to General Nkundabatware by phone and his security sources said he was considering an offer of amnesty for General Nkundabatware if he would take his men in for mixing.[1065]

The situation in Sake and Tongo remained the same. People were returning to Sake, but some of them, particularly women (for fear of rape) would not spend the night in town

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[1062] "General Kalume, Minister of the Interior Excludes Any Negotiation with Laurent Nkunda," Radio Okapi. English Translation. 29 November, 2006. http://www.radiookapi.net/article.php?id=6095.
[1063] "North-Kivu: Members of the Baraza Prevented From Meeting Laurent Nkunda," Radio Okapi. English Translation. 29 November, 2006. http://www.radiookapi.net/article.php?id=6098.
[1064] "Congo's Kabila Seeks Reconciliation in Violent East," David Lewis. Reuters. 1 December, 2006.
[1065] Ibid.

because of the FARDC presence. The hospitals in Kirotshe and Shasha reopened and residents began returning to Shasha. The humanitarian situation was still very poor in both towns and supplies were extremely limited or nonexistent.

General Nkundabatware was making a push towards Bwito Grouping while FARDC forces were trying to encircle him. There were reports the FARDC already controlled Kikuku and General Nkundabatware's hometown Mutanda.[1066] The 116th Battalion was battling the 81st Brigade for Ngungu. The 83rd Brigade was attacked south of Kikuku by the 2nd Mixed Brigade from Kanyabayonga and Kayna, and attackers wearing civilian cloths, presumed to be FOCA.

On 1st December, President J. Kabila visited the locals and FARDC soldiers in Goma to lend moral support. Secretary General Kamerhe stated General Nkundabatware should be destroyed completely, implying no peace deal was being sought and a military solution was considered the only viable solution to deal with the dissidents.[1067] Once finished in Goma, President Kabila's entourage traveled to Sake. While there, he listened to the people, who implored him to arrest General Nkundabatware. President Kabila promised them he would ensure their safety, bring relief aid, and end the "Nkunda phenomenon" once and for all.[1068] Vital Kamerhe said there would be no negotiations with General Nkundabaware (despite the phone call).[1069] Before heading back to Goma, President Kabila also visited with local officals and chiefs.

[1066] "Localities of Kikuku and Mutanda (North-Kivu) in the Hands of the FARDC," *Jeune Afrique*. English Translation. 30 November, 2006.
[1067] "North-Kivu: L. Nkunda Must be Completely Destroyed According to Kamerhe," Radio Okapi. English Translation. 1 December, 2006. http://www.radiookapi.net/article.php?id=6118.
[1068] "Joseph Kabila Went to Sake This Friday," Radio Okapi. English Translation. 1 December, 2006. http://www.radiookapi.net/article.php?id=6121.
[1069] "War in the East: Kabila Appears Categorical: 'No Negotiation with Nkunda," DigitalCongo 3.0. 2 December, 2006. http://www.digitalcongo.net/article/39250.

After returning to Goma, he met with the *Baraza ya Wazee* and asked them to tell General Nkundabatware to send his men to the Rumangabo processing center and enter the mixing process immediately. The *Baraza* again attempted to travel past Sake to Kiloliwe. This time they successfully spoke with General Nkundabatware's military officers and then returned to Goma to relay the General's reply to President Kabila.[1070] The following day, 2nd December, President Kabila left for a brief trip to Bukavu before returning to Kinshasa for his presidential inauguration ceremony.

Elsewhere in North Kivu, the FARDC was able to make inroads on the dissidents. The 11th and 14th Mixed Brigades still controlled the road west from Goma up to Kimoka, where the dissidents pulled out. The 116th Battalion won the battle for Ngungu and the 81st Brigade evacuated from town. The 116th now controlled the area from Bweremana to Ngungu. Unfortunately, the FARDC then proceeded to steal roughly 400 goats from town since the villagers were gone.[1071]

The NGO staff stranded in Mwesso was finally extracted by a MONUC helicopter to safety in Goma. The WFP was able to deliver some essential supplies to Sake, Mugunga, Minova, and Rutshuru town, though the FARDC and CNP impounded one of their trucks in Rubare because it was suspected of transferring arms to General Nkundabatware.[1072]

The situation in Sake was still dire. Dead bodies (*sans* looted clothing) still littered the streets. One of the local chiefs claimed only 10% of the population had returned. Those who did return rarely ventured out at night because they feared the FARDC. 90% of the homes in

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[1070] "The War of North Kivu: Between Falcons and Doves?," Onesphore Sematumba. Pole Institute. English Translation. 18 December, 2006.

[1071] "Goma: Blaze of the Prices Due to the Military Situation in Masisi," Radio Okapi. 13 December, 2006. http://www.radiookapi.net/article.php?id=6227.

[1072] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 1 December, 2006.

Sake had been robbed by the mixed brigades and roving bands of lawless opportunistic civilians. Some empty houses were even taken over and occupied by government soldiers. In addition, there was no working water in town.[1073]

A group of displaced people were stopped in Kingi by General Nkundabatware's men and forbidden to pass on towards Sake. Dysentary broke out among the travelers, particularly the children. The raining ash from the volcanic eruption was making them sick as well. One traveler reported the government-loyal soldiers were also leery of letting the group move eastward because they were suspicious of dissidents hiding among them.[1074]

Interestingly, while President Kabila was in North Kivu, the RCD-G held a meeting at the Founder's College and President Azarias Ruberwa congratulated Joseph Kabila on his victory in the polls. He expressed the RCD-G's wish to join the Congolese Government, but only Prime Minister Antoine Gizenga would hold open dialogs with them. Mr. Ruberwa did not pledge to join the AMP. He did denounce General Nkundabatware's latest attacks, but the RCD-G advocated finding a political solution to the problem, not a military one.

The Congolese were wary of the RCD-G's announcement. The RCD-G's decision to promote a political solution by siding with MONUC and CIAT's recommendations created a wedge in government policy between them and the AMP, which could be used to create instability. Some people felt it was a play for Mr. Ruberwa to keep some political power. Others thought the suggestion to negotiate with General Nkundabatware instead of using military force was a ploy to buy the General more time. The RCD-G, while significantly weakened with less than 10 % of the provincial seats, still held 6% of the seats in 10 of

[1073] Ibid.
[1074] "Goma: Bloody Diarrhea Presents Near a Hundred Travellers in Kingi," Radio Okapi. English Translation. 2 December, 2006. http://www.radiookapi.net/article.php?id=6127.

Congo's 11 provinces.[1075] The RCD-G has 16 seats in the National Assembly and only 45 seats in the Provincial Assembly.[1076] The question remains, is Mr. Ruberwa serious about reconciliation, or are his tactics a method to divide the AMP and buy time for the General while trying to build up some political influence for himself? Whose side is he on?

For example, Mr. Ruberwa chaired a conference in early December to help OCHA allocated its Congolese funds and help draft their humanitarian aid plan for 2007. He asked the U.N. to focus on repatriation of IDPs in the Congo. His sudden moves to work with the U.N. and other NGOs is very similar to the type of work former Defense Minister Onusumba engaged in after President J. Kabila replaced him. Was this move an attempt to gain political stock? Why only now did he choose to work so closely with the U.N.?

On 2nd December, the 2nd Mixed Brigade seized control of the area northwest of Kikuku from the 83rd Brigade. Masisi town was reoccupied by the 81st Brigade, though the Deputy Administrator of Masisi Territory said the situation was "good" despite a complete absence of PNC.[1077] It seemed to be wishful thinking.

The situation in Sake remained very difficult. The 11th Mixed Brigade looted the market, so economic activites screeched to a halt. Most of the crop fields were picked clean by hungry soldiers and only the coffee plantation was left untouched.[1078] As a result, there were no food stocks in town. The residents pleaded with President Kabila to move the FARDC into the hills away from the town to ease tensions.[1079] The 14th Mixed Brigade was paid their monthly salary to try and reduce their participation in the looting, but Sake's woes continued.

[1075] "Provincial: Confirmed Tendancies," *La Libre Belgique*. English Translation. 30 November, 2006.
[1076] "Ruberwa Joined Kabila," Fidèle Musangu. *Le Phare*. English Translation. 4 December, 2006.
[1077] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 2 December, 2006.
[1078] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. English Translation. 9 January, 2007.
[1079] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 2 December, 2006.

83rd Brigade soldiers in Kimoka deliberately destroyed the water pipe to Sake, stripping the residents of their only clean water source.

The next day, the 9th Mixed Brigade launched an offensive in Rutshuru Territory and took back Nyanzale from the dissidents. They also secured the road leading north to Rwindi-Kibirizi-Kashilira. MONUC immediately began patrolling the area. The dissidents did not launch an immediate counter-attack.

On 4th December, the tide turned against General Nkundabatware again. Colonel Bernard Byamungu, the CNDP's Military Advisor and Spokesman, and Major Dieudonné Kabika, the Secretary-General of the CNDP, arranged to turn themselves in to MONUC's Indian Brigade and disarm. They brought 11 other soldiers, including Major Kapayi, in from the bush with them.[1080] All of them were transferred to Goma after processing and handed over to FARDC officials. The U.N. stated 62 dissidents (predominantly from the 83rd Brigade), including eight officers, also surrendered to military authorities.[1081]

The Indian Brigade spokesman said they surrendered "without any conditions."[1082] The U.N. also claimed Colonel Byamungu and Major Kabika had been negotiating their surrender for a few days.[1083] It is also possible their surrender was a stipulated show of goodwill from General Nkundabatware that was a part of the cease-fire agreement President Kabila offered. Regardless, General Nkundabatware saw the odds turn against him and he decided to head east towards the Mikeno sector of Virunga National Park and make a break for

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[1080] "North-Kivu: Two Faithful to Nkunda Go to MONUC," Radio Okapi. English Translation. 4 December, 2006. http://www.radiookapi.net/article.php?id=6151.
[1081] "DRC: More Militiamen, Dissident Soldiers Surrender – MONUC," Office for the Coordination of Humanitarian Affairs. IRIN News. 21 December, 2006.
[1082] "Senior Renegade Army Officers in DR Congo Surrender," *Agence France Pressé*. 5 December 2006.
[1083] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 4 December, 2006.

Rwanda. He was being encircled in Rushuru Territory by the FARDC and FOCA. His men needed to quickly swing around southeast to the border on order to avoid the trap.

General Kisempia arrived in Goma from Kinshasa and met with provincial parliament members. He discussed military strategy with them and expressed his support for a military solution towards General Nkundabatware. He also supervised a major change in command. Colonel Mayonga of the 9th Mixed Brigade was replaced with Colonel Smith Gihanga (formerly of the 81st Brigade), which alarmed many people. Officially, the switch was not done to punish Colonel Mayonga, but to organize the FARDC better, though some analysts wondered if the switch was a term of a deal cut with General Nkundabatware for a ceasefire. Colonel Mayonga was recalled to Kinshasa for consultations for an unspecified period of time.

At the same time as the command change, the FARDC attempted to take one of the last remaining dissident stronghold and attacked the 83rd Brigade in Tongo. Elsewhere, the 11th Mixed Brigade that fled the fighting in Sake was moved to South Kivu while the 1st Mixed Brigade and the 116th Battalion from the 10th Military Region were going to be deployed long-term in North Kivu. Meanwhile, the FARDC was moved out of Sake into the surrounding hills to try and quell the looting, rapes, and robberies by the government-loyal forces. The 9th Mixed Brigade was patrolling the Rwandan border posts at Muja, Rusayo, and Kibumba to prevent reinforcements and arms from entering North Kivu. FARDC reinforcements were also sent to fortify Nyanzale. The 2nd Mixed Brigade continued patrolling Kikuku, Mirangi, and the roads leading to Kayna and Kanyabayonga.

On the morning of Tuesday, 5th December, General Nkundabatware made his move for Rwanda. Elements of the 83rd Brigade charged out of Virunga National Forest and attacked the 9th Mixed Brigade in Runyoni and Jomba, both frontier stations near the Ugandan border

and Volcanoes National Park across the Rwandan border. The FARDC retreated in defeat and the 83rd Brigade persued them into Bunagana. Despite fierce attacks by the 83rd Brigade, the 9th Mixed Brigade was able to hold its ground after reinforcements arrived and at noon, the fighting stopped. Periodically during the afternoon, a small group of dissidents engaged FARDC positions from the hills overlooking Bunagana.

The bulk of the 83rd Brigade withdrew to Runyoni, Jomba, and Chengero after they finished looting part of Bunagana during their retreat. In Jomba, they robbed ICCN patrol post and the Gorilla tourist site. They took radios, weapons, binoculars, park ranger uniforms, and compasses. Two park rangers were abducted, but they managed to escape the next day. The rest of the ICCN park rangers and their families fled their workstations for Uganda while other fled to Rumangabo in FARDC-controlled territory. *Bugusa de Jomba*, the only health center in the area, was completely destroyed and looted of medicine and its mattresses. The windows and doors were ripped down and smashed.

While the dissidents were looting, 150-300 UPDF soldiers (or soldiers who were dressed to look like UPDF soldiers) crossed the border with fresh ammunition for the dissidents. If the reinforcements were indeed the UPDF, it signaled a renewed partnership with Rwanda that has been absent since the battles in Kisangani during the 2nd Congo War.[1084] The

[1084] "The Democratic Republic of the Congo: Elections and Beyond." Meike de Goede. Institute for Security Studies. 6 December, 2006. pg. 4.

Note: The casual observer may be surprised by this alliance, but it has been in the works over the last several months. Both countries still likely harbor some sore feelings towards each other, but they have to work together out of necessity, especially if the FARDC gets organized under the new Congolese Government. Both countries have objectives in the Congo. Uganda wants to continue smuggling gold and timber in addition to keeping lines open to Peter Karim and the FNI, who were military partners with the UPDF in 2003. With the FAPC gone and the MRC beginning to demobilize, the FNI takes on an even greater importance to them. Rwanda's goals in the Congo have been explained in the body of this book but it is likely they also seek to convince Uganda to alter their current relationship with the FDLR/FOCA. Rwanda also needed Uganda's recommendation to enter the East African Community (EAC) to expand their economic opportunities.

The first public hints of a renewed alliance came in July 2006, when UPDF Chief of Defense Forces General Aronda Nyakairima and Internal Security Organization Director Dr. Amos Mukumbi visited Kigali. In very early October, President Kagame traveled to meet President Museveni at the 50-year anniversary celebration of Ntare University, which they both attended. During the ceremonies, President Kagame commented, "There is really a very strong connection between us that must be strengthened." ("How Kagame's Visit Conquered Mbarara," Robert Mukombozi. The New Times. 2 October, 2006.)

Just days after President Kagame returned home, General Kabarebe and Rwandan National Security Chief Dr. Emmanuel Ndahiro traveled to meet with General Nyakairima, Dr. Mukumbi, and Deputy Chief of the DMI Ltc. Buturo in Kampala. General Nyakairima stated, "We should interact in various fields like joint training, joint exercises, cultural exchanges, and in sports." ("Rwanda Army Chief Visits," The New Vision. 8 October, 2006.) They agreed to conduct futher talks and it was only days before Rwandan Foreign Minister Murigande, Ambassador Sezibera, Rwandan Ambassador to Uganda Kamali Karegyesa and several State Ministers hosted Ugandan Foreign Minister Samuel Kutesa, several government ministers, and the Ugandan Ambassador to Rwanda Richard Kabonero officials to disscuss security, trade, immigration, and the EAC at a Joint Permanent Commission (JPC) meeting. The Ugandan team also met personally with President Kagame.

In late October, General Kabarebe and General Nyakairima met to discuss military cooperation. They agreed to arrange for a meeting between the head of Rwanda's DMI General Jack Musemakweli and Uganda's Director General of Internal Security Organization Dr. Amos Mukumbi. That meeting occured on November 20th. General Kabarebe, Major Rutaremara, Ltc. Joseph Nzabamwita, Ltc. Augustin Habimana, and General Musemakweli met with General Nyakairima, Ambassador Kabonero, Dr. Mukumbi, Ltc. Buturo, Dr. Angelefo Maku-Iga and Dennis Kamugisha (the latter two are from the External Intelligence Department). They met to discuss joint military training, immigation issues, and intelligence coordination.

In early December, both sides finalized an agreement to hold joint training exercises and share military curriculum and President Museveni has already planned to make an official state visit to Kigali in 2007. Both governments signed an agreement to give each other access to their prisoners being held in each others' country. The military and intelligence deligations are set to meet again on February 20th, 2007.

Uganda also wants to deal with the Lord's Resistance Army (LRA), who has been hiding out in Garamba National Park off and on since late September 2005, when LRA Deputy Commander Vincent Otti took refuge there with part of the army. This group was responsible for the death of eight MONUC Guatemalan "Kabil" Special Forces soldiers in Garamba National Park on 23 January, 2006. ("Guatemalan Blue Helmet Deaths Stir Congo Debate," Reuters. MONUC Press. 31 January, 2006.)

Located south of Meridi and between the villages of Nabanga and Rasolo just north of the Congo-Sudan border, Garamba National Park is best known as the home of the last four Northern White Rhinos in the wild. Despite living in a UNESCO World Heritage Site, unabated poaching (most recently by former SPLA soldiers who smuggle the tusks' ivory into Sudan) has decimated their populations. These four lonely souls wander the southern expanse of the park waiting for the chance to reproduce once every three years. (Muir, Robert. "SOS Garamba." Congo Rangers. Wildlife Direct. 15 August, 2006. http://www.wildlifedirect.org/congo-rangers/?p=22.)

The LRA was formed by its leader Joseph Kony in 1987 from the late Alice "Lakwena" Auma's Holy Spirit Movement. Its members hail predominantly from the Acholi tribe of northern Uganda, including their top commanders. The NRA's removal of Acholi General Tito Okello from power in 1986 marked the beginning of President Museveni's marginalization of the Acholi people and his consolidation of Kaguta family and Ankoli influence in the Ugandan Government. The LRA was originally created to resist these initiatives and to topple the NRM. They also wanted to reassert Acholi control over the Ugandan military.

The movement is based in Gulu, Pader, and Kitgum Districts. A brutal war ensued and the LRA resorted to killing civilians, mutilating people, committing rapes to terrorize the people, abducting women for sexual slavery, and recruiting children to fight. The NRA (renamed the UPDF in 1996) forced people into displacement camps under atrocious conditions. They also committed counterinsurgency operations in the

north just like they had in the Lwero "Bush War" to demonize their enemy (LRA and President Obote's army respectively).

Kony lost the support of many Acholi after his men began mutilating people he suspected of aiding the Ugandan Government in response to the formation of local defense units, called "Arrow Groups." He fled to southern Sudan and was given sanctuary by the Khartoum government in February 1994 because of U.S. and Ugandan support for the SPLA. The group has crossed back-and-forth into Uganda ever since but the Sudanese government eventually withdrew its support for the LRA and allowed the UPDF to persue them in Sudanese territory. Five LRA leaders, Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odiambo, and Dominic Ongwen all have international arrest warrants out from the ICC.

Almost immediately after peace talks with the LRA started in July 2006, UPDF officials claimed the LRA was allied with the PRA, and the Allied Democratic Forces (ADF)/ National Army for the Liberation of Uganda (NALU). The LRA did allude to this alliance in a draft proposal of the peace agreement. ("Kony Forces Join PRA, ADF," The New Vision. 6 October, 2006.) The latter is an anti-Ugandan Government militia supported by Sudan active primarily around Erengeti (near Beni in North Kivu). They often hide in Uganda's Ruwenzori Mountains (originally their primary base of operations in the late 1990s) when they retreat from the Congo.

The ADF/NALU are reportedly comprised of Tabliq Muslim dissidents and a few former commanders for Idi Amin's army. Jamil Mukulu is one of the figureheads. The ADF faught in the 2nd Congo War on L. Kabila's side against the UPDF. MONUC launched successful operations to clear most of them out of Congo in late 2005. Some elements of the ADF have contacted Uganda's Amnesty Commission to negotiate a peaceful return. The Ugandan and Congolese safety services have both agreed to conduct joint operations against any ADF/NALU remaining in the Congo after the new Congolese Government is formed.

Currently, Kony is located in Garamba National Park with a large number of his men. His Deputy Vincent Otti is threatening to return to Northern Uganda after Sudanese President Omar al-Bashir promised to "get rid of the LRA from Sudan." The UPDF says they will attack the LRA if they attempt to cross into Ugandan territory, but Deputy Commander Otti claims the UPDF has been attacking them since the beginning of January 2007, a charge UPDF officals deny. ("Otti Orders LRA Out of Sudan," Charles Akena, Samuel O. Egadu, Grace Matsiko. Daily Monitor. 15 January, 2007.)

If the peace talks fail, President J. Kabila told President Museveni he would issue an ultimatum to the LRA: disarm or face military force. In December 2006, at a summit in Nairobi, President Kabila said at a press conference, "The Government is going to disarm them [the LRA] voluntarily. But if they refuse, we shall be forced to use military force, however expensive it will be." ("Kabila Vows to Disarm LRA," New Vision. 16 December, 2006.) His comments came after signing a non-aggression and mutual defense pact with Ugandan officials. The UPDF proposed joint operations with the FARDC to deal with the LRA.

On 11 February, 2007, FARDC General Bahuma Ambamba, SPLA Colonel Adoor Dent, MONUC's General Duma Mdutyana, and UPDF 2nd Division General Hudson Mukasa met at the Margherita Hotel in Kasese and agreed to set up liason offices in Bunia, Aba, Arua, and Kisoro to share intelligence and track the LRA, ADF, MRC, FNI, and other militias in transit between their respective countries. ("Uganda, DRC, Sudan Agree to Fight Rebels," John Thawite. New Vision. 11 February, 2007.) In the meantime, Kony has applied for asylum in the Central African Republic and has invited South African Archbishop Desmond Tutu to act as a mediator in the peace talks in lieu of South Sudan's (New Sudan) Vice President Riek Machar.

The UPDF has used ADF/NALU's presence in a manner nearly identical to the way the RDF used the FDLR. They are often cited as a reason to justify the presence of UPDF soldiers around Aru and Ariwara, when instead the soldiers are only exerting control over the timber and gold customs routes out of Ituri and perhaps to arm the FNI and MRC. That is not to say ADF/NALU was not a legitimate threat in the past, but MONUC was able to severely neutralize them and reports of their activites against civilians in both Uganda and Congo are increasingly rare. The Ugandan Government even offered them an amnesty deal in 2005.

soldiers then withdrew from Jomba back into Virunga National Forest and the 83rd Brigade also pulled out of Chengero.

MONUC, additional FARDC reinforcements, and Rutshuru Territory Administrator Domenica Bofondo Lokefo arrived in Bunagana early in the afternoon to survey the damage. Bunagana was completely deserted by its residents. Corpses were visible in the fields from Runyoni to Bunagana but there was no official count of the dead or wounded. The U.N. and other humanitarian organizations refused to venture into the area for the time being because there was no telling when the fighting would resume. The 12,000+ refugees (mostly women and children) from Bunagana, Jomba, and Chengero who fled to Kisoro in Uganda had to fend for themselves or seek help from humanitarian organizations in Uganda.

On Wednesday morning about 02:00, the 83rd Brigade and the UPDF attacked the FARDC again.[1085] The dissidents also attacked Bishusha, which lies on the main road to Bunagana and the Ugandan border. They began by shelling Bunagana and the FARDC responded likewise. An errant shell landed in the road amongst a group of refugees, killing seven people and maiming 20.[1086] The 83rd Brigade was able to penetrate Bunagana and succeded in pushing the FARDC out after fierce fighting occurred around the mud huts in

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In late April 2006, the UPDF and FARDC engaged in a firefight near the Aba border post. The last report of UPDF troops in Congo occurred over (roughly) the first three weeks of November 2006. MONUC, NGOs, and Ituri's FARDC commander General Mayala confirmed the UPDF was seen in Nderi, Zéou Mountain, near Boga, Jalasinga, and Kasenyi. Ituri District Administrator Petronille Vaweka reported an FARDC raid in Borachi revealed a gathering of "Ugandans," rogue FARDC soldiers, and MRC members. The MRC, with longstanding ties to Uganda, may have been receiving arms from the UPDF at the time. Weapons were recovered at the site. The Ugandans reportedly left Congo after the battle, which claimed two lives. ("The Infiltration of Ugandan Soldiers in Ituri Confirmed," Radio Okapi. English Translation. 15 November, 2006. http://www.radiookapi.net/article.php?id=5960; "DRC: Ugandan 'Infiltrators' Left Ituri, Official Says," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 17 November, 2006.)

[1085] "The Democratic Republic of the Congo: Elections and Beyond." Meike de Goede. Institute for Security Studies. 6 December, 2006. pg. 4..

[1086] "Seven Congolese Refugees Killed by Stray Rocket," Tim Cocks. Reuters. 7 December, 2006.

town. This new bout of fighting came right on the heels of President Kagame's outright denial Rwanda was aiding him during an interview in Great Britain earlier the same day.[1087]

Some members of the 9th Mixed Brigade deserted their posts and fled across the Ugandan border and turned their weapons in to Ugandan Police Chief David Maereka.[1088] Since the town was now empty, the dissidents openly looted several homes. They also cut open the water pipes to divert water for their own needs. This action forced MONUC and local NGOs to truck in portable water to the IDPs.

MONUC patrols reinforced the FARDC in Bunagana. With MONUC's help, the FARDC was able to push the 83rd Brigade and their reinforcements out of Bunagana and go on the offensive. The FARDC moved to occupy Jomba and MONUC began patrolling near Jomba and Chengero. By 14:00, the worst of the fighting was over but the 83rd Brigade still held Runyoni.[1089] MONUC military helicopters circled the area, but the helicopters scared the refugees who were afraid MONUC might open fire indiscriminantly. Colonel Smith reported to Bunagana to assume command of the 91st Battalion, who was holding the town. He came with explicit orders not to allow any looting.

UNHCR officials in Uganda traveled to Kisoro and began registering the Congolese refugees. Some of them were still stuck in Bunagana and Nyahabanda because the UPDF was screening each of them to ensure none of the General's soldiers were trying to escape dressed as civilians. There was still not enough supplies in Kisoro to accommodate all of the people.

During the morning, while MONUC and the FARDC were busy near the border, the 81st Brigade attacked the 116th Battalion and recaptured Ngungu. Without available

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[1087] Sackur, Stephen. "Interview With Paul Kagame." HARDtalk. BBC News. 7 December, 2006.
[1088] "Engagements in the East of the DRC Move 10,000 Congolese Towards Uganda," African Press Agency. English Translation. 7 December, 2006.
[1089] "Kivu: More Fighting at the Border With Uganda & Rwanda," MISNA. 6 December, 2006.

reinforcements, the 116th retreated to the surrounding hills. The 9th Mixed Brigade launched their own offensive and took sections of Mulingi from the entrenched dissidents, but they were unable to flush them out of the Celltell tower.

On 7th December, refugees began to slowly trickle back to Bunagana and Jomba now that MONUC and the FARDC had secured the towns, but they were prepared to flee again at any time. Others opted to go to Rumangabo. The ICCN's Chief Warden of the Mikengo section of Virunga National Park was able to bring the families of the park rangers back from Uganda, but the FARDC was occupying the patrol posts where they usually stayed in so they all had to go to Rumangabo with the rest of the IDPs. Meanwhile, in Uganda, Congolese officials visited the refugees in Kisoro and encouraged them to return home.

On 8th December, the aid President J. Kabila promised the citizens of Sake arrived. President Kabila donated $50,000 dollars (U.S.) to an ad hoc committee charged with managing and distributing the sum. First, the committee purchased and distributed blankets and mattresses.[1090] Everyone also received an aluminum roof and a can of vegetable oil. The gifts were virtually worthless to many people because they had lost everything else to looting or damage caused by the battles. In addition, FARDC soldiers were still forcibly occupying homes in the Birere neighborhoods of town. What good is a roof if there is no house to put it on or a soldier has laid claim to it? What good is vegetable oil if there is nowhere and nothing to cook with it?

The committee wisely restocked Sake's looted health centers, which helped immediately because cholera was beginning to spread in town.[1091] However, the money would

[1090] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 8 December, 2006.

[1091] "North-Kivu: Difficult Humanitarian Situation in Sake," Radio Okapi. English Translation. 8 December, 2006. http://www.radiookapi.net/article.php?id=6187.

only provide treatment for a few days at most. A lasting ceasefire was the only thing that would bring ample medical aid and supplies.

Meanwhile, the FARDC launched a counter-attack on ~150 dissident soldiers holed up in and around Runyoni during the morning of December 8th. Mortars began to fly and civilians fled to Nkamira and Gitovu. A battalion from the 9th Mixed Brigade (coming from Bunagana) along with two reinforcement battalions from Natamenga and one from Matebe (including the 111th) from the 11th Mixed Brigade attacked the 81st and 83rd Brigade in Runyoni but by late afternoon, after taking four casualties, the FARDC was still unable to control all of Runyoni.[1092]

The FARDC captured some of the territory surrounding Runyoni earlier in the morning, but managed to lose half of it back to the dissidents. Intermittent fighting continued throughout the afternoon, but the majority of the FARDC retreated back to Bunagana. Colonel Kayimbi confirmed five fatalities for the FARDC.[1093] During the lull in the fighting, MONUC's Eastern Division Force Commander General Patrick Cammaert visited North Kivu and did a flyover around Bunagana.

The 81st Brigade remained in control of Ngungu. Several battalions of the 9th Mixed Brigade were positioned in Nyanzale while the 2nd Mixed Brigade was patrolling Kikuku. In Rutshuru Territory, the battalions of the 9th Mixed Brigades not participating in the offensive were stationed in the lower part of Tongo. The 83rd Brigade still held possession of the Celtel tower in nearby Mulingi.

[1092] "North-Kivu: The Engagements Lowered Intensity This Afternoon in Runyoni," Radio Okapi. English Translation. 8 December, 2006. http://www.radiookapi.net/article.php?id=6191; United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 8 December 2006.

[1093] "North-Kivu (DRC): New Combat in the South of Sake After 12 Days of Lull," *Le Monde*. English Translation. 9 December, 2006.

At 05:30 the next day, the FARDC launched an attack on the dissident strongholds near Sake again. The 14th Mixed Brigade launched operations in the hills near Mushaki, Kimoka, and Karuba. MONUC was not informed of FARDC plans to attack beforehand.[1094] The exhausted Congolese of Sake took flight again, this time east to Mubambiro where MONUC's Indian Brigade was positioned. A few went south to Kirotshe. Yet another column continued on to either Goma's suburbs or Mugunga.

The battle did not last long and by 11:00 the FARDC retreated and the dissidents were able to secure the upper reaches of the hills for themselves. Four FARDC troops died and 21 were wounded[1095] while Colonel Kayimbi claimed 44 dissidents were killed in battle.[1096] Following the failed attack, Colonel Kahimbi denied the FARDC initiated the attack and claimed General Nkundabatware's soldiers based in Mushaki attacked an FARDC patrol first.[1097]

Out east in Rutshuru Territory, the dissidents deployed on two hills near Runyoni, but did not attack. Nearly 50,000 civilians fled again in fear of another artillary barrage.[1098] Rumors spread General Nkundabatware himself was holed up with his men in Runyoni and he sought access to the Rwandan border to escape.

As the siege wore on, civilians increasingly suffered the consequences. Masisi Territory had a shortage of just about every conceivable product including soap, salt, sugar, powdered milk, vegetable oils, etc. The feeding center in Nyakariba ran out of milk and children began to succumb to malnutrition. Businesses could no longer travel to pay their

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[1094] "Tension Remains Sharp in the East of DRC: Interview of Kemal Saiki." *BBC Afrique*. English Translation. 11 December, 2006.
[1095] "At Least 3 Soldiers Killed in Eastern Congo Clash," Reuters. 9 December, 2006.
[1096] "North-Kivu: Lull in Sake, Mushaki Always Under Control of the Insurrectionists," Radio Okapi. English Translation. 10 December, 2006. http://www.radiookapi.net/article.php?id=6205.
[1097] "North-Kivu (DRC): New Combat in the South of Sake After 12 Days of Lull," *Le Monde*. English Translation. 9 December, 2006.
[1098] "Tens of Thousands Displaced After Congo Clashes-UN," Joe Bavier. Reuters. 14 December, 2006.

workers or replenish supplies. Wood from Masisi Territory could no longer be shipped out. For towns like Goma, where 80% of the houses are made of wood, the results were devastating because it was rainy season at the time.[1099]

Tradesman continued to be harassed by the 81st Brigade near Katale and Kingi. Word spread Colonel Rugayi ordered all traffic to cease travelling to Masisi Territory, but he denied giving the order. As a result, prices on food and supplies nearly tripled. Most of the villagers were so terrified of looting and rapes, they slept outside in the adjacent forests at night.

Much of Masisi Territory was without power because nobody could deliver fuel. As a result, the local hospitals lost power and their refrigerators turned off, spoiling all the vaccines inside. There were no available lights to use in the operating rooms. In addition, due to the inability to deliver supplies (and looting as well), most hospitals were out of drugs. Many of the hospitals were forced to act as havens for IDPs in Masisi Territory and were overcrowded as a result. The threat of disease was very high because of the crowded and unsanitary conditions. To make matters worse, FARDC soldiers stole all the WFP stocks from the hospital in Mwesso.

In some ways, the area around Sake faired even worse. The broken water pipe and limited humanitarian aid left drinking water at a premium. Cholera began to spread in Sake, Goma, Karisimbi, and Kirotshe. OCHA was working frantically to contain the outbreak, but many humanitarian groups did not want to send workers because they feared extortion and murder from the FARDC soldiers. A 14-year-old boy was killed in Kirotshe by a member of the 116th Brigade trying to rob a house.[1100] Even livestock was being stolen.

[1099] "War in Masisi: It is the Population Which Pays," Patient Ndoole Mambo. *Le Phare*. English Translation. 26 December, 2006.

[1100] "Monthly Human Rights Assessment: December 2006," MONUC Human Rights Division. MONUC Press. 11 January, 2007.

Banyarwandan civilians in FARDC-controlled area were also subject to harassment and extra-judicial punishment. Travellers going through the Rubavu and Nyabihu Districts of Goma were harassed by police officers and some had their possessions stolen. An immigration official said many Banyarwandan youth were arrested and held without charge in Goma. The situation was so bad, nearly 400 Banyarwanda in North Kivu moved to the Nkamira transit camp in the Rubavu District.[1101]

After roughly a day-and-a-half of relative quiet, fighting broke out again on the night of Sunday the 10th. About 19:00, a group of about 30 Hutu soldiers from the 81st Brigade in Lushebere were leaving to report to the brassage center. General Nkundabatware told the Tutsi elements of the 81st Brigade not to let this happen. A separate group of soldiers from the 81st Brigade set out from Katale and confronted the deserters in Lushebere. A gunfight broke out and the citizens of Lushebere scattered. Familes fled into the bush and all the local shops and schools closed with haste. Three soldiers, including an officer, were killed by the group from Katale and eight were wounded.[1102]

On 12th December, the 83rd Brigade withdrew from Kimoka and Colonel Rugayi's 14th Mixed Brigade moved in and plundered the village completely. Reinforcements for the 83rd Brigade were called up from Mulimbi. In response to the FARDC's looting and rumors of a pending attack from General Nkundabatware's men some inhabitants of Sake left town for the harvest fields of Luhonga. Meanwhile, 12,000 weary villagers who fled from the fighting in Tongo and Nyanzale were trudging towards Kitchanga and no humanitarian aid was waiting

[1101] "Rwanda: Banyarwanda in Goma Harrassed," Aloys Badege. The New Times. 19 December, 2006.
[1102] "North-Kivu: Shootings Exchanged Between Elements Faithful to L. Nkunda," Radio Okapi. Englsh Translation. 11 December, 2006. http://www.radiookapi.net/article.php?id=6213.; "SA to Help Mediate With Renegade Warlord," Independent Online. 13 December, 2006. http://www.int.iol.co.za/general/news/newsprint.php?art_id=iol1166004350254S341&sf=

for them.[1103] Aid groups were leery of delivering aid in Kitchanga because there was no ceasefire in place. Without one, workers could be caught unexpectedly in a crossfire at anytime because there were no guarantees fighting would not occur.

The mixed brigades in Katwiguru and Kiwanja left to reinforce the area around Sake and FOCA was asked to keep the dissidents out of Katwiguru. FOCA relieved them and immediately began pillaging the people they were supposed to protect. Two civilians were murdered and an unknown number of women were raped.[1104]

FARDC soldiers were also guilty of committing rapes. Reports of rape committed by FARDC soldiers emanated from IDP camps in Kitchanga, Nyamilima, and Katwiguro. Two of the rapists in Katwiguro were attacked by the population.[1105] 10 women in Vukomerwa were victims of sexual violence perpetrated by demobilized soldiers.[1106]

The ongoing war was at a crossroads. Certain individuals in the Congolese Government made it clear earlier they were planning a military solution, but other parties demanded diplomatic means be used to end the standoff. Others, like former vice president Z'ahidi Ngoma, proposed a compromise by using military force to arrest him, not kill him. Some parties genuinely wanted the looting and murder to stop while others saw the opportunity to broker peace as a way to gain political recognition for themselves and their respective parties.

Six political parties in North Kivu called for peace talks mediated by the UDPS. This recommendation made some Congolese wary though, because they saw it as another tactic to

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[1103] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 12 December, 2006.
[1104] Ibid.
[1105] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 14 December, 2006.
[1106] United Nations Office of the Coordination of Humanitarian Affairs. "*Rapport Hebdomadaire: Situation Humanitaire en RDC – 09-15 Décembre 2006*." English Translation. 22 December, 2006. pg. 2.

divide the AMP. The UDPS, as a political rival of the AMP, could polarize the talks and make the AMP act even more militant, which the UDPS could use against them politically.

RCD-G officials Azarias Ruberwa and Adolphe Onusumba both called for talks. CIAT, the A.U., and E.U were all in favor of opening a dialog. MONUC was in contact with both General Nkundabatware and President J. Kabila and was urging the two to open talks.[1107] MONUC's Chief Spokesman Kemal Saiki told journalists, "The problem in the east is essentially a political problem and there can be no other solution than an political solution."[1108] South Africa's Defense Minister Mosioua Lekota (on behalf of President Mbeki) offered to help negotiations and even hinted he may leave a South African peacekeeping force in Congo after MONUC leaves. 16 Hutu and Tutsi community leaders (with the help of the *Baraza ya Wazee*) drafted and signed a document calling for a peaceful resolution and a resumption of traffic to deliver goods throughout North Kivu.[1109] They delivered the joint declaration to CNDP officials. Notables signees included Emmanuel Kamanji and Denis Ntware.

Amid the calls for diplomacy with General Nkundabatware, a landmark treaty was signed in Nairobi, Kenya on 13th December. 11 African nations, including Uganda, Rwanda, Burundi, and the Democratic Republic of the Congo signed a $225 million dollar (U.S.) security agreement with the goal of reducing violence in the Great Lakes. Disarming rebel groups and preventing arms trafficking were the focus of the agreement. However, it remains to be seen how sustainable the treaty will be since the funds will come from mandatory donations by the signing states and from donations.

[1107] Private Correspondence. 2006.
[1108] "Congo Army Opens Talks With Renegade General – UN," Joe Bavier. Reuters. 20 December, 2006.
[1109] "Nkunda Business: Notable Hutu and Tutsi of North Kivu Recommend Dialog," Radio Okapi. English Translation. 17 December, 2006. http://www.radiookapi.net/article/php?id=6266.

Following the calls for peace talks, attacks by dissidents on the FARDC around Sake and Masisi Territory ceased for the time being. Vehicles with much-needed supplies were allowed to travel between Goma and Sake, but nobody was allowed to go beyond Sake to the west.

The west side of Masisi Territory was still blocked off to traffic. Military roadblocks barred traffic to Kitchanga, Mwesso, Nyakariba and Mushaki. 40 vehicles delivering crucial supplies to Masisi Territory were intercepted near Mushaki by the 81st Brigade and forced to pay $200 dollars (U.S.) per vehicle to pass. Since the drivers could not pay, they were detained for 24 hours before being released. Lieutenant Colonel Claude Micho of the 81st Brigade confirmed his men stopped the convoy but he did not acknowledge the extortion charges.[1110]

Violence targeting civilians was increasingly common, particularly at night. The 14th Mixed Brigade was implicated in the murder of two civilians, one in Rutobogo village and the other in Shasha.[1111] The FARDC was also forcing civilians to act as their porters, cut wood for them, provide them food, etc. In addition, soldiers prevented the villagers from accessing their own fields for food.

On 16th December, Virunga's park rangers and their families who were stranded in Rumangabo planned to transfer southeast to Bukima, the only ranger patrol post not occupied by the FARDC. Right before they set off, a MONUC civilian crew driving up the path in a jeep stopped to tell them a mass of IDPs retreated from Bukima and it looked as if General Nkundabatware's soldiers had advanced into the area. One of the rangers changed into civilian cloths and took a motorcycle to investigate.

[1110] "North-Kivu: Men of Laurent Nkunda Block Circulation in Musaki," Radio Okapi. English Translation. 17 December, 2006. http://www.radiookapi.net/article.php?id=6268.

[1111] "Monthly Human Rights Assessment: December 2006." MONUC Human Rights Division. MONUC Press. 11 January, 2007.

He returned unharmed an hour later and confirmed General Nkundabatware's men had taken over Bukima and the villagers had fled in earnest.[1112] The dissidents quickly spread out to Nyesi, Kabaya, and Bugusa and the population of those towns also hastily retreated. Even the Catholic missions left the area. After everyone left, cows and valuables were stolen.

Shortly after the dissident troop movements, a truckload of heavily armed soldiers from the 2nd Mixed Brigade (reinforcement battalions from Beni) was headed to the scene to reinforce the 9th and 11th Mixed Brigades. They deployed to Rumangabo and prepared to move on General Nkundabatware's troops. Three battalions from the 1st Mixed Brigade in Orientale Province were also scheduled to arrive soon. When word of the reinforcements arrived in Nyesi and Kabaya, the dissidents fortified their positions in Bugesa and Bukima.

Two days later, fresh fighting broke out near Jomba between the 81st and 83rd Brigades and the 9th Mixed Brigade. Colonel Smith Gihanga claimed the FARDC happened upon soldiers plundering the local fields and opened fire with heavy weapons until they retreated. The villagers retreating from Bugusa and Nyesi had a different story. They testified General Nkundabatware's men initiated the attack about 09:00 in the hills over Bugesa. The battle did not last long and the dissidents did not gain any ground.[1113] They eventually retreated back to Runyoni. During the lull in the fighting, General Nkundabatware reportedly slipped across the border and was escorted south into the forested hills of the Volcanoes National Park in northeastern Rwanda.[1114] He made his way southwest and was given safe haven inside an old beer factory ~4 kilometers from Gisenyi.[1115]

[1112] Private Correspondence. 2006.
[1113] "North-Kivu: Shootings With the Heavy Weapon in Rutshuru," Radio Okapi. English Translation. 18 December, 2006. http://www.radiookapi.net/article.php?id=6275.
[1114] Private Correspondence. 2006.
[1115] Private Interview. 2007.

There was also another shift in FARDC deployments. The 116th Battalion was called back from South Kivu and deployed on the Kirotshe-Minova road to spell some battalions of the 14th Mixed Brigade positioned around Sake. The rest of the brigade was positioned in Kirotshe and in the hills surrounding the village. The move was designed to remove FARDC looters and rapists from Sake and prevent them from harassing witnesses who were going to participate in MONUC's investigation into FARDC human rights abuses.

After the 14th Mixed Brigade was removed, Jacqueline Chenard (MONUC's Public Information Officer [PIO] in Goma) went to Sake along with members of MONUC's Human Rights Division to survey the damage and interview locals about human rights violations committed by both sides. William Swing was in the U.S. holding a press conference at the Brookings Institute about the Congo's elections. He was asked what MONUC's position was on President Kagame's veiled admittance of support for General Nkundabatware given during his recent BBC interview. At first Mr. Swing ignored the question, then claimed he did not know anything about it.[1116]

Refugees and IDPs continued to move in large numbers. By 20th December, at least 80,000 people (20,000 from around Goma [Mushaki, Sake] and another 20,000 from Masisi Territory) left their homes.[1117] Over 1,200 refugees were housed in Kamera, Rwanda. 886 refugees in Uganda were transferred from Nyakabanda transit camp farther inland to Nakivale.[1118] Only about 300 were waiting at the Ugandan border trying to return home.[1119]

[1116] Swing, William. "The Way Forward in the DRC." The Brookings Institution. Washington D.C., U.S.A. 19 December, 2006.

[1117] "North-Kivu: More Than 80,000 Moved From War," Radio Okapi. English Translation. 20 December, 2006. http://www.radiookapi.net/article.php?id=6286.

[1118] "Uganda-DRC: Congolese Refugees Moved to Permanent Camp," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 20 December, 2006.

[1119] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 19 December, 2006.

Most of the IDPs were still without humanitarian aid, which was focused on the areas near Goma (like Mugunga) that had the most security.

Unfortunately, the IDPs in Mugunga were falling victim to disease in increasing numbers because of the persistant lack of sanitary conditions. IDPs were sleeping in crowded schools, dispensaries, churches and larger buildings. Three people in camp died during the week of 18th December.[1120]

Goma's infrastructure was falling apart as well. The postal service had completely collapsed. Postal workers had not recieved pay for several months and an RCD-G contract with Rwanda to jointly deliver mail to the Kivus was not renewed. As a result, people in central North Kivu Province had to walk through dangerous territory to Gisenyi in order to receive or send mail.

There were reports Colonel Kayimbi ordered his bodyguards arrest several Banyarwanda in town he suspected they were plotting his assassination on the order of General Nkundabatware. He illegally detained them in his house. One of the prisoners claimed he was tortured and beaten for information. Eventually, both were set free.[1121]

The situation in Kitchanga remained volatile as the town was still under control of the dissident soldiers. The town seemed divided between the General's supporters and those who loathed him. His supporters organized a protest march in Masisi Territory to try and prevent the FARDC from being deployed in Kitchanga and Mwesso. They started at the old tea factories Kahe and proceed on past the MONUC base in Kitchanga. The demonstration was denouncing the rape and looting of helpless civilians by the FARDC and MONUC's

[1120] "Three Died Among War Moved From Sake in Mugunga," *Agence Congolaise de Presse*. English Translation. 18 December, 2006.
[1121] "Monthly Human Rights Assessment: December 2006." MONUC Human Rights Division. MONUC Press. 11 January, 2007.

unwillingness to prevent it. The protestors also denounced the cooperation of the FARDC with FOCA during the operations. They claimed they were much safer with the CNDP army and threatened to enlist with the dissidents as a last resort in order to protect themselves if things did not improve fast.[1122]

The march was almost certainly a psychological operation (PSYOP) by General Nkundabatware because the reality was the dissidents were making life miserable for the inhabitants of Kitchanga. Traffic from Goma was still cut off by military roadblocks and the town had run out of the most basic supplies, including things like salt. None of the commercial drivers were willing to brave the military roadblocks to deliver foodstuffs. Humanitarian aid could not reach the area and most of the area hospitals were already thoroughly looted. The hapless townspeople were trapped in Kitchanga because if they tried to leave on the main roads, they were taxed and/or robbed at the military checkpoints.

Villagers described how General Nkundabatware controls all aspects of life in Masisi Territory. He taxed villagers and traders while redistributing livestock and land however he pleased. The Bahunde in Masisi openly back the FARDC's military operations even if it means temporary suffering because General Nkundabatware treats them so badly.[1123] To make things even more difficult, displaced Congolese from Tongwe and Nyanzale were arriving in Kitchanga who had no idea how bad the situation was.

On 20th December, the Congolese Government decided it was best to try and reach a diplomatic solution with General Nkundabatware. Since he was in Rwanda, a military offensive would run the risk of Rwandan reprisals. MONUC agreed to assist with the

[1122] "Kitchanga, on December 20, 2006: An Imposing Walk Counters the FARDC in Kitchanga," Gyslaine Shabulonda. Civil Society of the Democratic Republic of the Congo. English Translation. 22 December, 2006. http://www.societeciville.cd/node/3188.

[1123] "Inhabitants of Masisi Between Two Fires," Patient Ndoole Mambo. *La Libre Belgique*. English Translation. 22 December, 2006.

negotiations but reminded everyone that only the FARDC, CNP, and Congolese judiciary system could arrest General Nkundabatware.[1124]

Two CNDP respresentatives (including a newly appointed spokesman Patrick Kuturu) and several military officials (including Colonel Faustin, Major Pay-Pay Huhire Sukuru, and Major Micho) met with General Ngizo, other FARDC officials, and MONUC military officials to initiate talks and hand them a list of their grievances as per the agreement with the *Baraza ya Wazee* several days ago. They agreed to a ceasefire and both sides pledged to eventually withdraw their respective soldiers from their advanced positions. The CNDP also promised unimpeded passage for all traffic from Goma to Masisi town to allow delivery of necessary supplies. Despite the removal of the blockade, Masisi Territory continued on through the rest of December without medical care and drugs because the NGOs that left the area refused to come back until a formal ceasefire was signed.

A second meeting was scheduled for the following week to iron out the withdrawal details. For the moment, 300-400 dissidents still occupied 4-5 small hills around Runyoni and Bunagana.[1125] Mr. Kuturu suggested the CNDP military officials meet with FARDC military officials to discuss the problem. He also indicated General Nkundabatware would likely meet with General Ngizo at a later date.[1126]

One day after talks were initiated with General Nkundabatware, General Kisempia visited Goma for a few days. He visted the FARDC's wounded soldiers at the military hospital in Katindo Camp to ensure they were getting proper care. General Kisempia vowed to

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[1124] "MONUC Welcomes Improvement in DRC Security Situation," Eoin Young. MONUC Press. 20 December, 2006. http://www.monuc.org/News.aspx?newsID=13457.

[1125] Office for the Coordination of Humanitarian Affairs. "*Rapport Hebdomadaire: Situation Humanitaire en RDC 16-22 Décembre 2006*." English Translation. 28 December, 2006. pg. 1.

[1126] "Nkundabatware Wants to Discuss the DRC with the Military Heirarchy," *Le Prospérité*. English Translation. 20 December, 2006.

improve sanitary conditions at the hospital. He also pledged to find a way for the soldiers to communicate with their families in Masisi Territory.

General Kisempia met with the *Barza ya Wazee*. They did not agree with the decision to open dialogs because they felt it would only serve the political purposes of those involved in the dialogs, not the Congolese people. However, General Kisempia stressed he was in Goma to make peace, not war. He asked the political parties in North Kivu to put aside their differences and work for peace.[1127] At the request of General Kisempia, the *Barza* members began encouraging their respective communities to sensitize soldiers from the 81st and 83rd Brigades to enter the mixing process.

General Kisempia also held meetings with other high-ranking military officials. He first met with General Ngizo and other officials from the 8th Military Region. He told them to entice the dissidents to enter the mixing process and send the criminals to the military courts. They discussed staff management issues, financing for the mixing process, and logistics.

He also met with the U.N.'s Military Advisor General Randhir Kumar Mehta and MONUC's Force Commander General Babcar Gaye. They discussed the role MONUC should play in the mixing process and how to deal with the CNDP politically.[1128] All parties involved were also concerned with providing safety for civilians during the mixing process to avoid serious problems that could arise when the troops leave for mixing. The removal of deployed soldiers so they can be "mixed" could leave a military power vacuum in the areas the soldiers were formerly deployed.

[1127] "*Point de Presse Monuc du* 20/12/2006," Jean-René Bompolonga. MONUC Press. English Translation. 20 December, 2006. http://www.monuc.org/news.aspx?newsID=13455.

[1128] "The FARDC Chief of Staff Requires the FDLR to Leave Congolese Soil," Stephan Salikoko. *L'Avenir*. English Translation. 8 January, 2007.

Lastly, he publicly stated all FDLR/FOCA must either return to Rwanda immediately or disarm and go through official immigration channels. After General Kisempia's announcement, General Nkundabatware's men began gathering reinforcements once again by forcing children and demobilized soldiers in Karuba and Mushaki to fight with them. There is no evidence MONUC did anything to stop them.

General Nkundabatware's soldiers were still holding positions in Bugusa and Gisiza near Jomba so civilians from the area continued relocating to Kisoro and Mugongo. Meanwhile, Ugandan authorites continued moving refugees in Kisoro farther inland to Nakivale and Orukinga. Cholera continued to spread in Mugungu and Lake Vert, but the U.N. was present in the area and trying to resupply the nearby health centers with antibiotics to fight the outbreak.

On Christmas Day, the FDLR/FOCA and a local Mai-Mai militia held a celebration in Nyamilima, an FDLR/FOCA stronghold. Mai-Mai Colonel Mutsuba Muchubi and FOCA Major Claude Gaheza (who commands FOCA units in Gitwa, Kabuhendo, and Birwa) were both present. They slaughtered some of the few remaining hippopotamus in Virunga National Forest and feasted with the locals. It was a perfect opportunity to arrest the militia leaders, but the FARDC did not disturb their gathering.[1129]

At another FDLR/FOCA party in Gikoma (Masisi Territory) hosted by General Sylvestre Mudacumura (FOCA's Second-in-Command in North Kivu), Colonel Jean-Baptiste Kanyandekwe (a.k.a. Mashya Komeza) was killed. Another report said General Mutombo (a.k.a. Kanyakaiwe), FOCA's North Kivu Commander was dead. FOCA officials reportedly stated Colonel Kanyandekwe fell and hit his head, the Rwandan press claimed he was

[1129] "FDLR/*Interahamwe* with a Festival in Rutshuru," Media Monitor Congo. English Translation. 29 December, 2006.

poisoned.[1130] If he was poisoned, the intention of the culprit was to create suspicion among the rebels in order to divide them, an old Machiavellian tactic of divide and conquer. The situation was eerily familiar of General Mbuki's death.

At 03:00 on 26th December, General Nkundabatware's men in Jomba unleashed a mortar attack on the FARDC near Bunagana.[1131] Orders were given to engage the dissidents and the FARDC inflicted several casualties during a firefight in the marshy area of Kamira close to Jomba. After a while, the FARDC disengaged and it was uncertain why. They withdrew to Kabindi and there were reports they had also pulled out of Bunagana but the dissidents did not make any moves on the border post so the FARDC was able to retain control of the area.[1132] The reports of an FARDC retreat may have been a another PSYOP. Civilians fled in waves across the Bunagana border post to Uganda and the instability made it nearly impossible to send any humanitarian aid to help them. MONUC again did not intervene during the battle.

Luckily, there was good news in other areas of North Kivu. The hospital is Mwesso was able to reopen. The feeding centers in Masisi town also reopened. The ICRC was preparing to restock the health centers in Mweso and Matchumbi. MSF was able to complete some humanitarian work in Kalengera.

The 81st and 83rd Brigade attacked again the next day very early in the morning and several thousand terrified Congolese escaped to Chengerero. Others trekked to Rubare, Rutshuru town, and Kiwanja. Ground troops and mortars descended on the FARDC in the hills

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[1130] "Tension Engulfs FDLR Over Colonel's Death," James Munyaneza. The New Times. 3 January, 2007; United Nations Office for the Coordination of Humanitarian Affairs. "OCHA DRC Weekly Report/Ratio, December 23-29, 2006." English Translation. 4 January, 2006.

[1131] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. 26 December, 2006.

[1132] "Would Kabila be Afraid of Nkunda?," Tabara Sebahutu. Congo Tribune. English Translation. 30 December, 2006.

around Jomba. The FARDC was pushed back through Kasebeya, and Nyarubara, but were able to hold their ground in Kabasanza because MONUC sent armored vehicles and helicopter patrols to the scene and the dissidents pulled back. 18 of the General's men and one civilian were killed during the clashes.[1133]

The dissidents in Runyoni also tried to advance their positions on 27 December. They attacked members of the 1st Mixed Brigade who arrived from Ituri as reinforcements. General Nkundabatware's men took heavy losses and they retreated back to Runyoni. 44 soldiers were reportedly killed and the FARDC recovered some of their weapons from the battlefield as well.[1134]

MONUC's presence did not deter the dissidents in Jomba for long. Around 04:00 the next day, the 81st and 83rd Brigades attacked again and sucessfully took control of Bugusa. A priest who was housing a large number of IDPs in his parish felt he could not protect them any longer and ushered them out of Jomba to safety while the defeated FARDC regrouped in Tchengerero. The citizens of Tchengerero then abandoned the village fearing the battle would come towards them and also because they feared looting from the government soldiers. At 07:00, the fighting stopped, but it resumed about 08:00 until midday.[1135] Though MONUC was present in the area, they did not engage the General's men at any time. Instead, they set up patrols just west of Bugusa to prevent the dissidents from attempting an assault on Rutshuru town.

[1133] "Eighteen Insurgents Killed in Clashes in Eastern Congo," *Agence France Pressé*. 27 December, 2006; "DRC: Clashes, Displacement in the East," United Nations Office of the Coordination of Humanitarian Affairs. IRIN News. 28 December, 2006.

[1134] United Nations Office for the Coordination of Humanitarian Affairs. "OCHA DRC Weekly Report/Ratio, December 23-29, 2006." English Translation. 4 January, 2006.

[1135] "North-Kivu: Reinforcement of the Hostilities in Rutshuru," Radio Okapi. English Translation. 28 December, 2006. http://radiookapi.net/article.php?id=6357.

It appears reinforcements and/or weapons arrived from across the border because there was a rapid and aggressive renewal of interest in peacetalks by MONUC. There were even reports of ex-UNITA rebels from South Africa fighting in General Nkundabatware's ranks.[1136] They may have flown in to Kigali and then crossed the northern Congo/Rwanda border. MONUC contacted Colonel Faustin to negotiate a ceasefire and set up a meeting in Mushaki between CNDP officials and General Lionzo of the 8th Military Region.

The situation in and around Goma continued to get worse. Unidentified armed men from the FARDC raided eight houses in the Ndosho District. In one house, several children cried out for help. The gunmen opened fire on the house from the frontyard at the sound of the voices, killing a four and six-year-old child while wounding the other two children.[1137]

On 29th December, IDPs continued their retreat from Jomba and Tchengerero until they stopped to rest in Uganda. The UNHCR began moving them to Nakivale and Nasile, but they received very little humanitarian aid when they arrived. Until the fighting stopped, they were on their own again.

Back in Goma, a furious mob took to the streets and marched in protest of the MONUC soldiers in Rutshuru town. They were infuriated MONUC did not intervene in Bugusa to stop the dissidents even though they had the mandate to do so. As a result, the dissidents controlled the Rwandan border area. MONUC convoys on patrol were surrounded and stoned by enraged Congolese civilians. Indian General Pramod Behl only repeated MONUC's mantra about working to enourage dialog and protect civilians.[1138]

[1136] "Nkunda Would Recruit South-African Mercenaries Ex-Servicemen of UNITA," *L'Avenir*. English Translation. 8 January, 2007.

[1137] "Goma: 2 Children Killed by Bullets, 7 Plundered Houses," Radio Okapi. English Translation. 28 December, 2006. http://radiookapi.net/article.php?id=6358; "North-Kivu: Calms Returned in Bugusa," English Translation. 28 December 2006. http://radiookapi.net/article.php?id=6359.

[1138] "Goma: Demonstration Counters MONUC," Radio Okapi. English Translation. 29 December, 2006. http://www.radiookapi.net/article.php?id=6367.

MONUC did eventually make contact with the dissidents and encouraged them to talk peace. MONUC officials and FARDC Generals Ngizo, Kemengele, and Bauma along with Colonel Nyembo, Major Masudi and Major Dode went to Kiloliwe to meet with Colonel Faustin, Colonel Wilson, Colonel Moses, Commander Jean Kim, and Major Séraphin of the 81st and 83rd Brigades. A ceasefire agreement was reached, but the dissidents still refused to report for mixing until the process had uniform standards and Banyarwandan civilians were properly protected. They were also demanding full amnesty.

MONUC stressed they were only acting as a "mediator" in the current talks. They set up a buffer zone between the dissident-controlled area around Runyoni and the Bunagana border post controlled by the FARDC. Colonel Gihenga promised to obey any requests by MONUC to halt FARDC offensives against the dissidents.[1139]

Goma was engulfed in a string of violent acts. On 23rd December, two FARDC soldiers and 10 armed men in civilians clothes broke into a house and killed a 13-year-old girl and her father.[1140] FARDC soldiers in Goma (or people wearing FARDC uniforms) also murdered two people during the night of 31st December. Motorbike taxi driver Pychen Mauliso Kambale was shot and killed in Katindo District, reportedly by FARDC soldiers guarding the *Société Nationale d'Eectricité* (SNEL) building nearby. Gilbert Katulanya, a UDPS official, was shot in Ndosho District while he was on his way home from a relative's house.[1141] The next morning, citizens of Goma organized another demonstration to protest against the FARDC's role in the instability in North Kivu. The protestors physically blocked several main roads in town and demanded the redeployment of all FARDC units in town.

[1139] "DR Congo: UN Peacekeepers set up Buffer Zones in North Kivu," African Press Agency. 1 January, 2007.
[1140] "Monthly Human Rights Assessment: December 2006." MONUC Human Rights Division. MONUC Press. 11 January, 2007.
[1141] "North-Kivu: Bloody New Year in Goma," Radio Okapi. English Translation. 1 January, 2007. http://www.radiookapi.net/article.php?id=6395.

Meanwhile, Captain Radjabu set out on two missions. One, to assassinate Colonel Kayimbi. Two, to recruit more children to bolster General Nkundabatware's forces. He was able to sneak into Goma around 23-24th December and he created a photo album of all the children General Nkundabatware had recuited in the past from Goma. It was essentially a wish list of children to re-abduct.[1142]

General Kayimbi heard Captain Radjabu was in town and he quickly ordered the CNP to arrest him on sight. Captain Radjabu was able to evade capture for a week. He was previously an assistant to the Military Police battalion in Goma under Major Faustin Maombiou, so he knew their search and cordon techniques. Eventually, he was arrested and turned over to military authorities.[1143] In addition, 28 more of General Nkundabatware's men turned themselves in, bringing the total to 116 since the fighting broke out on 25th November.[1144]

On 3rd January, 2007, RDF Major Rutemaremara publicly admitted the Rwandan Government was mediating talks between General Nkundabatware and FARDC Chief of Staff John Numbi. Regarding Rwanda's role, President Kagame would only say, "We [Rwanda] were approached and asked to contribute to that [negotiations] process. The results are good and I believe the process is good for DRC, Nkunda, Rwanda and the whole region. We are all beneficiaries of the process."[1145] MONUC had no part in the talks because they were held in Rwanda. Their mandate only allows for mediation in talks on Congolese territory, despite the fact MONUC has their own staffed headquarters building in the Kacyiru District of Kigali.

[1142] "Goma: Arrest of the Coordinator of Laurent Nkunda's Group," DigitalCongo 3.0. English Translation. 9 January, 2007. http://www.digitalcongo.net/article/40107.
[1143] Ibid.
[1144] "Politico-Soldier Crisis of North-Kivu: MONUC Encourages the FARDC-Nkunda Dialogue," Joseph-Alain Kabongo. *Le Phare*. English Translation. 11 January, 2007.
[1145] "Kagame Speaks Out on Kalisa, James Munyaneza. The New Times. 23 January, 2007.

RDF officials and the FARDC had already met with General Nkundabatware at an undisclosed location in Kigali to work out a peace agreement. They jointly came up with "resolutions" both sides agreed on and an informal ceasefire was adopted. General Nkundabatware asked for new national laws punishing ethnicism; removal of the FDLR/FOCA; new standards for mixing; a "Truth and Reconciliation Committee" in multi-ethnic areas and the creation of a federalist state.

The FARDC offered him safe passage back to Masisi Territory, where he would be allowed to stay unprovoked with his bodyguards and under MONUC supervision until the remaining details of the agreement could be worked out. General Nkundabatware was leery of going back to Congo because he thought it was a trap and he was expecting to be arrested when he arrived in Masisi Territory. [1146] As a very small goodwill gesture, General Kisempia issued a warning to the FDLR/FOCA in North Kivu and told them to return to Rwanda immediately.

After news of the ceasefire spread, a group of refugees crossed back into the Congo from Uganda. The vast majority wanted to return to the Congo instead of being relocated to the interior camps in Uganda, but they needed assurances of security and the local water supply network fixed. The returnees demonstrated in Bunagana by barricading the road to Goma with burning tires. Armed with rocks and sticks, they occupied several kilometers of the road, causing traders to turn back. The customs and immigrations offices closed down after several refugees stormed the Bunagana border post and assaulted the guards on duty. They even pulled down the Congolese flag at the station.[1147] The UPDF reinforced the Uganda side of the border in case they marched eastward. Deo Mizerero (a representative of Governor Serufuli),

[1146] "Laurent Nkunda and the National Congress for the Defense of the People: Cards on the Table," Albert Mbanza-Gukeba. Congo Tribune. English Translation. 11 January, 2007.
[1147] "Protestors Block DR Congo-Uganda Border Post," African Press Agency. 5 January, 2007.

Hubert Mashukane (a representative for the *Mwami* of Rutshuru Territory), and General Ngizo went Bunagana and the Nyakabande IDP camp to assure everyone they would fulfill their requests.

In the meantime, Colonel Jean-Paul Finda (an advisor of General Kisempia's) and General Ngizo met with dissident Lieutenant-Colonels Makenga and Kavundi, Colonel Faustin, and Majors Kipanga, Sukruru, and Séraphin at the MONUC camp in Mumbambiro. Colonel Finda was close to reaching an agreement with the 81st and 83rd Brigades requiring them to report for mixing along with the FARDC's 1st Reserve Brigade, 110th Brigade and the 116th Brigade. He only needed to work out a location and date they would begin mixing. A loyalist of General Nkundabatware named Mr. Muhiro demanded the General's men receive their last two months salary owed to them. The next meeting was set for 6th January.[1148] Separate negotiations with General Nkundabatware were still ongoing in Rwanda. In addition to his previous demands, he also stressed everyone must get their proper rank in the FARDC.

Military officials did everything in their power to try and make the deal go through without any trouble, even if their methods were controversial. A UDPS party member in Goma wrote about the FARDC's lack of funds to pay their own soldiers properly. He was arrested at UDPS party headquarters by the CNP and held until the end of the day on questionable charges. FARDC officials defended the move, saying the publication of his letter could provoke another revolt.[1149]

[1148] "Goma: Towards Mixing between the FARDC and Elements of Laurent Nkunda," Radio Okapi. English Translation. 5 January, 2007. http://www.radiookapi.net/article.php?id=6439.

[1149] "Goma: Arrest, then Release of a Member of the UDPS," Radio Okapi. English Translation. 6 January, 2007. http://www.radiookapi.net/article.php?id=6445.

While the peace discussions were underway, India sent its 26th Madras Regiment of 900 soldiers to the Congo for peacekeeping duties.[1150] Most of them were going to deploy in North Kivu and replace Indian soldiers in MONUC were deployed in the Congo for over a year. The Madras, previously involved in counter-insurgency operations in northeast India, Jammu, and Kashmir, is the oldest infantry regiment in the Indian army.

The meeting with dissident FARDC officials in Kiloliwe ended without any concrete agreements, but progress was made towards finalizing a deal. The FARDC was asking the 81st and 83rd Brigades to mix with the aforementioned units and in return the mixed brigade would be deployed in North Kivu instead of being spilt up. They tentatively decided 15th January as the day for the brigades to report to one of the transit centers between Sale-Masisi town, or Sake. The dissidents in eastern North Kivu could report to Bunagana on 16th January.[1151] The goal was an arrangement that would allow the dissidents to look after their families, who feared reprisal killings. After the talks finished, Colonel Finda went to draw up papers for the agreement, but it did not appear anyone was going to make a contractual agreement. In the meantime, sn informal verbal agreement was reached with General Nkundabatware in Rwanda, but the details were not made public.[1152]

A number of General Nkundabatware's soldiers (commanded by Colonel Makenga) were still hiding out in Virunga National Forest near Bikenge. Their headquarters was in Jomba. Hungry and stuck in the bush, they shot and killed one of the few silverback gorillas left in the forest. They forced a local farmer to cut up the meat for them, but he warned the soldiers it was dangerous to eat. They left without harming the man. Another ape was later

[1150] "India Contributing Fresh Contingent of Peacekeepers to Congo," New Kerala. 4 January, 2007.
[1151] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. English Translation. 8 January, 2007; United Nations Office of the Coordination of Humanitarian Affairs. "Report/Ratio of the Evaluation Mission in Bunagana." English Translation. 12 January, 2007.
[1152] "Congo Rebel Nkunda Says His Men to Join Govt. Army," Joe Bavier. Reuters. 18 January, 2007.

found only a kilometer from the farmer's place. MONUC confirmed General Nkundabatware's men were the only rebels in that section of Virunga.[1153]

In the meantime, the ceasefire yielded some positive benefits. The ICRC finished upgrading the water system in Buramba, which helped IDPs in Rutshuru Territory. Schools reopened in Sake, but very few students attended. Many of them were still displaced in other towns. The returning teachers were also concerned no one would be able to pay for tuition anymore because of the fighting and looting.

Several thousand Congolese returned to Bunagana from Uganda. Governor Serufuli visited and witnessed many of the villagers sleeping outside or in the Bunagana Institute. There was no water available in town and the health center was looted. Cholera was likely to begin spreading soon. Farther southwest on the Rwandan border, refugees from Congo were transferring to Inyagatare transit camp from Nkamira.

Though there was reason to be optimistic, there remained a deep sense of foreboding. Many of the dissidents did not see mixing as a long-term solution. Additionally, there were no guarantees they would not desert again if the situation in North Kivu deteriorated or if they perceived Tutsis were being discriminated against. One dissident said the current talks are only to solve the immediate military issues. For a long term solution, General Nkundabatware's demands would have to be met, including a final solution to the FDLR/FOCA issue and the safe repatriation of Tutsi refugees back into Congo.[1154] A MONUC soldier further cautioned the current plan was not going to fully integrate the General's men into the FARDC.[1155] General Nkundabatware had only an unofficial verbal

[1153] "DRC Rebels 'Killing Gorillas'," *Agence France Pressé*. 10 January, 2007.
[1154] "Congo Army Says Close to Deal With Renegade General," Joe Bavier. Reuters. 6 January, 2007.
[1155] "MONUC Press Review – 11 January 2007," Tom Tshibangu. MONUC Press. 11 January, 2007. http://www.monuc.org/news.aspx?newsID=13594.

agreement with the FARDC and none of his specific demands were met. CNDP Political Advisor Réné Abandi said everyone was willing to cooperate with the Congolese Government, but only if all negotiations were "transparent."[1156]

General Kisempia remained in Goma while the talks were ongoing. In early January, he continued to meet with various officials. He held meetings with Faustin Ngabu, the Bishop of Goma, and later hosted MONUC's Chief of Staff, French General Christian Houdet. They discussed the military situations in Ituri District and North Kivu.

Though the security situation had improved in some areas of North Kivu, there was still a great deal of instability and a strong sense of unease. An MSF-France vehicle was plundered by men in uniform in Rutshuru Territory on 8th January, but it was unclear if it was dissident soldiers or a mixed FARDC unit. Luckily, no one was injured. The next morning, a delegation from the Congolese NGO *Synergie pour la Lutte Anti Mines* (SYLAM) was robbed very close to Dusado. Another robbery occurred in Goma's Himbe District. Most disturbing of all was a gathering of dissident soldiers close to Sake. They set up roadblocks from Masisi Territory to Mushaki and Katale. It was unclear what their intent was, but the earlier trauma inflicted on the citizens of Sake caused them to expect the worst.

Villagers fleeing from Mushweshwe, Myarubanga, and Walikale Territory were arriving in Nyanzale and Mutanda after walking a great distance. Many of them were shacked up in warehouses and old schools. The number of people fleeing the area implied some of the dissidents had fled to Walikale Territory, or the armed elements in Walikale Territory were acting up.

[1156] "DRC-Rwanda: Mediation to Ease Tension in North Kivu," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 8 January, 2007.

The 13th Mixed Brigade was in control of Bukima after the dissidents withdrew into Virunga National Forest, but the ICCN rangers were still clustered in Rumangabo until the final ceasefire was signed and sealed. They were unable to resume patrols in Virunga National Forest. They were concerned because FARDC soldiers were cutting down the forest and destroying gorilla habitat to make fires in their camps.[1157]

Meanwhile, a group of ICCN forest rangers on patrol in Virunga were attacked at Bivumuo (near the Kakomero Patrol Post). The rangers testified they were ambushed by General Nkundabatware's men. One of them was abducted, but later released unharmed. The rangers quickly communicated their situation to the FARDC, but by the time they arrived, the attackers had fled.[1158] MONUC's Indian soldiers (commanded by Colonel Ashok and Lieutenant-Colonel Rajeesh Parmar) began patrolling the area again.

The FARDC continued to allow FOCA in North Kivu to roam free, but they cracked down on the Mai-Mai. Commander Lieutenant-Colonel Tshoma was arrested in Bweremana by the 14th Mixed Brigade. He insisted the population wanted his small milita of ~45 soldiers there to protect them from General Nkundabatware's soldiers, but Colonel Kayimbi did not want rouge armed forces protecting civilians in his military region. He put Lieutenant-Colonel Tshoma, two of his aids, and the militia's information chief in prison.[1159]

The 116th and several other FARDC battalions were paid for the new year to help prevent instability during this crucial time as General Nkundabatware's men were about to enter the mixing process. The 9th Mixed Brigade set up along the Burayi-Bunagana route in

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[1157] Ngobobo, Paulin. "Gorilla Habitat is Being Cut Down for Firewood." Gorilla Protection. Wildlife Direct. 10 January, 2007. http://www.wildlifedirect.org/gorillaprotection/?p=21.

[1158] Ngobobo, Paulin. "Ranger Captured." Gorilla Protection. Wildlife Direct. 12 January, 2007. http://www.wildlifedirect.org/gorillaprotection/?p=28.

[1159] "North-Kivu: Mai Mai Stopped in Bweremana," Radio Okapi. English Translation. 11 January, 2007. http://www.radiookapi.net/article.php?id=6491.

preparation. The dissidents gathered in positionsclose to the 9th Mixed Brigade were making life for the villagers a living hell. Beatings, torture, robbery, destruction of property and rape were daily occurances. Two cases of severe rape were treated at a hospital in Rwanguba, but many other helpless women did not report their trauma because they feared being shunned by their respective husbands. Rwanguba was the only nearby hospital to get surgical treatment because the rest were plundered by the dissidents.[1160] There were no indications MONUC or FARDC soldiers interfered to prevent the chaos even though MONUC has patrols in the area.

Those who were able fled from the dissident controlled areas in Jomba and the Bwito Grouping. Villagers from Bugusa, Ceya, Kabanda, Gisiza, Gasiza, Gichambwa, Karambo, Rwambeho, Mukingo, Kigote, Rushari, Karusara, Nyarubara, Runyoni, Rukore, Gitovu, Rugamba, Rushenga, Musaka, and Ruvumu flooded to Chengerero, Ntamugenga, Tanda and Bunagana. The local schools and churches housed most of the IDPs.[1161]

Violence continued to plague other areas of North Kivu as well. Defected FARDC soldiers who were not loyal to General Nkundabatware carried out a string of violent crimes in Goma throughout the month of December. On 10th January, it was reported several uniformed attackers forced their way into the home of another helpless family in Goma. After robbing the place, the soldiers cruely raped the owner's wife and daughter in front of him. A day later, shoppers from the market in Kanombe were held up at gunpoint. The victims refused to give up their goods and were wounded by bullets, but they survived.[1162]

Several of the NGOs were scrambling to fix damaged infrastructure while the ceasefire was holding. The *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ) was busy

[1160] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. English Translation. 12 January, 2007.
[1161] Ibid.
[1162] "

working on a system to bring water to *autochtones* in Mugunga. The NGO Solidarity was replacing the broken valves and water pipes in Kimoka and Sake to restore the pipeline's functionality and try to loosen cholera's deadly hold on the area by providing clean water to drink and cook with.

During the week before the mixing date, MONUC and the FARDC created a military camp in Kitchanga for the dissident commanders. A wide variety of organizations set up temporary headquarters in Kitchanga, including OCHA, Radio Okapi, MONUC, MONUC's Child Welfare Division, UNHCR, UNICEF, Save the Children, and others. A number of them were present to render aid to any child soldier the dissidents brought to the mixing center.

General Nkundabatware decided to return to Kitchanga from Rwanda and oversee the mixing of his men. General Ngizo met with General Nkundabatware twice for last minute talks to ensure the process would move forward.[1163] He requested the Congolese Government pay all his men their back payments from the time period General Kalume revoked their army payroll eligibility.

The mixing of General Nkundabatware's men was going to occur outside of the regular avenues without the participation of the National Committee for Disarmament, Demobilization, and Reintegration (CONADER). The process was going to mix the soldiers together, but they were not going to go through a long disarmament and retraining process. The finalized plan called for the 83rd and 110th Brigades to be mixed in Kitchanga while the 81st and 116th Brigade, along with Colonel Mayanga and the 1st Reserve Brigade, were going to be integrated in Mushaki. Starting the week of 21st January, MONUC will moderate a weekly

[1163] "North-Kivu: Will Nkunda Integrate his Troops in the FARDC?," Radio Okapi. English Translation. 16 January, 2007. http://www.radiookapi.net/article.php?id=6535.

meeting between the dissident commanders, General Ngizo, and Colonel Kayimbi every Tuesday and Thursday.[1164]

On Monday, 15th January, General Ngizo and Colonel Kayimbi went to Kitchanga to make sure everything was in place. On Tuesday morning, two truckloads of soldiers from the 110th Brigade arrived. Shortly after, the 83rd Brigade began to gather.[1165] General Nkundabatware withdrew his men from their positions around Sake and Mushaki and housed them in Mwesso. The town spend the night in anxious anticipation.

The following day, Colonel Kayimbi announced the beginning of the mixing process. The new plan was to create four brigades in Mwesso to the north of Kitchanga. After their creation, each brigade would be redeployed. Colonel Kayimbi declared a total of 1,500-2,000 dissidents would be integrated, but this figure was well below the stated number of nearly 5,000 troops General Nkundabatware reportedly commands.[1166]

General Nkundabatware showed up in-person to oversee the integration of his men. He announced over Radio Okapi an order for 600 men from the 83rd Brigade to report for the creation of the first mixed brigade. He also promised to supply the remaining two battalions for the second round of mixing.[1167] One of his advisors reminded the observers they would withdraw from the mixing process if their soldiers were not paid or supplied new uniforms.[1168]

The General reportedly agreed to leave his Congolese home and end all attacks against the Congolese Government as-long-as he would not be arrested and his earlier stated demands were met. Colonel Kayimbi said the international arrest warrant for General Nkundabatware

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[1164] United Nations Office of the Coordination of Humanitarian Affairs. "OCHA North Kivu Situation Report. English Translation. 15 January, 2007.
[1165] Ibid.
[1166] "Congo General 'Agrees to Peace'," BBC News. 17 January, 2007; "Renegade General's Forces to Rejoin Congo Army," Joe Bavier. Voice of America. 18 January, 2007.
[1167] "North-Kivu: Towards the Integration of Dissenting Soldiers to the Army," *Agence France Pressé*. 17 January, 2007.
[1168] "Congo General 'Agrees to Peace'," BBC News. 17 January, 2007.

was revoked and he would be granted safe passage to go into exile. The plan was to escort him to Kigali and put him on a plane to a pre-arranged destination in South Africa.[1169]

Despite the high-level claim, a source close to the General said his fate was still under negotiation.[1170] The General himself denied seeking asylum. He has plans of joining the FARDC.[1171] General Nkundabatware himself would only say, " We want to join the peace initiative. But, initially, what we want is an assurance that our people [Tutsi] are protected and that they enjoy their rights like any other Congolese citizen. This action [mixing] will be done under guarantee to reassure the protection of the Kinyarwanda-speaking population.[1172]

If the General is telling the truth, FARDC officials may be using the asylum story to prevent civilian uprisings and international scorn in the event he is allowed to stay in the Congo with full amnesty. It is important to note that while the Congolese Government can forgive him for leading a mutiny, they cannot forgive him for crimes against humanity as per a law passed by the Transitional Parliament in 2004. Bernard Mena Mboyo, the Deputy Defense Minister for Army Integration, simply stated, "Negotiations are open," and "The amnesty question could be raised as was the case with other combatants…" This was in direct contradiction to General Ngizo's aid who said all charges had been dropped already.[1173]

Many FARDC officials felt this was a step forward, but ultimately would not solve all the region's problems. There were still several other auxillary issues to address in the coming year. General Nkundabatware optimistically stated, "I think this is going to lead to a peaceful

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[1169] "DRC-Rwanda: UN Official Welcomes Deal With Dissident General," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 18 January, 2007.
[1170] "North-Kivu: Towards the Integration of Dissenting Soldiers to the Army," *Agence France Pressé*. 17 January, 2007; Ibid.
[1171] "Congo Rebel Nkunda Says His Men to Join Govt. Army," Joe Bavier. Reuters. 18 January, 2007. 17:12:51 Greenwich Mean Time.
[1172] "DRC: Dissident General Wants His Troops in National Army," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 23 January, 2007.
[1173] "DRC: No Decision Yet on Amnesty for Dissident General, Official Says," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 19 January, 2007.

settlement." Colonel Kayimbi boasted, "…The Nkunda affair is 90% resolved. I think this mixing is going to solve the problem." [1174] MISNA reported the Congolese locals they spoke with were satisfied with the proposal.[1175] UNHCR representative Eusebe Hounsokou hoped the plan would allow humanitarian organizations to have unfettered access to the IDPs for the first time since November 2006.

The rest of North Kivu's situation remained tenuous at best. Another FDLR/FOCA leader named Kadima was killed in Muyaga near Kanyabayonga. In addition, A truck coming from Goma was ambushed on the Goma-Butembo road just north of Kiwanja in Rutshuru Territory. Two armed men rushed out of the forest along the road and opened fire without warning. Three passengers were killed and seven were wounded. The gunmen stole several items from the truck before melting back into the forest.[1176]

There was an uneasy stand-down in effect just outside Bikenge. On one hill, the General's men were camped out. Across a foggy valley, the FARDC occupied the hill on the opposite side. The valley in between the hills was a virtual no-mans-land. MONUC and ICCN joint patrols were scheduled to begin in the area to locate any remaining silverback gorillas so a plan could be devised to prevent any more apes from becoming bushmeat. The press received by General Nkundabatware and the CNDP following the killings of two silverback gorillas was so negative that CNDP Spokesman René Abandi issued an official press release denying the General's men were responsible.

That night, another important step towards peace took place. Police officers arrested several FARDC defectors responsible for a rash of crimes in Goma. They were apprehended

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[1174] "Congo Rebel Nkunda Says His Men to Join Govt. Army," Joe Bavier. Reuters. 18 January, 2007. 11:39:17 Greenwich Mean Time.
[1175] "Kivu: Peace Accord With Dissident Former General Nkunda," MISNA. 18 January, 2007.
[1176] "North-Kivu: 3 Dead and 7 Wounded, the Assessment of an Attack near Kiwanja," Radio Okapi. English Translation. 17 January, 2007. http://www.radiookapi.net/article.php?id=6542.

in the Katako District of the Karisimbi commune. Soldiers from the 116th Brigade, 85th Battalion from Hombo, and the 4th, 9th and 11th Mixed Brigades were all caught smuggling weapons and ammunition. Many of them, like Vita Kitambala, were ex-Mai-Mai soldiers.[1177]

By 19th January, 700-800 men from the 83rd Brigade forming the new mixed brigade were confined on a hill next to the tea plantation in Makabuza with General Ngizo.[1178] As promised, the former dissidents received brand-new FARDC uniforms, but without armbands distinguishing them as mixed troops. 85 children were removed from the dissidents' ranks and placed in demobilization centers.[1179] The actual mixing ceremony was delayed again because 1,000 soldiers from Colonel Jean-Claude Mosala's 110th Brigade arrived late that evening.[1180] Colonel Mosala was slated to command the newly mixed brigade and the 83rd's Colonel Kabundi would be his deputy.

Life in other areas of North Kivu remained difficult. The FARDC reduced their presence in Mutanda. As a result, General Nkundabatware's dissidents, some members of the FARDC, and FDLR/FOCA members committed rape, looting, and murder. 181 rapes occurred around Mutanda from 26 December, 2006 to 13 January, 2007.[1181]

Rape, murder, and forced recruitment of children was also common in the fields and hills surrounding Kikuku. Civilians were confined to the center of town, the only safehaven. Kikuku was still housing nearly 1,110 displaced families, primarily from the Walikale

[1177] "Goma: More Than 30 Officers Deserters are Stopped," Radio Okapi. English Translation. 20 January, 2007. http://www.radiookapi.net/article.php?id=6580.
[1178] United Nations Office for the Coordination of Humanitarian Affairs. "RD Congo: OCHA Goma, North-Kivu Situation Report. English Translation. 19 January, 2007.
[1179] "Peter Karim Threatens Peace in Ituri," Freddy Kilubi. *Le Phare*. English Translation. 25 January, 2007.
[1180] "North-Kivu: Mixing of the Troops is Deferred," Radio Okapi. English Translation. 19 January, 2007. http://www.radiookapi.net/article.php?id=6565.
[1181] United Nations Office for the Coordination of Humanitarian Affairs. "RD Congo: OCHA Goma, North-Kivu Situation Report. English Translation. 19 January, 2007.

Territory border area. There was also an abundance of unexploded ordinance in the area, making villagers feel uneasy and concerned for their children.[1182]

On 20th January, major fighting broke out in the villages of Luke and Murambi. It spread to Ngululu, Kasinga, and Kasheke. Two battalions loyal to General Nkundabatware were stationed in the area. The senior officers did not want to join the mixing process, but about 80 members of the 812th Battalion were prepared to join the FARDC.[1183] These soldiers attempted to secure a corridor to Kitchanga and allow the FARDC to enter the area and facilitate their transport to a mixing center. When the recalcitrant soldiers discovered their plan, a gunfight broke out.

The civilian population was targeted because some of the soldiers who were leaving for the mixing process went to hide in the nearby villages. Houses were set on fire and civilians who were suspected of aiding the fleeing soldiers were shot. Seven people were confirmed dead[1184] and two were wounded.[1185] One soldier was killed and two were hurt during the battle.[1186]

Hundreds of villagers fled to Rwawura, but they were unable to find any humanitarian aid because the agencies were so busy in other parts of the province. By the time MONUC soldiers arrived, the villages were empty. They set up a mobile base in Luke and people slowly began to return.

Not all the news was bad. Many people were returning to Nyanzale. The ICRC was stocking the hospital in Kitchanga while the WFP was busy distributing food in Chengerero.

[1182] Ibid.
[1183] "DRC: Civilians Caught up in Fighting Between Dissident Troops," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 25 January, 2007.
[1184] "In Masisi, North-Kivu: The Insurrectionists Faithful to Laurent Nkunda Stalk Elements of the 81st and 83rd Brigade," Stephan Salikoko. *L'Avenir*. English Translation. 24 January, 2007.
[1185] "DRC Fighting Claims One," News 24. 24 January, 2007.
[1186] "DRC: Civilians Caught up in Fighting Between Dissident Troops," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 25 January, 2007.

Latrines were built in Bunagana to reduce cholera. Kitchanga had returned to some semblance of normalcy. Schools and churches were open and traffic was able to travel safely from Goma.

The next day, General Numbi came to direct the official mixing ceremony. The first mixed brigade, named "Alpha," is commanded by Colonel Jean-Claude Mosala. After the ceremony, the brigade was transported to Moeso for deployment. According to the plan, Alpha's battalions would be deployed to Mwesso, Kashuga, and Nyanzale on Monday the 22nd.[1187] The following week, the second mixed brigade would be inaugurated and deployed in Rutshuru Territory. Many of the locals came to watch. In a touching gesture, the villagers pulled together what little they had and gave two cattle to Alpha as a peace and goodwill offering.

General Kisempia met with the newly elected provincial government. He promised the FARDC would bring peace to North Kivu and he asked them to fully support the FARDC and CNP. After the meeting, he returned to Kinshasa to stay after completing his long mission in Goma. From there, he holds daily staff meetings with FARDC officials and stays in constant touch with MONUC commanders.

The mixing of the second brigade had hit a snag. Registration of General Nkundabatware's soldiers was going very slow. Many of them were illiterate and could not fill out any forms. They had problems communicating with Major Ingoma's mixing coordinators because his men spoke French and Lingala, not the local languages and *iKinyarwandan* the General's men speak.

Despite the communication problems, the second mixed brigade "Bravo" was inaugurated on 25th January. 1000 soldiers from the 1st FARDC Reserve Brigade and 1000

[1187] "North-Kivu: Beginning of Mixing of the Troops of Nkunda and the FARDC," Radio Okapi. English Translation. 20 January, 2007. http://www.radiookapi.net/article.php?id=6581.

soldiers from the 81st and 83rd brigades comprised the new unit.[1188] Its commander is former dissident Colonel Makenga Fulsani. Ex-dissident Lieutenant-Colonel Bukamanzi and FARDC Lieutenant-Colonel Cyril Nsimba are the deputy commanders. The brigade was being deployed in Jomba and Chengerero.

Shortly after their deployment, the "former" dissidents engaged FOCA in combat. The fighting forced part of FOCA to retreat into South Kivu near Nyabibwe and Bishebere, where they engaged in kidnapping and theft. The 11th Mixed Brigade attacked them and was able to recover three of the four hostages.[1189]

The former dissidents did not give up their old ways. They erected a series of roadblocks in Masisi Territory again. Anyone trying to pass a checkpoint had to pay a hefty fee. Sake, Mushaki, and Kashsebere all had tolls. Any vehicle returning with minerals from Walikale Territory had to pay even more money to pass. The soldiers syphoned several liters of fuel from each vehicle passing by Kiloliwe. Colonel Kayimbi deployed the newly formed "Charlie" Brigade from Mushaki to bring these soldiers back into line. The brigade's deployment had been delayed because the commanding officers of the 81st Brigade were late to report. Despite the extortion, four "North American diplomats" felt it was safe enough to visit the Mikeno sector of Virunga National Park.[1190]

In the meantime, General Nkundabatware is still engaging in talks. Apparently his daily routine is quite a spectacle. He drives himself and his bodyguards almost daily from Kitchanga to Goma (for meetings with FARDC officers) and then back again. When he arrives

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[1188] "North-Kivu: A 2nd Brigade Mixed With Elements Formerly Faithful to Laurent Nkunda," Radio Okapi. English Translation. 25 January, 2007. http://www.radiookapi.net/article.php?id=6620.

[1189] "South-Kivu: The FARDC Take Back 3 Prisoners Removed by *Interahamwe*," Radio Okapi. English Translation. 9 February, 2007. http://www.radiookapi.net/article.php?id=6757.

[1190] Ngobobo, Paulin. "Gorilla Families Being Tracked…but 3 Silverbacks and an Adult Female Still Missing." Gorilla Protection. Wildlife Direct. 13 February, 2007. http://www.wildlifedirect.org/gorillaprotection/?p=85.

at his destination, bodyguards surround his car and escort him everywhere. Upon returning to Kitchanga, he entertains journalists and reporters. He presents himself as a man of peace, insisting a peaceful resolution is the only way for the Congo to move forward. Yet this "man of peace" provided UNICEF and Save the Children with plenty of work considering 20% of his army were children.[1191]

He claims, "The complaint [arrest warrant] does not have any base. I do not fear anything."[1192] While that may be true for the moment, he may yet change his mind. An international conference on child soldiers was held in France during the first week of February. The attendees specifically discussed General Nkundabatware and there is a growing call for the ICC to indict him in the same manner as Thomas Lubanga. It remains to be seen if the international community will step up and issue the warrant, but the Congo and its children will remain vigilant while he remains in the Congo, and perhaps even if he is in exile. As one MONUC civil worker put it, "The General remains an obstacle to peace even if he lives in exile."[1193]

Just as the Congolese people were about to exhale their collective breath and take a sigh of relief because the mixing of General Nkundabatware's men was going smoothly, war broke out in South Kivu. At 04:00 on 29 January, 2007, the FARDC's 112th Brigade commanded by General Patrick Musunzu launched an attack in Bidjombo (Mwenga Territory).[1194] The FARDC engaged Major Michael Makanika Rukunda, Colonel Bisogo, 100 members of Major Rukunda's band of dissidents called the Moramvia Group, and some of General

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[1191] "Laurent Nkunda, Chief of the Rebels of North-Kivu, Negotiates With Kinshasa as a 'Man of Peace'," Jean-Pierre Tuquoi. *Le Monde*. English Translation. 1 February, 2007.
[1192] Ibid.
[1193] Ibid.
[1194] "RD Congo: CODHO Condemns Violence in Matadi, Boma, Muanda, Songololo (Bas-Congo) in Minembwe (South Kivu) and Ituri (Eastern Province)," Committee of the Observers of Human Rights (CODHO). Press Release. N°2007/Press 11/CODHO/KN/07. 5 February, 2007.

Nkundabatware's accomplices in the Bukavu crisis of 2004.[1195] The fighting quickly spread to Minembwe, Kamobobo and Mutango.

The attacks occurred shortly after General Masunzu's arrested Theodore Mugaza, the administrator of Minembwe. General Masunzu then demanded Major Rukunda and his men report for mixing. Major Rukunda refused and challenged the legality of the arrest. General Masunzu was assigned as the deputy commander of an FARDC brigade in Kananga (Kasaï-Occidental Province), but he returned to Minembwe on his own accord. Thus, General Masunzu did not officially have any command in South Kivu. Regardless, General Masunzu launched an offensive after Major Rukunda refused his order.

As the battles spread into other villages, it was reported FOCA soldiers from Lulenge forest joined the battle on General Masunzu's side, but the FDLR denies these claims.[1196] The 12th Mixed Brigade also joined the fight. Many of the villages were devastated by the mortar fire. Sections of Mutango, Ilundu, Bidegu, Kamombo, Bijombo and Gitoga were either set on fire and/or heavily damaged. 4,000 people fled the area for the high plateaus, but the fighting made it impossible for humanitarian aid to reach the IDPs.[1197] Six of Major Rukunda and Colonel Bisogo's men were killed. The FARDC lost three soldiers and four others were missing.[1198]

[1195] "While Ban Ki-Moon Notes the Reinforcement of Safety in the East, a War Bursts in Minembwe!," *Le Phare*. English Translation. 31 January, 2007; "Our Correspondents in Kinshasa and Uvira," Media Monitor Congo. English Translation. 2 February, 2007.

Note: Major Rukunda deserted the FARDC in September 2005 and was due to enter the mixing process in December 2006.

[1196] "While Ban Ki-Moon Notes the Reinforcement of Safety in the East, a War Bursts in Minembwe!," *Le Phare*. English Translation. 31 January, 2007; "Confrontations to the East of DRC, Quiet in Minembwe But Fights Still Continue in Kamombo," DigitalCongo 3.0. English Translation. 5 February, 2007. http://www.digitalcongo.net/article/40843.

[1197] "DRC: Mission to Evaluate Desplaced in Minembwe," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 2 February, 2007.

[1198] "Minembwe File: A Delegation of FARDC Will Meet Insurgent Major Michel Rukunda," *L'Avenir*. English Translation. 7 February, 2007.

General Tshikwej ordered them to stop fighting, but they did not seem to listen. The FARDC pushed Major Rukunda's men out of Minembwe and secured the town. The fighting continued in Kamombo after Colonel Bisogo launched a counter-attack. A delegation of 50 FARDC and MONUC officials flew to Minembwe under MONUC protection to evaluate the situation.[1199] General Amisi and General Tchikwej were scheduled to arrive later in the week and hold talks with General Masunzu. In the meantime, MONUC implored both sides to implement a ceasefire.

The RCD-G reacted particularly harsh to this bout of violence. Azarias Ruberwa accused General Masunzu of "odious slaughters," arson, and collaboration with *Interahamwe*.[1200] He demanded an international investigation. His anger was understandable considering Mr. Ruberwa's hometown was right in the warzone. The FARDC/MONUC delegation sent its representatives to the village of Bidegu to investigate the situation. The village did not show any signs of battle damage, looting, or fires. Mr. Ruberwa's mother and uncle were both fine. They told the delegation the fighting never reached their village.[1201]

By 5th February, the confrontations in Kamombo stopped, partly because of the weather, but it also appeared that a ceasefire was reached. Five civilians were killed in the fighting (one in Bigogo, three in Ntahohoberwa, one in Mikenge).[1202] MONUC began patrols in the area when the weather improved.

Major Rukunda rounded up some women to carry his army's ammunition. He pulled his men out of Kamombo and the 112th Brigade took control of the city. He was scheduled to

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[1199] "A Delegation of the Government Army and MONUC in the East," Xinhua News Service. 3 February, 2007.
[1200] "Engagements Between Army and Dissidents in South Kivu (DRC): 9 Died in One Week," *Agence France Pressé*. 3 February, 2007.
[1201] "South-Kivu: 9 Died and Several Casualties in the Combat at Kamombo," Radio Okapi. English Translation. 3 February, 2007. http://www.radiookapi.net/article.php?id=6702.
[1202] United Nations Office for the Coordination of Humanitarian Affairs. "Humanitarian Situation Report – South Kivu: 5 February, 2007." 5 February 2007. pg. 1.

meet with the FARDC delegation from Minembwe after they finished talks with General Masunzu. General Amisi went to Fizi and Baraka territories with the intent of proposing they report to the mixing center in Luberizi, where 1,800 soldiers were already being housed.[1203] Elements of the 112th Brigade heeded his call, but Colonel Nguvu's Mai-Mai refused to report.

[1203] "South-Kivu: Calm Returns in Minembwe," Radio Okapi. English Translation. 5 February, 2007. http://www.radiookapi.net/article.php?id=6716.

Book 2: The Future: Sustaining the Peace

Chapter 1: Looking Forward

A key development for the Congo will be the political fallout from the senatorial elections and the appointment of governors. The AMP won six provincial gubernatorial seats, including North Kivu, South Kivu, and Katanga.[1204] Julien Paluku Kahonga of the RCD-ML took Mr. Serufuli's spot, and the National Deputy elect (to the French Assembly) of North Kivu was Faustin Dunia Bakarani. Mr. Bakarani is a Tutsi (the only Tutsi in the Congolese Government) from Masisi Territory who was a founding member of the RCD. He is allied with the ONE.

A number of complaints were lodged about the last bout of elections. The Independent Electoral Commission (CEI) disqualified two MLC candidates because they had dual citizenship, one of whom was a cousin of Jean-Pierre Bemba.[1205] The RCD-G filed also filed a complaint. Civil Society claimed the senatorial elections in South Kivu were illegitimate because the provincial deputies were corrupted.

Though the RCD-G did relatively well in the senatorial elections, the party was further minimized when they were denied a cabinet position in the new government. Azarias Ruberwa threatened to turn the RCD-G into a political opposition party. RCD-G Secretary General

[1204] "Elections of the Governors, the AMP Raid the Majority," Uhuru. English Translation. 29 January, 2007.
[1205] "Governor Candidates Invalidated, 'It is Vis-à-vis a Case of Forgery and the Use of Forgery'," *Le Soft*. English Translation. 29 January, 2007.

Hubert Kabasubabu took a softer stance, stating the RCD-G party wanted to "give a chance to this government."[1206]

Presidential runner-up Jean-Pierre Bemba won a seat in the Senate, but he will not be crowned chairman because the AMP holds the majority vote. One man who could, Yerodia Abdoulaye Mdombasi, is notorious for spouting violent anti-Tutsi rhetoric at the beginning of the 2nd Congo War. He openly called for the expulsion of all Tutsis.[1207] The ONE was further hurt when Guy Indenge, President of the ONE's Parliamentary Group on the Provincial Assembly of Ecuador Province, resigned from his post.

Some analysts have suggested a link between General Nkundabatware and Senator Bemba. Currently, there is no overt public evidence to demonstrate such a link. If there is one, it is an alliance of convienience and nothing more. Politically, General Nkundabatware would be a hinderance as an ally and Bemba would lose popular support in the Congo, especially now that he is a Senator and needs to project himself as a the legitimate leader if the MLC is going to become the primary opposition party to the AMP. Historically, the RPA and ANC had links to Senator Bemba during the first few years of the 2nd Congo War, primarily because the RPA needed to use the well-developed airport in Beni his ALC troops controlled. In 2002, the RPA turned against the MLC by supporting the UPC and, for a short time, the FAPC, who faught to push the MLC/ALC and RCD-ML out of the gold-rich areas in Ituri. Moreover, the RPA/ANC was on the outs with the MLC's sponsor Uganda from 1999-late 2006. However, now that Rwanda and Uganda appear to have put aside their differences, at least temporarily, one must ask: does Senator Bemba now support General Nkundabatware and the CNDP in some way?

[1206] "Kinshasa: The RCD Wants 'To Give a Chance to This Government," Radio Okapi. English Translation. 7 February, 2007. http://www.radiookapi.net/article.php?id=6733.

[1207] "D.R. Congo: Halt Growing Violence Ahead of Elections," Human Rights Watch. Press Release. 26 October, 2006.

Are his planes ferrying in General Nkundabatware's reinforcements? Are the General and his backers utilizing MLC-influenced airports? If there is a partnership, what, if anything, is Jean-Pierre Bemba getting in return? Perhaps time will also reveal the definitive answer to these crucial questions.

One thing is certain; General Nkundabatware will only last as long as his Rwandan backers want him to.[1208] While he is a very loyal RPA soldier, Rwanda would likely drop its

[1208] Note: An important consideration beyond the scope of this book to cover in great detail is the cultural ties between General Nkundabatware and senior members of the Rwandan Government and the RDF. In pre-colonial times, before the ethnic (or racial within Rwanda) identity of Hutu and Tutsi deeply divided the country, clans (*ubwoko)* formed the foundation of Rwandan society and identity. The clan is the most abstract form of patrilineal kinship in Rwanda. Clans do not regard ethnic identity and all clans have both Hutu and Tutsi members. Clan membership does not indicate a social status or privilege to their members and they did not have a "leader" or person in charge. The concept of belonging to an ethnic group did not occur until the 18th century, when leaders of the newly forming permanent army announced that being Tutsi afforded more privilege. (Ministry for Local Government: Department of Information and Social Affairs. "The Counting of the Genocide Victims: Final Report." Government of the Republic of Rwanda. November 2002. pg. 7.)

The only possible exceptions were the *Abanyiginya* and *Abeega* clans. However, originating from one of these clans does not afford any elevated status to its members because other sub-divisions within the clan, such as lineage, are more indicative of social status. Rwandan mythology says these two clans hold a sacred origin because the Rwandan Kings are chosen from these clans. (Mamdani, Mahmood. "When Victims Become Killers." Princeton, New Jersey: Princeton University Press. 2002. 3rd Edition. pg. 54-55, 79.) The Queen Mother comes from the *Abeega* clan. (Martins, Ludo. "Rwanda: The Responsibility of Belgium in the Creation of Racist Ideology." Report Presented at the Conference on Rwanda. English Translation. Brussels, Belgium. 5 April, 1997.)

As the Rwandan refugees from the late 1950s-very early 1960s grew up in Uganda, they were simply lumped together under the cultural label of "Banyarwanda" by the Ugandans, though they still were ethnic Tutsis. Ugandan law discriminated against Banyarwanda by dening them education and jobs. There was a loss of Rwandan identity as a result because they had to conform to Ugandan standards for the sake of survival. For the early members of the NRA, the loss of identity was magnified when they were forced to pose as Banyankole in order to avoid persecution from President Obote. The situation was similar for the Banyarwanda in Zaire who were persecuted by President Mobutu. As persecution and minimalization became stronger, exiled Tutsis clinged stronger to their sense of identity because it was one of the few things they possessed besides their families.

President Kagame and General Nkundabatware are both members of the *Abeega* clan. (Johnson, Dominic. "*Der Rebell Auf Dem Sprung Aus Den Masisi-Bergen (Kongo).*" *Die Tageszeitung*. Number 8082. English Translation. 23 September, 2006. pg. 5; Musabyimana, Gaspard. "*La Vraie Nature du FPR/APR d'Ouganda en Rwanda*." Paris, France: *L'Harmattan*. 2003. pg. 60-67.) This creates a sense of kinship between the two, but there is another kinship they share that may be even stronger. The RPF itself was considered an *inzu* (lineage) to its Tutsi members when it was founded, giving them a new, but distinctly Rwandan identity. Rwandan lineages are not ethnically mixed, they are exclusively Hutu or Tutsi. Lineage does have a bearing on social status in Rwandan culture and RPF members were strongly encouraged to feel a

common bond with each other. Taken literally, the RPF/RPA are a family, with President Kagame as the "King" or figurehead.

The RPA soldiers called themselves *Inkotanyi* meaning "fighter" or "struggler" though originally the term referred to the militia of a 19th century Tutsi king who beat Hutus into submission and it was a derogatory term. ("Terror Surrounds Rwanda's Orphans." Bill Berkeley. Alicia Patterson Foundation Reporter. Volume 16. Number 4. 1995.) The RPF redefined the term to create a bond. Their creed was, "*Inkotanyi* are Rwandans who aim to lead Rwanda to development…*Inkotanyi* are not Hutu, Tutsi, nor Twa…the *Inkotanyi* accepts everyone who believes in its goals." ("Leave None to Tell the Story: Genocide in Rwanda." Alison Des Forges. Human Rights Watch. 1 April 2004. 2nd edition.) While they preached ethnic consolidation, the RPA and RPF political party that emerged following after the Rwandan Genocide began to systematically consolidate power with the Tutsis. For additional background information, consult the official RPF website at http://www.rpfinkotanyi.co.rw/. Please be advised the website is primarily written in *ikinyarwanda* with a lesser portion in French.

1993-1994 RPF/RPA recruit training included extensive lesions on Rwandan history and taught that whites were the cause of ethnic divisions. ("Leave None to Tell the Story: Genocide in Rwanda." Alison Des Forges. Human Rights Watch. 1 April,2004. 2nd edition.) General Nkundabatware, a well-educated man by the time he joined in 1992, was likely exposed at some level to this doctrine.

President Paul Kagame is a member of the former Tutsi monarchy's royal blood line. President Kagame's father, Deogratius Kagame, was related to King Charles Mutara Rudahigwa. Deogratius remained a close friend of the King's during the early part of his career. Mr. Kagame was so well connected, he had the opportunity to become a chief but he turned down the offer. President Kagame's mother Asteria Kagame, was a sister of King Rudahigwa's wife, Queen Rosalie Gicanda. (Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 8.) President Kagame also has more distant relatives related to Queen Kanjogera. (Musabyimana, Gaspard. "*La Vraie Nature du FPR/APR d'Ouganda en Rwanda*." Paris, France: *L'Harmattan*. 2003. pg. 60-67.)

Dr. Helmut Strizek, an expert witness for the ICTR, revealed President Kagame is one of the highest ranking members of the Ega royal family. The *Ega* family is one of four Rwandan lineages called *Ibibanda* who produce the royal spouses. When the *Ega* lineage (*inzu*) was in charge of the Rwandan monarchy in the very early 1900s, they were attacked by Hutus living in northern Rwanda. The Germans brought in guns and suppressed the uprising. ("Interview With Dr. Helmut Strizek," german-foreign-policy.com. 29 May, 2006. http://german-foreign-policy.com/en/fulltext/56005.)

King Rudahigwa died in 1959 just after receiving a vaccine from a Belgian doctor right before he was going to travel to the U.N. and ask for Rwanda's independence. He was originally appointed as King by Belgium and the Catholic Church in 1931 because he was a baptized Catholic who would be more likely to institute their policies. (Gourevitch, Phillip. "We Wish to Inform You That Tomorrow We Will Be Killed With Our Families." New York, New York: Picador (St. Martin's Press). 1998. pg. 56.) He was succeeded by King Kigeli V Ndahindurwa, his half-brother, but the monarchy was dissolved in 1961 by a popular vote held under U.N. supervision.

The royal family went into exile and King Kigeli V currently lives in Washington D.C. Queen Gicanda avoided politics following the 1959 uprising in order to protect her family. During the October 1990-April 1994 Rwandan War, Queen Gicanda reportedly pleaded with her nephew to stop his army from killing more civilians. (Collins, Mick, Ndindiliyimana, Major General Augustin. "The General's Book on Rwanda." CirqueMinime/Paris. 2004.) She was cruely murdered near her home in Butare during the Rwandan Genocide on 20 April, 1994 by FAR Private lst Class Aloys Mazimpaka acting under the command of Lieutenant Pierre Bizimana. ("Leave None to Tell the Story: Genocide in Rwanda." Alison Des Forges. Human Rights Watch. 1 April, 2004. 2nd edition.) The Kagame family also suffered the loss of Florence Ngirumpatse, a relative from Queen Gicanda's side of the family. She was the Director of Personnel at the United Nations Development Project's (UNDP) Kigali office. She was killed by a Hutu civilian milita at her

support for him if he ever becomes to big a political liability for them in the eyes of the international community. If they withdraw military support, he will be left to the mercy of the

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home in Kigali along with all the Tutsi women and young girls she was hiding for protection in her home. President Kagame asked General Dallaire to evacuate her from the city, but militia had already surrounded the house by the time he got there and he did not want to antagonize them into harming anyone. ("Ghosts of Rwanda - Interview: Paul Kagame." Frontline. PBS. WGBH Educational Foundation, Boston. 30 January, 2004.) Fellow UNDP employee Callixte Mbarushimana is accused of a role in the murder by several eyewitnesses, but he was never indicted by the ICTR.

President Kagame was very close to his aunt. While he was in exile, he would often sneak across the Ugandan border to visit her and gather intelligence about what was going on in Rwanda. Beginning in 1977, he arranged to stay at safehouses with various relatives in Rwanda. He travelled posing as a Banyankole with a Ugandan passport to avoid suspicion. He stayed for two months before returning to Uganda and returned in 1978 (entering the country through Goma, Zaire). During this trip, he stayed with several political sympathizers to the Rwandan refugee cause. (Kintu, Remigius. "The Truth Behind the Rwandan Tragedy." ICTR. Document Number #7233. 20 March, 2004; Waugh, Colin M. "Paul Kagame and Rwanda: Power, Genocide, and the Rwanda Patriotic Front." Jefferson, North Carolina: McFarland & Company Incorporated. 2004. pg. 16-19.)

Even many years after his exile, King Kigeli V still had supporters amongst the RPA. After the signing of the Arusha Accords, RPA intelligence officers heard the *Interahammwe* and *Impuzamugambi* planned to commit mass murders if the RPA tried to take power. This information was passed on to King Kigeli V, who in-turn wrote the U.S. Government and the U.N. to warn them of the plot. (Mugabe, Jean-Pierre. "Declaration on the Shooting Down of the Aircraft Carrying Rwandan President Juvenal Habyarimana and Burundian President Cyprien Ntaryamira on April 6, 1994." International Strategic Studies Association. 21 April, 2000.)

In 1998, the King demanded (then) Vice President Kagame allow him to return to his country as king and install a transitional government with equal representation for Hutu and Tutsi. King Kigeli V is a critic of RPF/RDF policies. The newly ratified Rwandan Constitution (2003) had a specific clause forbidding the King's return to Rwanda. ("Exiled King Demands Role in Bringing Peace to Rwanda," The International Strategic Studies Association. 11 October, 1998.) President Kagame later welcomed King Kigeli V to return as an ordinary Rwandan citizen. ("Rwanda: The Search for Security and Human Rights Abuses." Human Rights Watch. Volume 12, Number 1 (A). April 2000.)

Though King Kigeli V denies it, there are rumors of an "Army of the King," which will fight to restore the royal monarchy. President Kagame said in no uncertain terms he would meet them with force. "Whoever will come will definitely die…We are ready." (Ibid.) Notably, some of the King's political supporters abroad are former members of Rwanda's Transitional Government now in exile such as former President Pasteur Bizimungu. There is also a diaspora group founded in Belgium called "NATION" that lobbies for the institution of a parliamentary monarchy and the return of King Kigeli V to the throne.

President Kagame and King Kigeli V are both from the *Abeega* clan (*ubwoko*). The *Abeega* and *Abanyiginya* clans (the two largest clans in Rwanda) have gone to war for control of the Rwandan monarchy in the past. It was the *Ega* lineage within the *Abeega* clan who began the war in earnest after the death of King Kigeri Rwabugiri in 1896. His son took the throne but King Rwabugiri's wife Queen Kanjogera (who was not the newly anointed king's mother) had him killed to consolidate *Ega* influence in the monarchy. She then killed other relatives of King Rwabugiri belonging to the *Abahindiro* clan to ensure an *Ega* dynasty. The Bakiga led a revolt against the *Abeega* clan after they took the throne by force. Former President Juvenal Habyarimana, born in the former Gisenyi Prefect, was by definition a Bakiga.

Congolese government forces, though he may choose to go out fighting. If he indeed goes into exile in South Africa, look for Rwanda and Uganda for forge even tighter bonds.

Alternatively, if Rwanda still wishes to have a proxy influence in the Congo, they may throw their support behind General Nkundabatware and the CNDP. The RCD-G is virtually worthless to the RPF now. They have limited representation they lack an armed wing because the ANC soldiers are now part of the CNDP army. Admittedly, the CNDP currently only has regional support, but if they can control enough land to generate ample income, that is all they need. Prior to becoming a part of the Transitional Government, this was the same method the RCD-G used on behalf of Rwanda.

Thus, one of the reasons Rwanda supports General Nkundabatware is for financial gain. As demonstrated in Book 1, General Nkundabatware has been used primarily to facilitate the illegal export of mineral Rwanda can sell. The state of Rwanda can not currently produce enough money on its own to fund all its internal and external expenses despite the fact RDF military expenses have dropped since overt RDF military offensives in the Congo ended in 2002. As the mining area General Nkundabatware has available for expoitation shrinks due to FARDC offensives, Rwanda's need to generate "supplemental" income will only increase.

Rwanda does have some of its own coltan, cassiterite and wolfram deposits, but they do not have abundant reserves. In the past, some of their mining companies have even gone into bankruptcy. They also no longer have the shell businesses set up during the 2nd Congo War available to funnel money and/or goods to RPF officials. Small companies that suddenly appeared in North Kivu, like Little Rock Mining, Tenfield Holdings, Colliers Ventures, Sapora Mining, and Intermarket, were reportedly partly owned by President Kagame and General

Kabarebe.[1209] There were also RCD-G-owned and/or run firms like SOMIGL (Great Lakes Mining Company) that forwarded capital and/or minerals to Kigali when they had a monopoly on coltan exports from the Congo through proxy businesses.[1210] Rwanda was also able to skim

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[1209] Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 470.

[1210] Note: Rwanda set up an elaborate series of businesses to control the mineral trade and launder money for military spending. When the 1st Congo War broke out in 1998, Rwandan officials took a cue from the Sierra Leonian/Liberian armed factions and UNITA. They entered the illicit trade of "blood diamonds" to pay for their military exploits.

(Then) Vice-President and Minister of Defense Paul Kagame even joined forces with UNITA leader Jonas Savimbi in 1998. UNITA rebels were allowed to land in Kigali for refueling and to conduct their diamonds-for-arms trade there. This was in violation of arms sanctions on UNITA. Prior to the alliance, UNITA conducted most of their business in Ouagadougou, where President Compaoré was more than happy to help out an old friend and political campaign contributor. (United Nations Security Council. "Letter Dated 10 March 2000 From the Chairman of the Security Council Committee Established Persuant to Resolution 864 (1993) Concerning the Situation in Angola Addressed to the President of the Security Council." S/2000/203. 10 March, 2000. pg. 8-9.)

Vice President Kagame introduced UNITA officials to Victor Bout, one of the RPA's arms brokers and logistical handlers. In return, Vice President Kagame was able to meet diamond traders who acted as middlemen by purchasing Rwanda's smuggled gems and taking them to Antwerp, Belgium, or London, the home of DeBeers' Central Selling Office, which handles the vast majority of the world's diamonds while contributing tax revenues from each sale to the British Government. There, manufacturers or jewelers bought the stones and then polished and cut them for retail sale. In addition, UNITA sent military advisors to aid ANC soldiers in the Congo. (Ibid.) Rwandan government officials denied ever having any connections to UNITA. ("African Governments Deny Aiding Unita," BBC News. 12 March, 2000.) President Kagame insisted Rwanda was never involved in the diamond trade. (Crossette, Barbara. "Interview with President Paul Kagame." The New York Times. 5 September, 2000.) Joseph Mutaboba, Rwanda's Ambassador to the U.N. at the time, said, "He [Vice President Kagame] has no connections. He has never met Savimbi, has never talked to Savimbi." (Roth, Richard. "Allegations of Diamonds for Weapons." CNN International: Diplomatic License. 18 March, 2000.)

The revenue from the plundering of diamonds and coltan was moved through the RPA's "Congo Desk" and was kept separate from the national budget. The deak was created as a division of the Department of External Intelligence (DEI) and the main branch was opened in Kisangani. RPA Intelligence Officer Deus Kagiraneza was assigned to the post and he had the help of (then) Lieutenant Frank Begumisa who acted as the RPA's Operations Officer in Kisangani. Major Dan Munyuza (member of RPA's DMI) and General Kabarebe were reportedly responsible for negotiating most of the deals for the Congo Desk. In 1999, the Desk brought in an estimated $320 million dollars (U.S.). (United Nations Security Council. "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2002/1146. 16 October, 2002. pg. 14-15.)

The Desk allowed them to create a virtual monopoly on diamonds in Kisangani once the RPA pushed the UPDF out. Originally, Aziz Nassour was the RPA's diamond buyer of choice, but they later switched to Israeli dealer Philippe Surowicz and founded the Balco *comptoir* owned by Mr. Lukasa, a former minister under President Mobutu. Balco closed down when the RCG-G's taxes became too steep after the drop in coltan's net worth. (United Nations Security Council. "Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2001/1072. 13 November, 2001. pg. 11.) In October 2001, the RPA decided to trade with

Hamad Khalil, Lebanese owner of the Bakayoko *comptoir* in Kisangani. They also did business with Victor Bout's business partner Sanjivan Ruprah Singh, who set up arms deals on behalf of Victor Bout and was his diamond broker. (United Nations Security Council. "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2002/1146. 16 October, 2002. pg. 15.)

Rwandan officials denied the RPA ever invaded the Congo for economic reasons. The Rwandan Government maintains they were protecting their borders from the ex-FAR and *Interahamwe*. They called the Congo Desk a "fabrication." ("Reply To The Final Report (Document S/2002/1146) Of The Panel Of Experts On The Illegal Exploitation Of Natural Resources And Other Forms Of Wealth Of The Democratic Republic Of Congo." Government of the Republic of Rwanda. 23 October, 2002.)

Best known for his role in the Liberia/Sierra Leone illegal diamonds-for-arms trade, Mr. Ruprah is an Indian of Kenyan nationality who holds multiple passports. His sister was married to RCD-G President (and later Minister of Defense in the Congo's Transitional Government) Adolphe Onusumba and he is a big supporter of former Kenyan President Arap Moi. Mr. Ruprah was the head of Branch Energy Kenya, a subsidiary of Branch Energy, founded by Tony Buckingham, an entrepreneur and former Special Air Service (SAS) soldier who was also a founding member of EO. Mr. Ruprah was also a shareholder in Buckingham's Ibis Air (EO's airline company), a Johannesburg-based company Mr. Ruprah used to ship arms along with Simba Air, another cargo airline company he held stakes in that was owned by President Moi's son. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 89, 229, 470.) Ruprah was arrested in Belgium in early 2002. After getting out of prison, he fled into hiding in Congo-Brazzaville.

In the Congo, Mr. Ruprah was introduced to Yubero Diamonds by (then) RCD-G President Adolphe Onusumba. Yubero is based in Antwerp and run by Benny Raphael Israel. Ronnie Rick Grouper was the Manager until July 2001. Yubero bought stolen Congolese diamonds from Mr. Ruprah on behalf of Rwanda in 2001. (Ruprah, Sanjivan. "Letter to Special Agent Brad F." 19 May, 2002. Belgian Institute for Peace Information.) Mr. Ruprah was even given his own diamond concession near Kisangani by Congolese authorities. ("Over Three Million Dead – Arms Trafficking and Plunder in the Democratic Republic of the Congo," Amnesty International. The Terror Trade Times. Issue Number 4. June 2003.) He was also a shareholder with President Kagame and General Kabarebe in several companies in North Kivu including Little Rock Mining, Tenfield Holdings, Colliers Ventures, Sapora Mining, and Intermarket. (Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 470.)

Mr. Ruprah had a more difficult time trying to open his own businsess ventures after international sanctions were passed on him, so he resorted to using proxy buyers and shareholders. Mr. Ruprah sold his private company Collier Ventures to the publicly traded Mart Resources Incorporated. The deal allowed Mr. Ruprah and his business partner Pravin Khatau to become major shareholders in Mart Resources. Mr. Ruprah then had his Congolese-Belgian wife Sandra Rose Houthoofd create Petroco Africa Limited and registered it in the United Kingdom. Next, she opened a subsidiary Petroco DRC Limited registered in the British Virgin Islands. From 2004-2005, Petroco bought concessions on Lake Tanganyika that included Block Yema, Block Lotshi, Block Nganzi, Block Mavuma, Block Rendus, and Block Matamba-Makanzi. (United Nations Security Council. "Letter Dated 15 June 2006 From the Group of Experts on the Democratic Republic of the Congo Addressed to the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004)." S/2006/525. 18 July, 2006. pg. 26-27.)

In 2000, Rwanda focused on the coltan trade over diamonds. The RPF hired Victor Bout to transport coltan out of the mining areas to Kigali or Goma, an illegal act by virtue of the international sanctions placed on him. Mr. Bout also transported supples and mining equipment in addition to airlifting RPA troops into or out of the Congo. General Kabarebe reportedly rented an Ilyushin-76 from Mr. Bout for these purposes. (United Nations Security Council. "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2001/357. 12 April 2001. pg. 18.) The RPA also contracted with Swala Express, Kivu-Air, and Bukavu Air Transport. ("Democratic Republic

off the RCD customs fees and taxes, but the RCD-G has been politically weakened and does not exert as much influence over the customs authorities. For their part, the Rwandan Government has always maintained their presence in the Congo had nothing to do with riches, only national security interests (stopping the FDLR/FOCA).

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of the Congo: 'Our Brothers Who Help Kill Us' – Economic Exploitation and Human Rights Abuses in the East." Amnesty International. AFR 62/10/2003. 1 April, 2003. pg. 30.) RPA soldiers were often flown in to guard coltan sites in Punia, Walikale, Lulingu, Lugushwa, Matanda, Kibabi, Mishanga, Mumba, Rugeshe, and throughout Shabunda Territory where local villagers were forced to labor in the mines for them.

Rwandan officials wanted a larger cut of the profits for themselves, so they set up several businesses of their own independent of the RCD. Most of them served as *comptoirs* who sold the ore to industrial mineral processors abroad. Some, like MPC, were chronicled earlier. Another Rwandan-linked *comptoir* is Rwanda Metals directed by Francis Karmiba. *Grands Lacs Metals* was owned by RPA Major Munyuza, Major Kazura (Chief of Security in Congo), and Major Gatete. Eagle Wings Resources LLC's branch in Kigali was managed by Alfred Rwigema, who is married to Paul Kagame's sister Béatrice. ("Supporting the War Economy: European Countries and the Coltan Trade." Jeroen Cuvelier, Tim Raeymaekers. International Peace Information Service. January 2002. pg. 27.) When word of their coltan operations spread by late-2001, many of the *comptoirs* located in Bukavu and Goma moved to Gisenyi and Cyangugu in Rwandan territory.

Eagle Wings is a joint venture between Ohio-based Trinitech International (then mangaged by Robert Raun) and *Chemie Pharmacie Holland* (then directed by Doron Sanders). *Chemie* claimes it severed the partnership in 2002. Trinitech received a portion from each of Eagle Wings' ore shipments for processing. Eagle Wings was also one of the few *comptoirs* in Central Africa with a purity lab available to it. The lab, also located in Kigali, was owned by Europe-based Alex Stewart (Assayers) Limited. ("Supporting the War Economy: European Countries and the Coltan Trade." Jeroen Cuvelier, Tim Raeymaekers. International Peace Information Service. January 2002. pg. 25-27.)

From mid-2001-2004, gold was the RPF's most-coveted mineral because its price was rising while coltan prices were plummeting. The problem was that gold was much more scarce in the Kivus than in the area farther north (Orientale Province). First, the RPA trained and armed the UPC and later the FAPC in Ituri in exchange for gold they mined from the OKIMO concessions. Second, the RCD-G set up the Congo Holding Development Company (CHCD) in June 2001 with financial backing from South African investors. CHDC eventually owned 37 of the 47 concessions formerly owned by the Mining and Industrial Company of Kivu (SOMINKI). Most of the concessions were primarily mined for gold. The company was directed by Félicien Ruchacha (a former Gécamines engineer) and partially owned by Gertrude Kitembo (former RCD-G Governor of Maniema Province and the Minister for Post and Telecommunications in the Transitional Government). ("Digging Deeper: How the DR Congo's Mining Policy is Failing the Country," Dominic Johnson, Aloys Tegerea. Pole Institute. N°15. December 2005. pg. 33-34.)

Rwandan military involvement in the continued racket of minerals from the Congo takes an interesting contexted when viewed in light of President Kagame's comments of October 2002. Question: "Your view then is 'Fine, all companies should be judged by the same criteria' but if individual army officers are engaged in business activities, you would disapprove of that and disciplinary action would be taken?" Paul Kagame: "Absolutely." At the same time this comment was made, President Kagame also denied the RPA was involved with the ANC and denied integrating any soldiers into their army. (Smith, Patrick, Wallis, William. "Interview with Paul Kagame." Financial Times. 18 October, 2001. http://www.gov.rw/president/interviews/2001/financial_times.html.)

In order to influence the situation from a different angle, General Nkundabatware and his men have either replaced or killed traditional chiefs (primarily Bahunde) unsympathetic to Banyarwanda and replaced them with allies. This trend will not continue if the government-loyal forces are able to provide protection in Masisi and Rutshutu territories. This prospect makes the North Kivu governor's post all the more lucrative because of its power to appoint administrative officials. What will happen now that the AMP has control of the governor's seat? What will happen to Mr. Serufuli now?

Rwanda is still highly dependent on foreign aid and loans. The Rwandan military and justice apparatus engulfs a sizeable portion of the budget in order to secure the border, house all the prisoners accused of committing genocide, run the *gacaca* courts,[1211] buy the latest military equipment, pay for RDF training, and pay the salaries of all the RDF soldiers, local defense forces, and police so the country does not have chronic behavior problems like the FARDC. The RPF also has to pay their RPF agents abroad. A fund is reportedly set up to hire public officials, journalists, authors, and public relations firms to create and maintain a good image of the RPF/RDF abroad.[1212] As President Kagame said, "…what else can we do without security? At whatever cost it comes, we must bear it as a matter of priority, otherwise nothing else will take-off in Rwanda."[1213]

As MONUC and the FARDC have reduced the mining areas and transport corridors General Nkundabatware has access to, Rwanda has been forced to turn towards rapid economic development in order to make up for the lost income. The Rwandan Government has been incredibly busy this past year drumming up investors (particularly in the information and technology sector), donors, and asking for debt relief. President Kagame personally spent

[1211] Note: A Kinyarwandan word that roughly translates to, "justice on the grass."
[1212] Private Interview. 2006.
[1213] Crossette, Barbara. "Interview with President Paul Kagame." The New York Times. 5 September, 2000.

more time on diplomatic missions to western nations to secure loans, aid, and convince multi-national businesses his country was safe for investment.

He concentrated on the U.S., Belgium, United Kingdom (who is giving over 51 billion Rwandan Francs for poverty reduction[1214]), Sweeden, and Canada, but an effort was made to forge or strengthen ties with other countries. For example, Rwanda opened business dialogs with Slovenia and Russia. The United Arab Emirates (UAE), Oman, and Qatar held a summit to showcase investment opportunites in Rwanda. These Arab states are already a major importer of Rwandan crops, including tea, coffee, and fruit. In particular, Rwandan officials wanted Qatar to establish commerical banks and direct flights in their country.[1215] The Chinese Government signed an economic and technology agreement calling for increased trade and Chinese investment with Rwanda. In addition, China provided Rwanda with several college scholarships and much needed medical equipment.[1216]

Unsurprisingly, the U.S. is providing Rwanda with a number of aid programs and has promoted private investment in Rwanda. Overall, over $115 million (U.S.) dollars were given in official aid during 2006.[1217] Ryan Washburn of the United States Agency for International Development (USAID) approved a $3.8 million dollar (U.S.) project to preserve Nyungwe National Park in Western Rwanda. USAID is working with Rwanda's Tourism and National Parks Office to increase tourism in the park over the next four years.[1218] This project is a compromise because unnamed U.S. officials wanted to buy Nyungwe from the Rwandan Government, but they protested. There are gold deposits in Nyungwe so do not be surprised if

[1214] "UK Gives Rwanda Frw 51bn for Poverty Reduction," Ignatius Ssuuna. The New Times. 1 February, 2007.
[1215] "Rwanda Woos FDI From Qatar to Quadruple GDP," Gulf Times. 7 February, 2007.
[1216] "China Pledges Support to Rwanda," Fidel Munyeshyaka. Great Lakes Center for Strategic Studies. 12 September, 2006.
[1217] "US Gives Over $115m for 2006," Magnus K. Mazimpaka. The New Times. 20 January, 2007.
[1218] "USAID Commits US $3.8 m to Nyungwe Forest," Robert Mukombozi, Sulah Nuwamanya. The New Times. 30 July, 2006.

the USAID project includes an initiative to make the forest more accessable to vehicles and heavy equipment.[1219] Watch for a U.S. or Canadian mining company to move in shortly after the project's completion. USAID is also providing $6 million dollars (U.S.) to Rwanda's WFP fund because, "We [USAID] were satisfied with the way the money was utilized."[1220]

The U.S. Millenium Challenge Corporation (MCC) and its partner the Millenium Challenge Account[1221] have provided Rwanda with copious support. The MCC grants money to economic sectors for development projects. Rwanda was approved for funding in 2006 that will amount up to $50 million dollars (U.S.).[1222] The U.S. Department of Defense (DOD) allocated $84 million dollars to the RDF to combat H.I.V. in the armed forces.[1223] The DOD allocated $6 million dollars(U.S.) for training and equipment to Rwanda through the Africa Contingency Operations Training Assistance (ACOTA) program and they also set aside $270,000 dollars (U.S.) for Rwanda's International Military Education and Training (IMET) program in 2006.[1224]

Assistant U.S. Trade Representative for Africa Florizelle Lister and U.S. Deputy Trade Representative Karan Bhatia brokered a trade agreement between the U.S. and Rwanda focusing on agriculture, particularly the Rwandan staples coffee and tea. Starbucks® signed a deal to purchase Rwandan coffee cheaply. The University of Michigan-Ann Arbor is assuming

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[1219] Private Interview. 2006.
[1220] "US Gives Over $115m for 2006," Magnus K. Mazimpaka. The New Times. 20 January, 2007.
[1221] Note: The Millenium Challenge Corporation (MCC) is run by former Brazilian and Panamanian Ambassador John Danilovitch. The Board of Directors includes Chairperson Condoleezza Rice (U.S. Secretary of State), Vice-Chairman Henry Paulson (U.S. Secretary of the Treasury), and Randall Tobias (USAID Administrator). Chief of Staff Matthew McLean was the former Director of African Affairs for the NSC during early 2000s. Vice President for Policy and International Relations Maureen Harrington was a Special Assistant with the Bureau of African Affairs at the U.S. Department of State where she was on a panel that made recommendations on how to "improve" African economic markets. She was also a longtime member of the International Republican Institute (IRI).
[1222] "Rwanda Wins MCA Jackpot," Robert Mukombozi. The New Times. 8 November, 2006.
[1223] "US to Inject US $84m in RDF HIV/AIDS Campaign," Jahn Bayingana. The New Times. 15 September, 2006.
[1224] "US Gives Over $115m for 2006," Magnus K. Mazimpaka. The New Times. 20 January, 2007.

management of Rwanda's School of Finance and Banking in Gikondo. Increased aid was pledged to Rwanda and the U.S.-Rwanda Trade and Investment Council began drawing up a Bilateral Trade Agreement.

The U.N. even got in on the act. The United Nations Development Project (UNDP) gave Rwanda a $5.4 million dollar (U.S.) grant to conserve their National Parks and promote tourism.[1225] The U.N. Millenium Project (part of the UNDP) headed by Jeffery Sachs (of banking giant Goldman-Sachs) is helping Rwanda achieve its Millenium Development Goals through an initiative by General Electric to fund health and agricultural projects. Millenium Promise, a partner of the U.N. Millenium Project, sent its Chief Executive Officer Scott Gration (a retired U.S. Air Force General who grew up in Congo and Kenya), to tell President Kagame they were committed to expanding their program country-wide.

In the private sector, President Kagame's good friend Andrew Young made a movie promoting investment in Rwanda that is currently being shown at the African-American Institute and at several international film festivals. The Rwandan company Terracom SPRL, owned by American Greg Wyler, purchased 99% of state-owned Rwandatel and owns virtually all the ground phone lines in Rwanda.[1226] In addition, it is one of the two largest cell phone carriers in the country. Mobile Telephone Networks (MTN) has agreed to invest $80 million dollars (U.S.) over the next five years.[1227] Israel-based Ebony Enterprises Limited is contracted to provide an irrigation system for Rwanda. Rwanda also set up a trade fair in late August-early September that attracted 54 foreign and 97 local companies.[1228]

[1225] "UNDP Donates US $5.4m for Biodiversity Conservation," Gertrude Majyambere. The New Times. 24 August, 2006.
[1226] Private Interview. 2006.
[1227] "MTN to Invest $80 Million Over 5 Years," Eleneus Akanga. The New Times. 3 February, 2007.
[1228] "Record-Breaking Expo 2006," Mansur Kakimba. The New Times. 16 August, 2006.

President Kagame also needs support from the large lending bodies. The World Bank is squarely behind Rwanda due in no small part to American influence at its top position. President Paul Wolfowitz, former U.S. Deputy Secretary of Defense, has lauded Rwanda for its economic development and gave the Rwandan Government a grant to purchase modern computing equipment for all their ministries and government offices. President Kagame also lobbied European states to fund the Common Market for Eastern and Southern Africa's (COMESA) Development Fund, of which Rwanda is a recipient of funds. President Kagame just stepped down as COMESA's Chairman in October 2006.

Perhaps the biggest economic development was Rwanda's admission into the East African Community (EAC), an ecomomic bloc of Central and East African countries that includes Kenya, Tanzania, Uganda, and Burundi. In addition to general partnerships, the move will increase the client base for purchasing Rwandan goods and agriculture, while significantly improving their export capacity, a key benefit for the landlocked countries in the EAC.

Rwanda will also enjoy increased access to imports from the E.U., China, and Japan, which will increase development rates in agricultural and technological sectors should Rwandan officials take advantage of the opportunity. The EAC's forthcoming universal currency should help buffer the gross devaluation of currency so often seen in African nations. The new currency's relationship to the World Bank's "structural adjustment program"[1229] will be a key factor.

[1229] Note: Generally speaking, the Structural Adjustment Program requires a country to privatize state-owned firms and devalue their currency as a provision to receiving an IMF loan. President Habyarimana's government was devastated by such a program in 1992, which coincided with the crashing world coffee market, Rwanda's biggest export at the time (80% of export income). In November 1990, the Rwandan Franc was devalued 40% and another 15% in June 1991. ("In the Waiting Room of the Rwandan Genocide Tribunal." Barrie Collins. Spiked Online. 26 May, 2006. http://www.spiked-online.com/index.php?/site/article/322/.) The World Bank stopped negotiating with Rwanda altogether in 1992, but resumed talks after the Arusha Accords were signed.

Lastly, Rwanda's membership in the EAC could serve as a proverbial stepping stone to acceptance into the SADC (an organization that refused to reinstate Rwanda in 2005) and the Commonwealth, which Rwanda applied to in late 2006 with Ugandan sponsorship. The Commonwealth would provide another opportunity for multi-sector growth with non-francophone countries. Uganda has already invited Rwanda to attend the Commonwealth Business Forum in November 2007 despite the fact Rwanda is not yet a member.

The Rwandan Government has engaged in public relations activities to improve their image abroad in order to increase their chances of procuring grants, donations, and foreign investments. Rwanda was chosen to chair counter-terrorism efforts in Central and Northeastern Africa. President Kagame made a keynote speech at the Royal United Services Institute (RUSI) in Great Britain to promote peacekeeping in Africa. He also donated RDF soldiers to the A.U. peacekeeping mission in Darfur, Sudan and the U.S. supplied airlift support for the Rwandan military.[1230] Almost immediately after he took office with the help of the U.S., Somali President Abdullahi Yusuf Ahmed visited President Kagame and sought Rwanda's advice in building a post-conflict national reconciliation program. The RDF has agreed to train the new Somali army. In addition, the RDF has been asked to supply troops for an upcoming A.U. peacekeeping mission in Somalia.

[1230] Note: MPRI is contracted to help in the U.S.-Darfur airlift operation. (Confidential Source. 2007.)

Chapter 2: Military Considerations

In 2004, President Kabila stated he would not arrest General Nkundabatware if it would lead to an armed conflict with Rwanda. He said, "If dealing with Nkunda militarily means dealing militarily with Rwanda, that's something else." "We have never wanted to fight a war with Rwanda."[1231] The only way the FARDC has a chance to defend eastern Congo is by completing the mixing process and deploying a fully unified army dedicated to the Congolese state. Currently, the RDF is better trained, better equipped, and better disciplined to serve the state. President Kabila knows this which is why he has no current desire to antagonize the RDF.

The responsibility for taking decisive action against General Nkundabatware was passed from one government or military official to the next in the Transitional Government while civilians in North Kivu continued to suffer and die under his occupation. The international community has shown the will to act on international arrest warrants in the past. Former UPC leader Thomas Lubanga Dyilo[1232] was arrested and is currently awaiting trial at

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[1231] "Condoleezza Rice's Discrete Visit to Kigali, Rwanda Raises Eyebrows!" Antoine Roger Lokongo. Congo Panorama. 19 July, 2004. http://www.congopanorama.info/documents/mag-rice.shtml.

[1232] Note: Mr. Lubanga is a Hema who was arrested in March 2006. He originally received six months of military training from the UPDF in Kyakwanzi starting in August 2000. (United Nations Security Council. "Letter Dated 16 July 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/573. 16 July, 2004. pg. 53.) He was a commanding officer and Minister of Defense in the APC before defecting to form the UPC with the help of Uganda in July of 2001. He left the APC because the RCD-ML was beginning to support the Lendu over the Hema. He was President of the UPC when they participated in some of the gravest crimes of the 2nd Congo War.

During August of 2002, right after the UPC government was set up, President (of the UPC) Lubanga and several Hema, including former Uganda-appointed Governor of Ituri Adele Lotsove Mugisa, proposed to commit genocide against the Ngiti and Lendu. ("Ituri: 'Covered in Blood'." Human Rights Watch. Volume 15, Number 11 (A). July 2003. pg. 21.) In October of 2002, the UPC aided Vice President Bemba's ALC soldiers during Operation *Effacer le Tableau* ("Erase the Board"), which intended to gain control of RCD-ML territory and target Nande and Pygmy civilians. Countless rapes, murders, and even acts of cannibalism were reported. (United Nations Security Council. "Letter Dated 16 July 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/573. 16 July, 2004. pg. 31-32.)

The Hague. He stands accused of some of the vilest crimes of the 2nd Congolese War, many of which are reminiscent of the atrocities committed by the Revolutionary United Front (RUF) in Sierra Leone's 1991-2002 war. In addition, International Criminal Court (ICC) Deputy Prosecutor Fatou Bensouda said, "We continue to investigate in the DRC, not only against Lubanga, but also against other people."[1233] Despite this statement, many people wonder why the ICC and The Hague are not applying pressure to the U.N. and the Congolese Government to arrest more so-called "warlords."

One of the criticisms of the newly elected Congolese Government is they seek a military solution to all Banyarwanda-related problems as their first option. This is not likely to be a sustainable policy and it does not provide the civilian victims of the violence with any say in the matter. As anyone asked them if they want a peaceful or a military solution? The voices of the Congolese must be heard in the creation of defense policy. They have endured the brunt of the wars and desperately want peace, but their wishes are continually trumped by the political desires of the international community and certain individuals in the Congolese Government. A Parliamentary Committee on defense matters could be set up to allow the

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On December 6, 2002, UPC forces attacked the town of Kilo and perpetuated one of the most vicious massacres of the war. Anyone who was suspected of being a Lendu was rounded up and bound. After several days of terrorizing and abusing the captives, UPC commanders gave an order to kill all the civilians. Women and children were forced to dig their own shallow graves. When they were finished digging, they were forced to knee in their own graves where they were bludgeoned over the head with a sledgehammer one-by-one in front of the other villagers. The Nyali living in town were forced to finish burying the bodies. ("The Curse of Gold: Democratic Republic of the Congo." Human Rights Watch. 26 April, 2005. pg. 24; "UPC Crimes in Ituri 2002-2003." Human Rights Watch. Press Release. 8 November, 2006.)

He kidnapped children as-young -as seven and forced them to fight for the UPC. After abducting children from their homes or at school, he would send them to military camps for training. In the camps, children were beaten for not properly singing songs of praise about "Papa Thomas" even if the soldiers were singing in a language the children did not understand. Any mistakes during calisthenics or training were met with severe beatings. ("Militia 'Snatched Children' for Training," Mike Corder. Independent Online. 15 November, 2006. http://www.int.iol.co.za/index.php?set_id=1&click_id=68&art_id=qw1163599380401B236.)

[1233] "ICC Prosecutor Fatou Bensouda: 'We Will Investigate Other People and Other Crimes in DR Congo'," Biliaminou Alao, Oscar Mercado. MONUC Press. 15 November, 2006. http://www.monuc.org/News.aspx?newsID=13106.

Congolese people to have a forum to provide their input on defense issues from a non-miltaristic perspective. In addition, President Kabila must be open to advising from individuals outside his own personal circle.

If General Nkundabatware does not go into exile and decides to take up arms again, it is important to examine the role both MONUC and the FARDC would play in further military action against him. Since they interviened in late November of last year, MONUC has made a concerted effort to take a minimal role in deciding his fate. The FARDC is still in the crucial stage of completing the mixing process.

Chapter 2a: MONUC's Role

MONUC knew exactly where General Nkundabatware was and what he was doing since at least 2005. MONUC has a military intelligence network in place to monitor General Nkundabatware and his known accomplices. MONUC also has a base in Kitchanga, the CNDP headquarters. A team is deployed in Masisi Territory to track him. MONUC also has an intelligence team near Bukavu and in Kigali. They conduct regular helicopter sweeps over the Masisi hills and forests from their base in Ntoto, where MONUC also has a voluntary Disarm, Demobilization, and Reintegration (DDRRR) center. MONUC also established mobile bases in the areas he frequents, including Masisi Territory and Bwito Grouping.

The Congolese are aware MONUC has always known where he was and many of them are confused. They do not understand why MONUC did not arrest him. A MONUC military officer explained there are several reasons for their inaction. One big reason is the limitations of their mandate. MONUC currently has a Chapter 6 mandate, which is a step up from the Chapter 7 mandate that crippled UNAMIR. A Chapter 6 mandate has a more flexible interpretation and allows a peacekeeping unit to intervene with force when civilians, MONUC/FARDC soldiers, or U.N. employees are in danger. U.N. Security Council Resolution 1493 from July 28 of 2003 states:

> "..Authorizes MONUC to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities:…to protect civilians and humanitarian workers under imminent threat of physical violence and to contribute to the improvement of the security conditions in which humanitarian access is provided…Authorizes MONUC to use all

necessary means to fulfill its mandate in the Ituri District and, as it deems within its capabilities, in North and South Kivu (Articles 25 and 26)."[1234]

Some of the military officers in MONUC claim their current mandate will not allow for intervention against General Nkundabatware because he has not explicitly violated it since his last attacks. However, reports from MONUC military officials, U.N. civilian workers, and the Congolese said General Nkundabatware's soldiers have been kidnapping children and killing innocent villagers since he settled back in Masisi Territory. One MONUC official even claimed the U.N. deliberately does not publicly report all the incidents his soldiers are involved in. One only needs to browse through a few of MONUC's posted "Military Briefs for North Kivu"[1235] to notice a distinct lack of incidents involving his militia, which is in direct contradiction to the reports from the field.

In summer of 2006, when asked if incidents of looting, rape, and abduction of children are not, in fact, ample justification for the use of their mandate, a MONUC military official admitted they could legally intervene in all of these cases.[1236] A separate MONUC military official stationed in North Kivu also confirmed they could legally use force against General Nkundabatware's soldiers in such cases.[1237] Both officers also stated MONUC soldiers intervene when they witness crimes by telling the dissidents to leave and threatening them with

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[1234] "Pulling Back From the Brink in the Congo." International Crisis Group. Africa Briefing # 18. 7 July, 2004. pg. 8.

[1235] Note: The Military Briefs were posted infrequently at http://www.monuc.org. In addition, MONUC's Human Rights Division posts a list of reported human rights violations monthly and also compiles a comprehensive report every three and six months. These reports all have a glaring omission of the abuses General Nkundabatware's militias have inflicted on villagers, yet they often have an abundance of FDLR/FOCA incidents. It is important to note however, MONUC classifies many incidents by General Nkundabatware's men under FARDC human rights abuses because most of the perpetrators are a member of the FARDC's 81st or 83rd Brigade.

[1236] Private Interview. 2006.

[1237] Ibid.

arrest.[1238] None of the officers interviewed gave any indication MONUC forces had actually made any arrests. This policy fits with a vague statement given by a MONUC official in a press release that stated, "In cases of violence committed by any person, including DRC security forces, in the presence of MONUC, UN troops would intervene."[1239] So what constitutes their definition of an "intervention?"

If their mandate allows it, why did MONUC decline to take action against General Nkundabatware and arrest him and his soldiers responsible for committing crimes against villagers? First, if any pressure is applied to General Nkundabatware, some of his men shed their uniforms and blend into civilian life as farmers or cattle herders, waiting for an opportunity to reorganize, making them very difficult to neutralize.[1240] This has likely occurred in North Kivu already given the fact only 2,000 of his estimated several thousand men entered the mixing process.[1241]

Second, it is a logistically difficult task to conduct an offensive against his current position because of the topography. When attacked, General Nkundabatware fights a guerilla war in a similar manner to the way the RPA fought the FAR when they first invaded Rwanda in 1990 if he is grossly outnumbered. He likes to use diversion tactics by attacking on one front to divert forces while making a move on the indended target when his enemy has reduced manpower at the site.

While some soldiers would blend into rural society, others would flee into the thick woods found in Masisi and Rutshuru territories, particularly Virunga and Volcanoes National

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[1238] Ibid.
[1239] "MONUC Response to the Media on MONUC/FARDC April 21, 2006 Joint Operation in Kazanga, Ituri," MONUC. MONUC Press. 6 October, 2006. http://www.monuc.org/News.aspx?newsID=12612.
[1240] Private Interview. 2006.
[1241] Congo General 'Agrees to Peace'," BBC News. 17 January, 2007; "Renegade General's Forces to Rejoin Congo Army," Joe Bavier. Voice of America. 18 January, 2007.

Parks. This tactic helps shield his soldiers from MONUC's tanks, armored personel carriers, and gunships because they cannot penetrate the deep forests of Masisi and Rutshuru territories easily while the overhead canopy of the forest provides some cover against non-infrared air reconnaissance. The area is hilly and even mountainous in some areas, providing General Nkundabatware and his allies high ground to have better scouting position capabilities. High ground also provides some protection from mortar fire.

The third reason is the likelihood of reprisal killings against civilians. General Nkundabatware's rebels have a history of killing civilians fleeing occupied villages. Rebels may accuse the population of working with MONUC, Mai-Mai, or the FDLR/FOCA. If Mai-Mai get involved in the fighting, reprisal killings against the Nande or Bahunde may occur as they have during past fighting. Reprisal killings could also occur if some soldiers are forced into the bush by the fighting. If supplies run out, they are likely to resort to looting, rape and murder.

Along the same line, there is also the possibility Rwandophone civilians would be targeted by the FARDC, Mai-Mai, FDLR/FOCA, and a number of civilians from different ethnicities. It happened when the RPA attacked Congo in 1998 and resentment for Rwanda has only grown stronger since then in many Congolese. One Congolese man made the frightening statement, "If Nkunda attacks Congo; the Congolese will kill all the Tutsis and Banyamulenge in Congo."[1242] While it is certain this individual does not speak for everyone, the dichotomy of Congolese vs. Rwandese is very apparent after so many years of war.

Fourth, any operation against General Nkundabatware's men is guaranteed to create a large number of refugees and IDPs. The U.N. and countries surrounding Congo are unprepared for a swift movement of thousands of people fleeing the fighting. Uganda's

[1242] Ibid.

struggle in the recent fighting provides an example. MONUC would have to coordinate with other U.N. agencies to ensure the offensive could be conducted while the refugees and IDPs are transported to safe and relatively sanitary camps with ample medical supplies and foodstuffs.

Last, there are legal limitations relating to international law and U.N. mandate. General Nkundabatware is under an international arrest warrant because the original warrant issued by the Transitional Government was transferred to Interpol. This means the member states of Interpol can arrest him, but only if he is within their national boundaries. They have no jurisdiction to arrest him while he is in the Congo.

MONUC does have a police force, but they do not have legal authority to act as a police officer of the state unless given the capability by the Congolese Government. William Swing also made it clear the elections legitimized the FARDC as the national army. Since the situation involves a Congolese citizen and FARDC soldiers (albet dissident), the responsibility for justice falls squarely on the shoulders of the Congolese Government, its justice system, and its military. As Mr. Swing said, "By consequence, we [MONUC] can only condemn these new military confrontations…"[1243]

MONUC has a very specific protocol they must follow in order to conduct operations targeting a specific individual or militia. An operation must first be presented to the U.N. Security Council with a complete assessment of the equipment, number of soldiers, and logistical assistance needed, along with estimated costs. The members of the Security Council must then approve the operation and provide voluntary funding.

[1243] "W.Swing: The Political Means Exist for Resolving Problems in the DRC," Radio Okapi. MONUC Press. 4 December, 2006. http://www.monuc.org/News.aspx?newsID=13323.

The last and unspoken reason is politics. As one U.N. official stated, "We can take on the militia in Ituri but Nkunda is just too sensitive an arrest for us to make."[1244] The U.N. is concerned about of the response of the U.S. and Rwanda towards an offensive directed at General Nkundabatware. Rwanda may decide to respond with military force, potentially destabilizing the entire region. The U.S. has the capacity to respond through the financial shackles they have around MONUC.

Since MONUC's inception, the U.S. has been its largest donor to the tune of $207 million dollars (U.S.) last year and roughly $966 million dollars (U.S.) since 2000.[1245] MONUC's Chief of Staff for the civilian employees is an American named Margaret Carey. Chief of Mission William Swing is also an American and is the former U.S. Ambassador to the DRC. The U.S. does not have any soldiers out in the field nor does it have any military observers in the Congo.

The U.S. can tell the U.N. where specifically to direct its MONUC donations.[1246] If the U.N. operation conflicts with U.S. foreign policy, they will simply refuse to fund the operation virtually assuring the proposal will not receive proper funding. A MONUC official said many people believe the U.S. purposefully withholds funds from operations that would impede its geopolitical interests.[1247] Since MONUC plans on staying at least three years after the elections, they literally can not afford to offend their donors.

It is no secret the U.S. and Rwanda have very close political and military ties.[1248] Essentially, if General Nkundabatware's interests represent the interests of his contacts in

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[1244] "Congo's Dancing Rebels Hold Out Despie Elections," David Lewis. Reuters. 12 October, 2006.
[1245] "The U.N.'s Heart of Darkness: Why Congress Must Investigate the Congo Scandal." Nile Gardiner, Ph.D., Joseph Loconte. The Heritage Foundation. 14 February, 2005.
[1246] Private Interview. 2006.
[1247] Ibid.
[1248] Note: As very arbitrary examples, U.S. citizens get a free 30 day tourist visa in Rwanda, not to mention the multitude of aformented aid packages and loans bestowed on the Rwandan Government. The U.S. has

Rwanda, the U.S. is likely to veto the proposal if it would damage foreign relations with Rwanda. MONUC's proverbial hands are tied if the Security Council will not let them do their job. Thus, the FARDC will be forced to take unilateral action against him if the Congolese Government decides to persue a military solution in the future.

MONUC officials have made it very clear any attempt to remove General Nkundabatware and his dissident soldiers will be the responsibility of the FARDC. MONUC may, if approved, provide support for the FARDC in the same capacity that it did during operations in Ituri and during Operation Falcon Sweep in July 2005: air support and heavy weapons when the FARDC need reinforcements. MONUC followed this policy extremely carefully during the most recent battles with General Nkundabatware. The only circumstances MONUC will conduct a unilateral offensive is when MONUC troops and/or U.N. employees are put in mortal danger or killed.[1249]

MONUC has taken steps to contain General Nkundabatware. They have expanded the amount of territory they occupy and increased the number of military bases located in key areas encircling North Kivu. His movements around North Kivu have been geographically

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provided Rwanda with official military training since 1994, which has been documented in previous notes. This is besides the fact a well-informed MONUC official confirmed Rwanda directly aids General Nkundabatware, but they would not elaborate exactly how. (Private Interview. 2006.)

The United States is currently building a new embassy in Kigali at the end of the main street in the Kacyiru District, just down the street from President Kagame's government office building and the old parliament building. It will be the largest embassy in Africa and will include a new SIGINT interception station that will reach all the way to Saudi Arabia and the old embassy complex will be used to permanently house United States Marines in the region. (Private Interview. 2006.) The new embassy will likely link up to the new regional U.S. military command center overseeing Africa. Africa is currently covered by three different command posts (European, Pacific, and Central Commands). U.S. Secretary of Defense Donald Rumsfeld and U.S. Marine Corps General Peter Pace, head of the Joint Chiefs of Staff, have agreed to create a new command post dedicated singularly to Africa dubbed AFRICOM. Previously, Africa was covered by the European Command. Department of State and DOD officials, including Susan Rice and Congressman Ed Royce, stated the new base will be primarily involved with developments in Sudan and Somalia, but other sources indicated USAID projects in Africa and the ACOTA program will be coordinated through AFRICOM. ("U.S. Plans Military Command for Africa: Focus on Terror Fight, Humanitarian Aid," Bryan Bender. San Francisco Chronicle. 22 December, 2006; "US Military Leaders Give Details of New Africa Commmand," Voice of America. 11 February, 2007.)

[1249] Ibid.

constricted because MONUC currently has a sizeable presence in Masisi, Walikale[1250] and Rutshuru territories. As one MONUC military official put it, "No rebel group controls vast territory, only small areas they operate in."[1251] In fact, it is quite likely this was a deliberate strategy MONUC used that falls within their the mandate. As his occupied territory shrinks, his access to mining areas is limited, causing a loss of income for both General Nkundabatware and Rwanda.

Currently, there is a Pakistani battalion in Uvira and Walungu (a former FDLR/FOCA and Rasta stronghold) territories, Panzi, and Adikivu. Bukavu, the Sector 5 Headquarters in South Kivu, has a Pakistani and Uruguayan brigade. In North Kivu, there are Indian battalions in Masisi town, Beni, Lubero, Rutshuru town, Walikale Territory and Butembo. Goma, the Sector 6 Headquarters in North Kivu, contains a brigade of Indian and South African soldiers.[1252]

Operating bases were established in Kanyabayonga, Nyamilima, Tongo and Miriki, where an MSF center was previously closed because of threats by General Nkundabatware's men.[1253] MONUC's base in Kindu (Maniema Province) is located on one of the key cassiterite mining areas General Nkundabatware maintained a presence following his occupation of Bukavu in 2004. The mining towns of Kamituga and Kalima are relatively near this base.

To be successful in North Kivu, MONUC will need to continue and expand their dialog with local customary chiefs and ensure they are protected in order to help prevent inter-ethnic

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[1250] Note: Walikale Territory is currently guarded by the FARDC's 85th Battalion from Hombo and is largely controlled by the Congolese Government. The 84th and 85th Battalions in the area, both primarily ex-Mai-Mai, have both recruited children into their ranks. The 85th Battalion has considerably more children than the 84th. Colonel Akilimali is in charge of the 84th while Colonel Sami commands the 85th.

[1251] Ibid.

[1252] MONUC. Map. United Nations Department of Peacekeeping Operations: Cartographic Section. Map Number 4121, Revision 29. September 2006.

[1253] "Military Brief – North Kivu," Major Dalal Ajay. MONUC Press. 21 May, 2006. http://www.monuc.org/News.aspx?newsID=11130.

violence. In particular, amicable relationships with both Banyarwandan and Bahunde chiefs is crucial. Only since April of 2006 has this been a major focus for MONUC. Open dialog is crucial to sensitize the more remote Congolese to the presence and role of MONUC, as well as providing and gathering intelligence on any dissident soldiers' movements in the area.

MONUC could also facilitate talks between rival chiefs and provide a forum for them to bring peace between the eithic groups in the Kivus. The chiefs command tremendous respect in their respective villages and are an invaluable intermediary between the population and foreign workers. This initiative could potentially be a big help in restoring long term peace in the Kivus. In turn, the local customary chiefs can sensitize MONUC personnel to the culture and living habits of rural Congo to maximize mutual understanding and humanitarian aid benefits. The villagers should not be viewed simply as Congolese to sensitize to the peace process, but as partners in the peace process with a valuble contribution to make.

Chapter 2b: The FARDC's Role

MONUC has stated General Nkundabatware's arrest is the sole responsibility of the FARDC. In the Transitional Government, the decision to arrest General Nkundabatware was in the hands of the Higher Council of Defense, a group of advisors to the President.[1254] Now that the AMP has consolidated power, they are virtually free to make the decision to arrest him, allow him to live in exile, or let him join the army.

It will be logistically impossible for the FARDC to conduct a definitive offensive against the FDLR/FOCA, the Rastas, or the remainder of General Nkundabatware's army unless there are enough fully integrated mixed battalions. This fact underscores the need to get the mixing process fully operational across all the districts as soon as possible. If the Congolese Government chooses to forcibly disarm remaining dissidents and foreign combatants, they will need a large and unified army.

Completing the mixing (a.k.a brassage) process will be a big step forward to ensure the FARDC has a unified army that will challenge its enemies while the demobilization program is necessary to return children and former combatants to civilian life. The process is currently funded by a $200 million dollar (U.S.) World Bank program.[1255] $100 million (U.S.) is from the Multi-Country Demobilization and Reintegration Program (MDRP). The only bilateral

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[1254] "Human Rights Watch Requires the Arrest of Laurent Nkunda Again," Congo Tribune. English Translation. 16 August, 2006. http://www.congotribune.com/news.php?article=714.

Note: The Higher Defense Council included President Kabila, Vice Presidents Azarias Ruberwa (RCD-G), Jean-Pierre Bemba (MLC), Arthur Zahidi Ngoma (Originally RCD-G, but he defected in 1999 to form the Congolese Union for Peace), and Abdoulaye Yerodia Ndombasi (AFDL-CZ/FAC), Defense Minister Adolphe Onusumba (RCD-G), Minister of the Interior Theophilus Mbemba, Minister of Foreign Affairs Raymond Ramazani Baya (MLC), Army Chief of Staff General Gabriel Amisi (ex-ANC), Navy Chief of Staff Amuli Bahigwa (MLC), and Air Force Chief of Staff John Numbi (ex-FAC).

[1255] "30 People Killed Last Month by Mutineers in DR of Congo," EuropaWorld. 1 July, 2005. http://www.europaworld.org/week206/30people7105.htm.

international donors are Belgium, Angola, and South Africa.[1256] While the process is moving forward, it is still behind schedule. Of the 330,000 eligible soldiers, 182,468 have been processed.[1257] Some blame poor management by CONADER and the UNDP for the deficit.[1258]

Though a swift completion of the mixing process is highly desirable, investors like the World Bank must be willing to fund the demobilization program for the long-term because demobilization is an ongoing process that yields more people who can be trained with skills to improve the economy. Providing funding only for the remainder of the Transition Process will not be enough, even if there is military stability. Too few soldiers will have completed the program.

In order to continue encouraging demobilization and reintegration, appropriate funds must be given to CONADER to carry out its mission appropriately and they must have enough functional demobilization centers. Funds are so sorely lacking, CONADER has been forced to shut down their demobilization and disarmament activities for the time being and only focus on integration and reinsertion programs.[1259] As a result, CONADER will be unable to provide support for soldiers reporting to the transit centers and it is almost certain many of the payments promised to the soldiers will be late or non-existent which will discourage others from reporting to CONADER in the future. The Ituri District reported a shortage of money

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[1256] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.

[1257] "DDR: CONADER is Waiting to Consolidate the Achievements of 2006," MONUC Web Unit. MONUC Press. 17 January, 2007. http://www.monuc.org/News.aspx?newsID=13623.

[1258] "Democratic Republic of the Congo: Disarmament, Demobilization, and Reintegration (DDR) and the Reform of the Army." Amnesty International. AFR 620012007. 24 January, 2007.

[1259] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.

Note: The World Bank claims the closing of CONADER camps was due to a pre-arranged agreement in May of 2006 with the *Structure Militaire Intégrée* (SMI), not a lack of funding on their part. They claim the number of soldiers reporting to the camps were so low that it was not cost effective to keep them open. (Maria Correia. Open Letter to Ms. Irene Zubaida Kahn. 16 October, 2006. N&N 2006, Number 20.)

during their most critical time because several rebel groups have just reported to the mixing centers. The mixing center in Aru was forced to shut down, stranding 800 combatants.[1260] Its programs in Fizi and Uvira territories have come to a halt, leaving fighters in Shabunda Territory with nowhere to go.

The integration and demobilization processes were originally planned to occur simultaneously. The programs for integration are currently far more advanced than the demobilization programs. This problem is not only a matter of funding, but it can be logistically difficult to get materials to certain areas integration centers are needed most. In addition, soldiers in the remote areas often have to walk long distances to the nearest transit center. This is a major logistical deterrent. Ideally, more centers would be built, but that means paying and training personnel and security for each center. If regular, reliable transport were provided to shuttle soldiers to the integration/demobilization centers it would be a big incentive. The centers must also have ample electricity, medical supplies, food, and water in order to initially house the ex-combatants. This has been a problem in the past, particularly in the Mushaki and Luberizi camps.

One demobilized Mai-Mai soldier described how CONADER is currently unable to provide care for demobilized soldiers. The former soldiers lacked food and did not have proper shelter in the orientation centers. Often, MONUC was forced to pick up the slack, but their supplies and funds are also very limited, especially in remote regions.[1261] Though the DDRRR program is entirely voluntary, it is currently the only large-scale alternative program

[1260] "Thje Center of Mixing in Aru Confronted With the Problem of Operation," Olivier Diosso. *Le Potentiel*. English Translation. 22 January, 2007.

[1261] "'Hear Out Voices – We Are Suffering,' Says Ex-Mai-Mai Fighter," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 18 September, 2006.

to CONADER. MONUC's donors must ensure the DDRRR program is properly funded to augment CONADER in order to help speed up the process.

The demobilizing soldiers (and older children) were originally scheduled to learn a job skill they could use to either start a small business or gain employment. This is a good initiative, but unfortunately it is fraught with a number of auxillary problems that need to be solved. There must be jobs available for individuals learning a skill. If there is no way to earn money with the newly aquired skill, the program cannot utilize its resources. This may require a coordination program with local businesses. Job availability is partly based on security. Therefore, any armed insurrection could shut down a business at any time. This underscores the need for the FARDC to provide security as a means of aiding economic growth. If either situation occurs and a steady income is not available, it is quite possible the demobilized soldier will have to resort to theft and robbery to survive.

There is also the task of housing the workers after they are released from a demobilization. Since basic transportation is poor, they must be located within a reasonable distance of their workplace. This creates a problems because some former soldiers can no longer return home because of things they have done during combat, particularly if the action was against a "rival" ethnic group. At the same time, they cannot be housed in large, unsanitary camps either. NGOs and government officials may have to coordinate a "foster home" program for such individuals, at least for a while. Ideally, a way to monetarily compensate households who agree to shelter demobilized soldiers would be initiated.

CONADER offers money for adult soldiers to disarm, but unless they have a rifle to turn in, they do not get paid and militia leaders often take their weapons from them before they

leave.[1262] Currently, all demobilized adult soldiers are offered a "kit" with living essentials, a sum of money straightaway, and a promise of monthly payments. Unfortunately, the promise is often broken or the payments are received late. The kits often arrive late to the integration centers. In addition, everyone receives the same kit, with no regard to the person's sex or age. As a result, women's and age-related health issues remain unaddressed.[1263]

Security must be provided for demobilizing and integrating soldiers so they are not abducted and forced back into the bush, particularly the children. Children are particularly vulnerable when they are sent home or to live with a foster family. There must be a monitoring mechanism installed to provide security after they leave the CONADER and/or MONUC demobilization center. The only realistic way to accomplish this is to set up a network of people to help monitor the children who share information on the current status of the child. This could include parents, church officials, NGO workers, neighbors, teachers, and relatives.

It is imperative to ensure there are enough qualified soldiers to reintegrate. Many of the first mixed battalions were grossly undermanned. Some of the soldiers reporting for mixing were sick, handicapped, and/or lacked skills and/or experience. Many of them were better suited for demobilization. Delays in the integration process have prevented key battalions from being deployed in key areas.

It will be a difficult task to create "mixed" brigades, especially with the Banyarwanda who are distrusted by other demobilized and integrated rebel groups, particularly the Mai-Mai. FARDC commanders must be tolerant of all ethnic groups in order to exercise effective leadership and provide a positive example for their soldiers. There have been reports of

[1262] "DRC: Recently Demobilized Militamen Re-Arming in Volatile Ituri District," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 17 September, 2006.
[1263] "DRC: Children at War, Creating Hope for the Future." Amnesty International. AFR 62/017/2006. 11 October, 2006.

favoritism towards government-loyal soldiers entering the mixing process. In some cases government-loyalists receive better pay, food, and living quarters than their ex-ANC counterparts.[1264] This kind of treatment makes General Nkundabatware's army seem all the more inviting and undermines the purpose of the integration process. Training programs need to be instituted during the integration process to sensitize integrating soldiers to the importance of ethnic tolerance. These programs will help create officers who will fill leadership voids in the FARDC and help create a unified army.

At the same time, the Congolese Government and MONUC must closely monitor the activities of ex-ANC soldiers who have returned from General Nkundabatware's camps to enlist in the mixing process. It must be ensured these soldiers are not joining to infiltrate the army for General Nkundabatware. Likewise, those joining for legitimate reasons must feel safe in their mixed battalions. Acts of bias and ethnically motivated crimes against Banyamulenge /Banyarwandan civilians and reintegrated soldiers must be punished and all soldiers must realize ethnic intolerance will not be tolerated in the Congolese army.

If perpetrators of ethnic violence are allowed to act with impunity, trust in the FARDC will erode and soldiers in the mixed units will harbor resentment towards each other. Infighting may resume, fracturing the unity so desperately needed in the army. In addition, violence against Banyarwandan soldiers may push them to join General Nkundabatware's militia.

Additionally, civilians in the Kivus may benefit from non-biased sensitization programs reinforcing the dire need for ethnic tolerance, particularly during the beginning period of the newly elected government while it sets up and begins functioning. While the longstanding

[1264] "The Congo's Transition is Failing: Crisis in the Kivus." International Crisis Group. Africa Report N˚91. 30 March, 2005. pg. 16.

grievances of the various ethnic communities must not be minimized or ignored, everyone should be made aware that discretion and non-violence will help greatly to stabilize the Congo the potentially volatile post-elections period.

Ensuring soldiers and police get proper salaries on time is a major issue. Demobilized and integrated soldiers often do not get the payments promised to them. Paying solders and police officers properly will reduce violence and in turn will bridge mistrust between the population and the army. Prompt payments will also reduce the likelihood of defection. The European Union Security Reform Mission (EUSEC) will be providing infrastructure and management to help ensure the soldiers are paid.

The primary reason soldiers resort to looting and violence is they are not paid and cannot support themselves or their families. Some soldiers have become polygamous in order to support themselves, while others grow crops for supplemental income. Soldiers who are still unable to make ends meet usually resort to accepting bribes and commiting extortion. Robbery and murder is the next step. This leads to a vicious cycle of violence and mistrust because trust between the FARDC and the civilians they are supposed to protect erodes. As one citizen in Rutshuru said, "These people are not soldiers, they are government militiamen."[1265] Many villagers feel, as terrible as General Nkundabatware's men are, they are still better than the government soldiers. This completely undermines the government's efforts to sensitize the population to the mixing process.

It must also be assured all soldiers, regardless of their former affiliation, are paid the same amount as other soldiers of equivalent rank. There have been reports of ex-FAC soldiers receiving greater pay and more rations than ex-ALC and ex-ANC soldiers.[1266] This unethical

[1265] "Despite Promising Elections, Civil War Plagues Congo," Associated Press. Fox News. 24 July, 2006.
[1266] "DRC Army Underpaid, Unwieldly, Says Soldier," Associated Press. 22 November, 2006.

practice undermines attempts to promote unity and equality in the national army. In addition, by recieving less pay and rations, the soldiers may resort to robbery and extortion in order to make up the difference, especially if they have families to care for.

Fraud and theft of military funds must be addressed. Some military commanders have purposefully overstated the number of soldiers under their command in order to receive extra money they can embezzle. A mechanism to prevent embezzlement of military funds and a means to punish those guilty of it must be a priority.[1267] There needs to be a reliable way to keep track of the names of every soldier in each company to ensure overstatement is prevented.

The FARDC and CONADER will have to continue to entice defected and rebel soldiers to report for mixing. This will create tension because the Congolese want to see human rights violators punished, not promoted and given a position in the national army like Colonel Peter Karim and Gédeon.[1268] MONUC has made their position on amnesty deals very clear. "If this

[1267] "Escaping the Conflict Trap: Promoting Good Governance in the Congo." International Crisis Group. Africa Report N˚114. 20 July, 2006. pg. 10-12.

[1268] Note: Colonel Peter Karim Udaga (an Alur who married a Lendu) is a former officer in the UPDF, and current commander of a Lendu militia comprised of former members of the Front for Nationalist Integration (FNI) in Ituri. ("Congo Crisis: Military Intervention in Ituri." International Crisis Group. Africa Report N˚64. 13 June, 2003. pg. 4.) As a timber contractor in Paidha, he shipped timber and coffee to Uganda through Aru, Mahagi, Ariwara, or across Lake Albert in exchage for arms. (United Nations Security Council. "Letter Dated 18 July 2006 From the Chairman of the Security Council Committee Established Persuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/525. 18 July, 2006. pg. 37.)

Even before he became its leader, he supplied arms to the FNI when he was still a UPDF officer to help them fight the Bahema militas in Ituri. (United Nations Security Council. "Letter Dated 16 July 2004 From the Secretary-General Addressed to the President of the Security Council." S/2004/573. 16 July, 2004. pg. 11-12.) He also helped Uganda arm and train Lendu militias after the UPDF officially pulled out of Ituri, which directly led to an explosion of horrific violence in the region. In October 2000, Mr. Karim and Roger Lumbala's RCD-N soldiers fought together against a dissident group of UPDF and RCD-ML soldiers who wanted the minerals for themselves. FNI soldiers under his command killed Mr. Ram Kripal Singh, an Indian MONUC soldier, on 25 December, 2005. (MONUC Press. "*74 Personnels en Uniforme et 16 Civils de la MONUC Morts en Service*." MONUC Magazine. May 2006. pg. 21-22; "UN Peacekeeper, DR of Congo Troops and Scores of Ugandan Rebels Killed in Sweep," United Nations News Service. MONUC Press. 27 December 2005.) They were also responsible for an ambush on Nepalese MONUC peacekeepers on 28 May, 2006. Mr. Adhikari Cyan Bahadur was killed, three other soldiers were wounded, and seven were taken hostage. By mid-July, they were all released unharmed. (MONUC Press. "*74 Personnels en Uniforme et 16 Civils de la MONUC Morts en Service*." MONUC Magazine. May 2006. pg. 21-22; "DR Congo

Militiamen Kidnapping Peacekeepers Agree to Lay Down Arms: UN Mission," Xinhua News Agency. 15 July, 2006.)

His militia occasionally battled with other militia around Jiba, Kapandroma, Fataki, and Nioka. Nioka is a town populated primarily by Alur and is the FNI's current base of operations. Colonel Karim continues to arbitrarily tax civilians in Bale, Dhera, Kpandroma, and Libi in Djugu Territory. His men block roads in the area and tax travelers each time they enter or leave one of the 50+ villages under FNI control. Colonel Karim claims he needs the money to feed his soldiers. He has refused to stop the taxations and suggested the Congolese Government should handle his financial problem. ("Eastern Province: Peter Karim Takes the Population of Ituri Hostage," Stéphane Salikoko. *L'Avenir*. English Translation. 22 November 2006.) As a good will gesture, FNI soldiers acted as personal escorts for election workers in the area. ("DRC: Militiamen Still Taxing Civilians Despite Leader Joining Army," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 27 October, 2006.)

He expressed an interest in the integration process and was going to be appointed a colonel in the FARDC despite the fact he is responsible for murders, rapes, the kidnapping of several MONUC soldiers in Tsupu, and the death of several MONUC soldiers during combat. Colonel Karim initially agreed disarm and gather his 1,800-2,000 FNI fighters in Libi, Tera, Kobu, Bubu, and Linga for transportation to a demobilization camp from 27 November – 3 December, 2006, but he later backed off and demanded a signed letter of amnesty from Jose Sukpa before he would disarm. ("Bunia: Former Chief of War Prepares His Men For Mixing," Radio Okapi. English Translation. 18 November, 2006. http://www.radiookapi.net/article.php?id=5990.) On 25th December, after the amnesty letter did not arrive, the FNI attacked the FARDC and swiftly took control of Laudju, Djugu, Fataki, and Bule after a two-day offensive during which the FARDC put up little defense. ("Ituri: Christmas Under Occupation," Radio Okapi. English Translation. 25 December, 2006. http://www.radiookapi.net/article.php?id=6326.) The FARDC wasted little time regrouping and quickly counterattacked. The 6th Brigade took back Bule and Blukwa Mbi north of Bunia. Shortly after the battle, the FNI voluntarily withdrew from Djugu and retreated to Fataki. MONUC sent in soldiers to hold the position and civilians started returning home.

A delegation of FARDC and MONUC officials traveled to Fataki with the hope of securing a ceasefire. They were unsuccessful and immediately after the delegation left, the FNI attacked an FARDC camp in Dudu were the soldiers were concentrated. One account said the FNI fired on a MONUC delegation that accompanied General Mayala. ("DRC: Displaced Civilians Desperate for Help, UN Agency Says," United Nations Office for the Coordination of Humanitarian Affairs. IRIN News. 4 January, 2007.) Four FARDC soldiers were killed and 15 were wounded while the FNI took 15 FARDC soldiers hostage, including a Major and four other officers.

After the battle ended, FARDC officials told Colonel Karim to meet them in Buba for a meeting. He did not show up, perhaps fearing an ambush. The FARDC announced the FNI had until 30th December to honor a ceasefire, release all the hostages, and report to transit centers. The FNI's liason to the FARDC Ltc. Désiré Londziringa said the FNI was complying with all requests. Colonel Karim reportedly demanded the FARDC cease all attacks and supply him with the $5,000 (U.S.) to sensitize his men.

Before the deadline expired, the FNI attacked the FARDC on the morning of December 29th and tried to take back Fataki. Some of the FARDC troops defected and aided the FNI by burning homes and health centers in and around Fataki. However, the FNI's attack failed and they negotiated a unilateral ceasefire after a four hour battle.

The same day, the FARDC took back Laudjo after a battle that claimed four FNI soldiers' lives. The FARDC brought in reinforcements and went on the offensive. The 4th and 13th Mixed Brigades pushed the FNI out of Bakombe, Djina, Wabi, and Gubu. The FNI withdrew to Mabanga to regroup, but continued to engage the FARDC in Gabi, Wiri, Tshele, and Biata. On 2 January, 2007, the FARDC attacked the FNI positions around Fataki. Thousands fled to a church and a school near town. Later that day, Karim contacted General Mayala and they institued a ceasefire. The FARDC and MONUC quickly created a corridor to Fataki from Bunia. The NGOs Agro-Action Allemande (AAA), MSF and *Solidarité* were able to reach the displaced people,

assess their medical needs, and distribute personal hygiene items and blankets. ("Ituri: Resumption of the Confrontations in Fataki," Radio Okapi. English Translation. 26 December, 2006. http://www.radiookapi.net/article.php?id=6340; "Bunia: Ultimatum Counters Peter Karim," Radio Okapi. English Translation. 29 December, 2006. http://www.radiookapi.net/article.php?id=6365; "Congo Rebels Seize Hostages in Army Clashes," Reuters. 29 December, 2006; "Ituri: Fights Between the FARDC and FNI of Peter Karim," Radio Okapi. English Translation. 30 December, 2006. http://www.radiookapi.net/article.php?id=6371; "Ituri: The FARDC Tighten the Hand Around Peter Karim," Radio Okapi. English Translation. 1 January, 2007. http://www.radiookapi.net/article.php?id=6397.)

MONUC's French Chief of Staff Christian Houdet visited Ituri after meeting with General Kisempia and announced MONUC was launching an initiative called "Ituri: A District Without Weapons," making it illegal to carry a weapon without a government permit. MONUC successfully carried out a similar initiative in Kisangani before the elections. General Houdet implored Colonel Karim to report for mixing or at least meet with officials in Bunia. He warned a joint operation with the FARDC might be used if an amicable agreement could not be reached. ("Ituri: Last Chance for Peter Karim," Radio Okapi. English Translation. 8 January, 2007. http://www.radiookapi.net/article.php?id=6459.)

An FNI representative reported to Bunia for talks on 8 January, 2007 and met with a government delegation led by Colonel Munkutu Kiyana, an advisor to President Kabila. They set up a meeting in Buba for the following day. FNI Colonels Désiré, Héritier (Erithier), and Delo met the FARDC delegation. The FNI was given an additional $5,000 U.S. Colonel Karim requested for "sensitizing" his men to the mixing process. ("Ituri: Peter Karim Asks for a Ceasefire Before Integration," Radio Okapi. English Translation. 11 January, 2007. http://www.radiookapi.net/article.php?id=6490; "Politico-Soldier Crisis of North-Kivu: MONUC Encourages the FARDC-Nkunda Dialogue," Joseph-Alain Kabongo. *Le Phare*. English Translation. 11 January, 2007.)

Unfortunately, there was a sticking point. The FNI team delivered a letter from Colonel Karim requesting a signed ceasefire agreement before he would report for mixing. He also requested an independent investigation into the recent fighting in Ituri, a point reiterated in-person by FNI Ltc. Dieudonné Lodiringa. Colonel Karim reportedly asked for an additional $20,000 (U.S.) for "sensitizing" his men and the rank of general before he would disarm. (United Nations Office for the Coordination of Humanitarian Affairs. "Humanitarian Situation in DRC – Weekly Report/Ratio of January 06-12, 2007." English Translation. 12 January, 2007. pg. 1.) While the FARDC agreed to launch an investigation, General Mayala refused to sign the ceasefire. Since Colonel Karim was now part of the FARDC as per his previous agreement, General Mayala was his commanding officer and he ordered Colonel Karim to stop fighting. As a subordinate, Colonel Karim must obey his order. ("Ituri: Peter Karim Asks for a Ceasefire Before Integration," Radio Okapi. English Translation. 11 January, 2007. http://www.radiookapi.net/article.php?id=6490.)

Colonel Karim agreed to report for mixing on 28th January, but they did not show up. Instead, they terrorized the population around Fataki. They entered the villages and drew in the air to scare villagers away so they could loot and rape. Two 17 year-old girls were among the victims. ("RD Congo: CODHO Condemns Violence in Matadi, Boma, Muanda, Songololo (Bas-Congo) in Minembwe (South Kivu) and Ituri (Eastern Province)," Committee of the Observers of Human Rights (CODHO). Press Release. N°2007/Press 11/CODHO/KN/07. 5 February, 2007.) A few days later, the FNI attacked the FARDC at 04:00 near the Catholic Church in Fataki. Both sides accused each other of starting the battle. The FARDC pushed the FNI out of town and the fighting ceased by mid-afternoon. Gratefully, nobody was killed or wounded. ("Bunia: Resumption of the Engagements Close to Fataki," Radio Okapi. English Translation. 31 January, 2007. http://www.radiookapi.net/article.php?id=6677; "Clashes in DR Congo During Bid to Disarm Restive District," *Agence France Pressé*. 31 January, 2007.)

MONUC did not intervene during the battle, but they sent reinforcements afterwards. MONUC officials implored the FNI to lay down their arms or else MONUC reinforcements would join the battle. Major Eugene Vangu (FARDC Military Information Officer) and the Civil Society did not want to negotiate a cease-fire with the FNI. ("Kinshasa: Combat in Fataki, MONUC Invites the Militamen to Deposit Their Weapons," Radio Okapi. English Translation. 31 January, 2007.

is what it takes to end the fighting, so be it," said MONUC's chief spokesperson Kemal Saiki.[1269]

There should be a means of identifying soldiers wanted for human rights abuses when they report to transit centers. In addition, this measure can help prevent infiltrators from donning an FARDC uniform and sneaking into the ranks to create havoc. Rwandan officials, including Dr. Sezibera, have accused the FARDC of integrating FOCA soldiers into their ranks.[1270] EUSEC is issuing "non-falsifiable" FARDC identity cards as a small measure to help avoid this.

The Army Chief of Staff, the Defense Minister, and the Ministry of Justice must have a justice system in place to punish human rights violators in the FARDC and demonstrate the will to use it. Soldiers who continue to commit crimes against humanity after integration must

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http://www.radiookapi.net/article.php?id=6679; ("Bunia: Resumption of the Engagements Close to Fataki," Radio Okapi. English Translation. 31 January, 2007. http://www.radiookapi.net/article.php?id=6677.)

The next day at 10:00, the FARDC chased down the FNI and engaged them at the village of Libi, 15 kilometers from Fataki. Ltc. Lodziringa contacted FARDC officials and told them the FNI was ready to report immediately to meet with SMI officials. The FARDC dismissed it as a distraction. ("Ituri: Peter Karim Suggests Mixing, The FARDC Speak About a Distraction," Radio Okapi. English Translation. 2 February, 2007. http://www.radiookapi.net/article.php?id=6693.)

Since Colonel Karim was sponsored by Uganda in the past, his sudden change of heart toward the mixing process coinciding with General Nkundabatware's flight to Rwanda begs one to wonder if the two are related. Since Rwanda and Uganda have patched up their differences for the time being, it might have been a diversion for the FARDC and MONUC. Interestingly, a day after the hostages were taken, fighting broke out in Jomba on the Ugandan border north of Rwanda. General Mayala, the FARDC commander in Ituri, said the situation was under control and there was no reason to think the attacks were part of a larger offensive. "We think it started as a misunderstanding. We are still at a stage where this can be considered an incident." ("Congo Rebels Seize Hostages in Army Clashes," Reuters. 29 December, 2006.)

Gédeon Kyungu Kasongo Mutanga Wa Bafunkwa Kanonga Kalunga Mbikavu (a.k.a. Gédeon) was the leader of a Mai-Mai militia in Katanga Province based in Mitwaba. He and a number of his child soldiers reported to a disarmament center, but others refused to join him and retreated into Upemba National Park. He murdered untold civilians and forcibly recruited dozens of children during his campaign of terror in the Mitwaba-Pweto-Manono triangle. He was prepared to enter the mixing process in September 2006.

[1269] "Measures to Keep Peace in Congo Draw Fire," Tristan McConnell. Christian Science Monitor. 5 September, 2006.

[1270] "'Rwandan Rebels in DRC Army'," James Munyaneza. The New Times. 10 February 2007.

be punished. The FARDC can not allow impunity any more because it undermines the credibility and trust the army desperately needs with the citizens it is supposed to protect.

In particular, rapists must have much harsher punishments so all FARDC soldiers know it will not be tolerated under any circumstances. Even harsher penalties should be leveled at those who sexually abuse children. Rape has been used in Central Africa as a tool of psychological torture and control. It is one of the single biggest factors in the skyrocketing HIV infection rates in Eastern Congo and has caused countless families to be split apart because of the social and cultural stigma. Other victims have terrible physical ailments as a result of the brutality of the rapes they endured. Some women require several intense operations just to survive and that is only if they are lucky enough to live near a working surgical center with the means to pay for treatment.

President J. Kabila promised former OCHA chief Jan Egelund government officials and anyone in the FARDC who commits sexual abuse will be promptly fired.[1271] Not only should this promise be kept, but the individuals who lose their jobs must face the Congolese justice system. The victims of rape will never know peace or reconciliation with rampant impunity.

All FARDC soldiers who recruit children (or have in the past) must be punished. While lawmakers in the Congo have defined the legal age of a child as anyone under 17 years old, they have not made child recruitment a specific crime in the country's civic and military penal codes. This measure must be instituted immediately and the Congolese justice system must demonstrate the willingness to persue and prosecute even high-ranking officers and officials if they are found guilty.

[1271] "Healing the Wounds of War at Panzi Hospital," Office for the Coordination of Humanitarian Affairs. IRIN News. 12 December, 2006.

Chapter 3: Peripheral Problems and Prospective Solutions

General Nkundabatware's backers, financial, military, and logistical, must be addressed. Colonel Mutebusi is still in the region. The Congolese are concerned Colonel Mutebusi will return to Congo with an army. He must be arrested and prosecuted for any crimes he committed. If Rwanda still is sheltering him, they must be pressured by the international community to give him up and sanctions should be passed to ensure he is. Creative economic (import/export) sanctions and militiary aid suspension must be implimented to discourage impunity. International lending bodies and donor countries must stop extending unchecked aid to countries who violate arms embargos and facilitate combat in neighboring countries.

Mr. Serufuli's level of involvement, however diminished it may be since the CNDP's creation, must be investigated because of alleged crimes in the past. There is a possibility he will attempt to create a civilian militia again if General Nkundabatware continues to threaten him. Mr. Serufuli's uncertain political future will undoubtedly play a role in how he responds to political and physical threats.

The TPD, ACPD, and their respective members and staff must be monitored for mismanagement of funds and arms trafficking. It must be insured the TPD is not used as a distribution tool as it was in the past and the ACPD must not be allowed to become one. These organizations and individuals must demonstate their commitment to the peace process. Military observers and intelligence agents in the area must be mindful of civilians receiving arms in North Kivu and continue to monitor their activities. If TPD/ACPD members (or any other organization's members) are distributing arms, it must be determined if they acted alone,

in complicity with the whole organization, and/or with help outside the organization. If directors and/or staff are involved, their vehicles could be sequestered as a sanction in addition to financial and travel sanctions on the organization and the individuals responsible. They should also face the Congolese justice system. An honest third party oversight committee should then audit and monitor their funds and equipment usage (vehicles, etc.).

The assets of businessmen connected to Mr. Serufuli, the TPD, ACPD, CNDP officials and/or any businesses or individuals the U.N. discovered to be involved in the illegal plunder of mineral and/or arms trafficking must be carefully scrutinized. The same also applies for businesses or individuals who have international financial sanctions on them. If guilty of U.N. resolution or international law violations, the guilty business should be subject to economic and travel sanctions in the Congo, and all their branches and subsidiaries worldwide should be investigated. The offending business' financial and logistical assets can be frozen, but countries must work together if the sanctions are going to work. The Congolese Government can revoke a company or individual's business permits and lease agreements.

Foreign businesses should also be contractually required to build infrastructure in the areas they are working, including schools, hospitals, and roads that have the interests of the Congolese in mind. Many companies only build or repair roads that allow them easier access to their worksites and benefit the business more than the people. There must be a committee to ensure the work is being completed in a timely fashion. Companies who breach their contract(s) must be subject to penalties.

Civilian militias like the BIP, Mai-Mai, and LDF must be disarmed immediately. First, a voluntary program should be set up because many of the civilians only accepted the guns under duress. They will turn in their weapons first provided they have ample access to the

collection points and have assurances they will not be harassed. The next phase would be to "buy" the guns back. It may not be wise to give money for the guns because they can always purchase new ones, but perhaps something practical can be given in exchange, like goats, cattle or gardening tools for instance. As a last resort, the FARDC may have to forcibly remove weapons from the villages that refuse to disarm. Individuals who will not relinquish their weapons because they genuinely want to keep their property and family secure must be assured that FARDC and MONUC patrols will keep their villages safe, and they must follow through on this promise. Another option is to institute another "District Without Weapons" program in North Kivu.

MONUC monitored past arms buildups in the Kivus, but failed to act on them. The FARDC must take the initiative and act quickly to stop arms caches early. Continuous cordon and search operations should be instituted to prevent arms buildups. Individuals, organizations, and businesses trafficking arms must be arrested and prosecuted. If organizations, businesses, or individuals who own businesses are involved in gun running, sanctions must also be imposed on the individual(s) involved and all businesses and subsidiaries connected to the offender. Subsidiaries must be held to all the standards and embargoes emposed on the parent company(ies).

The international community and the U.N. must pass airtight sanctions that include all components of weapons, military vehicles, and vehicles that can be modified to mount heavy weapons. These are included on the list of embargoed items to prevent a country from importing weapons parts from multiple countries and then assembling it themselves. In addition, it would be ideal to have a monitoring mechanism to ensure weapons, vehicles, and

technology imported are not subverted for modification and use in human rights abuses and illegal military/paramilitary activities.

All countries should pass internationally uniform laws to prohibit arms and military parts sales to countries with records of human rights abuses. The U.N. General Assembly finally took the initiative to begin such a process by passing a resolution to seal up existing loopholes in international laws relating to arms and equipment sales. Only the United States voted the resolution down.[1272]

MONUC does not have the explicit ability to randomly search airplanes or cargo flights. MONUC must work with elected officials to coordinate sharing of information so the FARDC, customs officials and the CNP can act on shared information. If MONUC finds an arms cache, the FARDC must be willing to forcibly remove it.

Makeshift landing strips must be identified and guarded. It is also important to develop a way to monitor for air drops of illegal cargo in militia-controlled areas. The Congolese government must make it a priority to increase security at customs posts and airports and include the screening of NGO planes as a policy. An airplane's flight plan, logbook, flight manifest, registration, and crew identifications must all be checked for accuracy and fraud.

The import and export records (boats, airplanes, cars crossing the border, etc.) of businesses should also be examined to see if there are any discrepancies suggesting minerals or any other goods are being illegally smuggled. Any cargo company hired to ship products must be examined to ensure the manifests are in order and all permits have been acquired legally. Cargo manifests, registration certificates, logbooks, and employee identification should all be checked for validity. Since many airplanes remove and change the airplane registration

[1272] "Only US Votes Against Arms Treaty," Iafrica.com. 27 October, 2006. http://iafrica.com/news/worldnews/338712.htm.

numbers (sometimes *en route*), suspicious planes and all planes registered in the Russian Federation, UAE, Ukraine, and Kyrgyzstan (which are most commonly falsified in DRC) should be checked for fraudulent or altered registrations.

The import and export records of neighboring countries should continue to be examined to determine if the amount of minerals exported are feasible compared to what is available within the country. Any country that exports more of a good/mineral than is possible from their current production capabilities must be called forth to explain what is happening and it must be determined if minerals are being smuggled from the Congo. If so, the country should be economically sanctioned and they should be forced to pay back the value of the stolen minerals to the Congo. An export embargo on the smuggled item or good should be enacted immediately. The Individuals responsible must also be brought to justice.

In addition, the individuals within a business who are guilty of crimes should be prosecuted as individuals. Not only should their business be punished, but those responsible for the crimes must be held accountable. For over 50 years multinational companies have been plundering the Congo with impunity and it continues today. A definitive message must be sent that it will not be tolerated anymore.

Countries that provide military training and officer exchange programs to foreign armed forces like the United States, France, and Belgium must monitor the units and individuals who are trained.[1273] Those who conduct illegal incursions into other sovereign countries and/or commit human rights abuses should have their training contracts revoked and all military aid suspended. The armed forces must show demonstratable reforms in the

[1273] Note: In 2003, the U.S. State Department introduced legislation to revoke Rwanda's eligibility for the IMET and E-IMET programs, but it was vetoed by the Bush administration. ("Ituri:'Covered In Blood'." Human Rights Watch. Volume 15, Number 11 (A). July 2003. pg. 55.) Rwanda is scheduled for $270,000 (U.S.) worth of IMET training in 2007. ("U.S. Military Programs In Sub-Saharan Africa, 2005-2007." Daniel Volman. Association of Concerned Africa Scholars. 1 March, 2006.)

involved units and the individuals responsible must be properly penalized before the host country will consider reinstating the contracts. Ideally, contracts would be revoked if anyone in the military commits a crime against humanity or any other serious offenses. Such a blanket policy would ideally help push reform in the entire military as an incentive for receiving valuble training abroad.

Likewise, any private military contractors (PMCs) knowingly providing military, logistical, or "peacekeeping" training to armed groups committing human rights abuses (or committed in the past without demonstrating reforms) should be subject to financial, travel, and legal sanctions as well. Many of these companies buy old military equipment. The sale of military equipment should be suspended from companies knowingly working for or with any armed group who violates international or domestic law, including official governmental forces who are engaged in illegal activities. If the hired soldiers themselves are participating in battles, breaking embargos, aiding coups, working with militias and/or non-government (non-official state military or police) forces, and/or committing human rights violations, they must be tried in an international court as individuals and the company(ies) they represent must be subject to harsh sanctions. The PMC's license should be immediately and irrevocably revoked.

Chapter 4: Rwanda and the FDLR/FOCA

Rwanda's level of involvement with General Nkundabatware must be determined once and for all. It is imperative to investigate and prosecute all individuals responsible for ordering illegal RDF cross-border raids; aiding General Nkundabatware's recruitment drives (especially children); providing arms/supplies deliveries, military training, and/or logistical coordination to General Nkundabataware's militia in violation of U.N. sanctions.

Rwandan officials currently have the luxury of plausible deniability. Any Rwandan Government or RDF official can simply state RDF incursions and crimes in Congo-as well as any form of aid provided to General Nkundabatware-were committed by elements of the military/government outside the chain of command. With regards to the RDF, a battalion or brigade commander may even be singled out for all the responsibility, absolving superior officers of any responsibility for their role. A proper investigation by an impartial team is necessary to ensure all individuals guilty of illegally aiding General Nkundabatware are identified so they can be brought to justice and they must be willing and able to investigate to to highest echelons of the Rwandan military and government if necessary. Lieutenant Aloys Ruyenzi, a former RPA soldier and member of President Kagame's Republican Guard, gave written testimony about the level of control President Kagame exerted on his army. If what he says still applies to President Kagame today, it is virtually inconceivable he is unaware of Rwandan military support given to Colonel Mutebusi and General Nkundabatware:

> "General Paul Kagame supervises the smallest detail of everything that goes on in the army. He even follows conversations between soldiers on military patrols on their walkie-talkie radios. Every morning, he summons his signal

officer and reads through all operations and routine army messages, to make sure that he does not miss anything. Here I simply want to stress that there is nothing he can pretend to ignore. Nothing can take place within RPA without his knowledge. Apart from very isolated incidents carried out by petty criminals, all atrocities committed by the army in operational areas are sanctioned by him."[1274]

If several high ranking Rwandan officials are involved, not only should the individuals be brought to justice, but the international community must have the will to pass creative sanctions on Rwanda that will minimize damage to innocent Rwandan citizens so they do not suffer the consequences of the guilty, but at the same time demonstrate Rwanda will not be allowed to act with impunity to disrupt the Congo's peace process. Donor countries, international finance bodies like the World Bank, IMF, the Bretton Woods institutions, MCC, and international businesses considering investment in the country should rethink their aid packages and programs unless demonstratable reforms are realized by the responsible government and their military and all illegal activites in other sovreign countries are ceased.

Better measures to monitor border crossings will be needed to ensure the safety of the Congo and its surrounding countries. This must include a plan to monitor Idjwi Island and and areas around the Rwandan border that are off the main roads particularly around Volcanoes National Park. Movements of soldiers in and out of neighboring countries must be kept under tight security. Movement of RDF troops into the Congo can be monitored, as well as illegal FOCA incursions into Rwanda. Tighter border security can reduce arms trafficking and prevent dissidents like General Nkundabatware and Colonel Mutebusi from traveling to and

[1274] Ruyenzi, Aloys. Written Testimony of Aloys Ruyenzi. English Translation. 5 July, 2004. http://www.grandslacs.net/doc/3092.pdf. Note: Must have Adobe Reader to view.

from Rwanda at will. A recent U.N Security Council Report recommended making an appeal to the Rwandan Government to stop General Nkundabatware from entering their country, essentially admitting they collected evidence demonstrating General Nkundabatware is able to travel to and from Rwanda freely.[1275]

While the Joint Verification Mechanism was established in 2004 with these goals in mind, it has not served its purpose and reports from its members have been extremely contradictory to reports from the U.N. and Congolese civilians. Currently, it consists of FARDC and RDF observers who will obviously have a bias. Clearly it needs to be revised or scrapped and replaced with an effective mechanism. The most difficult, but necessary change is to include impartial observers on the team to report truthfully and without political agenda. Alternatively, MONUC military observers could take a bigger role in border reconnaissance as well, provided the budget and donor nations will allow it, but the U.N. must stop denying Rwandan infiltrations of the Congo when they have eyewitness and satellite evidence showing otherwise.

There is also the difficulty of spotting RDF, demobilized RDF, and FOCA soldiers dressed like civilians. Customs officials and the CNP are responsible for monitoring the borders. Better security screening will be needed to reduce this problem. Passports and documents should be made exceptionally difficult to forge.

It is an absolute necessity to deal with the FDLR/FOCA and Rasta armed groups once and for all. Not only will the insidious rapes, murders, and robberies they commit be reduced, but it will also eliminate Rwanda's often used pretext to invade the Congo. If FOCA is removed, Rwandan officials will not be able to tell the international community they are

[1275] United Nations Security Council. "Security Council Report: Update Report, Children and Armed Conflict." Update Number 2. 13 September, 2006. pg. 1.

entering Congo to eliminate threats to their border anymore. In addition, it fulfills the Congolese commitment in the Pretoria Accords to disarm FOCA, a commitment that is long overdue.

Rwanda does not consider the FDLR/FOCA a danger to their borders anyway.[1276] President Kagame himself stated, "There is calm on our borders; we have experienced quite a long time of stability between DRC and Rwanda. We want and believe that we will see more stability. The FDLR and *Interahamwe* no longer cross the border to destabilze us."[1277] The Rwandan Government's official position is that FDLR/FOCA members are free to return to Rwanda if political conditions are not set and anyone who participated in the Rwandan Genocide is brought to justice.[1278]

All Congolese governmental support for FOCA must end immediately. It completely undermines their credibility, is a violation of the Pretoria Accords, and gives Rwanda more than ample political ammunition to use against the Congo when justifying any military operation against FOCA within the Congo's borders. Any Congolese Government or military official aiding the FDLR/FOCA or the Rastas must be removed from their post and tried for aiding an internationally-recognized terrorist organization.[1279]

Following the Pretoria Accords in 2002, President Kabila banned the political activities of the FDLR and issued a government edict for all FDLR/FOCA leaders to return to Rwanda at the request of U.S. President George W. Bush,[1280] but elements of the FARDC reestablished ties with FOCA soldiers in South Kivu following the Bukavu crisis of 2004. General Mabe's

[1276] "FDLR 'Not a Threat'," Godfrey Ntagungira. The New Times. 23 November, 2006.
[1277] "Kagame Speaks Out on Kalisa, James Munyaneza. The New Times. 23 January, 2007.
[1278] "The Congo: Solving the FDLR Problem Once and For All." International Crisis Group. Africa Briefing Nº25. 12 May, 2005. pg. 8.
[1279] "U.S. Blacklists Rwandan Rebels as Terrorists," Xinhua News Agency. 12 May, 2005.
[1280] "DR Congo Bans Rwandan Rebel Group Upon Request by Bush," The Namibian. 24 September, 2002.

brigade armed FOCA in exchange for their help fighting General Nkundabatware's soldiers.[1281] In addition, FARDC and FOCA soldiers have carried out joint roadblock duty in South Kivu since the Bukavu incident.[1282] In 2005, arms turned in to the FARDC were later recovered again from FOCA soldiers. The FARDC originally reported these weapons were destroyed or distributed to the integrated FARDC brigades.[1283]

Despite a troubled past, President Kagame said the Rwandan Government was on good terms with the Transitional Government on the FDLR/FOCA issue as the Congolese elections were being held.[1284] Rwanda even plans to reopen its embassy in Kinshasa after the run-off elections. Dr. Sezibera told the international press agencies after the Congolese elections, "We will work with the new leadership to solve any outstanding issues including the Rwandan militiamen still hiding in the Congo."[1285] President J. Kabila said the two countries have been on positive terms since the tripartite meetings. He also stated clearly what his intentions are, "…we are absolutely determined to eradicate them [ex-FAR and *Interahamwe*]."[1286] If President Kagame has goodwill towards the Congo and desires a peaceful resolution to the FDLR/FOCA problem and President Kabila honestly intends to keep his word, both sides must commit wholeheartedly to carry out the stipulations of the Pretoria Accords. If the countries are truely on such jovial terms, they must take advantage of the opportunity to work together to eliminate a shared problem.

[1281] "South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: Univerity of Antwerp. March 2006. pg. 13.
[1282] "Back to the Brink in the Congo." International Crisis Group. Africa Briefing # 18. 17 December, 2004. pg. 4.
[1283] United Nations Security Council. "Letter Dated 18 July 2006 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo Addressed to the President of the Security Council." S/2006/525. 18 July, 2006. pg. 10.
[1284] "Rwanda: Congo no Longer Supports Rebels," Gabriel Gabiro. Seattle Post-Intelligencer. 8 May, 2006.
[1285] "Congo Neighbours Hope for Dividends From Kabila Win," Alistair Thomson. Reuters. 16 November, 2006.
[1286] François Soudan, Pascal Airault. "Interview with President Joseph Kabila." *Jeune Afrique*. N°2361. English Translation. April 2006.

The international community has placed the burden of the FDLR/FOCA issue squarely on the shoulders of the Congolese Government, but many countries and international bodies like the E.U. have expressed their full support for a lasting solution to the problem. The international community may accept a role in mediation or logistical help, but the FDLR affair is currently considered an issue between the Congolese and the Rwandese.

Uganda's role with the FDLR must also be addressed. Rwandan Foreign Minister Charles Murigande has openly shown evidence senior FDLR/FOCA officers travel to Uganda from Congo freely and meet with UPDF officials. Ignace Murwanashyaka (President of the FDLR), who is under a U.N. travel ban, was able to cross into Uganda through Congo's Buramba customs post. He was later detained when he flew back home to Germany from Entebbe Airport, but was released after two weeks and never charged for his infraction. Major Protais Mpiranyi (former member of the late President Habyarimana's Presidential Guard), Hyacinth Rafiki, Major Wallace Nsengiyumva, and Colonel Aloys Ntiwiragaba were all identified entering Uganda. All of them were using newly issued Ugandan passports.[1287] This is hardly a new phenomenon. A joint Rwandan-Ugandan commission set up in May 2002 determined the FDLR/FOCA was using Uganda as a rear base, yet no action was taken on the report.[1288]

One Ugandan intelligence officer said over 100 FDLR members have Ugandan passports and live in safehouses in Kampala. When an investigation into the matter was announced, the passport files of 30 FDLR members were allegedly tampered with.[1289] Uganda must be pressured to force all FDLR/FOCA in the country to organize a return to Congo,

[1287] "Rwandan Foreign Minister Confirms the Presences of FDLR Rebels in Uganda," James Munyaneza, Nasra Bishumba. The New Times. 16 April, 2006.
[1288] "Rwanda Genocide Militias Are in Uganda: Report," *Agence France Pressé*. 21 May, 2002.
[1289] "Rwandan Dissidents' Passport Files in Kampala Altered," Charles Kazooba. The New Times. 5 June, 2006.

where they can be properly escorted to Rwanda for reintegration, or escorted to Rwanda directly. Those who refuse to leave would have to be addressed in order to prevent them from regrouping militarily. Uganda, a neutral party (or parties), and Rwanda will have to come up with a collective solution.

Uganda's Minister of Security Amama Mbabazi said an investigation has begun to determine how FDLR/FOCA rebels were able to receive their Ugandan passports. President Museveni sent a private letter to President Kagame delivered in person by Minister Mbabazi on 7 September, 2006 concerning the matter.[1290] It is essential Uganda bring all parties who aided the FDLR/FOCA to justice in order to demonstrate impunity will not be tolerated and to show regional goodwill towards the peace process. It remains to be seen what Ugandan authorites will do with the results of their investigations. Now that Rwanda and Uganda are mending their animosity towards each other, perhaps they will be able to resolve this issue peacefully without allowing the perpetrators to act with impunity.

The only outward sign of reform was the arrest of 10 women reportedly affiliated with the FDLR in mid-November 2006. Their leader, called Anne Marie Muringa from Nyakinama, said they left their husbands behind in Kibuwa Camp, Masisi Territory.[1291] Uganda turned them over to Rwanda authorites.

Individuals responsible for aiding the FDLR/FOCA, who are officially labeled terrorists in many countries, must be punished for aiding and abetting. Several high-profile individuals have already been implicated in the passport saga, including Odrek Rwabogo (President

[1290] "Ugandan Leaders to Face FDLR Probe," Igantius Ssuuna. The New Times. 8 September, 2006.
[1291] "Uganda Deports 10 FDLR Rebels," Godfrey Ntagungira. The New Times. 16 November, 2006.

Museveni's son-in-law), Abel Katungi (Director of Allsec Limited), and Balagadde Kiggundu.[1292]

Both MONUC and the FARDC have directed operations against the FDLR/FOCA in North and South Kivu, but have never shown the will or had the means to finish the task. In 2005, when the FARDC had only one or two active mixed brigades, the logistical means to completely neutralize the FDLR/FOCA were not available. As the mixing process is completed, the army will have enough soldiers to mount a meaningful offensive against them if necessary. With additional logistical and military help from another well-equipped military force, a military solution is feasible, but a peaceful solution should be the priority.

The Congolese Government and the international community must investigate the financial and military supply lines that aid the FDLR/FOCA. Individuals and companies knowingly involved in the supply chain should be referred for prosecution. This will limit their capacity to carry out effective offensives. However, there is a danger this approach could lead to an increase in the number of exactions against civilians because of the reduction of supplies reaching FOCA soldiers in the field. This will force them to look elsewhere for arms, food, money, clothes, etc. in order to survive in the bush.

It may also be difficult to dislodge FDLR/FOCA from areas rich in minerals. With connections, they can earn a much better living mining off the land than anything currently available to them in Rwanda. They must have ample incentives to return home. If the incentives do not outweigh the hardships and profits, there is no logical reason they would express any interest in leaving. Lodging could be one area to address because many FDLR and Rasta who mine still live in the bush, which is a very difficult life. Adequate access to food and medicine is another issue that can be addressed.

[1292] "Rwandan Dissidents Passport Files in Kampala Altered," Charles Kazooba. The New Times. 5 June, 2006.

FOCA soldiers have stated their desire to lay down arms in the past, but many are reluctant to go back to Rwanda while President Kagame is in office. They fear being killed or imprisioned as *genocidares* even if they did not take part in the murders. They claim President Kagame labels political opposition and anyone he does not like as a *genocidare* and imprisons them arbitrarily. Dialog with Rwanda will be needed to ensure the safe return of the Rasta, and FDLR/FOCA soldiers. It will be necessary to create provisions of return.

In the "Rome Declaration" of March 2005, FDLR leaders officially denounced the Rwandan Genocide and in return they were promised a monitored repatriation. The declaration was derailed because the Rwandan Government refused to meet the FDLR's political requests: to allow the FDLR to participate in Rwandan politics;[1293] to close the *gacaca*

[1293] Note: President Kagame banned all political parties that preach a "genocidal ideology." Such parties were banned after July 1994 and the Rwandan Constitution passed in 2003 after the presidential election made it legal to ban these parties. (See: http://www.concourt.am/wwconst/constit/rwanda/rwanda-e.htm for the text of the Rwandan Constitution) Since the FDLR/FOCA ranks do contain some individuals guilty of participating in the mass killings of 1994, President Kagame will never allow their party recognition in Rwanda if their members repatriate.

Critics of the policy charge the Rwandan Government of using the policy as a tool to supress political opposition. In a speech given at Boston College in the United States on April 11, 2005, he rebuked critics of his policy by drawing an analogy to the United States banning of the Klu Klux Klan and the Communist Party from political office. He stated these organizations are also banned solely because of the ideologies they preach and insisted his policies were no different. President Kagame stressed the policies were created with the safety of the people in mind. (Kagame, Paul. "The Rwandan Genocide and the Failure of the International Community." Undergraduate Government of Boston College. Robersham Theatre, Boston, Massacussetts USA. 11 April, 2005.)

Political parties currently banned in Rwanda include:

MRND – created by the late President Habyarimana, a lifetime soldier, in 1975. It was dominated by Hutu, especially from northern Rwanda where President Habyarimana was from. A specific group of Rwandans from Gisenyi, led by President Habyarimana's wife Agathe, held tremendous political influence over the MRND during his presidency. Every Rwandan was automatically given membership from birth. Very strict rules for political campaigning were passed. Only an MRND member could run for office according the constitution. Thus, a one-party state was created. This continued until the war of 1990 broke out and the Rwandan Constitution was altered in 1991 to allow other political parties to form. The MRND became the Republican Movement for National Democracy and Development (MRNDD) after the constitution was changed. Their ideology became increasingly violent after President Habyarimana's assassination. A large number of the individuals currently on trial at the ICTR are members of the MRNDD or its civilian militia.

Democratic Republican Movement (MDR) – The contemporary MDR originated from the MDR-Party of the Hutu Emancipation Movement (MDR-PARMEHUTU), created by Rwanda's first president Grégoire

courts, and admit to committing a counter-genocide against Hutu in Rwanda in 1995 and in Zaire's refugee camps in 1996. This was besides the fact the Rwandan Government did not send a representative to Rome after they were not invited to the first talks between the FDLR and the Transitional Government.[1294]

FDLR officials have proposed holding a summit similar to the Sun City talks that led to the Sun City Final Act that officially ended the 2nd Congo War. The FDLR want to sit down with the Civil Society, RPF, and other political opposition groups to work out their terms of disarmament. They want to create a new Transitional Government in Rwanda similar to the "1+4" arrangement in Congo. Not surprisingly, the RPF has rejecting the idea, claiming there will be no negotiations with *genocidares*.[1295]

Some FDLR/FOCA members married Congolese women and fathered children in order to gain Congolese citizenship so they do not need to return to Rwanda. Other soldiers have outright deserted FOCA because no one is paid and food is very scarce, which forces them to

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Kayibanda in October 1959 out of the *Mouvement Sociale Muhutu*. The majority of its members were Hutu from the southern half of Rwanda, particularly Gitarama, where former President Kayibanda (who was overthrown by General Habyarimanya in 1973) had his base of support. MDR-PARMEHUTU also had some Hutu support in Ruhengeri and Gisenyi. The party was outlawed in 1973, but was reborn as the first opposition group to the MRND(D) in 1991. The PARMEHUTU acronym was dropped to avoid association with its violent past history. The MDR would eventually be split into a Hutu Power group usually referred to as MDR-Power lead by Jean Kambanda. It was this sect that took part in massacres during the Rwandan Genocide.

Coalition for the Defense of the Republic (CDR) – Created in early 1992, the CDR was the most overtly genocidal of the banned political parties. Founded by Jean Shyirambere Barahinyura, the CDR was responsible for much of the Hutu Power movement's media propaganda. They were involved in the infamous *Radio Télévision Libre des Mille Collines* ("Thousand Hills") a.k.a. RTLM Radio and the Hutu Power publications *Kangura* ("Wake it Up") and *Le Courrier du Peuple*. The CDR patently rejected the idea of uniting both Hutu and Tutsi under the collective banner of "Rwandan." Like the MRND(D), the CDR created its own civilian militia called the *Impuzamugambi* ("Those with a single purpose"). They were trained by President Habyarimana's Presidential Guard and were involved in committing massacres.

[1294] "The Congo: Solving the FDLR Problem Once and For All." International Crisis Group. Africa Briefing Nº25. 12 May, 2005. pg. 6.

[1295] Private Interview. 2007.

looting and stealing to survive. FOCA's former commander General Paul Rwarakabije[1296] reintegrated into the RDF and begged FOCA to surrender their arms and return to Rwanda peacefully, all to no avail. Returnee Sargeant Jean-Pierre Bigiyobyenda claimed many FOCA soldiers want to return home, but FOCA leaders discourage them from doing so.[1297]

The FDLR's ability to become involved in Rwanda's politics will likely be a sticking point as will allowing some of the FDLR's political leaders to return from abroad while they are on a U.N. sanction and travel ban list. If they do preach or practice such an ideology, or break Rwandan law, they can be lawfully banned as per the Rwandan Constitution. However, if the FDLR (or an individual FDLR member[s]) honestly does not preach and/or follow a genocidal ideology and abides by Rwandan laws, it will be difficult to explain on what basis they are prevented from running for political office. However, if Rwanda is truly a democratic society and voters are not intimidated to vote one way or the other by any party running for political office, the Rwandan people will still reject FDLR candidates soundly in the polls if they do not believe they have reformed or have anything positive to offer Rwandan society.

Almost every Congolese person living in the Kivus want the FDLR/FOCA sent back to Rwanda. An international body must help coordinate the return of the Rwandan rebels. The UNHCR will defer from any involvement with the FDLR/Rastas because they are not considered refugees, but foreign combatants and they have closed demobilization camps on them in the past.[1298] Once back in Rwanda, however, it is the responsibility of the RDF and the military police to ensure the returning ex-combatants are lawful. Current Rwandan policy

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[1296] Note: General (then Major) Rwarakabije was a gendarmeries (military police) officer in the G3 (Staff Operations) during the Rwandan Genocide. Currently, he is working with demobilized soldiers and enouraging them to form cooperative groups and learn a skill or trade to market to their respective communities.

[1297] "Ex-Combatants Return from DRC," Aloys Badege. The New Times. 15 September, 2006.

[1298] "South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: University of Antwerp. March 2006. pg. 19.

puts returning refugees through an educational program sponsored by the Rwandan National Unity and Reconciliation Commission to erase the genocidal ideology of the rebel groups.

Despite the need for reconciliation, impunity should not be granted for actual genocide perpetrators among the rebels. Anyone who returns to Rwanda that participated in the genocide and actually committed crimes should face prosecution. President Kagame has made it clear he will not support any amnesty program. He stated, "There are no grounds whatsoever to say these people [*genocidares*] …should be given any amnesty."[1299] Additionally, FDLR/FOCA members who committed crimes against the Congolese people should face justice in the Congolese judicial system regardless of their citizenship status.

Rwanda should compile an authoritative list of all wanted suspects known to stay in the Congo so there is no ambiguity.[1300] They have compiled a list of suspects wanted worldwide, but they have not published a list dedicated to known members of the FDLR/FOCA for whom evidence amply demonstrates a role in the Rwandan Genocide. Though the publication of the list may result in the individuals on it entrenching themselves in the Congo, they will be the minority. If the moderate-minded solders around them return home and they see how isolated they are, they may turn themselves in peacefully.

Though ex-FAR, *Impuzamugambi,* and *Interahamwe* members are present in their ranks, many FOCA soldiers are far too young to have participated in the genocide. Many of them are the children of the *genocidares*. Though innocent of genocide, they have grown up in the bush and it is the only life they know. They do not have any education or job skills and

[1299] "Genocide: No 'Mercy' for Hutus," News 24. 18 September, 2006.

[1300] Note: Rwandan officials have openly stated only ~50-60 officers, including most of the top ranked officials in FOCA, are wanted for committing genocide. They include Force Commander (General) Sylvestre Mudacumura (a member of President Habyarimana's Presidential Guard), Colonel Mugaragu, and Defense Commissioner Colonel Rumuli Michel. ("A Congo Action Plan." International Crisis Group. Africa Briefing N°34. 19 October, 2005. pg. 6.)

tend to be volatile individuals who loot and rape to get money and food. Extensive demobilization will be needed for these young men. Rwanda will need help financing and building demobilization centers for FOCA and the Rastas. There must also be a program to follow their progess after demobilization to ensure they are not recruited back into any army.

The Rasta do not appear to be supported by the Congolese Government, nor do they have a political wing like the FDLR. It is interesting to note Rwanda has never claimed them to be a threat to their borders like FOCA, nor have they ever proposed any military operations against them. The Rasta operate exclusively in South Kivu. The Rasta's willingness to demobilize is unknown, but it is essential to disarm this group. Unfortunately, they may require a military solution, especially if they are prisoners freed by Rwanda[1301] because it is unlikely they will be willing to go back to Rwanda only to be thrown back in a jail. However, publicly reported crimes committed by the Rastas have dropped drastically since 2005.

If MONUC or the Congolese Government know with certainty exactly who the Rasta are and where they come from, they should make it known publicly and end the confusion. If not, an investigative team should determine who they are once and for all. Their level of involvement with FDLR/FOCA must also be determined.

Regardless of their identity, the Rasta should be sent back to Rwanda if they are Rwandans. Congolese members of the FDLR/FOCA and Rastas should stand trial for their crimes in the Congo, not Rwanda. Other combatants should be integrated into the FARDC or demobilized. Rwandan members of the Rasta who committed crimes against Congolese civilians or soldiers should face the Congolese courts.

[1301] "Update on the Congo," David Barouski. ZNet. 25 July, 2006. www.zmag.org/content/showarticle.cForeign Minister?ItemID=10638 ; "South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda." Marina Rafti. Institute of Development Policy and Management: University of Antwerp. March 2006. pg. 15-16.

Once the threat of the FDLR/FOCA and General Nkundabatware's men are gone and the civilian militas in North Kivu have been disarmed, some Mai-Mai may voluntarily lay down arms because the major foreign threats will be virtually gone. True Mai-Mai exist to protect the Congo from foreign invaders, but some are nothing but thugs for hire. These groups will resist demobilization and must be addressed, not only because they have committed rapes, murders, theft, and poaching, but it must be ensured renegade Mai-Mai do not kill Rwandophone civilians, which could inflame new interethnic conflict. The Congolese government must cease arming Mai-Mai militias to encourage them to demobilize or integrate into the FARDC. The FARDC must ensure the safety of Bahunde and Nande civilians and their customary chiefs to prevent inflaming anti-Banyarwandan sentiments among Mai-Mai from those respective ethnic groups.

The militia led by Colonel 106[1302] near Bunyakiri (on the North/South Kivu border) and more recently in Walikale Territory is likely to be the most resistant to disarmament. He is connected to Congo's Environmental Minister Anselme Enerunga, a member of the Mai-Mai political party and business partner with a regional Iranian arms dealer (who also supplies Darfur and Burundi with arms) who trades arms for exotic animals and ivory. Environmental Minister Enerunga appears to be increasingly anti-AMP, troubling many in the Mai-Mai party and alienating him from politicians in Kinshasa.

Colonel 106 established contact with General Nkundabatware.[1303] They are likely working out an arms exchanging deal and General Nkundabatware may be trying to convince

[1302] Note: He was a Congolese officer formerly known as Commander Mabolongo from the FARDC's 106th Battalion who escaped from prison last year. MONUC wounded him during a military operation last year, but did not persue him into the forest and he eventually recovered from his injury. Colonel Chibalonza from the FARDC's 104th Brigade is his second-in-command.

[1303] "Congo-Kinshasa: Environment Minister May Stir Up Trouble in South Kivu," Duncan Woodside. Business Day. 22 August, 2006.

Colonel 106 and his militia to join the CNDP, but with FOCA soldiers in his ranks it seems unlikely anything but an alliance for supply exchange will form. If the alliance does go forward, it would be very interesting to see if the FOCA soldiers allied with Colonel 106 are really ex-FAR and *Interahamwe* or someone else.

Chapter 5: Ethnicity and Land Claims

One of the most volatile issues to address is the longstanding land ownership grievances in North Kivu Province. They were created in 1910, when Ruanda/Urundi Territory was controlled by the German colonial powers. They annexed several land parcels of Rwanda to what are presently its neighboring countries. Modern day North Kivu (particularly the Bwisha and Bwito groupings in Rutshuru Territory) was ceded to the Belgian Congo; part of northern Rwanda was given to present-day Uganda, and a section of eastern Rwanda was delegated to modern-day Tanzania. Following this act, some of Rwanda's inhabitants stayed in the ceded area to live a new country while others decided to return to truncated Rwanda.

Northeast Congo has a high population density partly because of Virunga National Park. Created in 1925, it occupies a full third of Rutshuru Territory, constricting inhabitants closer together in a small land area. Then, in 1937, Belgian colonial powers forced many Rwandan Hutu farmers and workers to relocate into modern-day Masisi and Rutshuru territories. The forced migration was instituted to provide rich colonialists and European planters with labor to use on their vast plantations in the Belgian Congo. In addition, Tutsi pastoralists migrated with their herds to the Congo before and after colonial intervention. Consequently, Masisi and Rutshuru territories became the most densely populated territories in the Congo. Sections of Virunga National Forest are currently being cut down to make room for more farming and grazing land, which has led to friction with conservationist groups active in the Congo.

The formation of the Kivus' currently recognized boundary lines was a complicated and confusing process. In 1947, the first Kivu Province was created. By 1957, at least

300,000 Rwandans relocated to the Congo.[1304] Then in 1962, North Kivu and Maniema provinces were split apart from singular Kivu Province. A year later, Kivu Central Province was created from the remaining territory *sans* North Kivu. Three years after that, Kivu Central and Maniema were combined to form South Kivu. Then, North and South Kivu were combined to form another single unified Kivu Province. In 1988, North Kivu, South Kivu, and Maniema provinces were all recreated. Finally, the current Congolese Constitution only recognizes North and South Kivu as provinces.[1305] As you can imagine, the constant

[1304] "Congo's Elections: Making or Breaking the Peace." International Crisis Group. Africa Report N˚108. 27 April, 2006. pg. 21.

[1305] "Provinces," B. Schemmel. Rulers. Accessed 22 March, 2006. http://rulers.org/cngkprov.html.

Note: Since the Gatumba massacre, South Kivu has improved its security level, but there are still many problems. More soldiers were deployed to Walungu Territory in order to prevent FOCA and Rasta attacks. The number of incidents has declined, but the FARDC in the area continue to cause trouble. In Uvira Territory, the FARDC spontaneously erects barriers and forces travelers to pay "taxes." As a result, some supply trucks stopped traveling there from Bukavu. Medicines and food stocks declined.

During the last week of December 2006, as the South Kivu brigades (primarily ex-Mai-Mai) were reporting for the next wave of mixing, a series of armed robberies were carried out in Uvira. Four people were killed and five were wounded. ("South-Kivu: Reinforcement of Patrols in Uvira," Radio Okapi. English Translation. 30 December, 2006. http://www.radiookapi.net/article.php?id=6378.) The 8th Mixed Brigade from Kalanga/Mukungwe took control of a private gold mine by force and beat the locals who were living on the land. 8th Mixed Brigade soldiers were also stealing from civilians near Kanyola. There is also a group of dissident soldiers under the command of Colonel Bisogo prowling near Baraka.

In January, the city of Bukavu fell prey to similar crimes, but fortunately with fewer deaths. FARDC and demobilized soldiers are believed to be responsible. However, some of the crimes are perpetrated by prisoners who escaped from the Central Prison and are hiding out in the Ibanda District of Bukavu. The soldiers were not receiving their expected payment. Mixing of police patrol units will be accelerated to allow for the deployment of additional security around town.

The village of Kadjedje has also been subject to several robberies, particularly the people returning from the Mudaka market. FARDC soldiers from Bulirima were the culprit. These same soldiers were also cutting down the local forests to make fires in their camp, which is illegal. They have also been spotted stealing crops from the local fields at night.

Some of the ex-Mai-Mai commanders accused of a role in the Gatumba massacre have formed a politico-military group similar in organization to the CNDP. The group, called the Solidarity and Progress Front (FSP) is politically led by by President Amirado Gasuzuguro and Vice President Abasi Kayonga Dada. The military wing is led by Colonel Venant Bisogo (a former accomplice of General Nkundabatware) and Deputy Commander Colonel Dunia. The armed wing is active in the area around Minembwe as-well-as Fizi, Uvira, and Mwenga territories.

dissolution and reformation of the various provinces resulted in great confusion over constantly shifting and overlapping land claims.

Traditionally, land in North Kivu was given as a gift from Bahunde local customary chiefs in exchange for crops or livestock. When the Rwandans began moving in, land was purchased from the Bahunde by the Belgians and the Rwandans created a separate chiefdom to rule over their land. When Rwanda and the Congo received independence, the Rwandan chiefdom was dismantled and the Bahunde were put in control of North Kivu. This created conflict when the Bahunde chiefdom would not recognize some of the Rwandan land claims because it did not recognize the Rwandan chiefdom's borders.[1306] There was also tension when the state government did not agree with the local civic governments (chiefs) over a land allocation issue. In 1973, a new law was passed to end customary control of land ownership, further undermining the Nande and Bahunde chiefdoms.

This series of events eventually led to ethnic violence that has been particularly brutal since 1993, when an influx of Banyarwanda entered the Kivus during the Rwandan Genocide. Land was taken by force from the Bahunde during the early period of the 1990s. In 2000-2001, Governor Serufuli began replacing many Bahunde in the provincial government with Banyarwanda, further weakering their political influence. Growing resentment of the Banyarwanda led many Bahunde to become members of the Mai-Mai militia to drive out the Rwandans which continues to this day.

A mechanism to register land deeds is sorely needed as is stable mediation between Bahunde and Banyarwanda. There needs to be a clear process to record land ownership so there is no ambiguity. If the chiefdom system is going to be retained, there must be fair

[1306] "Democratic Republic of Congo: North-Kivu: Civilians Pay the Price for Political and Military Rivalry." Amnesty International. AFR 62/013/2005. 28 September, 2005.

representation for everyone and there must be a court system to punish those who refuse to obey land laws. A provincial government commission that works closely with territorial government officials should be created to draft explicit land ownership laws that must be ratified by both sides, perhaps through a referendum election in North Kivu.

Some Rwandans feel their country has an old land claim on the ceded territories and want them returned to Rwanda. Indeed, the Republic of the Volcans may to be a plan to begin that process as it seeks to include the former Rwandan territory of North Kivu. Congo Parlimentary member Jacqueline Bisimwa Murangaza said President Kagame himself desires to annex the Kivus to Rwanda.[1307] Former President of the Rwandan Transitional Government (1994-2000) Pasteur Bizimungu (a Hutu of mixed ethnicity who joined the RPF after his brother's assassination) also backed the idea of annexing the Kivus when the 2nd Congo War began. In December 1998, Rwandans stated the current central African borders were "too old" and needed to be revised.[1308]

The goal of creating new *de facto* boundaries provides an ideological reason for Rwanda to support the CNDP and its armed wing. This presents a whole new set of problems because even if the Congo finds peace, the FDLR/FOCA is removed, and Rwanda achieves total economic independence, certain individuals will still desire to keep the Congo destabilized in order to create the so-called "Republic of the Volcans" because it is a desire based on something they inherently believe to be their right to own.

[1307] "Congo's Biggest Enemy may be the Rwandan President and his Outsized Ambitions," Donal Brown. New American Media. 11 June, 2004. http://news.newamericamedia.org/news/view_article.html?article_id=d15a6ebe7df3cc6620be774de10f0798.

[1308] Madsen, Wayne. "Genocide and Operations in Africa: 1993-1999." Lampeter, Ceredigion, Wales, United Kingdom: Edwin Mellen Press, Limited. 1999. pg. 457.

Epilogue

Admittedly, the changes postulated here are given with the prerequisite of a setting where the government, its various agencies, the court, armed forces, and the international community all acting with the interests of the African people as their primary consideration. This is obviously far from the truth when politics and business interests take precedence and it is beyond the scope of this book to examine each and every underpinnings of reform needed to put the Congo on a path to success.

Additionally, this author is inevitably and admittedly constrained with a euro-centric view of peacekeeping and nation-building. The same holds true for the international community. Fresh African perspectives and solutions are sorely needed. While the statement "African solutions to African problems" has become almost hokey, it is indeed something the continent needs to see more of.

The recommendations also only consider the current framework of foreign governments, intenational agencies, and continental organizations operating in the region. MONUC is inevitably hampered by the political leanings of its donor countries and the U.N. Security Council members. Some people might suggest sending the A.U., but they can not supply an adequate number of peacekeepers and do not have the logistical means to carry out the missions. Western countries are the ones who provide the logistics for A.U. missions. An examination of the African counties who typically donate soldiers to A.U. missions reveals many are politically, economically, and/or militarily tied to the same Western nations that have contributed directly or indirectly to the continent's suffering, including Kenya, Nigeria, South Africa, and Rwanda. Meanwhile, E.U. donor countries like Belgium and Germany seek to

expand their geopolitical sphere of influence in Central Africa while France seeks to reestablish its influence. When will an adequate apolitical organization with the interests of the African people be effectively created?

Even under ideal circumstances it will still take considerable time to implement all the reforms needed to promote lasting peace in the region. After enduring nearly 15 years of virtually unending conflict, the Congo desperately needs sustained peace to give its people a chance to rebuild their nations, their homes, and their personal lives.

Appendix I: Acronyms and Abbreviations

AAA	Agro-Action Allemande
ACOTA	African Contingency Operations Training and Assistance
ACPD	*Action Congolaise pour la Pacification et le Développement*
ACRI	African Crisis Response Initiative
ACSS	Africa Center for Strategic Studies
ADECOP	*Action des Jeunes pour le Développement Communautaire et la Paix*
ADF	Allied Democratic Front
ADP	*Alliance Démocratique des Peuples*
AFDL-CZ	*Alliance des Forces Démocratiques pour la Liberation du Congo-Zaire*
AFP	*Agence France Pressé*
AFRICOM	United States Africa Command
AGS	AECOM Government Services, Incorporated
AIDS	Acquired Immune Deficiency Syndrome
AIG	American-International Group
ALC	*Armée de Libération du Congo*
A.K.A.	Also Known As
AKH	Alfred Knight Holdings
ALIR	*Armée Pour la Libération du Rwanda*
AMALDEFEA	*Association des Mamans pour la Lutte Contre la Délinquance Féminine et la Protection des Enfants Abandonnés et Orphelins*

AMF	American Mineral Fields Incorporated
AMFI	African Mineral Fields Incorporated
AMP	*L'Alliance de la Majorité Présidentielle*
ANC	*Armée Nationale Congolaise*
ANR	*Agence Nationale de Renseignements*
APC	*Armée Patriotique Congolaise*
ARC	*Alliance pour le Renouveau du Congo*
ASBL	*Association Sans But Lucratif*
ASC	Aston and Sheffield Commodities Group
ASPD	*Action Sociale pour la Paix et le Développement*
A.U.	African Union
AZADHO	*Association Zairoise de Droits de l'Homme*
AZAP	*Agence Zairoise de Presse*
BAE	British Aerospace and Marconi Electronic Systems
BBC	British Broadcasting Company
BIP	Brigade of Popular Intervention
BVES	*Bureau pour le Volontariat au Service de l'Enfance et de la Santé*
CAPD	Congolese Action for Peace and Democracy
CARPE	Central African Regional Program for the Environment
CAR	Central African Republic
CBS	Columbia Broadcasting System
CCA	The Corporate Council on Africa

CCB	Civil Cooperations Bureau
CCPA	Canadian Centre for Policy Alternatives
CDR	*Coalition Pour la Défense de la Republique*
CEI	*Commission Électorale Indépendante*
CEJA	Center Legal Studies Appliquees
CHDC	Congo Holding Development Company
CIAT	*Comité International d'Accompagnement a la Transition*
CIA	Central Intelligence Agency
CME	*Centré Médical Evangélique*
CNDP	*Congrès National pour la Défense du Peuple*
CNN	Cable News Network
CNRD	*Conseil National de Resistance pour la Democatie*
CODHO	*Comité des Observateurs des Droits de l'Homme*
COJESKI	*Le Collectif des Organisations des Jeunes Solidaires du Congo-Kinshasa*
COMESA	Common Market for Eastern and Southern Africa
CONADER	*Commission Nationale de Désarmement, Démobilisation et Réinsertion*
COPIMAR	Cooperative for the Promotion of Artisanal Mining Industries
CREDDHO	*Centre de Recherche Sur l'Environnement, la Démocratie et les Droits de l'Homme*
CSIS	Center for Strategic and International Studies
CTO	*Centré de Transit et d'Orientation*
DAO	Defense Attaché Officer

DART	Disaster Assistance Response Team
DDRRR	Disarmament, Demobilization, Repatriation, Resettlement, and Reintegration
DECIDI	*Démocratie et Civisme Pour le Developpement Integral*
DEI	Department of External Intelligence
DGERAD	*Direction Générale des Recouvrement des Recettes Administratves et Domaniales*
DGM	*Direction Provinciale de Migration*
DGSE	*Direction Générale de la Sécurité Extérieure*
DIA	Defense Intelligence Agency
DIO	Defense Intelligence Office
DLA	Defense Logistics Agency
DMI	Department of Military Intelligence
DOCS	Doctors on Call for Service
DOD	Department of Defense
DPKO	Department of Peacekeeping Operations
DR	Democratic Republic
DRC	Democratic Republic of the Congo
DSI	*Direction Sûreté Intérieure*
DSP	*Division Spéciale Présidentielle*
DSR	*Direction de la Sécurité et du Renseignement*
EAC	East African Community
E-IMET	Extended International Military Education and Training

EO	Executive Outcomes
E.U.	European Union
EUCOM	United States European Command
EUFOR	European Union Force
EUSEC	European Union Security Reform Mission
FAA	*Forças Armadas de Angola*
FAC	*Forces Armées Congolaises*
FAP	*Forces Armées Populaires*
FAPC	*Forces Armées du Peuple Congolais*
FAR	*Forces Armées Rwandaises*
FARDC	*Forces Armées de la Republic Démocratiques du Congo*
FAZ	*Forces Armées Zairoises*
FAB	*Forces Armées Burundaises*
FDD	*Forces pour la Défense de la Démocratie*
FDI	Foreign Direct Investment
FDLR	*Forces Démocratiques Pour la Liberation du Rwanda*
FEC	*La Fédération des Entreprises du Congo*
FLEC	*Front de Libération de l'Est du Congo*
FNI	*Front Nationaliste et Intégrationniste*
FNL	*Forces Nationales de Libération*
FOCA	*Forces Combattantes Abacunguzi*
FPDC	*Front Populaire pour la Démocratie au Congo*
FPLC	*Forces Patriotiques pour la Libération du Congo*

FRF	*Forces Républicaines Fédéralistes*
FRONASA	The Front for National Salvation
FRPI	*Front de Résistance Patriotique de l'Ituri*
FSP	*Front pour la Solidarité des Peuples*
GDP	Gross Domestic Product
GfE	*Gesellschaft für Elektrometallurgie mbh Nürnberg*
GmbH	*Gesellschaft mit beschränkter Haftung*
GRAM	*Groupe de Recherches et d'Actions Contre la Marginalisation*
GSSP	*Specials de Securité Présidentiele*
HIV	Human Immunodeficiency Virus
HRD	*Hoge Raad voor Diamant*
HRW	Human Rights Watch
HUMINT	Human Intelligence
ICC	International Criminal Court
ICCN	*Institut Congolais pour la Conservacion de la Nature*
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
IDP	Internally Displaced People
IEC	Independent Electoral Commission
IMC	International Medical Corps
IMET	International Military Education and Training
IMF	International Monetary Fund

IRC	International Rescue Committee
IRI	International Republican Institute
IRIN	Integrated Regional Information Networks
ISS	Institute for Security Studies
JCATS	Joint Combined Arms Training Centers
JCET	Joint Combined Exchange Training
JJR	*Jeunesse Révolutoinnaire Rwagasore*
JPC	Joint Permanent Commission
JTF	Joint Task Force
KGB	*Komitet Gosudarstvennoy Bezopasnosti*
KHA	Karl Heins Albers Holding International
LC	Local Council
LDF	Local Defense Forces
LLC	Limited Liability Company
LLP	Limited Liability Partnership
LRA	Lord's Resistance Army
Ltc.	Lieutenant Colonel
MAGRIVI	*Mutuelle des Agriculteurs des Virunga*
MCA	Millenium Challenge Account
MCC	Millenium Challenge Corporation
MCCND	*Mouvement Congolais des Combattants Non-Violents pour la Démocratie*
MDDZ	*Mines D'or Du Zaire*

MDR	*Mouvement Démocratique Républicain*
MDRP	Multi-Country Demobilization and Reintegration Program
MIBA	*Miniere du Bakwanga*
MISNA	Missionary Service News Agency
MLC	*Mouvement pour la Libération du Congo*
MPC	*Movement du Peuple Congolaise*
MPRI	Military Professional Resources Incorporated
MONUC	*Mission des Nations Unies en République Démocratique du Congo*
M.P.	Member of Parliament
MPA	Metal Processing Association
MPC	Mining Processing Congo
MRC	*Mouvement Révoluntionnaire du Congo*
MRLZ	*Mouvement Revolutionnaire pour la Liberation du Zaire*
MRND	*Mouvement Revolutionnaire National pour le Développement*
MRNDD	*Mouvement Revolutionnaire National pour le Développement et la Démocratie*
MSF	*Médecins Sans Frontières*
MTN	Mobile Telephone Networks
NAFTA	North American Free Trade Agreement
NALU	National Army for the Liberation of Uganda
NATO	North American Treaty Organization
NBC	National Broadcasting Company
NDU	National Defense University

NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
NLC	National Liberation Council of Congo-Zaire
NMC	Niobium Mining Company
NPFL	National Patriotic Front of Liberia
NRA	National Resistance Army
NRC	Norwegian Refugee Council
NSA	National Security Agency
NSC	National Security Council
OBE	Order of the British Empire
OCHA	Office for the Coordination of Humanitarian Affairs
OCPAGL	*L' Observatoire de Conflits pour la Paix en Afrique des Grands Lacs*
OFDA	Office of Foreign Disaster Assistance
OFIDA	*L'Office des Douanes et Accises*
ONE	*L'Union Pour la Nation*
OKIMO	*L'Office des Mines d'Or de Kilo-Moto*
ONUB	United Nations Operation in Burundi
PAM	*Programme Alimentaire Mondial*
PALIPEHUTU	*Parti Pour la Liberation du Peuple Hutu*
PALU	*Parti Lumumbiste Unifié*
PARMEHUTU	*Parti du Mouvement de l'Emancipation Hutu*
PBS	Public Broadcasting Service
PFAN	*Paix Pour l'Afrique Maintenant*

Pg.	Page
PIO	Public Information Officer
PLC	Public Limited Company
P.M.	Prime Minister
PMC	Private Military Contractor
PNC	*Police Nationale Congolaise*
PPRD	*Parti du Peuple pour la Reconstruction et le Démocratie*
PRA	People's Redemption Army
PRP	*Parti de la Revolution Populaire*
PSYOPS	Psychological Operations
PUSIC	*Parti Pour l'Unité et la Sauvegarde de l'Intégrité du Congo*
RAID	Rights & Accountability In Development
RANU	Rwandan Alliance for National Unity
RCD	*Rassemblement Congolais la Democratie*
RCD-G	*Rassemblement Congolais la Democratie-Goma*
RCD-K	*Rassemblement Congolais la Democratie - Kisangani*
RCD-ML	*Rassemblement Congolais pour la Democratie - Mouvement de Libération*
RCD-N	*Rassemblement Congolais Pour la Démocratie-National*
RDC	*Republique Democratique du Congo*
RDF	Rwandan Defense Force
RDR	*Rassemblement pour le Retour et la Démocratie au Rwanda*
REDEMI	*Régie de Développement des Mines*

RIAT	Rwanda Interagency Assessment Team
RMA	*Ressources Minières Africaines*
RODHECIC	*Le Réseau d'Organisations de Droits Humains et d'Education Civique d'Inspiration Chrétienne*
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
RPG	Rocket Propelled Grenade
RRWF	Rwandese Refugee Welfare Foundation
RTLM	*Radio Télévision Libre des Mille Collines*
RUF	Revolutionary United Front
RUSI	Royal United Services Institute
SA	South Africa
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SADF	South African Defense Force
SAKIMA	*Société Aurifère et Industrielle du Kivu et du Maniema*
SARL	*Société à Responsabilité Limitée*
SAS	Special Air Service
SBU	Small Boys Unit
SC	Security Council
SCAR	*Société Congolaise d'Assurances et de Rassurances*
SCARL	*Società Cooperativa a Responsabilità*
SEALS	Sea, Air, and Land Soldiers

SIGINT	Signal Intelligence
SIM	Subscriber Identity Module
SMI	*Structure Militaire Intégrée*
SNCC	*Société Nationale des Chemins de Fer du Congo*
SNEL	*Société Nationale d'Electricité*
SOC	Special Operations Command
SOCEUR	Special Operations Command Europe
SOMIKIVU	*Société Minière du Kivu*
SOMINKI	*Société Minière et Industrielle du Kivu*
SOMIGL	*Société Minière des Grands Lacs*
SPRL	*Société de Personnes à Responsabilité Limitée*
SYLAM	*Synergie pour la Lutte Anti-mine du Nord-Kivu*
TPD	*Tous pour la Paix et le Développement*
UAE	United Arab Emirates
UDEMO	*L'Union des Démocrates Mobutistes*
UDPS	*Union pour la Démocratie et le Progrès Social*
U.K.	United Kingdom
U.N.	United Nations
UNAMIR	United Nations Assistance Mission to Rwanda
UNAMIS	United Nations Mission in the Sudan
UNAMSIL	United Nations Mission in Sierra Leone
UNAR	*Union Nationale Rwandaise*
UNCHR	United Nations High Commission for Refugees

UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNITA	*União Nacional para a Independência Total de Angola*
UNLA	Uganda National Liberation Army
UNMEE	United Nations Mission in Ethiopia and Eriteria
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UPC	*Union des Patriotes Congolais*
UPC-K	*Union des Patriotes Congolais-Kisembo*
UPC-L	*Union des Patriotes Congolais-Lubanga*
UPDF	Ugandan People’s Defense Force
U.S.	United States
U.S.A.	United States of America
USAID	United States Agency for International Development
USSOCOM	U.S. Special Operations Command
VGCD	*Vision Globale et Commune du Développement*
VOA	Voice of America
VSV	*Voix des Sans-Voix*
WFP	World Food Programme
WWF	World Wildlife Fund

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CCPA Monitor
Christian Science Monitor
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Congo Tribune
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Diplomatie (Belgium)
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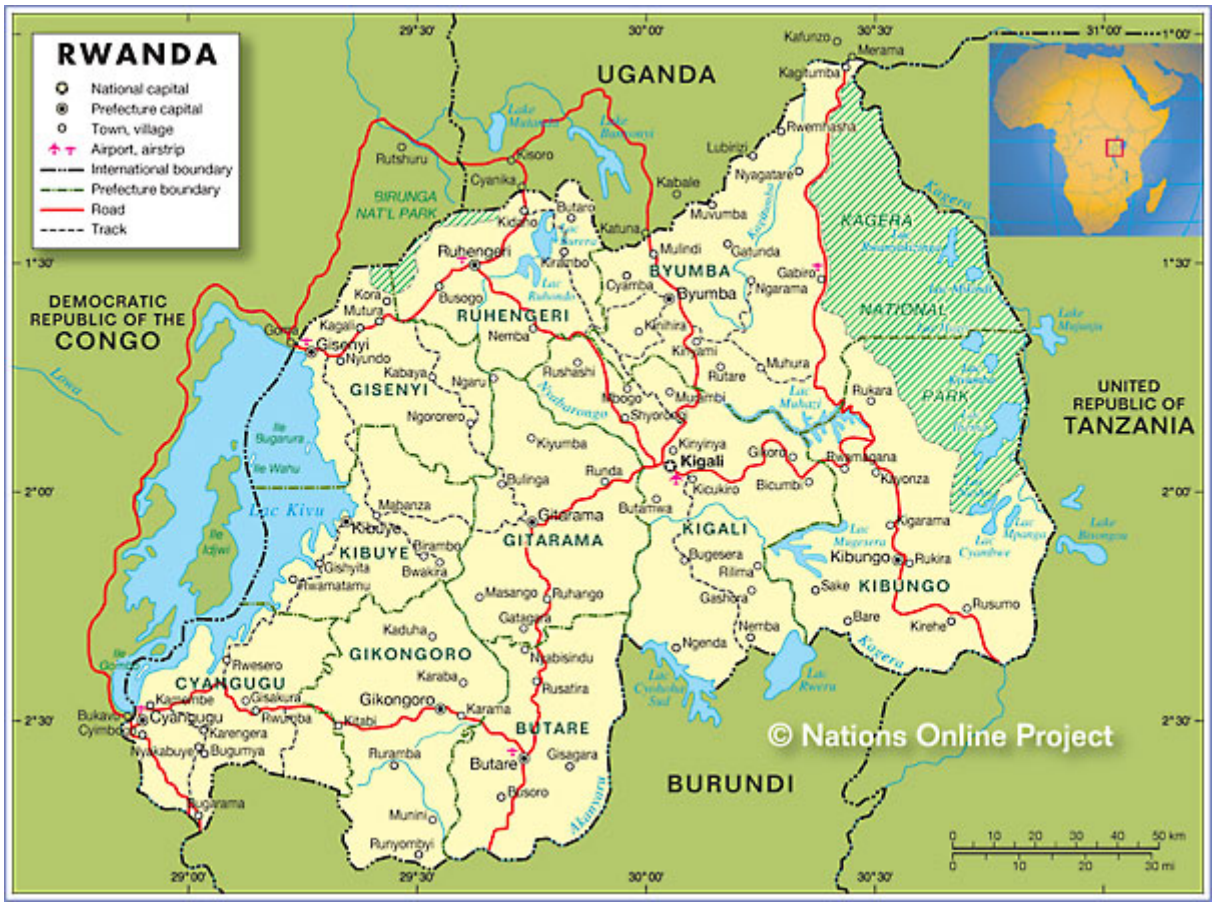
Reuters
Rwanda News Agency
SABC News
San Francisco Chronicle
Seattle Post-Intelligencer
Shabelle Media Network
Small Wars Journal
Sobaka Newswire
South African Press Association
Spiegel Magazine
Spiked Online
Sudan Tribune
Taipai Times

Terror Trade Times
The Australian
The East African (Nairobi, Kenya)
The Economist
The Guardian (London, United Kingdom)
The Independent (London, United Kingdom)
The Moscow News
The Namibian
The Nation (Narobi, Kenya)
The New Times (Kigali, Rwanda)
The New York Times
The New Vision (Kampala, Uganda)
The Observer
The Peninsula (Qatar)
The Wall Street Journal
Trends (Belgium)
Uhuru
Umuco News Agency (Bujumbura, Burundi)
United Nations News Service
United Press International
USA Today
Vision (Kinshasa, DRC)
Voice of America
Washington Post
Washington Times
Xinhua News Agency
Yellow Times
ZMag
ZNet

Appendix III: Maps

Microsoft MapPoint
Niamalere
Busisimula
Matoto
Bese
Muheli
Buhimba
Kitotoma
GREAT RIFT VALLEY
Bushendo
Kachulagenyi
Kiguri
Peti
Katobo
Burai
Kalonge
Kikuku
Kilima
Kitahulira
Ihula
Biriba
Mumo
Binsha
Lushekere
Mugende
Mabenga
Bukutsha
Binza
Buseregenya
Kanyamondo
Lungoma
Mbati
Mweso
Lutiba
Bambo
Bumbi
NORD-KIVU
Kahunga
Kagara
Mutabo
Lukweti
Lwama
Bweremane
Mahondo
Butusande
Bishongera
Rutshuru
Kinanira
Kilembo
Kirumbu
Katungonda
Busenene
Rubare
Kirambo
Kavugazo
Kibira
Kalambahiro
Mubindo
Kalengera
Kabindi
Mongo
Nyaluhondo
Kisoro
Kimoho
Shungo
Abaye
Ngesho
Kashari
Katale
Biluma
Bweza
Nyarusiza
Bukombo
Mwamvula
Burungu
Lushoa
Mutobo
Mihanga
VIRUNGA NATIONAL PARK
Rumangabo
Bwanjebe
Masisi
Mutanda
Gandjo
Muhabura
Kakoro
Rugari
MONTS VIRUNGA
Kinigi
Colline Gihora
Mukota
Kahundu
Rushengo
Kingi
Volcan Karisimbi 4507 m
(14,787 ft)
1° 30'
MITUMBA
Karambi
Bugembwe
Buhumba
Ruhengeri
Kibahi
Kiniasi-Matanda
Rutoke
Colline Kinogo
Colline Kabyaza
Colline Kiryi
Kikoma
Kinigi
Mumba
Sake
Kibati
Colline Rukoro
Biso
Colline Muti
Colline Gatatara
Shasha
Keshero
Colline Rukoko
Colline Cyabingo
Gungu
Goma International
Gisenyi
Colline Kanama
Colline Mutamo
Lusirandaka
Mobimbi
Goma
Colline Gisanze
Colline Rugerero
©2006 Microsoft Corp.
29°
Lac Kivu
29° 30'

Parc National des Volcans
Copyright: Eben Schoeman
Volcan Karisimbi 4507m
Volcan Bisoke 3711m
Group Sabyinyo area
Group 13 area
Volcan Sabyinyo 3634m
Volcan Gahinga 3474m
Volcan Muhabura 4127m
Group Amahoro A area
Group Amahoro B area
ORTPN
Gorillas Nest Lodge
Kinigi Guesthouse
Group Susa area
Muhabura Hotel
Ruhengeri
Virunga Lodge
©2005 Google


RWANDA
National capital
Prefecture capital
Town, village
Airport, airstrip
International boundary
Prefecture boundary
Road
Track
UGANDA
DEMOCRATIC REPUBLIC OF THE CONGO
UNITED REPUBLIC OF TANZANIA
BURUNDI
RUHENGERI
GISENYI
KIBUYE
GITARAMA
KIGALI
BYUMBA
KIBUNGO
CYANGUGU
GIKONGORO
BUTARE
KAGERA NATIONAL PARK
SIRUNGA NAT'L PARK
Kigali
Gisenyi
Cyangugu
Butare
Byumba
Ruhengeri
Gitarama
Kibungu
Kibuye
Gikongoro
Kabale
Kisoro
Rutshuru
Cyanika
Kafunzo
Merama
Kagitumba
Rwemiasha
Lubirizi
Nyagatare
Muvumba
Gatuna
Gabiro
Ngarama
Mulindi
Katuna
Kinihira
Muhura
Rukara
Kayonza
Kigarama
Rwamagana
Gitoro
Kicukiro
Bicumbi
Kinyinya
Kiyumba
Runda
Bulinga
Butamwa
Mabanza
Kibuye
Birambo
Gishyita
Bwakira
Rwamatamu
Masango
Ruhango
Gatagara
Nyabisindu
Rusatira
Karaba
Gikongoro
Karama
Kitabi
Rwimba
Gisakura
Kamanbe
Cyangugu
Karengera
Nyakabuye
Bugumya
Rwesero
Kaduha
Ruramba
Munini
Runyombyi
Bugarama
Butare
Gisagara
Busoro
Nyanza
Gashora
Bareba
Nemba
Ngenda
Kirehe
Rusumo
Rwinkwavu
Kabarondo
Gabiro
Akagera
Lake Rwanda
Lake Mihindi
Lake Muhazi
Lake Mugesera
Lake Cyambwe
Lake Rwanyakazinga
Lake Ihema
Lake Kivu
Ile Idjwi
Ile Wahu
Ile Bugarura
Ruzizi
Nyabarongo
Akanyaru
Kagera
Mwogo
Shyorongi
Rushashi
Ngororero
Nyundo
Kabaya
Ngaru
Kora
Mutura
Kagali
Busogo
Nemba
Kinihira
Kayumi
Rutare
Muhura
Mukambi
Gitoro
Rukara
Kayonza
Kigarama
Rwamagana

Appendix IV: Photographs

The hills of “Little Switzerland.” Will Masisi Territory ever know peace again?

Photo by Pierre Gieling.

Jomba, Democratic Republic of the Congo.

Photo by Pierre Gieling.

This photo from the cover of the book "*L'Histoire Secrète*" provides a rare look at the RPA circa 1991. Major General Paul Kagame is in the foreground on the right. Their non-camouflaged, drab green uniforms were from Germany.

General Nkundabatware overseeing the mixing process in Kitchanga 15 January, 2007.

Photo courtesy of General Nkundabatware's website: kivupeace.org.

An RPA child soldier in the early 1990s.
Photo by BBC.

ANC child soldiers in North Kivu.
Photo by Associated Press.

Child soldiers with General Nkundabatware near the Governor's mansion in Bukavu (June 2004).

Photo by *Agence France Pressé*.

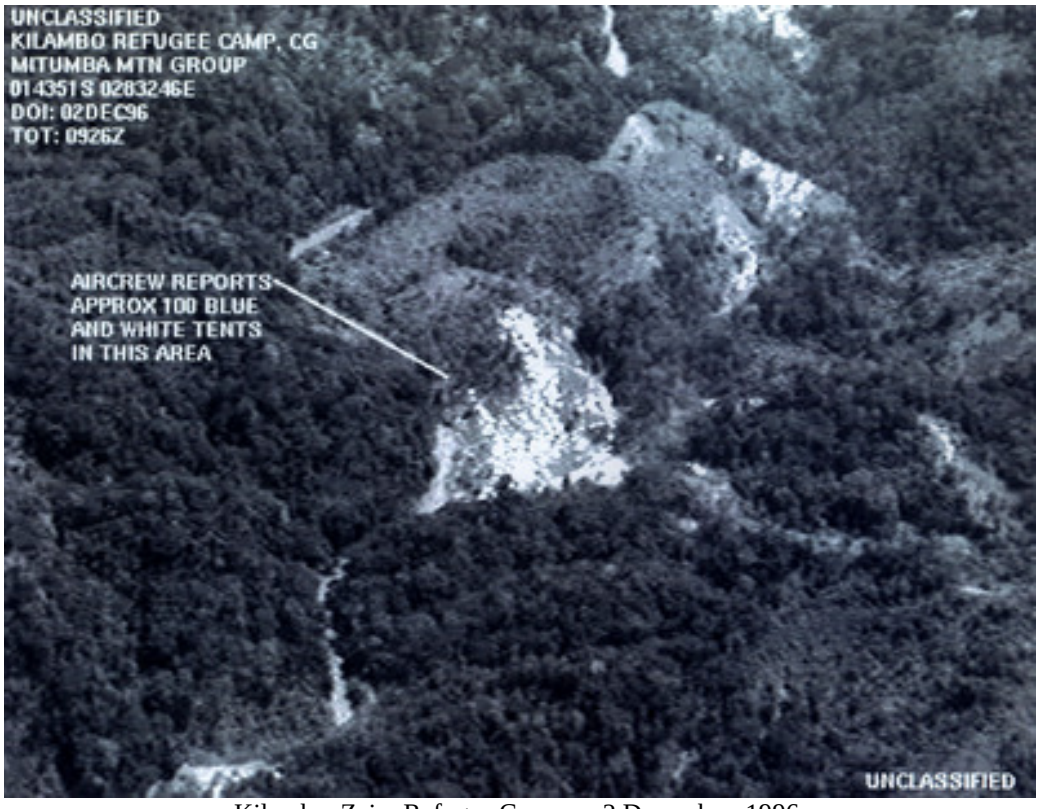
The unseen victims of warfare in Congo.

Photo by David Barouski. 2006.

Children in Nyanza, Rwanda.

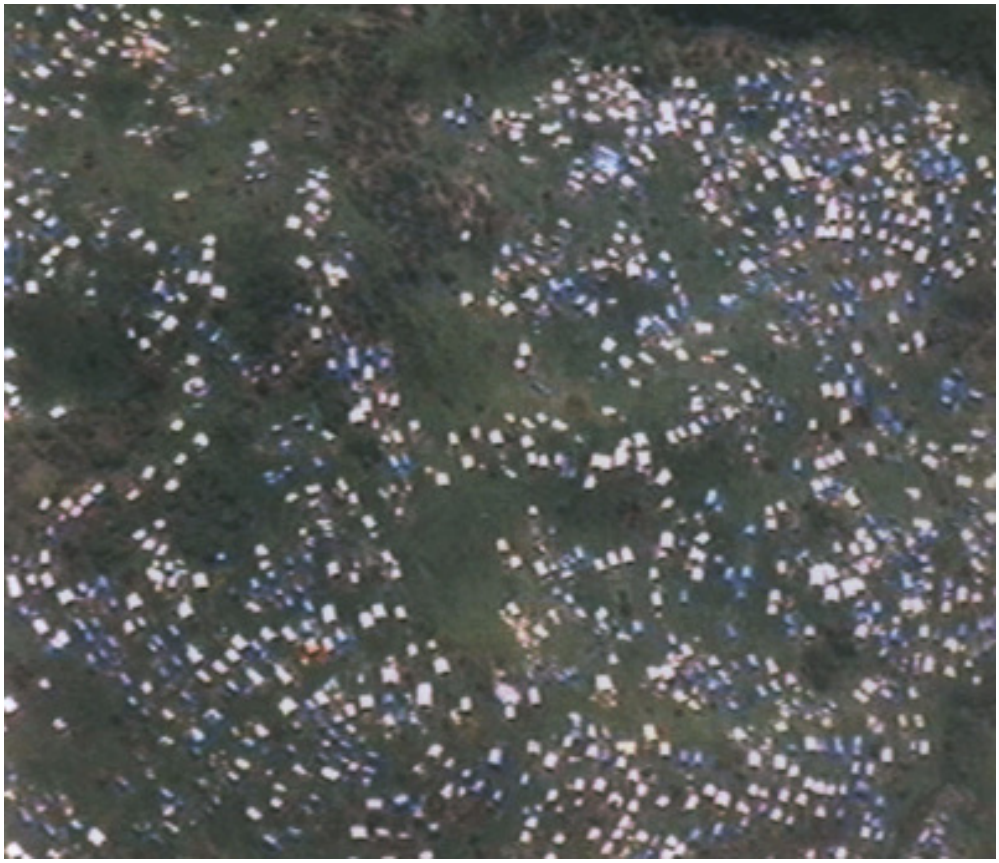
Photo by David Barouski. 2006.

Mihanda, Zaire refugee camp on 2 December, 1996.



Kilambo, Zaire Refugee Camp on 2 December, 1996.

A refugee camp southwest of Sake, Zaire on 15 November, 1996.


Refugee camp in Mumbi, Zaire on 16 November, 1996.

Refugees leaving Goma 20 November, 1996.

Refugees in Bukavu, Zaire 20 November, 1996.

Satellite and aerial reconnaissance photos of the Zairian refugee camps were used by the U.S. and its allies to track the movement of people fleeing Rwanda.

Photos courtesy of the United States Department of Defense (Declassified).

About the Author

David Barouski is a 26-year-old American researcher with a focus on Africa. In particular, he has followed Central Africa and Sierra Leone closely since 2002. He harbors a special interest in the children of the region, particularly the demobilized child soldiers, and has a desire to work with them long-term in the future. His earlier work entitled "Update on the Congo" was published on ZNet (http://www.zmag.org).

Mr. Barouski has traveled to the Democratic Republic of the Congo and Rwanda. A former nursing student, he currently attends the University of Wisconsin-Oshkosh where he is studying French and Sub-Saharan Africa's cultural anthropology. Questions, comments, and any requests for discussions about his book can be directed to BarouD@hush.com or he can be contacted through the current home of his blog (weblog) located at http://africannewsanalysis.blogspot.com/.