

RUD-URUNANA

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RESPONSE TO THE REPORT OF THE UN GROUP OF EXPERTS ON DRC: RWANDA POLITICAL PROBLEM IS THE MAIN HURDLE TO LASTING PEACE IN THE GREAT LAKES REGION

Having read with great interest the report of the UN Group of Experts on the Democratic Republic of Congo (DRC) leaked to the media and submitted to the UN Security Council on November 9, 2009, the Rally for Unity and Democracy (RUD-Urunana) and the Rassemblement du Peuple Rwandais (RPR) Coalition strongly rejects the allegations and conclusions relative to their organizations.

The RUD/RPR Coalition would like to seize this opportunity to reflect on this report while highlighting contradictions and dispelling some misconceptions on our organization. However, it is also an occasion to set the principle that may be used to solving the problem of the presence of hundreds of thousands of Rwandan Refugees still in Eastern DRC and in the Great Lakes region.

To our knowledge, we never met the UN Group of Experts. Hence, are we surprised that the UN Group of Experts has chosen to publish this important report containing allegations against RUD-Urunana and RPR without even seeking to meet the leaders of the two organizations. Had the UN Group of Experts sought to meet with us, we believe that mistakes, demonization, contradictions, and mischaracterizations in the report could have been avoided. We would like to point out that RUD-Urunana and RPR leaders, including military commanders and troops, have always expressed their readiness to meet anyone, within the International Community.

1. CONTRADICTIONS, DEMONIZATION, AND MISCHARACTERIZATIONS

1.1 CONTACT WITH RWANDAN REFUGEES IN DRC

It is well known that most Rwandans have relatives, including mothers, brothers, sisters, cousins, and children who either have been living in the Congolese jungles for the last 15 years, or were born in these jungles or just have been fleeing Rwanda over the last 15 years. All these refugees have the Rwandan tragedy in common: they have fled a pogrom against Hutus, Twas, and Tutsis unleashed by the current Rwandan regime led by a small clique of Tutsis, since it took power in 1994. Some Hutus, Twas, and Tutsis have experienced the pogrom since the RPF attacked Rwanda from Uganda on October 1, 1990. No single Rwandan family has been spared by that unimaginable tragedy. Hence, it is well known and documented that on March 2, 1997, the RPF government massacred more than fifty (50) close relatives of Felicien Kanyamibwa, (RUD Secretary General who was singled out in the report) comprising of both Hutus and Tutsis. The lucky ones who escaped the massacre fled to the DRC. It is also well known, that Felicien Kanyamibwa, as a lot of other Rwandans do, has relatives in almost the entire region of North and South Kivu who have been living in the region well before 1959. Therefore, it is not surprising that he, like Rwandans around the

world, has frequent contacts with refugees in the DRC and even may send small amounts of money to their parents, siblings, relatives, and friends to help in basic human needs. Such actions are not limited to members of our organizations, since a lot of Rwandans in the diaspora lend a hand to their friends, relatives, and/or family members who are refugees in the DRC or anywhere else including those who are still living in Rwanda.

1.2 ASSOCIATION WITH JUAN CARRERO AND THE FOUNDATION S'OLIVAR

The report accuses RUD Secretary General Felicien Kanyamibwa of having teamed up with *“Juan Carrero, a Spanish citizen, who runs Fundació S’Olivar which is among the sponsors of the prosecution through the Spanish courts of current Rwandan government and military officials, for their alleged involvement in war crimes and revenge killings committed after the Rwandan genocide, including the assassination of several Spanish citizens in Rwanda during that period.”* This allegation is more a vindictive statement against Mr Juan Carrero than a truthful fact-finding declaration. As the Parliament of the Balearic Islands resolution of November 24, 2009 relative to Fundación S’Olivar, Rwandans from different ethnic, religion, and political backgrounds, including refugees in the DRC support Fundación S’Olivar for the work that the latter carries out towards achieving peace and reconciliation in the Great Lakes region of Africa. It is also evident that the foundation work has led to indictments of President Paul Kagame’s closest advisers by Spanish Judge Fernando Andreu. It is true that, well before the creation of RUD-Urunana, Felicien Kanyamibwa, has collaborated with Juan Carrero and other people concerned with justice and peace in the Great Lakes region. Such collaboration has subsequently led to the indictment of Rwandan officials for crimes they committed in Rwanda against Spanish nationals and in the DRC where they have massacred more than five millions Congolese citizens. One may wonder if the criminals within the Rwanda government were using the RUD-Urunana members, to reach and try to silence the Fundación S’Olivar and Juan Carrero through the report of the UN Group of Experts.

1.3 AUGUSTIN HABİYAREMYE (ALIAS AUGUSTIN NDONDO “SHABADE”), IS A RWANDAN REFUGEE IN THE DRC

He is not a military officer, has no military training and does not coordinate any political activities with RUD-Urunana. He has never been a RUD-URUNANA liaison in Butembo. As a refugee, he was among those regrouped in Kasiki, within the framework of the peace process between the DRC government and the RUD/RPR Coalition. Like other refugees, he fled the camp when the coalition forces of Rwandan Defense Forces (RDF) and FARDC attacked the Kasiki refugee camp on February 10, 2009. As any other refugees or human being, Augustin Habiyaremye may seek help from relatives, friends, and family members just to survive, eat, or seek medical treatment.

Alleging that his communications with other refugees implies coordination of supplies delivery is misleading and amounts to mere speculations. Our organization has received reliable information indicating that Augustin Habiyaremye was subjected to torture in the hands of Rwandan military officers who escorted the UN Group of Experts after they hunted him down and found him in Lubero territory. In addition, degrading treatments were administered to Maj. Gregoire Sengahire of the RPR who was tortured and almost beaten to death by RDF elements.

1.4 KAVATSI KASEREKA MAGHULU, ALSO KNOWN AS “KAVATSI” IS A CONGOLESE BUSINESSMAN, WELL KNOWN FOR HIS CHARITY

For more than fifteen years, the region of Eastern DRC has been plagued by human tragedy with unimaginable proportion for both Rwandan refugees as well as the Congolese

population. Native of North-Kivu, Kavatsi knows first hand the suffering of Rwandan refugees; there is no surprise if he fed and provided shelter to suffering Rwandan refugees, especially hungry, vulnerable, and sick women and children. Once again, the UN Group of Experts speculates when they allege that this charity is a support to combatants. It is important to note that Kavatsi was one of the Congolese officials appointed by President Kabila as one of the coordinators of the peace process between our organization and the Congolese government. His communications with RUD-Urunana was within this framework officially approved by the DRC government. It is also within this framework that RUD-Urunana and RPR members who travelled to the region, interacted with Kavatsi. MONUC, not Kavatsi, provided the logistics to travel from Kinshasa to Lubero and Kisangani. The contacts among RUD-Urunana and RPR leaders is normal as RUD-Urunana and RPR form a coalition, work closely to protect both Tutsi and Hutu refugees, and were both integral parts of the Kisangani peace process.

The inferences relative to Col. Nyamuhimba are totally false since his visit was within the Kisangani framework. In addition based on the information at our disposal, he is not subject to any ICTR warrant while his name may figure on the lists dressed by Kigali as are many other innocent Rwandans. Therefore, accusing individuals based on hearsays and fabricated evidence should not be the role of a panel mandated by a democratic institution such as the United Nations.

One may note that the International Community and the UN specialized agencies have completely ignored the suffering of Rwandan refugees in the DRC for more than a decade; then, it is appalling when charitable organizations and individuals are being accused of helping human beings in need.

1.5 KASIKI RESETTLEMENT WAS NOT A COVER-UP FOR RE-ARMAMENT

The UN Group of Experts errs in their findings when they affirm that "*Several RUD-URUNANA and FDLR ex-combatants and active officers have informed the Group that the proposed relocation process for RUD-URUNANA was used as a cover for the re-arming of troops of the armed group.*" It is well known that combatants regrouped in Kasiki had to flee for their lives during the night of February 10, 2009. The statements published by MONUC, the DRC Government and the medias just after the incident were unequivocal: these disarmed combatants along with their defenseless dependents, including women, children, and the elderly were attacked by the coalition of Rwandan Defense Forces (RDF) and the FARDC.

It is important to remind the International Community in general and the United Nations in particular that most of these former Kasiki resettlers are still uncounted for to this date. On February 10, 2009, Mr. Lambert Menge Omalanda, DRC Communications Minister and Government Spokesperson, stated in the Congolese media that the attack was organized in Kinshasa and the Kivu by "extremists" and "troublemakers bent into disrupting the pacification of the East."

It is important to remind that the attack happened after several major advances in the Kisangani peace process:

- On May 26, 2008 the DRC government and NDC published a the peace process in front of a large number of the members of the International Community gathered in Kisangani.
- On July 31, 2008, RUD/RPR political and military leadership led the disarmament and resettlement of combatants and their dependents in Kasiki, in front of MONUC, the International Community and even official representatives of the Rwandan Government.

- From 6 to 8 August 2008, the UN mission in Congo (MONUC) conducted and completed the identification of the refugees regrouped in Kasiki.
- On 8 August 2008, the British ambassadors based in the DRC and Rwanda visited the 158 disarmed Rwandan refugees in Kasiki camp.
- On 23 January 2009, a delegation of refugees grouped and disarmed in Kasiki visited Kigali in order to ascertain of the conditions that awaited them once repatriated to Rwanda. At the end of the visit, the delegation prepared and published an ad-hoc report.
- On 27 January 2009, an agreement between the RUD/RPR coalition and the Government of the DRC was signed in Rome. The Agreement provided for the creation of a peace zone in and around Kasiki, where people who did not want to fight or fleeing combats should be accommodated to receive protection and humanitarian assistance.

Consequently, it is clear that the attack of the camp by the RDF/FARDC aimed at killing all the occupants and, therefore, disrupting once for all the Kisangani peace process the RUD/RPR coalition and the DRC government were engaged in since January 2008 and entrenched in Rome in January 2009 with the firm support of Sant'Egidio Community, Eglise du Christ au Congo (ECC), and SIT-Norway. Once again, we do not know the whereabouts of most of the survivors of the Kasiki pogrom and other RUD-Urunana/RPR combatants and their dependents.

Although not even eluded to in the report of the UN Group of Experts, the refugee manhunt that followed the destruction of the refugee camps in 1996 by the Rwandan Patriotic Army (RPA) over the entire DRC territory resulted in massacres that were subsequently qualified as acts of genocide, war crimes and crimes against humanity by several independent organizations including an UN report. It is important to remind the International Community that the main perpetrators of such horrendous crimes hold even today positions in the current rwandan regime administration and no one has ever been brought to justice.

For the UN Group of Experts to allege that RUD-Urunana has engaged in a re-armament is tantamount to advocating the annihilation of Rwandan refugees in the Democratic Republic of the Congo.

1.6 NO FUNDRAISING AND/OR ILLEGAL EXPLOITATION OF DRC RESOURCES

As a matter of policy, RUD-Urunana and RPR political leaders do not conduct any fundraising in Europe, America, or anywhere else. The reasons RUD-Urunana and RPR leaders do not engage in such activities are simple:

- RUD-Urunana and RPR political platform is articulated around promoting peaceful solutions as a way of settling political differences;
- RUD-Urunana and RPR are primarily political organizations. RUD-Urunana and RPR political leaders do not get involved in military affairs;
- RUD-Urunana and RPR have been engaged in a peace process with the DRC government, in which they committed to peaceful disarmament and repatriation or resettlement of Rwandan refugees. Financial transactions for a potential rearmament would be contrary to the spirit of the process and the vision shared by the two organizations; that is why as a matter of principle, RUD/RPR Coalition does in no shape and form engage in illegal exploitation of DRC resources;
- AN-Imboneza and RPR-Inkeragutabara do not conduct offensive military operations.

Their primary mission is to protect Rwandan refugees who have been continuously targeted over more than a decade.

2. CONTRADICTIONS WITH OTHER EXPERTS AND INDEPENDENT OBSERVERS

There are many more contradictions, falsehoods, half truths, and demonizing statements contained in the report of the UN Group of Experts. It is not surprising that after a damning report in December 2008, the Rwandan regime now appears to have been cleared by the current UN report. However, such verdict should be short lived since the assessment of several authoritative personalities and experts who have observed that Rwandan brutal, undemocratic, and warmongering political institutions constitute the main hurdle to the resolution of the Rwandan refugees crisis and hence, the source of the tragedy in Eastern Congo.

In a speech before the Council on Foreign Relations and more recently at one of her African stops, Honorable Secretary of State Hillary R. Clinton, reiterated that ruling democratically is not limited to holding elections. The Secretary of State emphasized that a democratic system *"also requires strong institutions like an independent judiciary, an independent and free press, the protection of minority rights ..."*

Honorable Russell D. Feingold, a US Senator, in his July 13, 2009 letter to Honorable Hillary R. Clinton insisted on the necessity for the Rwandan Government to open a dialogue with its armed opposition arguing that *"It is critical to [...] open channels of dialogue between the warring parties. In particular, the international community should urge Kigali to open direct negotiations with non-genocidaire combatants of the FDLR to encourage their repatriation."*

On April 11, 2009, in an article published in Los Angeles Times and titled: "The power of horror in Rwanda", Human Rights Watch Executive Director Kenneth Roth wrote:

"One tool of repression has been the gacaca courts ... which the government established at the community level to try alleged perpetrators of the genocide. ... the law outlawing "genocide ideology" is written so broadly that it can encompass even the most innocuous comments. As many Rwandans have discovered, disagreeing with the government or making unpopular statements can easily be portrayed as genocide ideology, punishable by sentences of 10 to 25 years. That leaves little political space for dissent."

In its 2009 Report, Commonwealth Human Rights Initiative (CHRI) stated that in Rwanda *"there are considerable doubts about the commitment of the current regime to human rights and democracy. It [the current Rwandan RPF regime] has not hesitated to use violence at home or abroad when it has suited it."*

In a July 2009 Report titled "Faced with a gun, what can you do?" War and the militarization of mining in Eastern Congo" Global Witness has found that: *"The majority of the minerals produced in North and South Kivu leave the DRC through Rwanda or Burundi. The governments of these countries have effectively provided the warring parties in eastern DRC with access to export routes and international markets. They have failed to acknowledge the fact that these minerals are fueling the conflict in eastern DRC and have not held to account companies in their country which engage in this trade."*

In a July 14, 2009 Report titled: "Rape, forced labor, reprisal attacks and torture surge in eastern Congo," Marcel Stoessel, Director of Oxfam Great-Britain in the DRC, stated:

"The war is far from over for ordinary civilians. Over 80 percent of the people we interviewed said that security is worse now compared to a year ago. The offensive against the FDLR was supposed to bring peace to eastern Congo, but our survey shows people are living in constant fear of violent attack. This suffering is not inevitable. It is happening because world leaders have decided that collateral damage is an acceptable price to pay for removing the FDLR. But as the

people we met can testify, that price is far too high.. "

3. ROADMAP TO LASTING PEACE IN THE GREAT LAKES REGION AND CONCLUSIONS

Instead of focusing on the political situation in Rwanda which constitutes the root cause of the impasse in the Great Lakes Region, it appears that the UN Group of Experts' report has based its conclusions on rumors, innuendos, and false allegations mostly obtained by torture or intimidation in order to reach conclusions set in advance. It is evident that the report clearly targets individuals, foundations, and Rwandan refugees in Europe and North America for their search of justice for millions of Rwandans and Congolese killed by the current Rwandan regime.

The dictatorial, repressive, and undemocratic nature of the regime currently ruling Rwanda constitutes the main obstacle to finding equitable solution to the Rwandan refugee problem in the DRC. Several independent political analysts, observers, and human rights organizations have come to the conclusion that the regime in Kigali oppresses its own citizens. Therefore, Rwanda is where solutions must be found and applied.

We are of the opinion that the UN Security Council would agree with us that basic human rights, democracy, and self determination are values that must not be compromised on; these are universal values that must be neither trampled on nor stifled by any regime, regardless of the excuses. The needs for survival of the leaders of a brutal regime cannot override the basic human rights and the right to life of individuals.

However, our organization would like to reaffirm the following principles that constitute the cornerstone of finding lasting solution of the plight in which the Great Lakes region has been enduring for decades:

- The RUD/RPR Coalition remains committed to peace and peaceful solutions as it has already demonstrated during the short-lived Kisangani Process that led to Kasiki settlement Centre.
- Our organization is convinced that the principles that were laid in Kisangani Roadmap and subsequently reaffirmed in Rome on Jan. 27/2009 may form a solid foundation in contributing to the lasting solution of the Rwandan refugee problem in Eastern DRC and the region. Hence, the most urgent action is for the UN Secretary General to appoint without delay a Special Representative for Rwandan refugees in the Great Lakes Region of Africa, as this constitutes the best way towards a timely and durable resolution of the impasse.
- As our organization has always pointed out, the Rwandan problem is political in nature and requires political solutions. The current political and undemocratic situation prevailing in Rwanda is the root cause of the endemic instability in the region. Therefore, it is our firm conviction that as long as the Rwandan problem is not resolved the Africa Great Lakes region will remain unstable.
- In order to foster a reconciliatory Justice system, the only foundation of genuine Reconciliation, we urgently ask to hold, under the auspices of the International Community, an Inter-Rwandan Dialogue. In addition, our organization calls for the organization of a "Truth, Justice, and Reconciliation" Commission in our homeland that would help heal a traumatized society.
- We remain convinced that only this Dialogue would lead to lasting peace, stability, and the establishment of new political, judiciary, and security institutions that would be the reflection of the legitimate aspirations of all the constitutive groups of the Rwandan

society.

- Our organization has the firm commitment to constructively and actively contribute to finding lasting and peaceful solutions to the problems that have plagued our homeland and the Africa Great Lakes region as a whole.

November 28, 2009

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SPOKESPERSON