



Human Rights Watch submission to International Development Committee (IDC)
May 2011

**“Working effectively in fragile and conflict-affected states:
DRC, Rwanda and Burundi”**

I. Summary

- i. Human Rights Watch's submission to the IDC focuses primarily on DFID's role in Rwanda, given the UK's particularly important role in that country and Rwanda's critical role in the Great Lakes region. It includes a brief section on the regional dimension, which covers both the DRC and Burundi. However, it does not include detailed comments on DFID's programmes in the DRC or Burundi. In light of Human Rights Watch's expertise and mandate, the submission concentrates on the human rights dimension of DFID's strategy. While our observations and recommendations relate directly to DFID policy towards the Great Lakes region, they have wider relevance and application for DFID's policy towards fragile and conflict-affected states elsewhere in the world.
- ii. In an oral statement on the bilateral and multilateral aid reviews to the House of Commons on 1 March 2011, Secretary of State for International Development Andrew Mitchell stated: "*Recent events in North Africa and the wider Middle East have demonstrated why it is critical that the UK increases its focus on helping countries to build open and responsive political systems, tackle the root causes of fragility and empower citizens to hold their governments to account. It is the best investment we can make to avoid violence and protect the poorest and most vulnerable in society.*"
- iii. Human Rights Watch agrees strongly with this statement and the analysis that underpins it. DFID policy towards fragile and conflict-affected states should indeed be focused on building open and inclusive political systems, where human rights are respected and where citizens can hold their governments to account. But in respect of Rwanda in particular, DFID has not given adequate priority to human rights or responsive governance.

- iv. The unstated rationale for this approach is that Rwanda is a country that has made great strides since the genocide of 1994 and that to "rock the boat" by pushing human rights concerns would put this progress at risk. But as recent events in the Middle East and North Africa have demonstrated clearly, undemocratic and repressive regimes are a recipe for instability, conflict and economic stagnation, not for inclusive development and social stability. It is both wrong in principle and unwise - in terms of longer-term interests - to set aside human rights concerns in the interests of state building or stability.
- v. As well as not holding Rwanda to its existing national and international commitments on human rights, DFID has often presented an overly optimistic picture of the situation in Rwanda. For example, DFID's Country Plan for 2008-2012, under the heading "What we have already achieved - the good news", states that "political stability has been matched by economic stability". It does not explain what it means by "political stability" and makes no reference to the political tensions in the country. According to Human Rights Watch's research, the Rwandan government's methods of governance have accentuated public disillusion and frustration, cutting across ethnic, regional and political lines. Although most Rwandans do not express these feelings openly for fear of repercussions, private conversations with Rwandans from a range of backgrounds reveal that many people feel alienated by the political climate.
- vi. DFID's apparent lack of attention to the human rights situation has encouraged the Rwandan government to believe that respect for human rights and good governance matter little to its largest donor.
- vii. This submission makes a number of recommendations:
 - In the context of DFID's new operational plan for Rwanda, it is essential that much greater priority be given to human rights, the rule of law, and transparent and responsive governance.
 - The 10 year Memorandum of Understanding (MOU) between the UK and Rwandan governments, signed in 2006, should be revitalised, with DFID and the Rwandan government making an annual public statement on their respective commitments under the MOU.
 - DFID, together with other donors, should ensure that the new Joint Governance Assessment (put together by donors and the Rwandan government) refines the indicators from the 2008 assessment and makes them more precise, especially around human rights and transparent and responsive governance.
 - DFID should develop a programme of support for independent civil society organisations in Rwanda.
 - Together with the British High Commission in Kigali, DFID should develop a strategy for the protection of human rights defenders -- in line with the European

Union Guidelines on Human Rights Defenders -- and be prepared to intervene when activists are threatened.

- DFID should reinforce its regional strategy on the Great Lakes, which takes into consideration the impact of events and actors in Rwanda, Burundi and the DRC, with a view to addressing the cross-border nature of conflict and instability.
- Following the departure of its Great Lakes analyst, DFID should appoint a new regional analyst as soon as possible. DFID staff should also establish more regular communication with the Great Lakes analysts in the Foreign and Commonwealth Office (FCO) so that findings and analyses are shared and UK policy is more coherent.

II. Human Rights Watch's work in the Great Lakes region

- i. Human Rights Watch (HRW) is a non-governmental human rights organisation established in 1978, which now has more than 280 staff members around the globe. Each year, HRW publishes more than 100 reports and briefings on human rights conditions in some 90 countries.
- ii. HRW has been working on the DRC, Rwanda and Burundi for nearly 20 years. With a presence on the ground in all three countries, HRW has closely monitored the human rights situation and has produced numerous reports and other documents describing its research findings (available at www.hrw.org). HRW has closely followed UK government policy in the region and has regularly engaged with DFID as well as the FCO.

III. The role of the UK in Rwanda and the Great Lakes region

- i. Following the genocide in Rwanda, the UK has emerged as one of the most important bilateral aid donors. The UK government also plays a key role as a member of the European Union (EU) which maintains an important presence in Rwanda, Burundi and the DRC. A number of other EU countries often look to the UK for leadership on strategy and responses to particular situations, especially in Rwanda. The UK government is therefore well placed to influence events in all three countries.
- ii. Rwanda has made a remarkable recovery since the genocide in 1994, particularly in economic terms, where it has secured a strong growth rate and made progress against certain human development indicators in recent years. Nevertheless, Rwanda still relies heavily on foreign aid. The UK is the largest bilateral aid donor to Rwanda, contributing over £380 million in aid between 1998 and 2008.¹ In 2011, it announced that it would spend an average of £83

¹ DFID Country Plan: Development in Rwanda 2008-2012.

million per year in Rwanda until 2015, rising from around £70 million in 2010-11 to an anticipated £90 million in 2014-15.²

- iii. DFID has repeatedly praised Rwanda's successes since the genocide and has held it up as one of the UK's flagship countries for development in Africa. Senior DFID officials, including successive Secretaries of State for International Development, have frequently described UK aid to Rwanda as "money well spent".³ DFID's development agenda has also had a clear influence on the UK's foreign policy towards Rwanda. While the FCO has sometimes been more critical of Rwanda's human rights record than DFID, it too has downplayed the gravity of human rights violations in Rwanda. This was illustrated mostly recently in the FCO's 2010 annual human rights report, which did not include any information on Rwanda.⁴

IV. Brief overview of the human rights situation

- i. The UK government has provided constant support for Rwanda despite clear evidence indicating Rwanda's involvement in grave human rights violations, including killings of thousands of unarmed civilians in Rwanda between 1994 and 1999, and in the DRC during and after the Rwandan invasions in 1996 and 1998.⁵ This period was also marked by assassinations, disappearances and arrests of opposition politicians, attacks against journalists, and intimidation of human rights defenders.
- ii. While the present submission concentrates on the current situation, it is important to recognise that the patterns witnessed in Rwanda today are not new. In many respects, the human rights landscape has changed little since the ruling party, the Rwandan Patriotic Front (RPF), first formed a government in Rwanda in 1994. Over the 17 years that followed, HRW and other organisations have documented a consistent pattern of human rights violations by Rwandan government agents.
- iii. The human rights situation in Rwanda deteriorated in 2010 in the run-up to presidential elections, with a crackdown on opposition parties, journalists

² DFID, Bilateral Aid Review results: country summaries (Rwanda), and Bilateral Aid Review technical report, March 2011.

³ See, for example, DFID Country Plan: Development in Rwanda 2008-2012.

⁴ See Human Rights Watch submission to the UK Foreign Affairs Select Committee on the Foreign and Commonwealth Office 2010 report: "Human Rights and Democracy", 28 April 2011, paragraph 48.

⁵ See Human Rights Watch and Amnesty International reports on Rwanda and the DRC available at www.hrw.org and www.amnesty.org. See also UN Office of the High Commissioner for Human Rights, "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003", August 2010, available at <http://www.ohchr.org/en/Countries/AfricaRegion/Pages/RDCProjetMapping.aspx>

and other critics. None of the three new opposition parties were allowed to contest the 2010 elections; two of them were prevented from registering as political parties. Two opposition leaders were charged with serious criminal offences. One was sentenced to four years' imprisonment in early 2011; the other has spent seven months in pre-trial detention. Lower-ranking members of their parties were also arrested and threatened, and several detained and ill-treated; some of them remain in prison in 2011. The vice-president of a third party was found murdered, his body mutilated; an independent journalist was shot dead outside his house; and a former army general, once one of the most powerful men in Rwanda, turned outspoken critic of the government, narrowly escaped an assassination attempt in South Africa. It was against this backdrop that the incumbent president Paul Kagame was re-elected with 93% of the vote in August 2010, with the National Electoral Commission reporting a 97.5% turnout.⁶

- iv. Freedom of expression, more broadly, continues to be severely restricted in Rwanda. A variety of laws have been used to prosecute critics -- in particular, a law on "genocide ideology" adopted in 2008. Ill-defined, vague and open to abuse, this law has been used, among other things, to target critics of the government or of the RPF.⁷ Critics have also been charged with other serious offences such as endangering national security.
- v. Rwandan human rights organisations have borne the brunt of the government's repression in the post-genocide years. International NGOs have also faced difficulties. In 2008, HRW's advisor on the Great Lakes region, Alison Des Forges -- a world-renowned expert on Rwanda who had documented the genocide, as well as other crimes, and testified for the prosecution before the International Criminal Tribunal for Rwanda on multiple occasions -- was twice prevented from entering Rwanda; previously, senior Rwandan government officials had accused her of being a spokesperson for "genocide ideology" after she had called for all perpetrators of crimes to be brought to justice, including those from the ruling party. In 2010, immigration authorities cancelled the work visa of HRW's senior researcher on Rwanda

⁶ For further information on these events, see Human Rights Watch, "Rwanda: attacks on freedom of expression, freedom of association and freedom of assembly in the run-up to presidential elections, January to July 2010", 2 August 2010; Human Rights Watch, "Prison term for opposition leader", 11 February 2011, and other Human Rights Watch documents listed in this submission. See also US Department of State 2010 country report on human rights practices in Rwanda, available at <http://www.state.gov/drl/rls/hrrpt/2010/index.htm>. For information about the 2010 elections, see Commonwealth Secretariat, "Report of the Commonwealth Observer Group. Rwanda presidential elections 9 August 2010", available at http://www.thecommonwealth.org/document/229333/2010_rwanda_elections_final_report.htm

⁷ See Amnesty International, "Safer to stay silent? The chilling effects of Rwanda's laws on 'genocide ideology' and 'sectarianism' ", August 2010, and Lars Waldorf, "Instrumentalizing genocide: the RPF's campaign against 'genocide ideology'", in Scott Straus and Lars Waldorf (eds), "Remaking Rwanda: state building and human rights after mass violence", University of Wisconsin Press, 2011.

and refused to grant her a new one, effectively forcing her to leave the country.

V. DFID, Rwanda and human rights

- i. "Good governance" is included in DFID's programmes in Rwanda: 30% of a total of £52.8 million bilateral aid to Rwanda in 2009-10 was spent on "governance".⁸ DFID and the United Nations Development Programme (UNDP) conducted a four year joint "programme for strengthening good governance" from 2007 to 2010.
- ii. However, DFID's programmes do not appear to have made any appreciable impact on the observance of human rights or the responsiveness and transparency of governance in Rwanda. DFID's aid to Rwanda has increased year by year, without any corresponding improvement in these areas. Indeed, with respect to freedom of expression and political space, the situation may even have worsened in the last ten years.
- iii. Some UK government officials, responding to the political crackdown around the 2010 elections, expressed the hope that these problems might be "just a blip" and that the situation would improve after the elections. This position took no account of the fact that these events mirrored those which had surrounded the 2008 legislative elections and the 2003 presidential elections. Far from being a "blip", they were consistent with the behaviour of the Rwandan government over the previous years, and there was no reason to believe that this behaviour would change in 2010. This has since been further demonstrated by the continued harassment of opposition party members, journalists and other critics since the 2010 elections and into 2011.
- iv. DFID missed a number of opportunities to demonstrate its concern to the Rwandan government during 2010. For example, DFID chose not to renew its support to the government-affiliated Media High Council (MHC) after the MHC suspended two independent newspapers, *Umuwugizi* and *Umuseso*, in April 2010.⁹ Instead of taking this opportunity to make clear to the Rwandan government that it would not support institutions which curtail freedom of the press, DFID simply waited for the current phase of funding to end, then did not renew support for the MHC. To HRW's knowledge, DFID did not make any statement as to the reasons for not renewing the funding.

⁸ Figures downloaded from DFID's website, 10 May 2011.

⁹ This support was part of the joint programme with UNDP, through which DFID provided funding to several government-appointed institutions, including the MHC, the National Electoral Commission and the National Human Rights Commission.

- v. In 2011, discussion is ongoing in Rwanda on possible reforms to laws and regulations governing the media, including a proposal to revise the mandate of the MHC to remove its media regulatory function. These would be welcome developments, but DFID should be cautious before rushing to resume its support to this institution: the media environment in Rwanda is still extremely restrictive. Two journalists are in prison after being sentenced in 2011 to 17 and 7 years respectively for writing articles which were viewed as critical of the government and the president; several other independent journalists have gone into exile; and most others are afraid of investigating sensitive issues. Almost all active media outlets in Rwanda are now either controlled by the government or compliant with its directives.
- vi. DFID often refers to "evidence-based policies". DFID's Country Action Plan 2008-2012 states: "We have based our strategic choices on firm evidence". The MOU also refers to "policies based on evidence". In the case of Rwanda, however, it appears that DFID has sometimes been willing to discard evidence relating to human rights abuses, with the result that the evidence on which it has based its policies has been selective and incomplete.
- vii. It is worth noting that DFID's views on Rwanda are increasingly at odds with those of independent researchers, academics and political analysts from different countries, as well as, increasingly, other international donors. In recent years, Rwanda's political direction has been the object of increasing concern on the part of these constituencies.¹⁰
- viii. Apart from the human rights concerns addressed in this submission, some academic researchers have documented the increase in coercive laws and regulations governing the everyday lives of ordinary people in Rwanda,¹¹ while others have questioned widely-held assumptions about economic reforms in Rwanda by pointing to growing inequalities.¹² A report published by the UNDP in 2007 also found an increase in economic inequalities and the depth of poverty in Rwanda.¹³ HRW has not carried out in-depth research on all these

¹⁰ A recently published book illustrates the range of voices commenting on worrying trends in the country, from human rights and justice to land reform and economic inequalities. See Scott Straus and Lars Waldorf (eds), "Remaking Rwanda: state building and human rights after mass violence", University of Wisconsin Press, 2011.

¹¹ In his article "Do we understand life after genocide? Center and periphery in the construction of knowledge in post-genocide Rwanda" (in African Studies Review, volume 53, no.1, April 2010), Bert Ingelaere includes a list of 29 "forbidden or obligatory activities" and corresponding fines which local authorities are expected to impose, ranging from "house without table to put cooking utensils on" to "someone without clean clothing and body hygiene".

¹² See An Ansoms, "Rwanda's post-genocide economic reconstruction: the mismatch between elite ambitions and rural realities," in Scott Straus and Lars Waldorf (eds), "Remaking Rwanda: state building and human rights after mass violence", University of Wisconsin Press, 2011.

¹³ United Nations Development Programme, "Turning Vision 2020 into reality: from recovery to sustainable human development", 2007.

areas, but believes that these findings should be taken into account in development strategies.

- ix. We understand that DFID is in the process of putting together a new operational plan for Rwanda.
- x. ***Recommendations:***
 - In the context of DFID's new operational plan for Rwanda, it is essential that much greater priority be given to human rights, the rule of law, and transparent and responsive government.
 - DFID plans and strategies should build in evidence relating to a broader range of aspects of the situation in Rwanda, including the human rights situation, and from a wide range of sources.
 - DFID should refrain from resuming its support to official or quasi-official media institutions in Rwanda unless or until the media climate and respect for freedom of expression and the media improve in a demonstrable way.

VI. The 2006 Memorandum of Understanding

- i. In 2006, the governments of the UK and Rwanda signed a Memorandum of Understanding (MOU), valid for ten years. The MOU "provides a transparent framework for accountability between our two Governments and between each Government and its Parliament and people." It lists a number of shared commitments, commitments by Rwanda, commitments by the UK, a process for monitoring and review, and "circumstances under which development assistance would be interrupted or reduced".
- ii. Points 2 and 3 of the "shared commitments" refer to "the principles of good governance, and respect for human rights" and "the promotion of peace and stability in the Great Lakes region". The Rwandan government's commitments include a section on good governance and human rights, which covers the promotion of a democratic and inclusive state and the promotion and protection of economic, social, political, civil and cultural rights; and a section on conflict prevention, with a commitment to promoting peace and stability in the Great Lakes region.
- iii. Section 6 of the MOU states that one of the "circumstances in which the UK will consider reducing, interrupting, changing the modalities of, or terminating aid" is if "the Government of Rwanda is in significant violation of human rights or other international obligations, especially those relating to regional peace and security". It states "the UK will take a long term perspective and is more likely to respond to a systematic pattern of events

over time. However, a single event might trigger a response if sufficiently serious in nature."

- iv. There have been numerous occasions on which these circumstances have occurred since the MOU was signed, both in Rwanda and in the DRC, where Rwanda has backed violent armed groups with a well-documented record of attacking civilians (see below). These repeated breaches of Rwanda's commitments under the MOU do not appear to have called into question DFID's relationship with the Rwandan government.
- v. ***Recommendation:***
 - The 10 year Memorandum of Understanding between the UK and Rwandan governments should be revitalised, with DFID and the Rwandan government making an annual public statement on their respective commitments under the MOU. This would be in line with DFID's new commitment to accountability and transparency.

VII. Joint Governance Assessment

- i. In 2008, a Joint Governance Assessment was conducted by the government of Rwanda and its development partners. One of the subjects covered by the assessment was "ruling justly", a heading which incorporated the rule of law, human rights and civil liberties, political rights and accountability. The final report of the assessment made a number of recommendations and included a framework for assessing progress based on 45 indicators.¹⁴
- ii. Several compromises and alterations were made to the final report of the Joint Governance Assessment in order to accommodate the Rwandan government. Nevertheless, the report could have been used as a starting point for reviewing progress in governance in Rwanda, not least because the Rwandan government itself had signed up to it. To HRW's knowledge, DFID has not used the Joint Governance Assessment and, as with the MOU, has not incorporated its indicators into its strategy.¹⁵
- iii. A new Joint Governance Assessment was reportedly conducted in 2010 but its report has yet to be published.

¹⁴ See Rwanda: Joint Governance Assessment Report, Annex I: Monitoring Framework (August 2008).

¹⁵ For further commentary on the Joint Governance Assessment, and donor policy in Rwanda more generally, see Rachel Hayman, "Funding fraud? Donors and democracy in Rwanda", in Scott Straus and Lars Waldorf (eds), "Remaking Rwanda: state building and human rights after mass violence", University of Wisconsin Press, 2011.

iv. ***Recommendation:***

- DFID, together with other donors, should ensure that the final version of the new Joint Governance Assessment refines the indicators and makes them more precise, particularly around human rights and transparent and responsive governance, and incorporate these into his own strategy.

VIII. Accountability

- i. DFID has frequently praised the Rwandan government for its increased "accountability". The term is used in a narrow, technical sense and seems to refer primarily to financial accountability. The notion of accountability is strikingly absent in relation to human rights.
- ii. DFID's use of the term "accountable" to describe Rwanda also ignores the impunity which continues to protect Rwandan government and military officials involved in carrying out or ordering human rights violations. This absence of accountability was demonstrated recently in the Rwandan government's response to the UN Human Rights Mapping Report on the DRC which found that Rwandan troops and their Congolese allies were implicated in crimes against humanity in the DRC in 1996 and 1997.¹⁶ The Rwandan government categorically rejected the report and sought to discredit it, claiming that it was orchestrated by government opponents.¹⁷ In both its content and tone, the Rwandan government's response to the UN mapping report demonstrated that it does not feel it has to account for its actions either to its own people or to the international community.

IX. How DFID channels its aid

- i. HRW is not calling for a halt or suspension of aid to Rwanda, but recommends that DFID review the beneficiaries and the channels through which it dispenses aid. HRW urges DFID to develop its governance and human rights programmes and to increase support to independent non-governmental organisations working in these areas.

Support to civil society

- ii. Independent civil society in Rwanda has been seriously decimated. It is one of the areas in which state intimidation, threats and infiltration have

¹⁶ The UN mapping report, published by the Office of the UN High Commissioner for Human Rights on 1 October 2010, describes the most serious violations of human rights and international humanitarian law in the DRC between March 1993 and June 2003.

¹⁷ "Official Government of Rwanda comments on the draft UN Mapping Report on the DRC", 30 September 2010.

succeeded in silencing criticism. In the aftermath of the genocide, a number of independent Rwandan human rights organisations were still able to investigate and report on human rights violations, albeit at great risk. Over the subsequent years, they have been silenced one by one. In 2011, there are barely two or three active human rights organisations left in Rwanda, and even they are struggling to remain active. Aside from problems emanating from their relationship with the state, these organisations suffer from a lack of financial support which has greatly hampered their activities.¹⁸

- iii. DFID does not have a track record of supporting independent civil society in Rwanda. Although at times it has explored proposals for doing so, such proposals have not materialised. Instead, DFID has channeled aid to state institutions such as the National Human Rights Commission (NHRC) and the National Unity and Reconciliation Commission (NURC). These commissions are appointed and tightly controlled by the government and the ruling party, and have very limited scope for independent oversight or action.
- iv. Support to such institutions cannot be considered a substitute for, or even a credible alternative to, support to non-governmental organisations. Indeed these institutions have sometimes actively undermined civil society initiatives. For example in 2010, officials from the NHRC tried to stifle discussion of a collective civil society report on the human rights situation in Rwanda submitted to the UN Human Rights Council in advance of Rwanda's Universal Periodic Review in 2011. At least two NHRC officials put pressure on several civil society organisations to publicly denounce the report and withdraw their support for it. One NHRC official later co-authored a letter to the UN High Commissioner for Human Rights challenging the accuracy of the civil society report. Such conduct illustrates the close links of the NHRC to the government and its inability to deliver on its core functions of human rights protection and promotion.
- v. In the past, DFID has sometimes supported NGO coalitions such as the Civil Society Platform (CSP), one of the tools created by the government to control civil society activity. The CSP has often aligned itself closely with the government.
- vi. DFID provided financial and technical support to the CSP to observe the 2008 parliamentary elections and the 2010 presidential elections. In addition, in 2008, DFID staff in Kigali spoke out against allowing human rights

¹⁸ For information on the difficulties faced by human rights organisations in Rwanda, see Frontline, "Frontline Rwanda: disappearances, arrests, threats, intimidation and co-optation of human rights defenders 2001-2004", 2005, and Tim Longman, "Limitations to political reform: the undemocratic nature of transition in Rwanda", in Scott Straus and Lars Waldorf (eds), "Remaking Rwanda: state building and human rights after mass violence", University of Wisconsin Press, 2011.

organisations to observe the elections independently from the CSP and tried to dissuade other donors from supporting alternative NGO election observer missions outside the framework of the CSP.

vii. DFID could play a key role in helping rebuild and reinvigorate independent civil society in Rwanda. This will not be an easy task. It will require a creative and bold approach and will mean supporting organisations which may voice criticism of government policies. International support in this area is essential to help Rwandans overcome not only state intimidation, but also the self-censorship which is pervasive in Rwandan society.

viii. ***Recommendations:***

- Through discussions with Rwandan and international NGOs, DFID should develop a programme to empower Rwandan civil society actors and enable them to resume their important and legitimate role in monitoring the government's actions and holding it accountable.
- DFID should acknowledge the Rwandan government's control over fora such as the CSP and distance itself from endorsing structures which constrain civil society organisations.
- Together with the British High Commission in Kigali, DFID should develop a strategy for the protection of human rights defenders -- in line with the European Union Guidelines on Human Rights Defenders -- and be prepared to intervene when activists are threatened. DFID staff in Rwanda should maintain regular communication with human rights defenders and encourage them to report problems or threats.
- DFID should not support state institutions which actively undermine human rights protection.

X. The regional dimension

i. The security, stability and politics of Rwanda, Burundi and the DRC are intimately linked, as evidenced by the conflicts which have unfolded in all three countries. Approaches to development in any of these countries should therefore take into account events in neighbouring states. As a major partner of both Rwanda and the DRC, the UK government is well placed to address these issues from a regional perspective.

Rwanda's role in the DRC

ii. Ever since the 1996 and 1998 wars which began with Rwanda's invasion of eastern DRC, the relationship between Rwanda and the DRC has been a determining factor in regional stability. The Rwandan government and army,

as well as the *Forces démocratiques pour la libération du Rwanda* (FDLR)¹⁹, have been key protagonists in the conflict. Even after withdrawing its troops from the DRC, Rwanda has continued to back various armed groups in the east of the country, notably the *Congrès national pour la défense du peuple* (CNDP), one of several groups notorious for carrying out serious human rights abuses against civilians.²⁰ In January 2009, Rwanda turned against Laurent Nkunda, the then head of the CNDP, and arrested him. He has remained under house arrest in Rwanda ever since -- an illegal form of detention without charge or trial, in clear violation of both Rwandan law and international standards.

- iii. Rwanda's arrest of Nkunda and the integration of the CNDP into the Congolese national army marked the beginning of a diplomatic rapprochement with the DRC, and the two countries currently enjoy a more harmonious relationship. However, Rwanda continues to support Bosco Ntaganda, the military leader of the CNDP who has since been awarded the rank of general in the Congolese army. In 2006, the International Criminal Court (ICC) issued an arrest warrant for Ntaganda for war crimes of enlisting and conscripting children as soldiers and using them in hostilities. Nevertheless, he continues to move about freely in eastern DRC. He and individuals loyal to him have been responsible for killings, disappearances and arrests of individuals close to the Nkunda wing of the CNDP, some of which have occurred inside Rwanda.²¹ Rwanda's support for Ntaganda, and Ntaganda's activities in eastern DRC, remain a source of instability in the region.
- iv. With its record of extreme violence against civilians, the FDLR too remains a major source of instability and conflict. While some FDLR members have been through a demobilisation programme and have been repatriated to Rwanda, many others continue their operations in eastern DRC and show no sign of returning to their country. The arrest of three senior FDLR leaders in Germany and France in 2009 and 2010 represents a major breakthrough, but the FDLR retains the capacity to inflict huge suffering on the Congolese population.
- v. Donor strategies aimed at restoring peace and stability in the Great Lakes should consider the creation of conditions in which FDLR members might

¹⁹ The FDLR is a predominantly Rwandan armed group operating in eastern Congo. It is composed in part of individuals who took part in the genocide in Rwanda in 1994.

²⁰ For information on links between Rwanda and the CNDP, see UN Group of Experts on the Democratic Republic of Congo, Final Report, 12 December 2008 (S/2008/773). For information on human rights abuses by the CNDP, see Human Rights Watch, "Renewed crisis in North Kivu", October 2007, and "Killings in Kiwanja: the UN's inability to protect civilians", December 2008.

²¹ See Human Rights Watch, "DR Congo: ICC-indicted war criminal involved in assassinations of opponents", 13 October 2010.

contemplate disarming and returning to Rwanda. HRW does not advocate a political role for the FDLR, but believes that the absence of political space in Rwanda, the repressive nature of the Rwandan state and the lack of an independent justice system in Rwanda are genuine deterrents to the return of some FDLR members. FDLR propaganda has frequently exaggerated the levels of insecurity in Rwanda, but objective data on the situation in Rwanda, including HRW's own research findings, point to a number of real obstacles.

Burundi's role in the DRC

- vi. The Burundian army also fought alongside Congolese rebels during the war in the DRC in the late 1990s, although its role was less prominent than that of Rwanda. Following Burundi's 2010 elections, which were boycotted by most opposition parties, members of Burundian armed opposition groups fled to South Kivu province, in eastern DRC, from where they have resumed their activities. In late 2010 and 2011, there have been several incidents of clashes between Burundian armed groups and the Congolese army, as well as reports of Burundian security forces crossing over into the DRC to pursue these armed groups. The security situation in Burundi itself remains deeply worrying, with an alarming number of apparently politically-motivated killings in late 2010 and early 2011. The spillover of Burundi's conflict into neighbouring DRC is an additional cause for concern.
- vii. ***Recommendation:***
- DFID should adopt a more explicitly regional strategy on the Great Lakes, which takes into consideration the impact of events and actors in Rwanda, Burundi and the DRC, with a view to addressing the cross-border nature of conflict and instability.

Staffing and coordination with FCO

- viii. Like other government departments, parts of DFID suffer from a lack of institutional memory, with staff appointed to country or regional positions for short periods of time. The recent retirement of DFID's London-based Great Lakes analyst -- one of the few members of staff with in-depth knowledge and experience of the region -- will weaken DFID's Great Lakes team.
- ix. ***Recommendation:***
- Following the departure of its Great Lakes analyst, DFID should appoint a new regional analyst as soon as possible. DFID staff should also establish more regular communication with the Great Lakes analysts in the FCO so that findings and analyses can be shared on a regular basis.

XI. References

HRW can make any of the following documents available to the IDC on request. Most of them are also available on the internet.

Amnesty International, "Safer to stay silent? The chilling effects of Rwanda's laws on 'genocide ideology' and 'sectarianism'", August 2010.

Commonwealth Secretariat, "Report of the Commonwealth Observer Group: Rwanda presidential elections 9 August 2010".

DFID Country Plan: Development in Rwanda 2008-2012.

DFID Bilateral Aid Review results: country summaries (Rwanda), 2011

DFID Bilateral Aid Review technical report, March 2011.

Frontline, "Frontline Rwanda: disappearances, arrests, threats, intimidation and co-optation of human rights defenders 2001-2004", 2005.

Human Rights Watch:

- i. Human Rights Watch submission to the UK Foreign Affairs Select Committee on the Foreign and Commonwealth Office 2010 report, "Human Rights and Democracy", 28 April 2011.
- ii. "Prison term for opposition leader: Bernard Ntaganda, other activists, journalists punished for political views", 11 February 2011.
- iii. "Rwanda: attacks on freedom of expression, freedom of association and freedom of assembly in the run-up to presidential elections, January to July 2010", 2 August 2010.
- iv. "Rwanda: allow independent autopsy of opposition politician", 21 July 2010.
- v. "Rwanda: stop attacks on journalists, opponents", 26 June 2010.
- vi. "DR Congo: ICC-indicted war criminal involved in assassinations of opponents", 13 October 2010.

Bert Ingelaere, "Do we understand life after genocide? Center and periphery in the construction of knowledge in post-genocide Rwanda", in *African Studies Review*, volume 53, no.1, April 2010.

Joint Governance Assessment Report, August 2008.

Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda, 13 February 2006.

Official Government of Rwanda comments on the draft UN Mapping Report on the DRC, 30 September 2010.

Scott Straus and Lars Waldorf (eds), "Remaking Rwanda: state building and human rights after mass violence", University of Wisconsin Press, 2011.

UN Group of Experts on the Democratic Republic of Congo, Final Report, 12 December 2008 (S/2008/773).

United Nations Development Programme, "Turning Vision 2020 into reality: from recovery to sustainable human development", 2007.

UN Office of the High Commissioner for Human Rights, "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003", August 2010.

US Department of State 2010 country report on human rights practices in Rwanda.