

Talking or Fighting? Political Evolution in Rwanda and Burundi, 1998–1999

Filip Reyntjens

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Introduction

Just like in 1997, there is a great deal of continuity in the political evolution of Rwanda and Burundi, but its regional impact is felt even more, especially in the case of Rwanda. Although the civil war is still ravaging the country, in Burundi the search for a political solution is moving at a snail's pace, through the dual process of political partnership within the country and the Arusha negotiations. On the other hand, the regime in Rwanda continues to favour the military option, which, moreover, has met with some success following the second intervention in the Congo and the regroupment of an important section of the population in the Northwest. While, in Burundi, the political landscape remains divided and even fragmented, in Rwanda the RPF has reinforced its grasp on a tightly-controlled system, notably through the destruction of the MDR. Cohesion within the RPF, however, is by no means guaranteed. At the political level, the system in Burundi is undoubtedly more inclusive than that of the Rwandan regime, whose base continues to shrink. While Rwanda has opted for the path of almost absolute control, Burundi continues its quest for political solutions, although the process is fragile and success is far from guaranteed. In August 1998, Rwanda reaffirmed its ambitions as a regional military power. Furthermore, even more than in 1996–1997, the Congolese operation opens up access to resources which not only help finance the war, but also enrich some political and military actors in Kigali. Although the Burundian army has also become involved in the Congo, its ambitions seem more limited. Furthermore, the regional alliances have become clearer and more visible, which does not necessarily mean that they are stable.

1. Governance and Institutions

Burundi and Rwanda have undergone important political changes, more at the institutional level in Burundi than in Rwanda. In the latter country, the important government re-shuffle on February 10, 1999, has been caused by two phenomena. On the one hand, in the space of barely one month, two government members resigned and fled the country. On December 4, 1998, Béatrice Sebataware Panda, Secretary of State at the Ministry of the Interior, Community Development and Rehabilitation, arrived in Nairobi from where she sent a letter of resignation to President Bizimungu. On January 2, 1999, it was the turn of Justice Minister Faustin Nteziryayo to choose the path of exile; he “leaves to pursue studies” at Duke University in the United States. On the other hand, for over a year, there have been increasingly frequent and open accusations pointing to practices of corruption, embezzlement and the abuse of social goods. A document which circulated in Kigali in June or July 1998 and which was intensely commented after it was posted on the Internet, spoke of a new *akazu*¹, united mainly by family ties, which was claimed to amass material resources, positions and privileges.² On December 17, 1998, General Kagame recognised the spread of the corruption phenomenon and asked all Rwandans to assist him in combating this plague.³ This theme reappeared during the RPF congress of December 26–27, which a newspaper described as “axe-work with unforeseeable consequences”.⁴ Faced with an audience expressing its dissatisfaction, Kagame is said to have denied belonging to the *akazu* on three occasions, adding: “If needed, I will lace on my boots once again and return to the bush to fight the *akazu*”.

1. This was the term used to describe President Habyarimana's entourage: meaning literally “the little house”, see REYNTJENS, F., *L'Afrique des grands lacs en crise. Rwanda, Burundi: 1988-1994*, Paris, Karthala, 1994, pp.189–190.

2. *Analyse politique du phénomène Akazu*, document signed by “a disappointed patriot (member of the RPF)”.

3. *AFP*, Kigali, December 21, 1998.

4. *Le Baromètre*, no. 008, January 15–31, 1999.

The cabinet re-shuffle and changes in other high positions carried out in February 1999, seem, at least in part, to go some way in addressing the concerns expressed by the grassroots of the party. Among those personalities cited as being powerful and corrupt are Ministers Joseph Karemera, Jacques Bihozagara and Aloysia Inyumba. Following the reshuffle, they left the government. The ambassador to Washington Théogène Rudasingwa was recalled to Kigali and Gerald Gahima was replaced as general secretary of the Ministry of Justice, where he was the veritable strongman. The RPF was most seriously affected by the reshuffle: out of the five ministers who left on February 10, four were from the RPF. However, the change was even more important, as nine ministers changed portfolios; ten new members joined the cabinet. Only seven members of the government, i.a. the vice-president and the prime minister, were not affected by this reshuffle. One appointment was particularly striking: for the first time since the new regime has been in power, the Minister of Justice is a Tutsi. Jean de Dieu Mucyo is a survivor of the genocide who probably will be better-placed than a Hutu minister to pass measures aiming to resolve the immense judicial problem which Rwanda currently faces (see *infra*). Finally, it should be pointed out that the breach of the Arusha Accords is confirmed: as in 1997, the division of portfolios among the different political parties foreseen in the Accords has not been respected. It is the President of the Republic and not the National Assembly who decided the dismissals. Appointments were made without consulting the political parties.

The tutsisation of the state machinery was further reaffirmed. Even while the government, the country's international “business card”, has *grosso modo* equal representation (14 Hutu, 12 Tutsi and 1 unidentified), out of the 18 general secretaries identified, 14 are Tutsi from the RPF; with the exception of two ministers, all the non-RPF ministers are flanked by a general secretary from the RPF. While the National Assembly already has a Tutsi majority, it continues to be subject to purges: in March–April 1999, approx-

imately ten parliamentarians from the MDR, PDC, PSD and the PL were either removed from office, or given the choice to step down or to be expelled from their party.⁵ Furthermore, three RPF members of parliament—including the businessman Valens Kajeguhakwa—resigned. Out of the twelve prefects, nine are Tutsi, two Hutu and one position is vacant. The number of Tutsi mayors is estimated to be over 80%. Eleven of the fourteen ambassadors are Tutsi, with nine coming from the ranks of the RPF. Among the fourteen officers comprising the high command of the army and gendarmerie, there is only one Hutu. It will later be shown that a similar phenomenon is affecting the justice sector. One does not have to suffer from ethnic fundamentalism in order to see that a regime claiming to fight ethnicity is actually spearheading ethnic policies.

Every Saturday since the beginning of May 1998, President Bizimungu held a “Forum for National Orientations”, bringing together representatives from political parties, the National Assembly and the Supreme Court, members of government, prefects, representatives from the army and some invited individuals. The aim was to reflect on the medium and long-term political future of the country. The forum addressed the major issues, namely, unity and reconciliation, democracy, justice, the economy and security. While, according to some participants, these meetings were serious and useful, one revealing incident—which has turned out to be the beginning of the end of the most important opposition party—showed the limits of such a process in a tightly-controlled context. During the meeting of May 23, the MDR put forward a document under the title *Contribution du Mouvement Démocratique Républicain dans la recherche de solutions aux problèmes que rencontre le Rwanda*. This text claimed that, even before the colonial period, there was no unity in Rwanda, and that the events of 1959 truly were a revolution which kindled the idea of democracy, that the monarchy rather than external factors undermined the country, and that the allegation considering all Hutu to be *génocidaires* contribute to the insecurity. These positions were obviously “politically very incorrect”, and caused a general outcry in RPF circles, who, in their re-writing of

⁵. It should be noted, however, that these purges were not on a strictly ethnic basis: three Tutsi are among the members of parliament targeted.

history, advocate exactly the opposite. In no uncertain terms, the MDR was enjoined to review its document, which it did just one week later: in a complete about-turn, the new document the MDR submitted to the forum on May 30, admitted that the ideology of division was a creation of the coloniser and some religions and that the 1959 revolution did not lead to the unity of Rwandans; all criticism of the present regime disappeared.⁶

The MDR’s “renovation” continued on July 29, when the national executive committee was dissolved; it was unclear by whom or according to which statutory provisions this move was made. The president of the party, Bonaventure Ubalijoro, was sacked and replaced by Prime Minister Pierre-Célestin Rwigema. The “reformers” announced that the party had distanced itself from those members opposed to national unity and announced it was to assist the government of national unity in the political rehabilitation of the country. While Ubalijoro contested the election of the new steering committee in a letter addressed to the Minister of the Interior dated July 30, the latter approved the resolutions. As a result, other dissidents—including members of parliament Jacques Maniraguha and Jean-Léonard Bizimana—were expelled from the party. The last assault aiming to eliminate the MDR took place at the beginning of 1999. Ubalijoro was arrested on February 27, followed by Bizimana and a third MP, Eustache Nkerinka in March (these three MPs were first expelled from the National Assembly on March 9). Now that Rwigema played his role in the destruction of his party, he was no longer useful. Suddenly accusations were levelled that he distributed arms to militiamen during the genocide of 1994 and had secret dealings with the armed rebellion, and the public prosecutor’s office in Kigali launched a judicial investigation.⁷ Vice-

⁶. It is during this very meeting that the decision was taken to change “the country’s flag, the national anthem and even other symbols which represent evil” (AFP, Kigali, June 4, 1998). The government made this formal almost a year later on May 18, 1999; the new flag will be red, white and green. Other symbols of the former regime, such as some street names and the name of the airport in Kigali, will be changed (Reuters, Kigali, May 18, 1999).

⁷. “Judicial sources” in Kigali indicate that Rwigema had been accused “for a long time now”, but that the investigation had been blocked by the former Minister of Justice—Faustin Nteziryayo (AFP, Kigali, March 12, 1999).

President Kagame affirmed that “these accusations must be taken seriously”.⁸ Forced on the defensive, Rwigema asked “for all Rwandans to grant pardon for the ideology which incites divisions”, and which was conveyed by some former members of his party. The latter today condemned “all those leaders who would preach destructive ideologies”.⁹ The MDR also changed its colours, now red-green instead of red-black. In actual fact, the party has ceased to exist for a very long time. At the same time, there were calls from circles close to those in power to extend the trials to events which took place before 1990:¹⁰ this should facilitate Ubalijoro’s trial, as he was the security chief in the 1960’s, but is also a direct threat to the President of the Republic, Pasteur Bizimungu,¹¹ and the former president of the RPF Alexis Kanyarengwe.¹² Accused publicly on April 7, 1999, during the genocide commemoration ceremonies, of being involved in this crime, Gikongoro Bishop Mgr. Augustin Misago, was arrested on April 14; a campaign was launched some days later, notably in the Government press,¹³ against the archbishop of Kigali Mgr. Ntihinyurwa. The foundation has thus been laid for a major purge of Hutu cadres who remain in Rwanda.

The “Saturday meetings” also led towards the organisation of local elections. Since the five-year period of transition decreed when the RPF came to power, should end in July 1999, the start of a democratisation process was imperative, even if only for reasons of external use. March 4, 1999, the Minister of Local Government, Désiré Nyandwi, announced that, before the end of the month, elections were to be held at the grassroots level, namely the cell (*cellule*) and the sector. Inspired by the Ugandan model of “no-party democracy”, individuals stand for the elections

⁸. *ARI/RNA*, Kigali, April 5, 1999.

⁹. *Reuters*, Kigali, April 11, 1999.

¹⁰. Such calls have come from the public prosecutor, the *Association des Volontaires de la Paix* (AVP) and Ibuka (*AFP*, Kigali, March 10, 1999).

¹¹. In 1973, Bizimungu was an active member of the “Committees for Public Welfare”, implicated in the manhunt against Tutsi in schools, enterprises and the administrations.

¹². One of the most important actors in the *coup d’état* of July 5, 1973, who brought Habyarimana to power and renown as being anti-Tutsi in the 1970’s.

¹³. See *Imvaho Nshya*, no. 1281, April 26–May 2, 1999.

outside all party affiliation; what is more, there is no secret ballot as voters stand in line behind the candidates of their choice. Under these conditions, and in a context of an authoritarian management and social conformity, the real freedom of choice is doubtful. Furthermore, direct universal suffrage is applied only at the cell level, but at the higher levels, the councils will be constituted in an indirect manner, bringing to mind the “popular consultations” of 1953 and 1956, when the Hutu presence had been systematically reduced from the grassroots to the top (in 1957 there were 58% Hutu at the lowest level vs. only 9% in the *Conseil supérieur* of the country).¹⁴ Today, however, it is premature to pass judgement on the exercise of March 1999: the profile of the 116,000 locally elected persons is not known and we are ignorant of how the process will evolve at the levels between the cell (and the sector) and the national level.

We have already briefly touched on the accusations relating to the management of the country. The “disappointed patriot” (see above) is not the only person to be indignant at the new *akazu* practices: some newspapers (notably *Le Tribun du Peuple* and *Ukuri*, but also the government-owned newspapers *Imvaho Nshya* and *L a Nouvelle Relève*),¹⁵ gave accounts of widespread practices of corruption, embezzlement, favouritism, illegal expropriation of land, privatisation at very low prices.... The nickname given to the beautiful houses and the newly-constructed high-rise buildings in Kigali is “Long live the genocide”. An editorial piece in *Le Tribun du Peuple* (no. 111, Nov. 1998), asked the following question to the RPF: “You are increasingly fond of those practices which you used to denounce on the airwaves of Radio Muhabura (...), why did you fight Habyarimana?”; according to the same article, the Mafia has become like “the untouchable princes as those under President Habyarimana”. When, disgusted and threatened, the editor of the newspaper Jean-Pierre Mugabe (a survivor of the genocide and a former close ally of the RPF) went into exile in the United States, he

¹⁴. On this subject, see: MAQUET, J.J., and D’HERTEFELT, M., *Elections en société féodale. Une étude sur l’introduction du vote populaire au Rwanda-Burundi*, Brussels, Académie royale des sciences coloniales, 1959.

¹⁵. For an overview of the Rwandan press at the end of 1998: *Dialogue*, no. 207, November-December 1998, pp. 83–87.

published a press communiqué,¹⁶ in which he summarised all these observations and claimed that “the law of the jungle prevails”. In his opinion, “the genocide perpetrated against those dear to us has been transformed into a ‘business fund’ by those corrupt and dubious authorities who only practice pork-barrel politics”. He warned President Bizimungu against “a clique of mercenaries belonging to the *akazu* (who) have no respect for national interest and the Rwandan people”. In May, Mugabe published a text in which he provided the details of these observations,¹⁷ this time addressed to the *de facto* leader of Rwanda. He examined the following issues: the plundering of the national patrimony and the misappropriation of external aid; insecurity of persons and goods; assassinations and arbitrary arrests; nepotism in the army, jobs and education; the elimination of soldiers originally from Rwanda and Burundi; and the fate of survivors.¹⁸ One is struck by the parallel with some of the warnings made during the final years of the Habyarimana regime.

Burundi, for its part, is trying to find a negotiated settlement to its political impasse by combining internal methods with the Arusha process spearheaded by Julius Nyerere. Both are indeed complementary avenues. At the internal level, the “Internal partnership for peace” constituted an important step. Notably, after the “parliamentary weeks” held in March 1996, October 1997, March and May 1998¹⁹, the National Assembly and the government signed an *Accord sur la plate-forme politique du régime de transition* on June 6, 1998, which was formalised that same day by an *Acte constitutionnel de transition*. This new fundamental law replaces the 1992 constitution and the statutory order of September 13, 1996 on the organisation of the

institutional system of transition and will remain in effect “until the promulgation of the future constitution”. These texts were adopted “by consensus”, as it would have been impossible to put them to vote. In actual fact, in flagrant violation of the internal rules of the Assembly, which state that “the National Assembly can only hold valid deliberations if 2/3 of the representatives are present” (art. 57), only 42 out of the 81 parliamentarians attended the session and participated in the vote. Henceforth, technically speaking, the revision was unconstitutional.

However, it got the process moving again. The platform recommends appealing to an international commission of inquiry to identify and classify the multitude of crimes committed since independence and to an international tribunal to try all crimes of genocide which would have been perpetrated; it commits itself to making the “necessary corrections” in light of the “ethnic imbalances” within the judiciary; in the same way, “the transitional institutions should seek adequate and voluntary solutions to deal with the issue of ethnic and regional imbalances which affect the composition of the security forces”, even if “the requirements for peace and stability in the country recommend a process that is progressive and reassuring for all”. The formulation is undoubtedly careful, but both very delicate subjects—and from past experience, taboo—are thus put on the agenda. The “chronology for implementing the agreement” foresees comprehensive negotiations in Arusha with all the stakeholders of the conflict which began on June 15, 1998: the link between the internal and the external process is thereby explicitly affirmed.

In accordance with article 81 of the *Acte constitutionnel de Transition* (ACT), on June 9, Major Pierre Buyoya was appointed President of the Republic by the consensus of the government and the Transitional National Assembly. By being sworn into office before parliament, he acquired a legitimacy similar to that of his predecessor, Sylvestre Ntibantunganya, whom he overthrew in July 1996; in fact, the latter had been appointed following a similar procedure formalised by the “*Accord de gouvernement*” of September 1994.²⁰ The day after taking oath, President Buyoya appointed two Vice-Presidents

¹⁶. MUGABE, J.-P., *Cri d'alarme au président de la République rwandaise, à tous les Rwandais tant ceux qui résident au Rwanda ou (sic) ceux qui sont à l'extérieur*, press communiqué, March 19, 1999.

¹⁷. MUGABE, J.-P., *Itangazo Mbwirire Gen. Major Kagame Paul ku karubanda amarorerwa (Solemn message to General-Major Kagame Paul on the subject of the evils corrupting Rwanda)*, May 1999.

¹⁸. One notes, however, that following the example of other former RPF sympathisers, Mugabe does not touch the topic of the large-scale massacres of Hutu by the RPA, not only in Rwanda, but also in the Congo.

¹⁹. See *Conclusions et recommandations des travaux de la semaine parlementaire tenue du 11 au 15 mai 1998*, Bujumbura, May 15, 1998.

²⁰. There is one major difference, however, Ntibantunganya is from a party that won the presidential elections of June 1993, in which Buyoya was defeated.

by decree; they replace the prime minister, a position which is abrogated: the first Vice-President Frédéric Bamvuginyumvira, former head of the FRODEBU parliamentary group, was placed in charge of political and administrative matters; the second Vice-President, Mathias Sinamenye, former governor of the National Bank, took charge of the economic and social domain. June 12, a new government comprising 22 ministers was appointed by presidential decree. The last institution to be put into place, the Transitional National Assembly, was installed on July 15. The membership of the Assembly increased from 81 to 121: elected parliamentarians from FRODEBU²¹ and UPRONA, the two parties formerly represented; one representative from each recognised party when the ACT came into effect; and 28 representatives from civil society.²² There is an important readjustment in favour of the Tutsi thanks to the re-appearance of this third category (22 of the 28 parliamentarians from this group are Tutsi).²³ Generally speaking, the new composition of the Assembly dilutes the weight of both FRODEBU and the Hutu: contrary to the situation prevailing after the 1993 elections, neither FRODEBU nor the Hutu hold the four-fifths of the votes needed to amend the constitution, or, a novelty introduced by the ACT, to pass laws concerning “aspects of security which the government defines as being important” (art. 123). Out of the 113 parliamentarians effectively installed, Hutu account for 72 (64%) and FRODEBU for 62 (55%) members. Hence, the political and ethnic minorities are reassured through mechanisms which

21. The 33 parliamentarians of this party who have either been assassinated or forced into exile since the end of 1993, are replaced by their deputies or newly-appointed representatives. It is worth mentioning that half of FRODEBU's parliamentarians have been eliminated in one way or another, which highlights perfectly the “creeping putsch” under way since late 1993.

22. This category allows some former politicians to make their re-entry. Some such noteworthy appointments are that of former prime minister Bagaza, retired colonel Edouard Nzambimana and the former general secretary and ideologist of UPRONA—Emile Mworoha.

23. It should also be added that the sole Twa parliamentarian comes from this category: Libérata Nicayenzi is the widow of Stanislas Mashini, executed in July 1997 after his conviction following a trial which Amnesty International deemed as being “totally unfair”.

have some similarities to a type of consociational arrangement²⁴.

The setting-up of interim structures has not gone without protests. Both Jean Minami, exiled president of FRODEBU, and Charles Mukasi, president of UPRONA, rejected the agreement on the political platform and invited the members of their respective parties not to participate in the institutions emanating from this partnership. The PARENA, Raddes and PRP parties made similar declarations. In a statement made public in Dar es Salaam on June 9, exiled FRODEBU parliamentarians described the adoption of the ACT as “a grave attack on the sovereignty of the people”, and accused the parliamentarians adhering to it of “high treason”. They announced the creation of a “National Assembly in exile”, about which, however, nothing has been heard since.

The most serious wounds were within UPRONA, where the rupture became more apparent. On October 7, 1998, some members of the central committee—realising that the party “has been paralysed for almost two years, after the refusal of the Party's President to (...) convoke and to (...) lead (the national committee)” —elected Luc Rukingama as legal representative “as a replacement for the incumbent president (Charles Mukasi) who was faltering badly”. Subsequently, the pro-Rukingama and the pro-Mukasi central committees disputed the leadership of the party; on several occasions they even came to physical blows. During these incidents the police force supported Rukingama. The dispute centred around personal conflicts, but was translated politically in terms of contradictory positions in the face of the internal process and external negotiation, rejected by the Mukasi-wing refusing all debate with the “racist and genocidal forces”, among which it ranks FRODEBU. In procedure-prone Burundi, where one willingly resorts to judicial options, the impasse led to a petition before the Administrative Court in which the Mukasi-wing attacked the decision of January 16, 1999, whereby the Minister of the Interior recognised Rukingama as the legal representative of UPRONA.

Although the congress at the end of 1997 saw the beginning of a rapprochement between the

24. On this topic—in a Rwandan context—see VANDEGINSTE, S. and HUYSE, L., “Approches consociatives dans le contexte du Rwanda”, in: *L'Afrique des Grands Lacs. Annuaire 1998-1999*, Paris, L'Harmattan, 1999, pp. 101-123.

internal and external wings of the party, tensions within the FRODEBU have not disappeared. On January 23, 1999, the national executive committee denounced chairman Minani, because he, “without any consultation whatsoever”, condemned the lifting of the embargo imposed after the fourth round of the Arusha negotiations (see *infra*). This was only the beginning of very serious disagreements, putting FRODEBU on the same path as UPRONA. On March 18, 1999, all hell breaks loose when a group supporting General Secretary Augustin Nzojibwami expelled four prominent members, including former president Ntibantunganya, accused of organising a “regional-based clandestine structure”. The next day, President Minani stripped Nzojibwami of his functions. On March 21, the committee annulled the decision taken regarding the expulsion of “the gang of four” and suspended Nzojibwami and another member of his group, Thomas Bukuru;²⁵ Nzojibwami and Bukuru were expelled definitively on April 24. At the same time, the split in the CNDD-FDD was being confirmed. While in March 1998, the politico-military high command expelled or suspended several leaders and claimed having assumed responsibility for the leadership of the movement, while retaining Léonard Nyangoma as “commander” of the CNDD-FDD, on May 26, Nyangoma, was, in turn, “suspended” as president and replaced as “commander-in-chief and general co-ordinator of the politico-military movement of CNDD-FDD” by Colonel Jean-Bosco Ndayikengurukiye. The decision, signed by the latter (who thus proclaimed himself as leader of the organisation) made it clear that he would proceed rapidly “to put the politico-military activities, the re-organisation and restructuring of the movement, back on track”.

Finally, even the Tutsi micro-parties underwent splits. At about the same period, in early March 1999, disputes erupted within the ABASA and the ANNADE, around the topics of the chair and legal representation respectively. In actual fact, these are mainly “ownership” disputes, as these parties are not representative: they are mainly instruments used by some individuals to

promote their economic interests or to maintain their clientelistic circuits. All these upheavals are to be seen in the tendency towards the fragmentation of the political landscape in Burundi, constituting obstacles to the interior and exterior processes. However, they did not prevent the partners, notably within the government, from making progress on the path laid down by the platform. Hence, in November 1998, the government published a solid document on general policy that deals with major issues of the future (peace and security, the economy and social problems).²⁶ December 5 saw the end of the “days of reflection on the reinforcement of the peace process” in the framework of the national debate launched at the beginning of the year.

²⁵. For a more detailed account of this saga, see “Spécial Sahwanya Fodebu”, *Net Press*, March 22, 1999; “Remous au sein du Frodebu: le feuilleton des dissensions”, *Burundi-Scope*, March 22, 1999 and “Un sursaut démocratique au sein du FRODEBU”, *Burundi-Bureau*, March 23, 1999.

²⁶. République du Burundi, Cabinet du premier vice-président, *Programme général du gouvernement de transition: objectifs, stratégies et actions*, Bujumbura, November 1998, 44p. and annexes.

2. The Civil Wars

The first half of 1998 saw the continued extension of the civil war in Rwanda. Attacks of the *abacengezi* (“saviours”) affected the entire prefectures of Gisenyi and Ruhengeri as well as the north of Kibuye, Gitarama and rural Kigali and the west of Byumba. The number of civilian casualties, already quite high in 1997, continued to rise. One report from an embassy in Kigali estimates that approximately 50,000 persons were killed between September 1997 and April 1998, most of the civilians dying at the hands of the RPA; entire communities were emptied of their populations; more than 100,000 persons were displaced.²⁷ In the meantime, this previously rather “faceless and nameless” rebellion was becoming somewhat more visible. It identified itself as the Rwanda Liberation Army (ALIR), whose most frequently cited commanders were Colonels Mugemanyi, Rwarakabiye and Nkundiye. The organisation distributed a newspaper (*Umucengezi*—“The Saviour”) available even in Kigali;²⁸ a spokesman for ALIR calling himself Shyaka Komeza was interviewed by BBC at the beginning of June, which caused a predictable and furious reaction on the part of the Rwandan authorities, especially as the BBC had been broadcasting on FM in Kigali since March. According to the diplomatic advisor to Vice-President Kagame, “it is unacceptable that a radio station with the reputation of the BBC could be the megaphone of such perpetrators of genocide”.²⁹ A report from African Rights gives some useful insights into the command, structures, support and practices of the ALIR which were hitherto unknown.³⁰ Besides the sometimes spectacular attacks on military positions,

buildings of the administration and prisons, ALIR ensured some publicity for itself by kidnapping several foreigners, who, after their liberation, gave a reassuring image of the rebels. Thus, a Canadian nun recalled her “positive experience” at the hands of the group she described as “multi-ethnic”, desirous of obtaining “an equal place in society free from ethnic issues”.³¹ Two weeks later, two Belgian missionaries were abducted and freed safe and sound on July 21. However, three tourists abducted in August 1998 have not been seen again and on March 1, 1999, eight foreigners were killed on the Ugandan side of the border area. This massacre at Bwindi, which obviously caused a great international outcry (the victims were British, American and New Zealanders, and the media interest was, of course, much greater than that given to thousands of Africans killed in the daily violence ravaging the region), gave rise to many questions. Several versions of the incident³² circulated and responsibilities have not been definitively established.³³

From August 1998, a combination of factors considerably reduced the rebels’ means for their activities. At the end of July, the RPA won several battles, notably in Giciye, where colonel Nkundiye was killed along with 200 of his men; at the beginning of August, colonel Mugemanyi was said to have been killed in Nyarutovu. More importantly, the Rwandan-Ugandan operations conducted in the Congo since August 2³⁴ have severed the lines of attack, withdrawal and supply of ALIR, which, until then, easily operated in a cross-border manner. Although some ex-FAR units and Interahamwe are still active in Kivu, at times in complicity with Congolese militia, linking up with those operating inside

27. Confidential diplomatic source.

28. AFP, Kigali, June 1, 1998.

29. AFP, Kigali, June 6, 1998.

30. AFRICAN RIGHTS, *Rwanda. The Insurgency in the North-west*, September 1998, 263 p. While, on the whole, the research conducted into the ALIR seems serious, it is regrettable that on several occasions in this report, African Rights proves once again that it clearly takes the side of the RPF, notably when the organisation tries to minimise or excuse the crimes committed by the RPA against the civilian populations in the North-West.

31. *The Ottawa Citizen*, July 12, 1998.

32. See for example, *La Libre Belgique* and *Le Soir* of March 3, 1999.

33. See BIGRAS, P., *A qui profite l’assassinat des huit touristes?*, NCN, March 3, 1999; UFDR, *Communiqué de presse no. 7*, Brussels, March 4, 1999; CDA, *Communiqué de presse*, Brussels, March 10, 1999.

34. On this, see REYNTJENS, F., “The second Congo War: more than a remake”, *African Affairs*, 1999, pp.241–250.

Rwanda has become increasingly difficult. Next, the authorities have launched a huge population regroupment operation in the Northwestern prefectures, trying, in this way, to cut the rebellion—as Burundi had done from the beginning of 1996—from its “natural” base. At the beginning of 1998, almost 700,000 persons were moved into “regroupment camps” in the prefectures of Gisenyi and Ruhengeri: this represented about half the total population concerned. Finally, the regime increasingly adopted another approach in its relations with the inhabitants of the region, by replacing, to some extent, its strong-arm manner with that of sensitisation campaigns. One has to regret, however, the near total absence of independent foreign observers, which makes it difficult to conduct an evaluation of the actual situation in this region. Nevertheless, it remains true that information regarding confrontations between the RPA and ALIR has greatly diminished in the second half of 1998 and at the beginning of 1999.³⁵

Although in 1998–1999 there have been numerous incidents and confrontations between the army and rebel forces in Burundi, the tendency towards a reduction in the intensity of the civil war observed last year, has continued. The most affected provinces remain those in the West, from Makamba through Bururi, rural Bujumbura and Bubanza up to Cibitoke. As in the past, these confrontations mainly affected civilian victims. In a report published on November 19, 1998,³⁶ Amnesty International pointed out that there continued to be wide-scale massacres perpetrated against unarmed civilians by the Burundian army as well as armed opposition groups, while the perpetrators of these abuses were rarely brought to justice. For example, November 3, 1998, soldiers killed at least 165 persons in Mutamu commune (Rural Bujumbura province). On November 13, the High Commissioner for Human Rights denounced these acts of violence which she described as “the most serious massacres” since

the incident in Rukaramu at the beginning of the year. The following day, three army officers were arrested and the government stated that a commission of inquiry was to examine the dossier (about which, however, nothing has been heard since). The Amnesty International report also noted that some rebel groups were guilty of numerous human rights violations especially massacres of unarmed civilians. Some of these crimes are said to be committed as reprisals or punishment for collaborators or presumed informers of the government. Furthermore, some rebel groups continued to attack camps of displaced persons. As a result, in October 1998, at least 50 persons were killed during two attacks in Bubanza province and near to Bujumbura. These attacks were blamed on FROLINA. In the second half of January 1999, almost 200 civilians died at the hands of the rebels and the army in the province of Makamba; the fact that 30,000 persons fled the violence, shows very well the intensity of the confrontations. For the country as a whole, according to data from the OCHA, at the end of October 1998, there were 540,000 displaced or regrouped persons; although this figure is slightly lower than in 1997, it still remains extremely high and clearly shows that the civil war is far from over. Moreover, the attacks launched from Tanzania continued to inflame Burundi-Tanzania relations, and, indirectly, handicapped Julius Nyerere’s position as mediator in the Burundi conflict. Suspicion of Tanzanian support for the rebellion has been voiced by Iteka. This Human Rights League reported “on the involvement of Tanzanian instructors in the training of rebels”.³⁷

Finally, a new rebel movement has briefly been in the news. The National Liberation Front for Burundi (FNLB), mainly active in the provinces of Bubanza and Cibitoke, is said to be the armed wing of PARENA of former President Bagaza.³⁸ After the arrest or charging, at the beginning of November, of about thirty of its

³⁵. This is confirmed by the fact that the reports (often very detailed but whose authenticity is difficult to verify) on the rebellion posted on Rwandanet since March 1998, stopped appearing in November 1998. With the arrest in Nairobi and the extradition of Casimir Bizimungu to the ICTR in February 1999, one of the main presumed political leaders of the rebellion has, in his turn, been eliminated.

³⁶. AMNESTY INTERNATIONAL, *Burundi. Atteintes aux droits humains sur fond d'insurrection et de contre-insurrection*, November 19, 1998.

³⁷. *Déclaration de la Ligue Iteka au sujet de tensions à la frontière burundo-tanzanienne*, Bujumbura, May 6, 1999. See also “La Tanzanie persiste dans la politique de déstabilisation du Burundi”, *Net Press*, April 27, 1999.

³⁸. Already in August 1998, there were rumours in Kampala about the establishment of a militia working on behalf of Bagaza. It is said to have been trained by Commander Hilaire Ntakiyica and Lieutenant Jean-Paul Kamana—two officers involved in the *coup d'état* of October 1993- and supported by President Museveni.

members (including a former governor of Cibitoke, several officers of the Burundian army and former RPF soldiers), the activities of this Tutsi rebellion seem to have ceased before it even started in earnest.

3. Justice

While the Attorney General of the Rwandan Supreme Court, Siméon Rwagasore, during a meeting with the public prosecutors on March 5, 1998, asserted that 5,000 genocide-related dossiers were to go before the courts in 1998, on January 19, 1999, he announced that 864 persons had been sentenced during the preceding year.³⁹ Although this is almost double the number of sentences passed in 1997, the “mathematical impossibility”⁴⁰ of the genocide trials remains valid: at the end of 1998, 125,028 persons remained officially detained, though the actual number is probably much higher. According to the Rwandan government, in 1998 several thousand detainees died as a result of AIDS, malnutrition, dysentery and typhus. During the month of November 1998, 400 prisoners died from typhus in the Rilima prison alone.⁴¹ In order to deal with this untenable situation, several alternatives are under discussion.

The first is the release of “prisoners without files or whose files only contain elements of their identification”, decided during an extraordinary session of the government on October 6, 1998. According to a communiqué issued by the Minister of Justice, this measure was to benefit about 10,000 persons. The announcement caused an immediate outcry. In a communiqué dated October 14, the influential association of genocide survivors Ibuka denounced this decision, like other similar measures taken in the past, as consolidating “the culture of impunity favouring a general amnesty”. In the same way, Privat Rutazibwa—a radical RPF ideologist—denounced the measure and violently opposed the Minister of Justice,⁴² who was forced into exile

³⁹. It should be noted that these figures vary depending on the source. Those of the Attorney General come to a total of 1,168 for the years 1997 and 1998, while the LIPRODHOR puts forward a figure of 1,274 (LIPRODHOR, *Procès de génocide au Rwanda. Deux ans après (déc. 96-déc. 98)*, Kigali, 1999, p.4).

⁴⁰. In that it would take over four centuries to try all those in detention.

⁴¹. *Reuters*, Kigali, January 30, 1999.

⁴². *ARI/RNA* no. 112, October 15–21, 1998. The “sole and only” concern of Minister Nteziryayo was claimed to be to “use his influence and his position to gain easy access to

(see *supra*). Even the official press contested the government’s decision: *La Nouvelle Relève* (no. 371, November 15, 1998) accused Hutu ministers of seeking to “settle the matter of their close friends detained for acts of genocide”. Here as well, the Minister of Justice was said to “handicap the proper functioning of justice” and was taken to task: in private, he holds “a speech of treason which discredits and destroys the government’s efforts”. Furthermore, the past shows that measures of this kind favouring minors, old or sick people had already elicited similar reactions and acts of vengeance: thus in January 1998, 24 released persons were assassinated in the prefecture of Butare.⁴³ The demonstrations and threats were not unsuccessful: besides the over one hundred released prisoners in December 1998 and February 1999, none of the other announced releases have taken place.⁴⁴

A second measure under examination aims to use a modified form of popular justice—the *gacaca*—to try suspects in categories 2, 3 and 4 as set out in the genocide law; the suspects of the first category would be subject to the Tribunal of First Instance which would take over from the specialised chambers.⁴⁵ While the government’s projects take their inspiration from the *gacaca*, in actual fact these are new courts of law at the levels of the *cellule* (for the fourth category), the sector (third category) and the commune (second

cases of genocide and to liberate or protect those he so chooses” (p.12).

⁴³. In the same vein, the former sub-prefect of Kibuye, Ignace Banyaga, acquitted and released on April 26, 1999, was arrested again two days later, after genocide survivors demonstrated in the streets of Kibuye (Fondation Hirondelle, Kibuye/Kigali, April 29, 1999).

⁴⁴. However, according to a dispatch of the Fondation Hirondelle on April 21, 1999, the PSAG (Programme for the follow-up of those genocide suspects who have been released) of the LIPRODHOR, almost 2,000 persons were said to have been released between October 1998 and March 1999.

⁴⁵. On these categories and the juridical instrument put into place by the organic law of 1996, see VANDEGINSTE, S., “Poursuite des présumés responsables du génocide et des massacres politiques devant les juridictions rwandaises”, *L’Afrique des Grands Lacs. Annuaire 1996–1997*, Paris, L’Harmattan, 1997, pp. 93–122.

category). This very decentralised approach to the penitentiary crisis offers obvious prospects and combines a judicial type of treatment with a form of “truth and reconciliation”, but the problems linked to the rights to legal defence, reparation for victims and the quality of justice⁴⁶ are only too apparent.

Three other themes in the area of justice should be mentioned briefly. The tutsisation of the judiciary has been reinforced in a very pronounced manner after the suspension of 6 Hutu judges of the *Cour de Cassation* and the Council of State on March 24, 1998; they were later dismissed. Among them are the president of the *Cour de Cassation*, ex-FAR Major Augustin Cyiza; the Hutu president of the Council of State fled the country in May 1999. This tutsisation of the judicial apparatus, of which the perverse effects have already been evoked,⁴⁷ is also observed at other levels: the Supreme Council of the Judiciary comprises mainly Tutsi; three of the four presidents of the Courts of Appeal and the majority of the judges of the Tribunals of First Instance are Tutsi. We have seen that this phenomenon permeates all sectors of public life.

Despite numerous appeals for clemency and the condemnation by the opposition in exile, various governments and human rights organisations, 22 persons sentenced to death were executed in public on April 24, 1998 in Kigali, Nyamata, Kibungo, Gikongoro and Murambi. Amnesty International stated that several of those executed did not have a fair trial. At least six of those executed had no legal counsel; in the well-known case of the former public prosecutor Silas Munyagishali, witnesses for the defence were intimidated and threatened.

This brings us to the third topic. The activities of the “denunciation syndicates”, organised at the national level notably by the Ibuka association, but also locally (for example by the Asso-

ciation for genocide survivors in Butare—ARG), have continued to hinder the proper functioning of justice. Several thousands of Rwandese Francs are paid for defence testimonies; these witnesses are sometimes “prepared”; in some cases, the defence witnesses testify against the defendant under threat or do not testify.⁴⁸ Furthermore, these “syndicates” try to use similar processes in third countries. Thus, the campaign led by the “*Associations Rwandaises de Suisse*” against former Minister James Gasana ended in June 1998. In a rather incoherent decision, to say the least, the federal government deemed that, on the one hand, Gasana was not guilty of the acts of which he was accused, but, on the other hand, terminated his contract with Intercooperation, a sub-contractor to the DDC (Swiss Development Co-operation). The Swiss press did not fail to point out that although adjudged innocent, Gasana was punished—undoubtedly to avoid stepping on toes in Kigali.⁴⁹ On the other hand, in Belgium, the Permanent Appeals Commission for Refugees was not duped. In its decision of May 28, 1998 in the Ndindiliyimana case, it observed that the accusations formulated by Gasana Ndobu⁵⁰ “show a relentlessness which reveals the willingness to harm rather than a concern to contribute to establishing the truth”.

Concerning international justice, a brief overview of the activities of the International Criminal Tribunal for Rwanda (ICTR) must suffice here. The first three sentences were handed down in 1998, two of which were preceded by a guilty plea. Former prime minister Jean Kambanda and the former militia leader Omar Serushago were sentenced to life imprisonment

46. Here one is mainly thinking about the composition of these people’s courts which, in a context of polarisation, could be dominated (or perceived as such) either by the victims or their relatives, or the perpetrators of these crimes or their relatives. Popular justice is difficult to manage in a situation where the number of victims and suspects is extremely high, as is the case in Rwanda.

47. REYNTJENS, F., “Rwanda. Evolution politique en 1996-1997”, *L’Afrique des Grands Lacs. Annuaire 1996-1997*, Paris, L’Harmattan, 1997, pp. 46-47; REYNTJENS, F., “Evolution politique au Rwanda et au Burundi, 1997-1998”, *L’Afrique des Grands Lacs. Annuaire 1997-1998*, Paris, L’Harmattan, 1998, pp. 83-84.

48. The already cited LIPRODHOR report, worries about the phenomenon of false testimonies, both by defence and prosecution witnesses, as well as the exchange of information between those in detention (LIPRODHOR, *op.cit.*, pp. 20-21). In a surprising communiqué released by the RPF on May 10, 1999, Ibuka is accused of compiling a file of bits and pieces against Elisée Bisengimana whom the RPF put forward as a candidate member of parliament for the Transitional National Assembly: “The RPF demands that the government, as an example, punishes whoever would be convicted of these false accusations” (Front Patriotique Rwandais, *Itangazo rigenewe abanyamukuru*, Kigali, May 10, 1999).

49. See, for example: “Le Conseil fédéral innocente James Gasana et le met à la porte”, *Le Temps*, June 4, 1998; “Unschuldig, aber entlassen—der Fall Gasana”, *Neue Zürcher Zeitung*, June 13-14, 1998.

50. Chairperson of the “Committee for the respect of human rights and democracy in Rwanda” (CRDDR), close to the RPF, and leader of a collective of civil parties, victims of the genocide.

and a 15 years prison term respectively. After extensive trial hearings, the former mayor Jean-Paul Akayezu as well as the former prefect Clément Kayishema were sentenced to life imprisonment, businessman Odeb Ruzindana to twenty-five years. All convicts have filed appeals. The last trials underway (the Rutaganda and Musema affairs) should be wrapped up before the end of 1999. The attempts by the public prosecutor's office to effect a major junction in order to arrive at a "mega-trial" against 29 accused, failed because of a procedural impossibility, noted by Judge Khan on March 31, 1998 and confirmed on June 8, 1998 by the Court of Appeal. In the Ntuyahaga affair, the court—after refusing to confirm the charge of genocide—allowed the public prosecutor to drop the charges and subsequently ordered the accused to be set free. The release of Major Ntuyahaga led, firstly, to a conflict between Belgium and the ICTR,⁵¹ and then, between Belgium and Rwanda after his arrest by the Tanzanian authorities, when both countries called for his extradition.⁵² In total, 45 persons have been charged, 37 of whom are held in Arusha (the latest arrests which took place in Cameroon on the symbolic date of April 6, 1999, concerned three ministers of the "interim government" which oversaw the genocide). Finally, it should be noted that the ICTR has one major advantage over the court set up to deal with ex-Yugoslavia: there are a number of "big fish" among those detained, and as a result, it will be possible to try those at the top of the genocide apparatus, although progress is slow and many years will be needed to judge those indicted.

Switzerland is the first third country to have initiated trial proceedings, leading to the sentencing and conviction of a Rwandan perpetrator. On April 30, 1999, the military tribunal based in Lausanne, convicted the former mayor of Mushubati, Fulgence Niyonteze to life imprisonment for murder, conspiracy to murder and war crimes. In France, investigative proceedings against the Rev. Wenceslas Mun-

yeshyaka began in May 1999, while in April 1999, the Belgian Minister of Justice announced that the first court trials against Rwandan suspects were to start in the autumn of 1999.

During 1998, the trial proceedings in Burundi concerned three main categories of cases. In the first place, 79 persons were tried before the Supreme Court for their participation in the *coup d'Etat* of 1993 and the assassination of President Ndadaye and other high-ranking officials. These trials, which progressed very slowly, were characterised by numerous irregularities. Some suspects—generally from the lower ranks—were detained, while others remained free and even held key positions; still others under heavy suspicion were left unhindered; finally, several suspects and witnesses died under suspicious circumstances. Some persons, e.g. Major Bugegene, Commander Ntakiyica and Lieutenants Ngomirakiza and Kamana, vehemently protested against their status of "scapegoat" in widely-circulated documents. Witnesses called by the defence were not subpoenaed. According to Amnesty International "there seems to have been little attempt to establish the identity of the instigators of the coup and the assassination of President Ndadaye (...) Concern has been expressed that (...) others who were really behind the attempted coup remain free".⁵³ In fact, it is apparent that a "large judicial outpouring" would point the finger of blame at too many commanding officers and highly-placed officials of UPRONA. This impression was confirmed when the verdict was handed down on May 14, 1999. Lieutenant Kamana and three non-commissioned officers were sentenced to death; six others received prison sentences ranging from ten to twenty years. The commanding officers and the civilian François Ngeze (who assumed the presidency after the murder of Melchior Ndadaye) were acquitted. It is hardly likely that the Supreme Court's ruling will be interpreted as justice being done; as a consequence, it is not in line with the "*Accord sur la plate-forme politique*", notably where it men-

51. Employing the technique of blackmail and hardly respecting the court's independence, Belgium threatened to "review its co-operation" with the ICTR.

52. Belgium's interest is explained by the fact that Major Ntuyahaga is suspected of having played a key role in the incident leading to the assassination of ten Belgian blue helmets on 7 April 1994.

53. AMNESTY INTERNATIONAL, *Burundi. Justice on Trial*, July 30, 1998, pp. 6–7. It should be pointed out that the government of Burundi rejected this report which "lacks objectivity on numerous points and launches into a monolithic lecture on justice in Burundi, often employing clichés developed by those fighting against the Government of Burundi". (*Observations du gouvernement de la République du Burundi sur le rapport d'Amnesty International du 30 juillet 1998 sur les procès judiciaires au Burundi*, Bujumbura, 30 juillet 1998, 6 p.).

tions “putting strategies and actions into place aimed at combating impunity efficiently”.

Next, the trials against persons suspected of having participated in the massacres of Tutsi civilians and UPRONA militants continue, most of them before the criminal chambers of the Courts of Appeal. The pace remains slow and the number of persons tried is limited, reducing the survival chances of more than 9,000 detainees, almost all of whom are Hutu. Since the beginning of 1997, the United Nations Centre for Human Rights in Burundi has established a programme of legal assistance, supported by Attorneys without Borders since the beginning of 1999. However, although the trials have improved somewhat, Amnesty International observed that the fairness of the trials “continues to be undermined in many cases by the absence of witnesses, lack of legal representation, the undermining of the presumption of innocence, admission of evidence allegedly obtained through torture and the summary nature of many trials”.⁵⁴ The Minani case, described in detail elsewhere,⁵⁵ shows that it is possible to render justice in an equitable manner, but it is, at the same time, so exceptional that it is an accurate illustration of the limits of Burundian justice: hundreds of people in the same situation as Jean Minani have not caught the eye of the international community and continue to risk the death penalty and execution at the end of unfair trials. Lastly, it should be pointed out that, while thousands of Hutu suspected of participating in the massacres at the end of 1993 are detained and tried, army units and Tutsi civilians who have committed similar crimes are not at all investigated, let alone prosecuted.

A third category of judicial proceedings concern persons who are members of the FNLB (cf. *supra*). While some close relations of former President Bagaza, accused of complicity to assassinate President Buyoya, had already been

arrested in March 1997, at the beginning of November 1998, several dozens of persons suspected of involvement in this new rebellion were arrested after the attack of a military position in the province of Cibitoke blamed on the FNLB. Besides (former) servicemen of the Burundian army and the RPA, among those arrested was Pacelli Ndikumana, the lawyer of several PARENA members tried in the case of the conspiracy against Buyoya.

⁵⁴. AMNESTY INTERNATIONAL, *op. cit.*, p. 7.

⁵⁵. VANDEGINSTE, S., “Le dossier Jean Minani, l’exception qui confirme la règle en matière de procédure pénale au Burundi?”, in MARYSSE, S. and REYNTJENS, F. (ed.), *L’Afrique des Grands Lacs. Annuaire 1998–1999*, Paris, L’Harmattan, 1999, pp. 53–65. Shortly after his arrest, Jean Minani, a Hutu peasant, admitted his participation in the killing of a former burgomaster of Bujumbura. His confession had been extracted under torture. In an unprecedented ruling, the Court of Appeal of Bujumbura rejected the confession as an element of proof, and consequently, acquitted the defendant Minani.

4. Political Dialogue

For Burundi, the year 1998 has seen the actual beginning of the Arusha negotiations⁵⁶ which were at an impasse in 1997 because of the Government's refusal to participate.⁵⁷ After concluding the political partnership, the swearing in of President Buyoya and the installation of a new government (see *supra*), the regime felt it was now in a position to take up the invitation of mediator Julius Nyerere, which it had refused one year earlier, thus contributing to its own isolation.

The first round of talks, from June 15 to 17, brought together 17 delegations from Burundi.⁵⁸ Although, at the beginning of the process, the exchanges remained at a rather general level, the participants paved the way for the upcoming discussions. Firstly, they committed themselves to "undertake serious negotiations until a fair and sustainable solution to the crisis in the country is reached", and, "to resolve the Burundian conflict by peaceful means and to put an end to all forms of violence"; therefore, "all armed parties in the conflict declare a cessation of hostilities beginning July 20, 1998, at the latest". These general commitments were followed by the identification of the issues which were to form the subject of negotiations. They constitute a fairly complete list of issues to which solutions should be found.⁵⁹

The decision was taken to entrust the study of each of these issues to a commission, whose presidency and composition would be decided during the subsequent rounds of negotiations. Nevertheless, while setting the agenda constituted an important step, in stark contrast to pre-

vious efforts,⁶⁰ the reservations expressed not only by the government but also by the "Tutsi" parties (UPRONA, AV-Intwari, Inkinko, PIT, PRP, and PSD), clearly indicated that a real consensus was far from being reached. Thus, for instance, the government's reservations concerned the location of the next meeting, but more so the reference made to "armed parties" when the issue of suspending hostilities was raised: the government made it clear that this mention only related to "armed factions" and did not concern the Burundian army.⁶¹ Since, for its part, the FDD which was not involved in the talks did not consider itself as being bound by any cease-fire arrangement, the chances of a cessation of hostilities were rather slim, and, in fact, even after the agreed date of July 20, the fighting continued and even involved parties — FROLINA and PALIPEHUTU⁶²—which were present in Arusha.⁶³

This did not impede the continuation of the process. A second round of talks took place between July 20 and 29: no spectacular progress was made, but a relaxed atmosphere allowed the adoption of procedural rules, an initial debate on the nature of the conflict and agreement on the dates for the third round. The Gov-

⁵⁶. See PARQUE, V., "Le rôle de l'OUA et des pays voisins dans la gestion du conflit burundais", in MARYSSE, S. and REYNTJENS, F. (eds.), *L'Afrique des Grands Lacs. Annuaire 1998-1999*, Paris, L'Harmattan, 1999, pp. 23-52.

⁵⁷. DUPONT, P., "La crise politique au Burundi et les efforts de médiation de la communauté internationale", *L'Afrique des Grands Lacs. Annuaire 1997-1998*, Paris, L'Harmattan, 1998, especially pp. 52-58.

⁵⁸. The Government, National Assembly and 15 political parties, in the presence of some observers from the civil society.

⁵⁹. For a detailed list of these issues, see PARQUE, V., *op. cit.*

⁶⁰. This calls to mind the works in 1988-1989 of the National Commission charged with studying the issue of national unity, and whose report, published in May 1989, formulates, in the words of René Lemarchand "the 'public transcript' of the Tutsi domination, occasionally amended by halfhearted concessions to the 'hidden transcript' of Hutu elements" (LEMARCHAND, R., *Burundi. Ethnocide as Discourse and Practice*, Cambridge, Woodrow Wilson Center Press-Cambridge University Press, 1994, p.139).

⁶¹. The minister responsible for the peace process—Ambroise Niyongabo—stated that "at this stage, the Government is not concerned by the cessation of hostilities and it has to continue its action of policing and defending the population".

⁶². It should be noted, however, that the political wing of the PALIPEHUTU, led by Etienne Karatasi and represented in Arusha, has no control over its military dissidents in the FNL, which formally broke away at the beginning of 1993.

⁶³. For a useful analysis of this first round of negotiations, as well as the internal partnership, see: International Crisis Group, *Burundi. Négociations à Arusha: Quelles chances pour la paix?*, July 20, 1998.

ernment also initiated steps to convince Nyerere, who was adopting a legalistic attitude and only recognised Léonard Nyangoma as the president of the CNDD-FDD, to bring the dissident (but probably majority) FDD under the leadership of Ndayikengurukiye, into the negotiations. The issue of the sanctions imposed by the countries in the region was raised, but not debated. The third round brought the participants together from October 13 to 22. An agreement was reached on the composition and the presidency of most of the commissions: each commission comprises 18 members, one representative per delegation admitted to the negotiations;⁶⁴ the presidents are the Rev. Matteo Zuppi from the Sant'Egidio Community, the South African professor Nicholas Haysom, the Mozambican politician Armando Emilio Guebeza and Georg Lenkin, director at the Austrian Ministry for Development Co-operation (the presidency of the Commission on guarantees for the implementation of the accord resulting from the negotiations was temporarily left vacant).

The fourth round took place from January 18 to 23, 1999, and only brought very limited progress, an omen of a process losing momentum. Now that the participants were to deal with concrete issues, contradictions became increasingly difficult to overcome and the various parties remained in their positions, notably, on the delicate topic of reforming the security forces. Although it was agreed that the commissions would continue working in order to present reports to a plenary session scheduled for June, there were increasing doubts about the willingness to arrive at a negotiated settlement. In a very Burundian way of doing business, characterised by the “unsaid” and the “almost-said”, there were perpetual retreats and questioning, constant strategic re-positioning and the fragmentation of the internal and external political landscape (cf. *supra*), the impression increasingly being that of a process in which the Burundians pretend to talk and the interna-

tional community pretends to believe they do.⁶⁵ However, the close of the fourth round coincided with an important victory for the Burundian government. At the close of the seventh regional summit on Burundi which took place in Arusha on January 23, President Museveni announced the lifting of economic sanctions imposed since the end of July 1996. The joint communiqué specified, however, that “the lifting of sanctions could be reconsidered bearing in mind the progress made in the negotiations”. This decision, which the government obviously received very favourably, was denounced by those who had previously fought the internal partnership and who wish to see Buyoya’s departure, i.e. PARENA and a few small “Tutsi” parties, on the one hand, and the exiled wing of FRODEBU and the rebel movements, on the other hand.

Even though the process continues, the risk of failure looms. The high number of participants—92 coming from 18 delegations—and the fragmentation of the political landscape (cf. *supra*), are not the only reasons, and some Burundian actors doubt the chances for success: former President Ntibantunganya expressed the view that the negotiations should be conducted between two groups, those who hold power today and those who lost it after the *coup d'état* in 1996;⁶⁶ another former president, Jean-Baptiste Bagaza, stated that the prerequisites for meaningful negotiations have not been met.⁶⁷ The positions on the delicate topics of power-sharing and the security forces are very divergent, while the same is true for the interpretation of the country’s history: furthermore, Hutu and Tutsi blame each other for genocide. The mediator became irritated by these impasses and viewed progress as being too slow: “I would not be telling the truth if I told you that I am pleased with the progress made to date”.⁶⁸ His fear that the Burundian government was trying to block the process was reinforced by the proposal made by Minister Niyonsaba to move the talks to

⁶⁴. ANNADE has joined the other political parties since July.

⁶⁵. For an analysis of the efforts of the international community see: REYCHLER, L., MUSABIYIMANA, T., and CALMEYN, S., *Le Burundi sur le chemin de paix. Analyse de l'impact des interventions extérieures*, Rapport préliminaire, Leuven, Université de Leuven, CPRS Working Paper 1/1999, February 8, 1999, 129p.

⁶⁶. FONDATION HIRONDELLE, Arusha, March 9, 1999.

⁶⁷. *Idem*.

⁶⁸. FONDATION HIRONDELLE, Arusha, March 16, 1999.

Bujumbura, which—notably for security reasons—is unacceptable to a certain number of negotiators.⁶⁹ Moreover, a meeting organised between “Hutu” parties in Moshi (Tanzania) at the beginning of May 1999, opened the possibility of the negotiations being transformed into an ethnic confrontation.⁷⁰ In mid-1999, three groups could be distinguished: the “Moshi group” (dubbed G7 by the Burundian press), the “group of eight” (G8—eight small “Tutsi” parties) and the “partnership group” (G3—the government, the National Assembly and the wings of FRODEBU and UPRONA which subscribe to the agreement on the political platform). On the one hand, this re-composition has the advantage of simplifying a complex negotiation landscape, but, on the other hand, bears all the warning signs of profound polarisation.

Finally, it should be pointed out that some participants seem to discover their roots in Arusha. The Palipehutu recalls ancient theories on the arrival in Burundi of ethnic groups (the Hutu from West Africa three thousand years ago; the Tutsi several centuries ago from Ethiopia or even Egypt). In a reaction full of humour,⁷¹ a professor from the University of Burundi points out that these theories coincide with the quest for explanations on the origins of the Burundian conflict “We are too different! That is why from time to time, we ‘genocide’ each other”. In an even more surprising manner, some “Tutsi” parties such as PARENA and PRP adhere to the Hamitic theory and even go further by invoking the “Jewish origin” of Tutsi.⁷² The affirmation is based on an article published in the *Jerusalem Post* on November 23, 1998, in which Tegegne Muse says that “the Ethiopian-Hebrew-Israelites from Guihon are also found in East Africa where they are called Tutsi. The flag of Burundi dominated by the Tutsi still bears the Star of David”; and he evokes the genocide of “more than 500,000 Tutsi-Hebrew Israelites in Rwanda”. This theory,

⁶⁹ *The East African*, March 22–28, 1999.

⁷⁰ Overviews of the challenges facing the Arusha process are to be found in VAN ECK, J., *Burundi Report*, April 9, 1999 and International Crisis Group, *Le Burundi après la suspension de l’embargo: aspects internes et régionaux*, April 27, 1999.

⁷¹ DAYISABA, J., *Eureka! Nous avons découvert nos ancêtres à Arusha*, document published at the beginning of March 1999 by Rwanda-L (Rwanda-L@csus.edu).

⁷² MUHINDO, L., “L’occupation de la RD-Congo et l’identité juive”, *Tanganyika News Online*, no. 25, March 15, 1999.

elaborated in a book published by Muse,⁷³ is not proven at all, but the fact that it is formulated and, above all, repeated by Burundian actors illustrates the great desire to use identity as a pawn.⁷⁴

While on the Burundian side, the process is slow and fragile, in Rwanda there is not even the beginning of a political dialogue. During 1998, the opposition movements based outside the country continued their attempts at co-ordination and regroupment launched in 1997. However, the objective of creating a common platform which would set itself up as a “valid interlocutor” of the regime in Kigali, has only been partially achieved, not only because of the numerous personality conflicts, but also more substantial political differences. This problem was illustrated in September 1998, when in the space of barely a week, two separate structures were established. September 19 and 20 representatives of the Resistance Forces for Democracy (FRD), the Initiative Group for Dialogue (GID), the Rally for the Return of Refugees and Democracy in Rwanda (RDR), the Rwanda National Liberation Movement (RNLM) and the National Union of Rwanda (UNAR) met in Brussels to establish a Union of Democratic Forces for Rwanda (UFDR). The presence of organisations representing “Tutsi” sensitivities (UNAR and RNLM) was a new and promising element when compared with previous initiatives, while at the same time rendering the quest for a consensus more difficult. Some participants raised questions regarding the true attitude of the RDR—with its roots in the refugees camps in ex-Zaire and backed at the outset by the ex-FAR⁷⁵—while the issue of restoring the

⁷³ MUSE, T., *Stigma. “Gojjam”: The Abyssinian Pariah*, Geneva, Guihon Books, 1997, see especially pp. 27–28. The inevitable Queen of Sheba appears here too (“The Queen of Sheba sent the Tutsi to protect the White Nile and to found a tributary kingdom”).

⁷⁴ From April–May 1999, even the Baganwa (royal princes who are neither Hutu nor Tutsi) took up positions. The creation of a “Fondation Culture, Paix et Democratie ‘Princes des Grands Lacs’ ” by Princess Samirizi Mpozagara, caused some controversy with Baganwa Muhirwa, Biha, Kamatari and Kana who “are not affiliated to the Foundation” (See *Net Press*, May 10, 1999, May 17, 1999 and May 19, 1999).

⁷⁵ François Nzabahimana’s replacement by Charles Ndereyehe as president of the RDR during a congress held in Paris on August 22 and 23, 1998, and the publication of a communiqué on September 21, 1998 in which the RDR “reaffirms its condemnation of the genocide of 1994 under the former regime” were not sufficient to dispel concerns.

monarchy is another sticking point. Although the “Common Declaration of the Democratic Opposition of Rwanda” was initialed but not signed by the participants and the UFDR is therefore not fully in place, there are continuing contacts aiming to create this politically, regionally and ethnically pluralist platform.⁷⁶ September 25, 1998, six key figures of various tendencies meeting in Lausanne, founded the African Democratic Congress (CDA), which, despite its name, is presented as a “Rwandan political organisation”. During its congress held on January 16 and 17, 1999, this competitive platform to the UFDR adopted statutes and elected an executive committee of nine members, co-ordinated by former prime minister Dismas Nsengiyaremye.

The essential elements comprising the activities of these opposition groups are summarised in their communiqués, standpoints and their visions of society.⁷⁷ Moreover, a network bringing together Hutu and Tutsi from diverse political leanings has issued a statement in favour of restoring the monarchy as a part of the solution to the impasse in Rwanda.⁷⁸ This group, which also has followers at the highest levels of power in Rwanda, mobilises towards making the topic of a constitutional monarchy debatable. The regime, faced with its internal contradictions and political impasse (cf. *supra*), however, remained closed to all proposals for debate. On the contrary, the regime’s key word remains “control” and its way of governing the political space is still very military in nature. The “demobilisation” of thousands of soldiers affects the ex-FAR, men who are too old and handicapped from the war, while, at the same time the army is forcefully recruiting in the streets and prisons; moreover, the “solidarity camps”—at

the university in May 1998 for example—are actually accelerated army training sessions. The government has also initiated a system of “civilian self-defence”, whose dangers have been seen under the former regime; weapons were distributed, notably in Kigali in September 1998.⁷⁹ The military option is in fact defended by the hard-liners of the regime; thus, Privat Rutazibwa wrote that “armed struggle and military management are an obliged passage of transition”.⁸⁰

⁷⁶. Furthermore, under the presidency of Faustin Twagiramungu, the UFDR regularly releases communiqués in order to communicate its views on a number of issues affecting present-day Rwanda and the region.

⁷⁷. One of the most active groups proposing substantial reflection is that made up of James Gasana, the late Seth Sendashonga and Nkiko Nsengimana, working on the NOUER project (“New Hope for Rwanda”). See: *Pour une démocratie de concordance et citoyenne*, Lausanne, July 1998, 20p.

⁷⁸. *La restauration de la monarchie au Rwanda: une solution d’avenir*, Brussels, April 12, 1998. Some days later the mwami addressed the Rwandans directly: *Banyarwanda Banyarwandakazi abali mu Rwanda n’abali mu mahanga* (Rwandese men and women inside or outside Rwanda’s borders), April 23, 1998.

⁷⁹. HUMAN RIGHTS WATCH, *World Report 1999*.

⁸⁰. RUTAZIBWA, P., *Crises des grands lacs: la solution viendra du Rwanda*, ARI/RNA no. 104 August 20-26, 1998.

5. Human Rights

The human rights situation in Rwanda has remained disastrous, while independent observation became even more difficult than before. The annual report of the US State Department noted that “the performance of the government in the field of human rights remained poor and the government continues to be responsible for numerous and serious human rights violations (...) The security forces keep committing serious acts of abuse.” Likewise, “the rebels committed numerous and serious human rights abuses, including the murders of those seen as Tutsi survivors of the genocide and Hutu officials opposing their goals”.⁸¹ At the end of July 1998, the UN Human Rights Field Operation was forced to leave the country, as a result of the Rwandan government’s refusal to accept the continuation of the mission’s “monitoring” activities. The spokesperson of the mission had been expelled on May 9th; at the moment of the mission’s departure on July 24th, one of its members had his portable computer, some disks and papers confiscated at the airport. Likewise, the internal human rights defenders are, one after the other, forced to stop their activities: in 1998, Innocent Niyonagira (CLADHO) and Augustin Bizirema (LIPRODHOR) went into exile as did other leaders of local organisations in previous years. The chairman of ADL, André Sibomana, died on April 9 1998, succumbing to an illness that might have been treated had he been granted permission to leave the country.⁸²

Testimonies from Rwanda and reports of international human rights organisations⁸³

⁸¹. U.S. DEPARTMENT OF STATE, *Country Reports on Human Rights Practices for 1998*, Rwanda.

⁸². See also DEGUINE, H., *Enquête sur la mort d'André Sibomana*, Paris, Reporters sans Frontières, 1998

⁸³. See for instance: AMNESTY INTERNATIONAL, *Rwanda. A l'abri des regards: les "disparitions" et les homicides continuent*, June 23, 1998. The report submitted by the special representative to the UN Human Rights Commission, Michel Moussali, has illustrated the efficiency of the elimination, through Rwandan diplomatic efforts, of the Special Reporteur René Degni-Ségui and of the HRFOR observation mission. The positive and optimistic—one would be tempted to say naive—evaluation of Moussali is contradicted by all other independent sources (see United Nations, Economic and Social Council, *Report on the situation of Human Rights in*

referred to tens of thousands of victims, mostly at the hands of the RPA, and to a lesser degree, the rebels. The disinformation and the absence of observation grew further. Thus in the night of July 12–13, 1998, about 30 persons were killed at a drivers’ rest-stop in Tare (about 35 km to the north of Kigali). Although the authorities stated that the “Interahamwe” were responsible for this attack, a version adopted by the press,⁸⁴ eyewitnesses stated later that members of the RPA committed the massacre.⁸⁵ Another widespread phenomenon is that of the large-scale “disappearances”: in the Northwest, but also in Kigali and other parts of Rwanda, thousands of persons were abducted.⁸⁶ Some disappeared without any trace, others were locked up in jails, military camps or containers while still others were conscripted to fight in the Congo.⁸⁷ An example: at the beginning of December 1998, dozens of persons were abducted from the Nyakabanda district in Kigali and taken to Remera to the old UNAMIR offices, where they were locked up in containers; those who suffocated were buried in a nearby mass grave.⁸⁸ In Kigali, those originally from the Gisenyi and Ruhengeri-prefectures, suspected of being sympathetic to the rebels, are particular targets for “disappearances”. Certain individuals were targeted for more specific reasons: Fidèle Uwizeye, former prefect of Gitarama who had the audacity to testify for the defence of Jean-Paul Akayezu before the ICTR was first arrested

Rwanda submitted by the Special Representative, Mr Michel Moussali, pursuant to resolution 1998/69, February 3, 1999, E/CN.4/1999/33).

⁸⁴. AFP, Kigali, July 13, 1998.

⁸⁵. HUMAN RIGHTS WATCH, *World Report 1999*.

⁸⁶. Among the 11,000 Rwandans who fled to Tanzania between January and June 1998, many attributed their flight to the high number of “disappearances” (HUMAN RIGHTS WATCH, *World Report 1999*).

⁸⁷. A report refers to the RPA’s forced recruitment of thousands of children, in town as well as in the countryside: Coalition to stop the Use of Child Soldiers, *The Use of Children as Soldiers in Africa*, April 1999, p.58.

⁸⁸. Other examples can be found in: Centre de lutte contre l’impunité et l’injustice au Rwanda, *Rwanda: Les enlèvements de civils s’intensifient à Kigali*, February 19, 1999.

on May 1, 1998 and then “disappeared” on May 5th; he was eventually found in the Kimironko prison in Kigali in July. On May 16, 1998, Seth Sendashonga—former RPF-minister who left Rwanda at the end of 1995 and created the FRD with Faustin Twagiramungu—was murdered in Nairobi. Already in February 1996, an attempt was made against him by François Mugabo, a diplomat at the Rwandan Embassy. Rwanda refused to lift his diplomatic immunity and Mugabo returned to Kigali without being prosecuted or tried. After the murder, three suspects were arrested but the investigation did not reveal much, although suspicions are pointing in the direction of the Rwandan External Security Office (ESO).⁸⁹

The regroupment camps to which many civilians were brought by force or threat, constituted another concern in the field of individual rights. Earlier we referred to this practice which officially aims at ensuring the populations’ safety. Not only is this transfer to the camps involuntary, but it also exposes the farmers to severe food insecurity and deplorable sanitary conditions. At the end of 1998, 342,000 persons remained displaced in Gisenyi of which 31% in camps and 224,000 in Ruhengeri (86% in camps). Although the policy of “villagisation” (*imidugudu*) has not proven its efficiency and raises many questions with donors and among researchers,⁹⁰ it seems that the government has the intention to “villagise” the regrouped populations in the Northwest.

Finally, two important reports challenged the RPF for massive human rights violations of the past. The UN Secretary General’s Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the DRC confirmed what numerous

sources had already stated:⁹¹ the RPA committed large-scale war crimes and crimes against humanity. The report does not exclude that a genocide was committed against the Hutu refugees, but states that this qualification necessitates an additional investigation: “The systematic massacre of those remaining in Zaire was an abhorrent crime against humanity, but the underlying rationale for the decisions is material to whether these killings constituted genocide, that is, a decision to eliminate, in part, the Hutu ethnic group”.⁹² July 13, 1998, the Security Council asked the Congolese and Rwandan governments to start investigations and try the perpetrators. They were asked to submit a report no later than October 15th, failing which the Council would envisage additional measures. In reality, this date has passed without any action being taken, which can be explained by the new outbreak of the Rwandan-Congolese war in August 1998.⁹³ At the end of March 1999, Human Rights Watch published an important book under the direction of Alison Des Forges on the 1994 genocide.⁹⁴ While this work gives the first exhaustive analysis of the genocide against the Tutsi and the crimes committed against the Hutu opponents, it also comprises a chapter showing that before, during and after the civil war of April to July 1994, the RPF/RPA was responsible for crimes against humanity and war crimes which cost the lives of tens of thousands of innocent and unarmed civilians. These abuses committed on a “large scale” are described as “systematic”. Des Forges shows that the highest ranking officers of the RPA knew about these crimes. She concludes

⁸⁹. Alphonse Mbayira, a captain in the RPA, at the time was a chargé d'affaires in Nairobi. Two or three weeks before the attack, Lieutenant-Colonel Patrick Karegeya of the ESO was in Nairobi, where he returned a couple of days before the murder of Sendashonga.

⁹⁰. See also: ACORD, *Situation socio-économique du village (umudugudu). La villagisation est-elle la solution au problème foncier au Rwanda?*, 1998; HILHORST, D. and VAN LEEUWEN, M., *Imidugudu, villagisation in Rwanda. A case of emergency development?*, Paper for the conference “Loss and Recovery”, Amsterdam, 21-24 April 1999; VAN HOYWEGHEN, S., “ ‘Strong State—Weak Society’ in Crisis. The urgency of land and agrarian reform in Rwanda” to be published in *African Affairs*.

⁹¹. For an overview, see: PARQUE, V. and REYNTJENS, F., “Crimes contre l’humanité dans l’ex-Zaire: une réalité ?” *L’Afrique des Grands Lacs. Annuaire 1997-1998*, Paris, L’Harmattan 1998, pp. 273-306.

⁹². Para.96.

⁹³. Further to this and being in a state of war with Rwanda, the Congolese government recognised the facts, but blamed them on Rwanda. In an interview published in *Libération* on September 17, 1998, Victor Mpyoyo, Congolese Minister of State, claimed that the AFDL was not aware of the massacres: “The Rwandan army controlled the zone and also the information (...) we didn’t think that people who survived a genocide could turn into bloodthirsty persons”.

⁹⁴. DES FORGES, A., “*Leave none to tell the story*”. *Genocide in Rwanda*, New York-Washington-London-Brussels, Human Rights Watch, Paris, International Federation of Human Rights, 1999, 789 p.

that those responsible should be tried before the ICTR, which has jurisdiction over these facts.⁹⁵

We already briefly discussed human rights violations in Burundi, when discussing the issue of civil war and justice. The report of the State Department suggests that the army and the judicial system are instruments “to protect the interests of the Tutsi minority”. Moreover, “some units of the security forces continue to commit serious human rights violations in all impunity (..) Despite Buyoya’s intention to end the military abuses, the government is incapable or lacks the will to do so and the perpetrators are generally not punished”. Likewise “the Hutu rebel forces committed numerous and serious abuses including the massacre of Hutu and Tutsi civilians”.⁹⁶ The 1999 *World Report* of Human Rights Watch makes similar observations. The terms are almost identical to those used in relation to Rwanda, although that the scope and intensity of the abuses are manifestly less in Burundi. The number of detainees is considerably lower than in Rwanda but the situation in the prisons remains worrying: according to the Iteka Human Rights League,⁹⁷ mortality in prisons was about 10% between January and April 1998.

Finally one has to point out that in 1998—even more than in the past—the word “genocide” loses a part of its meaning and is used for political and ideological objectives: the goal is to discredit political adversaries and everyone uses the qualification to point to the violence of which he has been the victim in a recent or more distant past. That is why in February 1999 a group of “Parliamentarians against genocide and exclusion”, composed of Tutsi and headed by Edouard Nzambimana,

was founded; the Net Press agency systematically describes the rebel movements as “terroristes-génocidaires”. The other side refers to the genocide of 1972 and denounces the “genocidal” regime in Bujumbura.⁹⁸

⁹⁵. Even though the 40 or so pages in this book treating the crimes committed by the RPF constitute the most complete discussion to date, many other sources formulated similar observations in the past. These accusations, however, have always been presented as of a “revisionist” nature by the RPF and its allies (for example: DUPAQUIER, J-F., “Rwanda: le révisionnisme, poursuite du génocide par d’autres moyens”, in: VERDIER, R., DECAUX, E., and CHRETIEN, J-P. (Eds.), *Rwanda. Un génocide du XXe siècle*, Paris, L’Harmattan, 1995, pp. 127-136).

⁹⁶. U.S. DEPARTMENT OF STATE, *Country Reports on Human Rights Practices for 1998*, Burundi.

⁹⁷. A positive evolution must be noted: the Iteka League, which had developed strong links with the government, seems to have regained its independence in 1997-1998 and reports again without any reservations on the abuses, no matter who the perpetrators are.

⁹⁸. See, among many examples, the speeches of Jean Minani and Leonard Nyangoma at the beginning of the first round of the Arusha negotiations in June 1998.

Conclusions

The cross-border effects of the crises in the Great Lakes region are clear: government armies, former government armies (ex-FAZ, ex-FAR), rebel movements and ethnic militia of the different countries are in constant confrontation, ignoring borders and partaking in fluid and shifting alliances.⁹⁹ Likewise, the mobilisation and instrumentalisation of ethnic identities—whether real or fictional—are present at the regional level. Rwanda, in particular, wages an extraterritorial civil war. In an already cited text, Privat Rutazibwa, while evoking the nickname “soldiers without borders” given to the RPA, is very clear: “Freedom fighters do not have any borders as long as retrograde ideologies and oppressive regimes subsist on this continent”.¹⁰⁰ Confirming the regional ambitions of Kigali, he stresses the “stabilising role of the new Rwanda in the region”.¹⁰¹ Even though he did not acknowledge involvement in the second Congo war until three months after it started.¹⁰² General Kagame subsequently stated on numerous occasions that Rwanda would intervene militarily in the DRC each time its security is threatened.¹⁰³ The exclusively military approach of Kigali is backed by the United States, at least by the Pentagon. According to *La Libre Belgique* of March 26, 1998, “dozens of men of the MPRI¹⁰⁴ are currently in Rwanda”. At the beginning of August 1998, during the invasion of Congo, about sixty American instructors from the special forces stayed on Ijwi Island (DRC), in Gabiro and in Kigali where they gave training in

99. See: REYNTJENS, F., “The second Congo War...”, *op. cit.*

100. RUTAZIBWA, P., *op. cit.*, p.11. Coming from a staunch supporter of an oppressive regime which has no other ideology than that of power, this plea is quite astonishing.

101. *Idem*, p.10.

102. AFP, Pretoria, November 6, 1998.

103. For example AFP, Kigali December 7, 1998.

104. Military Professional Resources Inc., founded by former high-ranking American officers and based in the state of Virginia, “sub-contracts” to the American government. See for instance: “Private US companies train armies around the world”, *US News and World Report*, February 8, 1997.

“unconventional” warfare.¹⁰⁵ The *Mea Culpa* (not completely exempt from hypocrisy) of President Clinton during his brief visit to Kigali on March 25, 1998¹⁰⁶ offers a moral cover for military actions presented as combating the genocide. Although its involvement seems less important, the Burundian army is also present in Congo since the outburst of the second war. It operates especially along Lake Tanganyika on Congolese territory but is also said to have participated in the Kindu-campaign.¹⁰⁷

In a context of volatile alliances where all the actors apply the logic of “the enemy of my enemy is my friend”, one also observes junctions between those who combat “Rwandan rule” in the region. An interim report of a UN Commission of Inquiry published documents regarding agreements between the CNDD and ex-FAR, and between the Palipehutu-FNL and ALIR.¹⁰⁸ In the final report, concern is expressed about the way changing alliances around the Congo are beneficial to the ex-FAR “which have re-emerged as a significant element in the international alliance against the Congolese rebels and their presumed sponsors, Rwanda and Uganda (...) This new relationship has given some legitimacy to the Interahamwe and to ex-FAR”.¹⁰⁹ We have already discussed the phenomenon of this rapid ethnogenesis which now opposes the

105. AFP, Kigali, August 6, 1998.

106. Referring to the 1994 genocide, he speaks of “a tragedy in which the United States and other members of the international community bear some responsibility”; in the meantime the United States is the only international actor that has not yet decided to fully investigate its own role in this drama.

107. This presence is recognised but justified by the Burundian authorities as being necessary to ensure the safety of navigation on the Lake (see declarations of President Buyoya in *The East African*, March 1–7, 1999 and of the Minister of Foreign Affairs, Séverin Ntahomvukiye in *The East African*, March 22–28, 1999).

108. United Nations Security Council, *Interim Report of the International Commission of Inquiry (Rwanda)*, August 19, 1998, S/1998/777.

109. United Nations, Security Council, *Final Report of the International Commission of Inquiry (Rwanda)*, November 18, 1998, S/1998/1096, par. 86–87.

“Bantu”¹¹⁰ to the “Hamites”, “Nilotics” or other Tutsi in the context of the territorial extension of Rwanda-Burundian bipolarity.

We already briefly mentioned the Rwandan mode of governance both at home and in the region. For obvious reasons the Kigali government is implementing a policy of total control of state and society. This obsession becomes especially clear in the maintenance of an unwieldy army in the interior of the country, but which can also be seen far across its national borders; the camps for re-education, solidarity and regroupment; villagisation; the tense and difficult relations with the UN and NGOs; the concentration of power in the hands of a small RPF elite and the destruction of the opposition, although it does not pose any real political danger; and the development of an effective security apparatus (DMI internally and ESO externally). In this way, Rwanda is increasingly becoming an army with a state rather than a state with an army. This will and capacity to control is very clear in the field of information management, as was convincingly shown in an important, but insufficiently known report by Nik Gowing.¹¹¹ Convinced of its “due right”, the regime implements its security policy in a unilateral, aggressive and arrogant manner: it presents itself as the victim of a genocide which the world would not or could not stop and thus has no obligations to the international community, which has no moral authority to teach lessons in the field of human rights or any other

field.¹¹² In an effective (vice-) Presidential regime, the RPF’s influence is reinforced by the weakness of the other parties and by the fact that certain ministers of the MDR (Gasana for instance) and PL (Nsengimana for instance) are RPF, except by name. The destruction of the MDR and the purges in the parliament inhibit any political activity outside the RPF or which does not conform to its options.

Not only does the “Rwandan model” destabilise Congo but it could also—in the long-run—constitute a handicap to the Burundian efforts to come to a negotiated solution. There are two reasons for this. First of all, because in the context of a clearly fragile process, Rwanda could serve as an example for radical Burundians who are not at all interested in a peaceful solution which could endanger their privileges. Secondly, if the Burundians were to reach a settlement, this could be considered as an example for Rwanda, stimulating the donor community to exert pressure on Rwanda to embark on the same path. As the Rwandan government has no interest whatsoever in following this direction, it could be tempted to undermine the Burundian process. Since 1990, the Rwandan conflict is spreading in concentric circles and it has probably not stopped contaminating the entire region.

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110. Here it is useful to remind the reader that the concept of a “Bantu” ethnicity is, of course, applied in a non-scientific sense, as “Bantu” is a linguistic category. The loose use of this terminology is sometimes extraordinary: Arnaud de la Grange (*Le Figaro* May 6, 1998) reported that according to a “specialist”, a real Bantuphone movement is taking over the region. Of course, Hutu and Tutsi speak the same Bantu languages, Kinyarwanda and Kirundi...

111. GOWING, N., *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*, London, May 27, 1998, 76 p. In the same vein, there is a remarkable declaration by the World Bank on the occasion of the approval of a loan to Rwanda of US\$ 75 million on February 8, 1999. In reply to the question whether these funds would not be used for the war in DRC, World Bank economist Obidegwu replied that “the government assured us that it is not interested in the continuation of the war. Which is satisfactory for us.(...) We have no guarantees, but we have their word” (*Reuters*, Kigali, February 8, 1999). In light of all the lies of the Rwandan regime concerning its involvement in DRC in 1996–1997 and again in 1998, such an explanation is astonishing.

112. This attitude has been properly illustrated by the incidents which opposed the Rwandan regime to international human rights associations, the UN Secretary General Kofi Annan and the High Commissioner for Human Rights, Mary Robinson. Even in the region the Rwandan arrogance irritates public opinion: see, for instance, “Did Rwandan leaders have to humiliate Annan?”, *The East African*, May 18–24, 1998.

Acronyms

ABASA	Alliance burundo-africaine pour le salut (B)
ACT	Acte constitutionnel de transition (B)
ADL	Association rwandaise pour la défense des droits de la personne et des libertés publiques (R)
ALIR	Rwanda Liberation Army
ANNADE	Alliance nationale pour le droit et la démocratie (B)
ARG	Association des rescapés du génocide (R)
ARI/RNA	Agence rwandaise d'information/Rwanda News Agency
CDA	African Democratic Congress (R)
CLADHO	Coordination des ligues et associations de défense des droits de l'homme (R)
CNDD	Conseil national pour la défense de la démocratie (B)
DMI	Directorate of Military Intelligence (R)
DRC	Democratic Republic of the Congo
ESO	External Security Organization (R)
FAR	Forces armées rwandaises (former Rwandan government army)
FAZ	Forces armées zaïroises (former Zairean government army)
FDD	Forces pour la défense de la démocratie (military wing of CNDD) (B)
FNL	Forces nationales de libération (B)
FNLB	National Liberation Front for Burundi
FRD	Resistance Forces for Democracy (R)
FRODEBU	Front démocratique du Burundi (B)
FROLINA	Front de la libération nationale (B)
GID	Initiative Group for Dialogue (R)
ICTR	International Criminal Court for Rwanda (Arusha)
LIPRIDHOR	Ligue rwandaise pour la promotion et la défense des droits de l'homme (R)
MDR	Mouvement démocratique républicain (R)
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
PALIPEHUTU	Parti pour la libération du peuple hutu(B)
PARENA	Parti pour le redressement national (B)
PDC	Parti démocrate chrétien(B)
PIT	Parti indépendant des travailleurs (B)
PL	Parti libéral (R)
PRP	Parti pour la réconciliation du peuple(B)
PSD	Parti social démocrate (B)
RADDES	Ralliement pour la démocratie et la développement économique et social (B)
RDR	Rally for the Return of Refugees and Democracy in Rwanda
RNLM	Rwanda National Liberation Movement
RPA	Rwanda Patriotic Army
RPF	Rwanda Patriotic Front
UFDR	Union of Democratic Forces for Rwanda
UNAMIR	United Nations Assistance Mission to Rwanda
UNAR	Union nationale rwandaise
UPRONA	Union pour le progrès nationale (B)