

Report # 117
BUSINESS AND POLITICS IN THE MUSLIM WORLD
Central Africa
Hafiz Akif Naeem
Weekly Report from 25 April to 1 May 2010
Presentation: 5 May 2010

Contents

Summary

1. Politics

- **Rwanda: Ingabire is not Above the Law – Govt**
- **Rwanda: Arrest Warrant to Be Issued for Genocide Fugitive in Holland**
- **Rwanda: Ingabire Co-Accused Arraigned in Court**
- **Bemba Lawyers Challenge War Crimes Charges at ICC**
- **Rwanda: Preparations for World Press Day Kick-Off**
- **Rwanda: Why 'Miracle' Must Pass the Test of Democracy**

2. Peace keeping/ Conflict Resolution and Security matters

- **Congo-Kinshasa: UN Aid Chief Urges Authorities to Enhance Protection of Civilians**

3. Human Rights/ Social Issues

- **Congo-Kinshasa: Churches in the Great Lakes Region Commit to Promoting Human Rights**
- **Rebuilding Lives after War and Rape in the DRC**
- **Human Rights Watch Researcher Forced to Leave Rwanda**
- **Rwanda: Kagame Explores New Education Partnerships**
- **Rwanda: Expert Commends Regional Pact**
- **Rwanda: Gacaca - Can Human Rights Be Universal and Have Respect for Cultural Relativism?**

4. Economy and Energy

- **Rwanda: EPA Progress is Good News**
- **Rwanda: P4P, another Catalyst for Economic Development**
- **Rwanda: EU Softens On EPA**
- **Rwanda: EU Softens On EPA**
- **Rwanda: AfDB Capital Resources to Increase By 200 Percent**

5. Elections and Governness

- **Vote Delay in Central African Republic Could Extend President's Term**

6. Refuges and Rebels

- **Burundi: Naturalization of Refugees in Tanzania - A New Home?**
- **France Offers to Help With Congolese Refugees**
- **Central Africa: LRA - A Regional Strategy beyond Killing Ko**

Summary

1. Politics

Rwanda: Ingabire is not Above the Law – Govt

State Prosecution is ready to produce unquestionable evidence linking Victoire Ingabire Umuhiza to a terrorist group with plans to cause state insecurity as well as evidence pinning her on two other charges. It was said by the Foreign Minister that she is not above the law and international media is highlighting negative aspects. The Prosecutor General said that the main problem is not an individual rather her ideology which could be the main cause of unrest and instability. Further it was said that govt got the evidence against her as govt arrested the Lt. Karuta Jean Marie, who will provide the evidence. Please accept my apologies.

Rwanda: Arrest Warrant to Be Issued for Genocide Fugitive in Holland

The Prosecution has revealed that it will soon issue an arrest warrant for a top Genocide fugitive now hiding in the Netherlands. The fugitive, a former ex-FAR, Maj. is alleged to have been one of the key masterminds in the massacre of thousands during the 1994 Genocide against the Tutsi.

Rwanda: Ingabire Co-Accused Arraigned in Court

Two suspects accused alongside Victoire Ingabire Umuhiza, for planning activities aimed at causing state insecurity, were accused before a judge at Gasabo Intermediate Court. Lt. Col Tharcisse Nditurinda and Lt. Col Noel Habiyambere, who were senior commanders of the FDLR (Democratic Forces for the Liberation of Rwanda), admitted having worked with Ingabire and Paul Rusesabagina to form rebel groups to launch offensives in the country. Nditurinda and Habiyambere revealed how prior to their arrest, they were mobilizing FDLR fighters to quit and join Ingabire's FDU-Inkingi/CDF and Rusesabagina's PDR-Ihumure. Ingabire and Rusesabagina continued to send money to DRC through Western Union to help them in their activities and also sustain them in the jungles of North Kivu as well as help them to acquire guns and ammunition.

Bemba Lawyers Challenge War Crimes Charges at ICC

Jean-Pierre Bemba is seen at the courtroom of the International Criminal Court in The Hague. Lawyers for former Congolese rebel leader Jean-Pierre Bemba are challenging the case against him at the International Criminal Court. ICC prosecutors are charging Bemba with two counts of crimes against humanity and three counts of war crimes for leading troops into the Central African Republic to put down a coup attempt against then-president Ange-Felix Patasse. At the time, Bemba was leading a rebellion in northern provinces of the Democratic Republic of Congo against the government in Kinshasa. His Movement for the Liberation of Congo was supported by both Uganda and the Central African Republic. Bemba eventually won a vice presidency as part of a 2003 peace deal.

Elections that followed put him in a head-to-head run-off against President Joseph Kabila. Bemba lost that vote and was charged with disloyalty after his militia fought government troops in the capital.

Rwanda: Preparations for World Press Day Kick-Off

The Minister in charge of Cabinet Affairs, Protais Musoni, who is also the Acting Minister of Information, has called upon media practitioners in the country to be active and be part of the government development. The meeting was aimed at organizing activities to celebrate the 'World Press Freedom Day' that falls on May 3. Celebrations to mark the event are scheduled to kick-off today with a procession by all media practitioners in the country in recognition of the 49 journalists who were killed during the 1994 Genocide against the Tutsi.

Rwanda: Why 'Miracle' Must Pass the Test of Democracy

A great deal has been made of the so-called "Rwanda miracle". Rwanda is seen as a typical example of a country that has risen from the ashes. There is no doubt President Paul Kagame has steered his country to prosperity in just about 16 years after genocide this was said by Prof Kabaji. He argues that no doubt Rwanda is on the right track of development but now there is a real time to assess the level of democracy over there in shape of elections. He further said that Ms Ingabire is a presidential candidate who argues that she is out to promote reconciliation. She posits that the Rwanda Patriotic Front has marked the country's image. She accuses the government of engaging in unnecessary military ventures in other countries. Ms Ingabire believes that both Tutsi and Hutu should be held responsible for the genocide, and that Rwandans have to engage in dialogue, analyze the genocide, and come up with solutions to this problem.

2. Peace keeping/ Conflict Resolution and Security matters

Congo-Kinshasa: UN Aid Chief Urges Authorities to Enhance Protection of Civilians

The top United Nations humanitarian official today visited the province of South Kivu in the troubled east of the Democratic Republic of the Congo (DRC) and stressed that protecting civilians and ensuring they have access to aid remains ultimately the responsibility of the national authorities. Since the beginning of this year, 76 incidents affecting humanitarian workers have been recorded in the two provinces, compared to 176 during the whole of 2009. More than 80 percent of the incidents affected non-governmental organizations (NGOs), which are crucial partners of the United Nations in the humanitarian response. The Kivu provinces have been ravaged by armed conflict mainly pitting DRC's national army against insurgents of the Democratic Forces for the Liberation of Rwanda, better known as FDLR, the group's French acronym. Local armed militias and bandits also contribute to insecurity in the two Kivu provinces, where an estimated 1.4 million people are internally displaced.

3. Human Rights/ Social Issues

Congo-Kinshasa: Churches in the Great Lakes Region Commit to Promoting Human Rights

Church leaders from the Democratic Republic of Congo (DRC), Burundi and Rwanda have made a "firm commitment to work together in promoting human dignity and fundamental human rights". This commitment is one of the main outcomes of a five-day workshop on human rights that took place in the DRC capital city Kinshasa, 13-17 April. Hosted by the World Council of Churches (WCC) members in the DRC, the workshop was organized by the WCC in cooperation with the Lutheran World Federation and the Protestant German aid agency Bread for the World, and was funded by the European Commission.

Rebuilding Lives after War and Rape in the DRC

In the Eastern Democratic Republic of Congo, many families have been torn by war, rape, poverty and a lack of education. However, a humanitarian group says there's a way to help families not only deal with the issues, but rise above them. The eastern DRC has become synonymous with war and rape. In recent years, various rebel groups have attacked and looted villages, driving civilians into the bush to escape. Attempts by government forces and U.N. troops to defeat them have often made matters worse for civilians, as militias launch retaliatory strikes against villagers. But many aid groups working in the region have blamed all warring parties for attacks on civilians. Rape is a weapon of war in the Congo. It's done to subdue, demoralize and humiliate populations. And it spreads HIV/AIDS. The attacks often occur in front of family members.

Human Rights Watch Researcher Forced to Leave Rwanda

A representative of New York-based Human Rights Watch has been forced to leave Rwanda after the government declined a request to renew her visa. Human Rights Watch researcher Carina Tertsakian left Rwanda. Human Rights Watch submitted various letters on Tertsakian's behalf, and the organization's executive director appealed directly to Rwandan President Paul Kagame, but the efforts were considered unsatisfactory by immigration officials. According to Human Rights Watch Africa Division Executive Director Georgette Gagnon, the government has become critical of the organization, frequently obstructing its work and attacking it in state-run media. During the past few months, Human Rights Watch has highlighted increasing incidents of harassment and intimidation of opposition parties and critics of the government. Gagnon says that the recent incidents are part of a larger pattern of repression that casts doubt on the upcoming election.

Rwanda: Kagame Explores New Education Partnerships

The New Times

Paul Kagame visited the US based Greater Atlanta Christian School (GACS) located in Atlanta, Georgia with an aim of exploring an education partnership between the school and Rwanda. The President is on a working visit to the US. In line with the country's vision 2020, GACS, is set to establish a Central Africa School of Excellence which will be based in Rwanda and Kagame was given an overview of the school's master plan that will serve about 2000 students when complete.

Rwanda: Expert Commends Regional Pact

The Human rights adviser to the International Conference on the Great Lakes Region (ICGLR) based in Bujumbura, Burundi, Dr. Isabell Kempf, has hailed the regional body's efforts in the promotion and protection of human rights. Addressing a three-day meeting on human rights dimension of the ICGLR pact on security, stability and development at the Ministry of Foreign Affairs and Cooperation, Kempf said that the pact is the summit of promoting and protecting human rights in the region. The pact includes creating conditions for security, stability, and sustainable development; providing a legal framework that governs relations between its 11 member states.

Rwanda: Gacaca - Can Human Rights Be Universal and Have Respect for Cultural Relativism?

By definition, Gacaca are traditional councils and tribunals made up of elders to resolve conflict and administrate justice. Gacaca literally means 'a resting and relaxing green lawn in the Rwandan homestead' where family members or neighbors met to exchange views on issues directly affecting them. Gacaca, like most traditional African justice systems, is collectivist, where the individual has no rights or duties other than within his or her group. The individual and the group are mutually complementary in a continuously reconciliatory process. Reconciliation was key, of which this collective aspect was an essential medium in which individuals lived out their relations with each other, and with the wider society.

Restorative justice applies more in a social context. The restorative justice approach presupposes dialogue between the parties to the crime; this is rare within typical criminal justice systems. The Gacaca process as currently applied in Rwanda is based on this very notion. In not only reducing the cost and speeding the justice process, it aimed to create a forum for debate of the crimes committed and not simply punish the accused. As a modernized system of justice to address a difficult situation, the Gacaca had four objectives, i.e., to bring the conflict into the open, involve the whole community in resolving it, provide for compensation, and bring the offender back into the community fold. The Gacaca courts had tried 1,127,706 cases. Only 4,679 cases remained untried. By June 2010, approximately 1.5 million cases will have been tried.

4. Economy and Energy

Rwanda: EPA Progress is Good News

The announcement by the Ministry of Trade and Commerce that the East African Community (EAC) and the European Union had reached consensus on most of the contentious clauses rooted in the Economic Partnership Agreement (EPA), signals commitment between the two trading blocs to ink the deal by the end of the year. The EPA is meant to replace the decolonization era trade system between the EU and the African, Caribbean and Pacific Group of States that expired in 2007. The signing of the agreement would mean that the two economic blocs will enjoy less stringent trade terms and lesser tariffs on EAC exports to the EU. Whereas a win-win deal is desirable, the EAC needs to adopt an export-led growth strategy to address the challenges of foreign aid dependence.

Rwanda: P4P, another Catalyst for Economic Development

Rwandan farmers started supplying produce to World Food Program under the Purchase For Progress (P4P) framework, an initiative that will go a long way to reduce poverty among farmers who constitute the largest percentage of the population. As was pointed out by President Paul Kagame at the launch of this program in 2008, it will help to build the capacities of local producers, so that they can position themselves to supply not only domestic but also regional and global markets.

Rwanda: EU Softens On EPA

The Economic Partnership Agreement (EPA) currently being negotiated between the European Union (EU) and the East Africa Community (EAC) has gained momentum following the former's agreement to include the development cooperation in the deal. The deal, which is meant to bring lesser strict trade terms between the two economic blocs, had stalled owing to the EU's refusal to increase its regional funding over and above what is being provided through the European Development Fund (EDF). The EAC has identified broad criteria targets within the development matrix such as energy, infrastructural and agricultural enhancement which the EU will be funding when the EPA is signed.

Rwanda: AfDB Capital Resources to Increase By 200 Percent

The African Development Bank's (AfDB) shareholders have authorized the request to tripling its (Bank's) capital resources to nearly US\$100 billion to allow the bank to sustain a higher level of lending in response to overwhelming demand in all countries. The decision was made in Washington last week during the meeting by the Committee of Governors that represents the Bank's shareholders. According to the International Monetary Fund (IMF) forecasts, output in sub-Saharan Africa in 2010 will expand by 4 percent in 2010 compared to 2 percent in 2009. Currently in Rwanda AFDB has a portfolio of 19 projects which amounts to over US\$500million. Key sectors of intervention are mainly in infrastructure development, agriculture, and higher education, science and technology.

5. Elections and Governness

Vote Delay in Central African Republic Could Extend President's Term

Elections in the Central African Republic have been postponed for a second time, raising the likelihood that the president will remain in office past the end of his June mandate. Francois Bozize agreed to delay the May 16 vote after meeting with opposition leaders who say the Central African Republic must first update its voter lists and disarm rebel groups. hierry Vircoulon directs the Central Africa project for the International Crisis Group. He says elections in the Central African Republic are both too early and too late: too early because militias are not disarmed, too late because President Bozize's mandate expires in June. he ten-party Collective of Forces for Change coalition says a free and fair vote is not possible while violence continues in the north between government troops and rebels opposed to the Bozize government and in the east between the Ugandan rebel Lord's Resistance Army and government troops supported by Ugandan soldiers. he Economic Community of Central African States is calling on the Bozize government to continue its dialogue with political opponents to arrive at an acceptable approach to organizing elections that allow both voters and candidates to freely exercise their democratic rights.

6. Refugees and Rebels

Burundi: Naturalization of Refugees in Tanzania - A New Home?

Tanzania has taken bold and admirable decision to offer citizenship to 162,000 Burundian refugees who fled their country in 1972 and who have since been living as refugees in Tanzania. While it is important not to detract from the level of generosity that this demonstrates, the process itself has revealed a fundamental disjuncture between expression and reality. The main concern relates the situation Burundian refugees living in Tanzania who have not been included in the naturalization process, many of whom are refugees who fled Burundi in the 1990s and are therefore not being considered eligible. These refugees fall into two main categories: first, 36,000 refugees living in the last remaining camp for Burundian refugees, Mtabila, who are coming under intense pressure to return to Burundi regardless of whether or not they have legitimate concerns about repatriating; and second, self-settled refugees (or irregular movers as they are known officially) who have fallen off the official radar. In the case of the latter, there has been some indication that those in this group who fled in 1972 might be offered the option of applying for citizenship. However, uncertainty remains.

France Offers to Help With Congolese Refugees

VOA

France says it will help the Congo Republic feed more than 100,000 refugees from the Democratic Republic of Congo who has been displaced by fighting in the western Equateur Province. More than 100,000 refugees are spread along 500 kilometers of the river that separates the countries. Only about one-third of them are receiving food, and those rations are mostly incomplete as there are few stashes left in relief warehouses. The president says 80,000 residents for 120,000 displaced people in a remote region of northern Congo are causing serious problems. He says he and President Sarkozy discussed the situation, and the French leader promised to support the Congo Republic in its relief operation. The instability of such a large refugee population may also pose a threat to the Congo Republic. Africa's fifth-largest oil producer is an important French ally in the region. Brazzaville currently pumps about 220,000 barrels of oil a day, and the French energy firm Total is its biggest producer.

Central Africa: LRA - A Regional Strategy beyond Killing Kony

To make an end of the brutal Lord's Resistance Army (LRA) once and for all, national armies, the UN and civilians need to pool intelligence and coordinate their efforts in new and creative ways.

LRA: A Regional Strategy beyond Killing Kony, the latest report from the International Crisis Group, examines how what was once an insurgency in northern Uganda has become a regional humanitarian and security problem that requires a regional solution. Operation Lightning Thunder, the Ugandan army's latest attempt to crush the LRA, has been a military disaster. After the initial attack on their hideout in a Congolese national park in December 2008, small groups of fighters dispersed more widely in the Congo (Democratic Republic), South Sudan and the Central African Republic (CAR). They immediately committed a series of massacres of villagers to show they retained their power and continue to survive by preying on civilians.

Details

1. Politics

Rwanda: Ingabire is not Above the Law - Govt

The New Times

28 April 2010

Kigali — State Prosecution is ready to produce irrefutable evidence linking Victoire Ingabire Umuhoza to a terrorist group with plans to cause state insecurity as well as evidence pinning her on two other charges.

Addressing a press briefing, yesterday to clarify on claims by international media that Ingabire's arrest and arraignment in court last week was politically motivated, the Government Spokesperson, Louise Mushikiwabo, said that prosecution has concrete evidence of Ingabire's activities and plans to continue with 'the Genocide' of the Tutsi.

Mushikiwabo, who was flanked by the Prosecutor General, Martin Ngoga, said that there is real evidence indicating that even before declaring her intentions to contest for the presidency, Ingabire was mobilizing terrorist organizations to launch an offensive in Rwanda.

"The evidence is there, showing her engagement with FDLR, the money transfers she conducted, the emails she exchanged with the rebels in Eastern DR Congo and the trips to Kinshasa to meet them to plan attacks aimed at causing state insecurity," Mushikiwabo said.

"The Government of Rwanda works in transparency and cannot stop anyone from contesting, but you don't disregard the law. These are serious charges and I urge you all to follow the case which is about to start,"

Mushikiwabo, who is also the Foreign affairs Minister, said that Ingabire, even upon arrival, went ahead to make careless statements which confirmed her intentions but thought that the international community would protect her.

"Rwanda does not work according to the demands of other countries. We have laws in place and the country's leadership decides what is good for Rwandans," Mushikiwabo said, adding that the recent events in the news do not amount to a crisis.

Mushikiwabo said that regional and international media has 'blown out of proportion' and continues to spin the recent events in the country to suggest that Rwanda is in a 'political crisis and a state panic' which is not the case.

"You know that it is very easy to spin news to create an element of panic---but what I can say is that there is nothing like panic. This is a country that has nothing to hide, it is a country that is progressing but also has some challenges," she said.

Mushikiwabo accused the media of using the 'election factor' to blow things out of proportion, because there is a belief that election period comes with panic and violence, adding that the reality on the ground is different. She added that Rwandans are ready to participate in peaceful elections.

The Prosecutor General, Martin Ngoga, said that the case the prosecution has against Ingabire, is against her as a person not, 'as a presidential candidate' as most international media indicates, and that her utterances on the Genocide are 'just a smaller fraction' of the charges she's facing.

"The utterances are a small fraction of a bigger ideology of hers and her political party. I also want to underline that the prosecution process is for an individual, but the bigger process lies within the ideology of her own party,"

"You need to trace the origins of her party FDU-Inkingi---the prosecution will not accuse her as an individual but we shall also try to criminalize the ideology of her political party because that is the root of the problem," Ngoga said.

Ngoga said that Lt. Col Tharcisse Nditurende and Lt. Col Noel Habiyakare, senior commanders of the FDLR (Democratic Forces for the Liberation of Rwanda) militia, and Lt. Karuta Jean Marie, who will testify in Ingabire's case, were arrested in coordination with Burundi.

The three had been criss-crossing DRC and Burundi to follow up on money transfers from Ingabire. He thanked Burundi for the cooperation.

Rwanda: Arrest Warrant to Be Issued for Genocide Fugitive in Holland

The New Times

28 April 2010

Kigali — The Prosecution has revealed that it will soon issue an arrest warrant for a top Genocide fugitive now hiding in the Netherlands.

The fugitive, a former ex-FAR, Maj. Pierre-Claver Karangwa, 54, is alleged to have been one of the key masterminds in the massacre of thousands during the 1994 Genocide against the Tutsi. "Very soon we will send an international arrest warrant. Investigations are now complete," Prosecution spokesperson Augustin Nkusi said yesterday.

"He is among those in the first category - he is accused of orchestrating massacres in his home area of Mugina sector, Kamonyi and in Nyamirambo, in Kigali". Nkusi also

revealed that there over 10 other Genocidaires holed up in the Netherlands. Karangwa, a former chief of army intelligence, is said to have applied for asylum in the Netherlands in 1998 where he relocated with his family.

In 2004, he acquired Dutch citizenship and worked as a municipal security guard in Harderwijk, a small town in the Dutch province of North Holland for three years. He currently works as a school gatekeeper.

The prosecution maintains that Karangwa is responsible for the mass murder of over 20,000 people in his birthplace Mugina, in the former Gitarama district. Dozens of witnesses of the Mugina killings, including former Interahamwe militia who participated in the massacre—s and have been sentenced for it, testified against the former army officer.

"He gave directives to the Interahamwe that he employed in the killings. They have now come out to testify against him," said Nkusi. Apart from participating in the massacres, Karangwa is also accused of being responsible for the murder of the Mayor of Mugina who tried to prevent the Genocide.

Gacaca courts in his home area sentenced him in absentia to life in prison.

Rwanda: Ingabire Co-Accused Arraigned in Court

The New times

Kigali — TWO suspects accused alongside Victoire Ingabire Umuhoro, for planning activities aimed at causing state insecurity, were yesterday arraigned before a judge at Gasabo Intermediate Court.

Lt. Col Tharcisse Nditurinda and Lt. Col Noel Habiyambere, who were senior commanders of the FDLR (Democratic Forces for the Liberation of Rwanda), admitted having worked with Ingabire and Paul Rusesabagina to form rebel groups to launch offensives in the country.

Appearing before Judge Maurice Mbishishi and flanked by their lawyers, the two Ex-FAR soldiers who were members of ALIR and later FOCA, the armed section of FDLR, did not waste the courts time and admitted the charges prosecution brought against them.

"My Lord, save for a few facts, most of what the Prosecutor has said here is true, I don't deny anything and I will readily cooperate in this case," Nditurinda, dressed in a black T-shirt and stripped trousers, told the court after the Prosecutor Richard Muhumuza had presented his case. In a twist of events, the duo not only admitted having met Ingabire, on several occasions, but also stayed in touch with Rusesabagina before they were arrested by Burundian authorities and effectively extradited to Rwanda.

Nditurende and Habiyambere revealed how prior to their arrest, they were mobilizing FDLR fighters to quit and join Ingabire's FDU-Inkingi/CDF and Rusesabagina's PDR-Ihumure.

Nditurende in particular admitted having travelled to Kinshasa from Goma in September 2008 with a one Dieudonne Muhindo-Muhima to meet Ingabire and again met her in Congo Brazzaville to carry on with the plans to start the armed group.

According to prosecution, the Kinshasa meeting came after exchanging a number of emails and phone calls with Ingabire and receiving money to facilitate their trips between Goma and Kinshasa as well as money to sustain them during the course of the meetings.

They also revealed that Ingabire and the Secretary General of FDU Inkingi, Jean Baptiste Mberabahizi, had met Nditurende's representative Lt. Karuta Jean Marie in Kinshasa where they discussed and drew a list of what was needed to start the armed group.

Habiyambere, who had since quit FDLR and was working with Rusesabagina, informed the latter of Ingabire and Nditurende's plans, and Rusesabagina recommended that the two former FDLR colonels join hands to form a much bigger group.

"I was working with Rusesabagina, but at the time, I did not know that they were planning terrorist activities. The difficult conditions I was living in the jungles of DRC led me to work with them, I therefore beg for mercy," Habiyambere told the court.

Ingabire and Rusesabagina continued to send money to DRC through Western Union to help them in their activities and also sustain them in the jungles of North Kivu as well as help them to acquire guns and ammunition.

Using Congolese documents, Nditurende passed through Goma Airport to Nairobi then Dar es Salaam where he connected with Habiyambere and then to Kigoma, from where travelled by road to Bujumbura.

The duo met a senior Burundi military officer, General Adolph Nshimiyimana, seeking his help, but he turned them down, telling them that they had no chance.

While in Bujumbura, the pair received money from Ingabire and Rusesabagina through a Burundian Bank. However, Burundian authorities swung into action and arrested them and handed them over to Rwanda.

The representatives of the duo applied for bail since they had willingly admitting to the charges and were ready to cooperate with court, but the prosecution objected, arguing that the charges were serious and that they should remain in detention in the course of the trial. Court will decide today.

Bemba Lawyers Challenge War Crimes Charges at ICC

VOA

Jean-Pierre Bemba is seen at the courtroom of the International Criminal Court in The Hague, 02 Dec 2009

Lawyers for former Congolese rebel leader Jean-Pierre Bemba are challenging the case against him at the International Criminal Court.

ICC prosecutors are charging Bemba with two counts of crimes against humanity and three counts of war crimes for leading troops into the Central African Republic to put down a coup attempt against then-president Ange-Felix Patasse.

At the time, Bemba was leading a rebellion in northern provinces of the Democratic Republic of Congo against the government in Kinshasa. His Movement for the Liberation of Congo was supported by both Uganda and the Central African Republic.

Bemba eventually won a vice presidency as part of a 2003 peace deal. Elections that followed put him in a head-to-head run-off against President Joseph Kabila. Bemba lost that vote and was charged with disloyalty after his militia fought government troops in the capital.

He was arrested in Belgium in 2008 and is now being held at the International Criminal Court's detention center in The Hague.

Defense lawyer Nkwebe Liriss says the case against him is legally inadmissible.

Liriss says he is not asking judges to be certain that this case is inadmissible. He is asking them to verify, based on the level of probability, whether this case is admissible to the court. And he says it is not.

Liriss argues that Bemba has been denied due process, in part, because he is facing trial in the Netherlands rather than in Africa.

Liriss says there is no longer even the faintest proof against Bemba. But he says there is one irrefutable proof, what he calls the interference of politics in this case by sending his client to the International Criminal Court.

The Central African Republic's lawyer in this case, Emile Bizon, says Bemba's legal team is using delaying tactics to obstruct justice.

Bizon says defense lawyers talking about obstructions to this procedure are themselves using delaying tactics to obstruct the law. He says it is a highly lamentable and abusive frivolity.

Bemba's trial was initially scheduled to begin this week but was delayed by judges so they could hear the defense challenge of admissibility. Pending a ruling on that challenge, his trial is now set to begin July 5.

Rwanda: Preparations for World Press Day Kick-Off

The New Times

Kigali — The Minister in charge of Cabinet Affairs, Protais Musoni, who is also the Acting Minister of Information, has called upon media practitioners in the country to be active and be part of the government development.

Musoni made the call yesterday while meeting media practitioners who included heads of various media organizations in the country.

The meeting, was aimed at organizing activities to celebrate the 'World Press Freedom Day' that falls on May 3.

"There should be a well shaped media committed to their profession, to realize their role in development and for the good of the society. It should be a powerful tool in building the nation," Musoni said

As part of the mobilization strategy for the World Press Freedom Day, a seven-man organizing committee was put in place.

Celebrations to mark the event are scheduled to kick-off today with a procession by all media practitioners in the country from Eto Kicukiro to Nyanza Memorial Site in Kicukiro district, in recognition of the 49 journalists who were killed during the 1994 Genocide against the Tutsi

A live debate on local radio stations and the national television is also scheduled to be aired from the site under the theme.

This year's World Press Freedom Day celebrations at the national level will be held at the Catholic Institute of Kabyayi in Muhanga district under the theme

This year's theme is "Freedom of Information: The Right to Know" which will also be blessed by a documentary film on the theme and a friendly football match will pit working journalists journalism students.

Rwanda: Why 'Miracle' Must Pass the Test of Democracy

Daily Nation on the Web

Opinion

A great deal has been made of the so-called "Rwanda miracle". Rwanda is seen as a typical example of a country that has risen from the ashes. There is no doubt President Paul Kagame has steered his country to prosperity in just about 16 years after perhaps the most horrendous event in African history - The genocide which claimed about one million Tutsis and moderate Hutus.

However, going by new developments in the country, Rwanda's greatest test is yet to come. This test will determine if the country fits the description of a democratic haven of peace in Africa. I worked in Rwanda between 2001 and 2002. This was a great experience. The country was just emerging from the most horrible era in its history. About then, very few people would dare take up a job in what was described as a graveyard.

I found the Rwandans very hard-working and friendly, struggling to come to terms with their history. A fact that emerged was that the genocide was a product of bad governance. The then leaders of Rwanda inherited a bad system from the colonialists, which was discriminative and oppressive, but they never tried to run the state democratically. They were, to say the least, petty and visionless.

Here is a great lesson for all African leaders. When a government is run by such naïve individuals, the possibility of the system giving in is always present. The Rwandan leaders simply failed to address the real issues affecting the country, and engaged in divisive politics.

Such leaders, unfortunately, are found all over Africa, and Kenya has a fair share of them. They are those who thrive on narrow ethnic ideologies that propel their countries to disaster. In Rwanda, I noticed fear, uncertainty, shame and nostalgia all mixed in the looks of the citizens traumatized by their own actions. My students at the Kigali Institute of Education showed clear signs of depression.

Many of them were orphans, having narrowly survived the genocide. A good number whispered that they hated the "other" tribe. Such sentiments are quite widespread, and they run deep. You have to hand it to President Kagame. Since taking over, he has stabilized the country. His critics, however, argue that internal democracy does not exist. But in less than two decades, the Rwandans have regained confidence.

What was graveyard is slowly becoming a wonderful vineyard. Rwanda is one of the few countries with a very high number of women legislators. The government is fired by a clear ideology that has radically transformed society.

It is engaging the West on its own terms and cannot accept to be dictated upon. The country has joined the East African Community and the Commonwealth. Kigali has become a very clean city, though excruciating poverty has consigned many people to slum life.

However, the Rwandans have yet to come to terms with certain things. The kind of tribalism I observed is subtle. No one talks about it, but a keen observer will not fail to notice the tension.

That is precisely why Rwanda's democracy is yet to pass its greatest test. With the arrival of politicians like Victoire Ingabire, who are open about issues, the focus is on how Kigali reacts.

Ms Ingabire is a presidential candidate who argues that she is out to promote reconciliation. She posits that the Rwanda Patriotic Front has marked the country's image. She accuses the government of engaging in unnecessary military ventures in other countries.

Ms Ingabire believes that both Tutsi and Hutu should be held responsible for the genocide, and that Rwandans have to engage in dialogue, analyse the genocide, and come up with solutions to this problem.

Her position is that the government is wrong in telling the Rwandans not to talk about ethnicity. She says that Rwanda's biggest problem is the absence of the rule of law and lack of democracy, and faults the government over lack of freedom of the press.

She rightly argues that many journalists have been accused in court because they wrote political stories. What Kigali does with such voices and how the vote will be organized and conducted is perhaps the greatest test for the fledgling democracy, otherwise just like other ethnically volatile nations, Rwanda stands on a precipice, Kagame's rhetoric notwithstanding.

Prof Kabaji teaches Communication and Literature at Masinde Muliro University of Science and Technology.

2. Peace keeping/ Conflict Resolution and Security matters

Congo-Kinshasa: UN Aid Chief Urges Authorities to Enhance Protection of Civilians

UN News Service

The top United Nations humanitarian official today visited the province of South Kivu in the troubled east of the Democratic Republic of the Congo (DRC) and stressed that protecting civilians and ensuring they have access to aid remains ultimately the responsibility of the national authorities.

Incidents of violence by armed groups in South Kivu and North Kivu provinces have often hindered the efforts of humanitarian agencies striving to provide assistance to hundreds of thousands of people affected by the protracted conflict there, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA).

Since the beginning of this year, 76 incidents affecting humanitarian workers have been recorded in the two provinces, compared to 176 during the whole of 2009. More than 80 percent of the incidents affected non-governmental organizations (NGOs), which are crucial partners of the United Nations in the humanitarian response.

In the Fizi area on the western shore of Lake Tanganyika, most humanitarian activities have been suspended since March due to insecurity. Despite the difficulties, however, aid workers have been able to assist 70 percent of the needy people in the two provinces.

Mr. Holmes visited internally displaced persons (IDPs) in Mwenga, approximately 80 kilo metres south-west of the city of Bukavu, the capital of South Kivu. He also met with local officials and representatives of humanitarian agencies in Bukavu.

The Kivu provinces have been ravaged by armed conflict mainly pitting DRC's national army against insurgents of the Democratic Forces for the Liberation of Rwanda, better known as FDLR, the group's French acronym. Local armed militias and bandits also contribute to insecurity in the two Kivu provinces, where an estimated 1.4 million people are internally displaced.

More than 70 per cent of the internally displaced persons (IDPs) live with host families, increasing the burden on already impoverished communities, according to OCHA.

Civilians face frequent human rights abuses. Villages are routinely looted and burned by armed groups. In 2009 alone, according to the UN Population Fund (UNFPA), an estimated 8,300 rapes were committed against women, averaging 160 rapes per week.

Congo-Kinshasa: UN Relief Chief Arrives to Review Humanitarian Needs

UN News Service

The top United Nations humanitarian official today arrived in the Democratic Republic of the Congo (DRC) for a five-day visit intended to highlight relief priorities and urge improved protection of civilians in the central African country where persistent conflicts have created one of the world's most complex humanitarian emergencies.

John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, will travel to three of the country's provinces most affected by armed conflict - South Kivu, Orientale and Equateur, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported.

He will assess humanitarian priorities and necessary responses, in a context of increasing insecurity for humanitarian workers in some areas. Protection of civilians is one of the main concerns he will discuss with local authorities, the UN Mission in the DRC (MONUC), and humanitarian officials in the country.

"The scale of the humanitarian needs and the lack of protection of the population continue to be of huge concern," Mr. Holmes said. "I have come to see for myself how the situation is evolving," he added.

During a meeting today with Alexis Thambwe Mwamba, Foreign Minister of the DRC, Mr. Holmes acknowledged the efforts made by the Government in promoting stability, and in working with the international community to address humanitarian needs and protection concerns.

Mr. Holmes and Mr. Mwamba also discussed the peace process in the east of the country, insecurity caused by the Lord's Resistance Army (LRA) insurgency, and the safety of humanitarian workers.

Despite the return of internally displaced persons (IDPs) to some areas, almost 1.9 million people remain homeless after having run away from their villages due to violence. Most of them have continuing and significant humanitarian needs, according to OCHA.

Each of the three provinces Mr. Holmes will visit has been affected by complex emergencies with different root causes. "We must continue to tackle the humanitarian consequences of these crises," said Mr. Holmes. "But the underlying issues also need to be dealt with urgently, so that transitions to development and recovery can start in earnest."

3. Human Rights/ Social Issues

Congo-Kinshasa: Churches in the Great Lakes Region Commit to Promoting Human Rights

Catholic Information Service for Africa (Nairobi)

Kinshasa — Church leaders from the Democratic Republic of Congo (DRC), Burundi and Rwanda have made a "firm commitment to work together in promoting human dignity and fundamental human rights". According to Fides

This commitment is one of the main outcomes of a five-day workshop on human rights that took place in the DRC capital city Kinshasa, 13-17 April.

Hosted by the World Council of Churches (WCC) members in the DRC, the workshop was organized by the WCC in cooperation with the Lutheran World Federation and the Protestant German aid agency Bread for the World, and was funded by the European Commission.

The participants at the workshop - some 45 heads of churches, leaders of ecumenical organizations, representatives of national and international NGOs and UN agencies - issued a Declaration of Commitment pledging to work together with human rights NGOs and to accompany their respective states "in the fight against corruption, impunity and poverty".

Bishop David Yemba Kekumba, from the United Methodist Church in the DRC, expressed satisfaction about the outcomes. "The workshop went very well", he said, "and participants had very good debates."

Yemba, who is a vice-president of the All Africa Conference of Churches (AACC) and chaired the church coordination committee which hosted the workshop, expects it to have a wider beneficial impact on the ecumenical landscape in the DRC.

According to the DRC Minister of Justice and Human Rights Luzolo Bambi, churches should become agents of awareness-raising and education on human rights. In a message read at the workshop by his chief of staff, the minister suggested that by playing such a role, churches can contribute to form true citizens.

"The Congolese people have been suffering for much too long from a series of human rights violations," the WCC general secretary, Rev. Dr Olav Fykse Tveit stated in a written message to the workshop. "Despite significant efforts made by the government to improve the promotion and protection of human rights, the situation today, unfortunately, remains serious".

Tveit encouraged the churches in Congo, which are "among the strongest advocates for the promotion and protection of human rights," to continue their struggle in this regard: "We will carry the cross together, working faithfully together for a better future."

"The most remarkable feature of this workshop was the depth of commitment and enthusiasm shown by the heads of churches who attended it," said WCC programme executive for human rights Christina Papazoglou.

"Church leaders were supposed to participate the first two days only and appoint a proxy afterwards, but they decided to stay until the end, engaging in lively, even passionate discussions with every speaker, including those who addressed issues of a more technical nature", Papazoglou added.

"They did not back off from difficult issue either, like violence against women, among others. " As a result, in the Declaration of Commitment issued at the end of the workshop the heads of churches pledged to work in a coordinated manner on human rights issues. "This is a first", highlighted Papazoglou, "and we expect to follow up on this commitment in the coming months."

On the other hand, she said, "constructive synergies between the churches and human rights NGOs can be mutually beneficial, given the NGOs technical expertise and the churches' broad access to the grassroots level. Such cooperation can considerably enhance the promotion and protection of human rights in the region."

The workshop participants requested the support of the organizers to strengthen the capacity of churches with regard to human rights as well as in the areas of education for environmental protection, prevention of HIV and AIDS, advocacy and lobby.

Rebuilding Lives after War and Rape in the DRC

VOA

“One woman comes to mind...who has been raped six times.”

In the Eastern Democratic Republic of Congo, many families have been battered by war, rape, poverty and a lack of education. However, a humanitarian group says there’s a way to help families not only deal with the issues, but rise above them.

The eastern DRC has become synonymous with war and rape. In recent years, various rebel groups have attacked and looted villages, driving civilians into the bush to escape. Attempts by government forces and U.N. troops to defeat them have often made matters worse for civilians, as militias launch retaliatory strikes against villagers. But many aid groups working in the region have blamed all warring parties for attacks on civilians.

Weapon of war

Rape is a weapon of war in the Congo. It's done to subdue, demoralize and humiliate populations. And it spreads HIV/AIDS. The attacks often occur in front of family members. Many women are so brutally assaulted they need surgery to repair the damage. But it doesn't always work. And then there's the psychological damage.

FXB Foundation

In Goma FXB founder Albina du Boisrouvray, meets with a woman benefiting from aid program.

In the Goma area, the FXB Foundation has created a village of hope and healing, but not one that you would find on any map. FXB founder Albina du Boisrouvray says it's a village nonetheless.

"It's a network of 80 families in the same region. It's not a real village. It's a virtual village in a way because we don't take people who are neighbors next door to each other," she says. She says families must meet certain criteria.

"We choose in a community the 80 poorest, most destitute families, who have the reputation of being the most hardworking and honest ones in the community. And those who have the most children to raise," she says.

She says some in the program have experienced unimaginable hardships.

"One woman comes to mind of those I have visited, who was a woman who has been raped six times, has a kid from one of those rapes, has a daughter who she's taken in with her, who also has a kid from the rapes. That means that in the little hovel – nine people living in there," she says.

When the woman first joined, du Boisrouvray says she was emaciated. She now weighs 48 kilos. Food is a big part of the program.

"We bring bags of rice, of beans, of flour, whatever. (The) usual food staples these people eat and enough quantity for the whole family. We also bring them immediately basic lessons of hygiene. Usually we try to build latrines, first thing," she says.

A better life

In the first year of the FXB program, a family's broken shelter is repaired as best as possible.

FXB Foundation

"The second year we'll try to get that person with their savings to be able to get out of that hovel. Now with the savings that you have you should be trying to get a little piece of land. At least rent it if you can't buy it. And then we will get other people, other families, other volunteers or our people to help you build your house, which will be a much more solid house," she says.

How do they go about saving money? Du Boisrouvray says FXB helps families start small income generating activities. In rural areas, it may be growing food on small plots of land and selling it. Families may be given pigs or chickens. In more urban areas, families may receive sewing machines.

She says mental health is just as important as physical health.

‘We just give them psychosocial counseling by helping them regain their self assurance and their dignity as human beings. I think that’s a very important component,’ he says. Change comes quickly.

“And you see the difference,” she says, “When you see people in the first few months when they’ve been picked and taken in, they have their heads down. They look miserable. They’re ashamed. Even a few months later they’re standing up more erect.” The women tell FXB they no longer worry about how they’re going to feed their families. Women who’ve been raped are tested for HIV. If they test positive, they’re counseled on how to live with the disease.

Du Boisrouvray says the program succeeds because it wins the trust of the Congolese people.

“I work with only local people. I don’t have any expats (expatriates) coming in and saying, look, this is what we feel you should be doing. It’s their own peers. I mean all the social workers and the nurses. So these are local people who they know, local people who they trust,” she says.

The FXB virtual village also ensures children get into local schools, paying any fees if necessary. The foundation runs many programs in Africa and elsewhere around the world, many of them providing assistance to AIDS orphans and vulnerable children.

Human Rights Watch Researcher Forced to Leave Rwanda

27 April 2010

VOA

A representative of New York-based Human Rights Watch has been forced to leave Rwanda after the government declined a request to renew her visa.

Human Rights Watch researcher Carina Tertsakian left Rwanda on Saturday, after attempts to reverse the government's decision to deny her a visa failed.

Tertsakian, a British national, is the organization's senior researcher in Rwanda and had been in the country since January.

Human Rights Watch submitted various letters on Tertsakian's behalf, and the organization's executive director appealed directly to Rwandan President Paul Kagame, but the efforts were deemed unsatisfactory by immigration officials. The Rwandan

Directorate General of Immigration cited the validity of certain signatures and dates as the basis for the rejection.

Human Rights Watch appealed the decision to Rwandan immigration officials Monday. But the group said Tertsakian's rejection is part of a larger campaign by the Rwandan government to silence independent voices and opposition before the country's August presidential election.

According to Human Rights Watch Africa Division Executive Director Georgette Gagnon, the government has become critical of the organization, frequently obstructing its work and attacking it in state-run media.

During the past few months, Human Rights Watch has highlighted increasing incidents of harassment and intimidation of opposition parties and critics of the government. Gagnon says that the recent incidents are part of a larger pattern of repression that casts doubt on the upcoming election.

"We have been documenting human-rights violations in Rwanda for a long time. And over the past few years we have seen an increase in political repression, the closing of political space and the silencing of any critic or independent voice," said Gagnon. "It is quite clear to us that freedom of expression, assembly and a number of other conditions necessary for free and fair elections are not present in Rwanda. It is quite clear who is going to win the election already.

The August poll will be just the second presidential elections held in Rwanda since the 1994 genocide.

An estimated 800,000 ethnic Tutsis were killed in violence orchestrated by the Hutu-led government, which was overthrown by the Rwandan Patriot Front, led by President Kagame.

President Kagame, who won the first elections in 2003, has been essentially in power since 1994 and has been increasingly accused of manipulating the legacy of the genocide to solidify control of the government among the Tutsi minority.

But at a ceremony to mark the 16th anniversary of the genocide earlier this month, Mr. Kagame denied the allegations saying Rwanda did not need any lessons on human rights from the international community.

Rwanda: Kagame Explores New Education Partnerships

The New Times

Usa — PRESIDENT Paul Kagame, Wednesday, visited the US based Greater Atlanta Christian School (GACS) located in Atlanta, Georgia with an aim of exploring an

education partnership between the school and Rwanda. The President is on a working visit to the US.

In line with the country's vision 2020, GACS, is set to establish a Central Africa School of Excellence which will be based in Rwanda and Kagame was given an overview of the school's master plan that will serve about 2000 students when complete.

According to the school's president, Dr. David Fincher, the next step will be to determine the site of the complex in Rwanda.

In his remarks, President Kagame said that Rwanda is committed to investing in education so that the country can develop based on the knowledge and skills of its people.

"In Rwanda, education is a top priority because we consider it to be the key to unlocking our development objectives. All studies have shown that investments in human capital have invariably produced high economic returns," Kagame said.

"We have no doubt that education empowers people, enlightens them, and in the end creates wealth for them".

He added that Rwanda has made it a priority to provide access to quality education.

The President and his delegation were given a guided tour around various sections of the school including classrooms, ICT laboratories and recreational halls among others. The school was founded in 1961.

On the same day, Kagame travelled to Bentonville, Arkansas, where he met 81 Rwandan students who study under the Presidential Scholarship Program.

While addressing the group, President Kagame urged the students to excel in their studies after which they should return home ready to apply the acquired knowledge and contribute to the country's development process.

The students study at five different colleges and universities in Arkansas under the Hendrix Program that supports top Rwandan students who qualify for the Rwanda Presidential Scholarship.

When it began in 2007, only four students were supported by the program. To-date, the number has grown to 81 and this year, 30 more will be admitted.

The students are pursuing degrees in Science and Technology with the largest group in the engineering faculty.

Rwanda: Expert Commends Regional Pact

The New Times

Kigali — THE Human rights adviser to the International Conference on the Great Lakes Region (ICGLR) based in Bujumbura, Burundi, Dr. Isabell Kempf, has hailed the regional body's efforts in the promotion and protection of human rights.

Addressing a three-day meeting on human rights dimension of the ICGLR pact on security, stability and development at the Ministry of Foreign Affairs and Cooperation, Kempf said that the pact is the pinnacle of promoting and protecting human rights in the region.

She noted that it "constitutes an opportunity to encourage member states to ratify existing international and regional instruments." The ICGLR pact on security, stability and development entered into force in 2008.

"The pact is an opportunity to domesticate and implement its protocols on human rights issues which are urgent for the region and which constitutes a unique legal and political framework," she added.

The pact includes creating conditions for security, stability, and sustainable development; providing a legal framework that governs relations between its 11 member states.

According to Dr. Kempf, member states have started meeting their obligations. She pointed out that apart from Angola, 10 of the 11 member states have ratified the pact of which the protocols are an integral part and, there is close collaboration between ICGLR and the UN Office of the High Commissioner for Human Rights (UN-OHCHR).

She acknowledged there have been challenges which include "the whole question of justice versus reconciliation - unlike Rwanda which has a Gacaca process and a national unity and reconciliation plan, other countries are still struggling".

Joseph Kabakeza, the national coordinator of the ICGLR, said the government "takes human rights issues very seriously" as it has set up a related commission and conducted intensive awareness campaigns.

Rwanda: Gacaca - Can Human Rights Be Universal and Have Respect for Cultural Relativism?

The New Times

Opinion

Kigali — The universality of human rights and what can be borrowed from a particular cultural heritage to affirm or further those rights need not be mutually exclusive. This is certainly the case with the Gacaca courts as they currently apply in Rwanda.

By definition, Gacaca are traditional councils and tribunals made up of elders to resolve conflict and administrate justice. Gacaca literally means 'a resting and relaxing green lawn in the Rwandan homestead' where family members or neighbors met to exchange views on issues directly affecting them.

Gacaca, like most traditional African justice systems, is collectivist, where the individual has no rights or duties other than within his or her group. The individual and the group are mutually complementary in a continuously reconciliatory process.

Reconciliation was key, of which this collective aspect was an indispensable medium in which individuals lived out their relations with each other, and with the wider society.

Gacaca therefore molded and defined the performance parameters expected of each individual in the Rwandan society. It is thus that even today Gacaca continues to define society such that in a betrothal or wedding ceremony, for instance, one's moral uprightness has to be tested and found to be above reproach or engage in reconciliation if there are issues to be resolved. Gacaca is therefore not a post-genocide development, but has always been there defining the Rwandan society as a uniting and reconciliatory mechanism.

Reconciliation in Kinyarwanda, *kwiwunga*, which directly translated means "to mend ourselves," has been central to Gacaca and African justice systems generally.

And, as the African proverb goes, when you want to resolve disputes, you do not take the knife to cut, but a needle to sew. In this sense, in affirming the rights of the plaintiff and defendant in the context of the wider society, restorative justice takes precedence over punitive or retributive justice in the reconciliation process.

Restorative justice applies more in a social context. It is today considered to be a forward looking, problem-solving approach to crime, which involves the parties themselves and the community generally.

The restorative justice approach presupposes dialogue between the parties to the crime; this is rare within typical criminal justice systems. Dialogue ensures that the offender understands the harm he or she has caused.

Holding the offender accountable and requiring him or her to make amends for the wrongs he has done is indeed greater than simple punishment.

The Gacaca process as currently applied in Rwanda is based on this very notion. In not only reducing the cost and speeding the justice process, it aimed to create a forum for debate of the crimes committed and not simply punish the accused.

The goal is to make the accused acknowledge the pain they have caused to their victims. The Gacaca process takes place in the communities in which the crimes were committed, and both the accused and the victims get a chance to be heard. Accused persons who publicly ask for forgiveness and confess to their crimes are 'rewarded' with reduced sentences.

Immediate Post-genocide, the UN Intervention and Gacaca

The memorial to Graham Turnbull as much recognizes the efforts we must continue to engage in ensuring the rule of law and human rights, as the history and circumstances that led to the young man's demise.

In this sense this memorial and Gacaca find common historical ground in Rwanda in the immediate aftermath of the 1994 Genocide against the Tutsi.

It may be recalled that after the Genocide Rwanda was in utter anarchy. About one million Rwandans were killed and the rest of the population largely displaced. Over 2 million people had sought refuge in neighboring countries, and many more were internally displaced.

There were countless numbers of orphans, widows, thousands of handicapped people and generally a very vulnerable and traumatised population.

Social and economic infrastructure was in a state of collapse. All economic indicators showed a desperate situation, with the inflation standing at close to 1000 percent, and most economic activity having ground to a complete halt.

Neither schools nor hospitals were functioning. The civil service had been decimated or its membership had fled into exile.

Law and order had completely broken down. Large scale atrocities were still going on in parts of the country. All national law enforcement agencies and judicial institutions had ceased to exist and the system of administration of justice had come to a complete standstill.

In the aftermath, as they fled to exile, the former government had vandalized and destroyed everything they could not transport, including telephones, typewriters, vehicles or anything that could be useful to the new regime.

The lack of basic infrastructure was exacerbated by the absence of a proper judicial team to prosecute suspects of genocide. The pre-1994 judicial system comprised of 758 judges and 70 prosecutors had mostly perished in the genocide, often at the hands of their colleagues.

The remainder had participated in the genocide and fled the country for fear of prosecution. By November 1994, a mere 244 judges, 12 prosecutors and 137 supportive staff remained.

Nearly all the members of the remaining prosecution team had suffered from the genocide in one way or other, and were unwilling to represent suspected genocidaires, while others were intimidated and abstained from intervening for fear of reprisals.

To the eyes of the international community at this point, Rwanda was 'a complete write-off'. It was also at this time, after the dismal failure of the United Nations Assistance Mission in Rwanda (UNAMIR) to stop the genocide, that the UN made a humanitarian come-back as a face-saving gesture, but also to monitor the human rights situation which it was feared would escalate with the end of the genocide.

That was how Graham Turnbull found himself in Rwanda as a UN human rights monitor. By the time he met his death in February 1997 'confirming' UN fears, insecurity was at its highest in Rwanda, especially in the northern region, as the former soldiers and the militia re-organised themselves, intent on continuing their genocidal campaign with the support of then Zaire, now Democratic Republic of Congo.

While that may remain in history, Rwanda was determined to go it alone in its disappointment in the failures of the international community. Along with reconstructing the shattered nation, justice and reconciliation was top-most on its agenda with a huge number of perpetrators to prosecute.

The official figures put this number at 818,564 persons suspected of having committed genocide. Considering these hundreds of thousands of people accused of committing crimes of genocide, it is clear that even the best criminal law justice system could not cope with these numbers.

To address this dire situation, the new Government of National Unity decided to merge two objectives, namely, to rehabilitate the already fragile justice system that had been drained in both human and material resources, and to organise genocide trials using the rehabilitated judicial system "to assure the prevalence of the rule of law, of respect for human rights and for [comity] among people." (Drumbl, 2000)

Some critics of the Gacaca courts have tended to dismiss them as ad hoc kangaroo courts. However, contrary to this perception the Security Council Resolution that established the International Criminal Tribunal for Rwanda (ICTR) stressed "the need for international co-operation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity of those courts to deal with large numbers of suspects." (UN, S/RES/955 [1994])

As a modernized system of justice to address a difficult situation, the Gacaca had four objectives, i.e., to bring the conflict into the open, involve the whole community in

resolving it, provide for compensation, and bring the offender back into the community fold.

This was an effort not only to punish the *genocidaires*, but also to get at the truth of the 1994 Genocide against the Tutsi. Rwandans elected approximately 225,000 *inyangamugayo* (literally 'person of integrity' in Kinyarwanda) to act as judges of the Gacaca courts.

Overall, the accused persons were put into four categories. The first category consisted of those who planned, organized, instigated, supervised and led the genocide, murderers who committed their crimes with excessive malice or zeal, and those who committed sexual torture or violence during the genocide. Within the Rwanda judicial system, these would be tried by the ordinary courts, which apply common law procedural rules, under Article 2 of Organic Law 16/2004.

In April 2008, the constitutive law was amended to extend the competence of gacaca courts to suspects under category one, i.e. rapists and genocide planners at the local level.

Category 2 offenders consisted of those who committed homicide or attacks which were intended to cause death or who were accomplices of those who committed such acts. Category 3 offenders were those who participated in serious attacks which were not intended to cause death. Category 4 offenders are those who committed property crimes.

The International Criminal Tribunal for Rwanda in Arusha, Tanzania, set about to prosecute high-ranking officials of the Government under category 1 offenses.

These included a former Prime Minister, 11 former Cabinet Ministers, 13 senior military officers, 16 high-ranking government administrators, five religious leaders, and a variety of other government officials and businessmen. As of May 2008, the ICTR had arrested a total of 74 persons and had completed 35 cases.

Although the ICTR has achieved some laudable successes, these have been overshadowed by the tribunal's slow pace. The tribunal is also dogged by accusation of meting out "expensive justice."

These criticisms have been exacerbated by the tribunal being based in Arusha, outside the jurisdiction in which the crimes were committed. Consequently, witnesses and evidence must be transported to the relevant tribunal at great expense. Furthermore, hiring the expert staff to enable such high-profile prosecutions has made the entire undertaking a costly venture.

Meanwhile, Organic Law 40/2000 governed the pilot phase of the Gacaca countrywide, and conducted 751 Gacaca courts of the Cell and 118 Gacaca courts of the Sector.

This test phase was characterised by case investigation and the categorisation of offences. The initial process was launched in two phases: The first phase began on 19th June 2002,

and consisted of one Sector in each of the 12 provinces in Rwanda, while the second phase started on 25th November 2002, and consisted of one Sector in each of the 106 Districts in the country.

The pilot phase lasted through 18 months of observations after which time it was clear that some restructuring and modifications had to be made. The recommendations that resulted from the test phase formed part of the Organic Law 16/2004 that governs Gacaca courts today. Key changes in this law included a decrease in the number of Gacaca judges on the bench from 19 to 9 judges and 5 deputies.

Additionally, the four categories of accused persons was reduced to three. Categories two and three were merged and the penalties were also reduced. Under the new law, Gacaca courts were administered under three courts, the Gacaca court of the Cell, Sector and Sector Appeal, all of which had different functions.

There are 12,103 Gacaca courts country wide, 9,013 in the Gacaca court of the Cell, 1,545 in the Gacaca court of the Sector and 1,545 in the Gacaca court of Appeal.

To put the huge number of Gacaca courts in context, six years after the 1994 genocide, approximately 120,000 suspects remained in cramped prisons living in inhuman conditions. Between 1996 and 2006, the Rwandan criminal justice courts only prosecuted approximately 10,000 alleged perpetrators.

At these rates, it would take 110 years to prosecute those in prison alone. Adapting a typical criminal justice system in Rwanda to deal with crimes of genocide would mean that the majority of the alleged perpetrators and their victims would die without ever being tried or receiving justice. It would be the worst case example in history of 'justice delayed is justice denied.'

There was an urgent need for speed, of which the confession process was one of the most important element of Gacaca. Confessions were the only means that Gacaca courts could collect evidence against the accused persons and their accomplices.

The nature of the Rwandan genocide (crimes committed in groups and committed in full view of the majority) enabled those who wanted to come forward and confess to their crimes, as well as those they witnessed or were accomplices to, to provide vital evidence that was necessary for the prosecution team and Gacaca.

Like confessions or plea-bargaining in other jurisdictions, this technique speeded the trial process. Those who have confessed to genocide have benefited from not only having reduced sentences, but also serve half of the reduced sentence doing community service.

This is a further incentive to confess, which has also helped reduce the number of inmates in the over-crowded prisons.

The Gacaca process comes to an end in June 2010. As Denis Bikisha, Director of Training, Mobilisation and Sensitisation, National Gacaca Courts Services, was quoted saying in The New Times of 12th March, 2010, "By 30th September 2008, the Gacaca courts had tried 1,127,706 cases. Only 4,679 cases remained untried." By June 2010, approximately 1.5 million cases will have been tried.

To have handled such a huge number of cases in such a short time is a historical feat unprecedented in jurisprudence and administration of justice.

The Gacaca process helped put the nature and gravity of crimes against humanity into context while also considering the historical, cultural and political context of the society in transition, as well as the willingness and ability of the state to act.

Transitional justice is unique in that it considers the specific circumstances of the state in transition, and allows the state to decide what best suits its situation, in relation to the objectives it sets out to achieve.

The ultimate benchmark of transitional justice is its very impermanency; it is a transition toward something better and longer lasting. Nonetheless, it is not a process that can be hurried, and it is also a process that involves compromise.

According to official figures as of December 2009, 1,461 cases remained to be concluded by the courts. To date 94,466 convicted suspects have participated in the in the community service program.

Conclusion

Post-genocide Rwanda was a state in transition, searching for ways to establish a stable and just society, while coming to terms with past atrocities. State institutions were in tatters and lacked the capacity and resources to ensure that perpetrators of genocide were brought to justice.

The Rwandan government's decision to adopt and modify the use of traditional Gacaca courts was, in part, due to the failure of its efforts at criminal justice.

Given the enormity of the challenge, Rwanda had a fall-back position, which was Gacaca. Traditional Gacaca not only united the nation, but gave it a negotiated arrangement over a period spanning centuries that accommodated the diversity of its people and engendered justice for all.

Gacaca possessed a number of components which made it both feasible and appealing as a method of transitional justice, including its emphasis on reconciliation, its simplicity and less legalist nature, its speed, its participatory and inclusive element, as well as the fact that the process was rooted in Rwanda's culture and was familiar to the people.

For peace and reconciliation to take hold in Rwanda, justice needed to be witnessed by the very people who experienced a lack thereof. Individual accountability was essential so that the guilt of some would not tarnish and shame the innocent.

By holding individuals responsible for their crimes, the Hutu as an "ethnic" group would not be held collectively responsible for crimes committed by only a proportion of group members. By this, the rule of law and human rights were observed.

While much remains to be accomplished, the challenge remains that the UN and other international efforts should measure up to the ideal of universal human rights. With this Graham Turnbull will have been vindicated.

Brig. Gen. Rusagara is the Defence Attaché at the Rwanda High Commission in London. The article is based on a paper delivered by the author in London on 27th April 2010 to the Law Society of England and Wales. The event was a memorial to Graham Turnbull, an English solicitor who was killed in February 1997, aged 37, while working as a human rights monitor on the United Nations Human Rights Mission in Rwanda.

4. Economy and Energy

Rwanda: EPA Progress is Good News

The New Times

Editorial

Kigali — THE announcement by the Ministry of Trade and Commerce that the East African Community (EAC) and the European Union had reached consensus on most of the contentious clauses embedded in the Economic Partnership Agreement (EPA), signals commitment between the two trading blocs to ink the deal by the end of the year.

The EPA is meant to replace the decolonization era trade system between the EU and the African, Caribbean and Pacific Group of States that expired in 2007.

The EAC member States initialled the EPA deal in 2007 and secured EU market access but they have not signed the agreement, which means that there are no legally binding commitments.

The Ministry stated that the European Union had softened its position and agreed to increase funding development in the region, a decision that seems to address EAC's major concerns in the long-delayed deal.

The signing of the agreement would mean that the two economic blocs will enjoy less stringent trade terms and lesser tariffs on EAC exports to the EU. Whereas a win-win deal is desirable, the EAC needs to adopt an export-led growth strategy to address the challenges of foreign aid dependence.

This means that trade liberalization would not only open the EAC economy to greater Foreign Direct Investment (FDI) inflow, but it would also shift resources to sectors in which it has a comparative advantage. This would increase efficiency and create more jobs.

The EAC already has a customs union and as it moves towards a fully integrated economic community where goods, capital, labor and services move freely, it is equally important to embrace opportunities that result from cooperation with other economic blocs.

Rwanda: P4P, another Catalyst for Economic Development

The New Times

Editorial

Kigali — Rwandan farmers, yesterday started supplying produce to World Food Program under the Purchase For Progress (P4P) framework, an initiative that will go a long way to reduce poverty among farmers who constitute the largest percentage of the population. As was pointed out by President Paul Kagame at the launch of this programme in 2008, it will help to build the capacities of local producers, so that they can position themselves to supply not only domestic but also regional and global markets.

The programme, that kicked off in Gatsibo district in the Eastern Province will without doubt help the farmers who have been struggling to get their products on the market, get fair prices which will increase to their earnings and consequently contribute to improved living standards and the general economic development.

Additionally, the P4P framework, comes with various incentives like facilitating the creation of synergies between WFP and other partners.

This is mainly in the provision of credit and seed inputs for building capacity of the farmers, and it shows the immense opportunity that comes along with this initiative.

After the Gatsibo launch, we expect the programme to be extended to other parts of the country, where some farmers are still finding it hard to sell their surplus products at reasonable prices.

The farmers should, therefore, take advantage of this arrangement and produce sufficient quantities that will meet the demands of their partners.

Rwanda: EU Softens On EPA

The New Times

Kigali — The Economic Partnership Agreement (EPA) currently being negotiated between the European Union (EU) and the East Africa Community (EAC) has gained momentum following the former's agreement to include the development cooperation in the deal, a trade expert said Tuesday.

The deal, which is meant to bring lesser stringent trade terms between the two economic blocs, had stalled owing to the EU's refusal to increase its regional funding over and above what is being provided through the European Development Fund (EDF).

"This is a good step forward for the negotiations and it shows the commitment that both EU and EAC have towards making the deal fully beneficial to both parties before it can be signed," a Trade Economist in the Ministry of Trade and Commerce said on conditions of anonymity because he is not authorized to speak on behalf of the institution.

He said that most of other contentious issues had been agreed upon. The EPA negotiations originally covered the trade cooperation which deals with goods and market access as well as removal of technical barriers to trade between EAC and EU.

The negotiations were supposed to end by December 2007 but were not concluded as planned because EAC sought to include the development matrix alongside the trade matrix before it could be signed.

However, the development dimension which is of key interest for the EAC member States has been sluggish in terms of agreement and the EU was yet to make tangible commitments in terms of availing addition resources.

"The EAC has identified broad criteria targets within the development matrix such as energy, infrastructural and agricultural enhancement which the EU will be funding when the EPA is signed," the source said.

An interim agreement was initialled so that there would be no disruption of trade and to allow more time for the negotiators to finalize on the comprehensive EPA.

"What is remaining now is that the development matrix be included in the full comprehensive EPA and this will be done when EAC and EU meet to sign the agreement in December this year," he added.

John Bosco Kanyangoga, an International Trade Expert and Consultant in Rwanda told Business Times that the EPA should not be looked at as a challenge but also an opportunity that should be taken advantage of.

"The fact that we need to position ourselves in the present globalization and free market era makes the EPA a pivotal effort aimed at achieving economic and industrial development for the whole of the East African region" Kanyangoga said.

Rwanda: AfDB Capital Resources to Increase By 200 Percent

The New Times

Kigali — The African Development Bank's (AfDB) shareholders have endorsed the request to tripling its (Bank's) capital resources to nearly US\$100 billion to allow the bank to sustain a higher level of lending in response to overwhelming demand in all countries. The decision was made in Washington last week during the meeting by the Committee of Governors that represents the Bank's shareholders.

According to a press release from AfDB, in response to the financial crisis, the Bank front loaded its commitments, put in place new instruments to facilitate trade, and restructured its portfolio.

"As a result the Bank had used its available resources more quickly than previously expected," a press release reads in part.

Governors said that the conclusions represented a vote of confidence in the Bank and recognition of the exceptional efforts undertaken in response to the financial and economic crisis, the release added.

Donald Kaberuka, president of the AfDB noted that the decision signaled shareholders' strong confidence in the Bank.

"Our response significantly helped Africa weather the storm of the crisis. But the massive increase in demand for financing has brought us close to our lending limits," Kaberuka said in the release.

With the capital increase, Kaberuka observed that the bank will be better able to meet the needs of African countries, including low-income countries, and help them return to the previous high rates of growth.

According to the International Monetary Fund (IMF) forecasts, output in sub-Saharan Africa in 2010 will expand by 4 percent in 2010 compared to 2 percent in 2009.

In an email interview with the Resident Representative of AfDB, Diko Mukete, said that the capital increase would put the Bank in a position to meet the continent's growing infrastructure demands such as roads, water and sanitation, energy, and increasingly important ICT infrastructures in partnership with other development partners.

"It showcases the marked progress made by the Bank and the increased relevance of its activities across the spectrum of its regional member countries, which include middle income, low income and fragile states," Mukete said.

Currently in Rwanda AFDB has a portfolio of 19 projects which amounts to over US\$500million.

Key sectors of intervention are mainly in infrastructure development, agriculture, and higher education, science and technology.

5. Elections and Governness

Vote Delay in Central African Republic Could Extend President's Term

VOA

Elections in the Central African Republic have been postponed for a second time, raising the likelihood that the president will remain in office past the end of his June mandate.

President Francois Bozize agreed to delay the May 16 vote after meeting with opposition leaders who say the Central African Republic must first update its voter lists and disarm rebel groups.

That will now likely keep President Bozize in office beyond the expiration of his constitutional mandate June 11th. In an announcement on state radio, the president said he will work with the national assembly to, in his words, "suggest a way we can avoid anarchy in the country."

President Bozize won election in 2005 after taking power in a coup two years earlier against the government of Ange-Felix Patasse. He and Mr. Patasse are the only two candidates in this vote because a coalition of opposition parties is boycotting the process over concerns about security and the electoral list.

This vote was originally scheduled for last Sunday but was delayed until May. Electoral commission spokesman Rigobert Vondo says it must now be pushed back again because a vote can not technically be organized within the next three weeks.

Thierry Vircoulon directs the Central Africa project for the International Crisis Group. He says elections in the Central African Republic are both too early and too late: too early because militias are not disarmed, too late because President Bozize's mandate expires in June.

"Beyond June you have a constitutional problem," Vircoulon said. "So you have there a real dilemma between the fact that the constitution has its own timeframe, and you have also the problem of implementing the electoral process which requires more time."

The ten-party Collective of Forces for Change coalition says a free and fair vote is not possible while violence continues in the north between government troops and rebels opposed to the Bozize government and in the east between the Ugandan rebel Lord's Resistance Army and government troops supported by Ugandan soldiers.

"There must be security for all the candidates who want to campaign to go to any area they want. That is quite difficult to achieve right now in Central Africa Republic because some areas are still sensitive," said Vircoulon.

Rebels in the north this month confiscated electoral lists that were being sent to the capital. That fight is compounded by an unrelated rebellion across the border in Chad. The United Nations has nearly 4,000 peacekeepers in the area for both Chad and the Central African Republic, but Chad wants those forces to start pulling out within weeks.

Dorina Bekoe is a senior research associate at the U.S. Institute of Peace.

"The Chadian rebellion and the CAR rebellions are linked to internal political instability, and until those two issues find resolution, you are going to continue to see armed rebellion," Bekoe said.

While President Bozize has not called on the UN's MINURCAT peacekeeping force to leave the Central African Republic, most of those troops are based in Chad. Bekoe says redeploying them against the Lord's Resistance Army would dramatically change their mandate to protect humanitarian assistance to one-quarter million Sudanese refugees and another one-quarter million combined Chadian and Central African Republic civilians.

"There has been a call for perhaps relocating the UN and MINURCAT to the area where the LRA are operating but that is way beyond the current mandate," Bekoe adds. "They have certainly added to the spread of the humanitarian insecurity and the crisis in CAR."

The U.N. says LRA attacks on civilians have displaced more than 20,000 people inside the Central African Republic, adding to both electoral insecurity and the likelihood that those people will not be able to vote.

The Economic Community of Central African States is calling on the Bozize government to continue its dialogue with political opponents to arrive at an acceptable approach to organizing elections that allow both voters and candidates to freely exercise their democratic rights.

6. Refugees and Rebels

Burundi: Naturalization of Refugees in Tanzania - A New Home?

PAMBAZUKA News

Analysis

It is rare for host countries to offer refugees citizenship, especially in a context such as the Great Lakes region where millions have been displaced. Instead, most governments wait for circumstances to change so that refugees can go back to their home country.

Tanzania, however, has taken the bold and commendable decision to offer citizenship to 162,000 Burundian refugees who fled their country in 1972 and who have since been living as refugees in Tanzania. While it is important not to detract from the level of generosity that this demonstrates, the process itself has revealed a fundamental disjuncture between rhetoric and reality. Only when the gap between the two has substantially reduced, it is argued, can it be judged a success.

First, official UN reports claim that the refugees have been granted citizenship. Yet recent phone interviews with those who have apparently just received citizenship show that they have not been given their certificates of citizenship and have been told not to leave the settlements in which they are living. The reason for this, they are told, is that their citizenship status is actually contingent upon them being relocated to other areas of Tanzania. Only when they are moved will they get their certificates. To refer to them as citizens seems somewhat premature given that these 'Tanzanians' are neither allowed freedom of movement, nor the security of having the necessary and vital documentation to prove their new status.

These former refugees have spent the past 38 years cultivating the land kindly provided to them by the government and have built up strong communities with those around them - not least because they have lacked freedom of movement so have been unable to integrate freely with Tanzanians living in the surrounding areas. The government of Tanzania is free to encourage movement, but as Tanzanian citizens they have the right to choose where they want to live and can only be moved forcibly in narrowly circumscribed circumstances. They certainly should not have to undergo what essentially amounts to another displacement. In addition to potentially violating their rights as citizens of the country, such movement will also undermine their economic self-sufficiency - which is concerning in a country where livelihoods are already precarious. Previous research has shown that this group are hugely concerned about the social, cultural and economic viability of being relocated across the country. For instance, moving them away from the place that has been their "home" for the past 38 years means they will lose their extended family connections and their current fixed assets (such as their houses). Yet they are caught: without their certificates, they are unable to access their rights as Tanzanian citizens, including the acquisition of business licenses, equal

access to secondary education and medical treatment (for more information see *Going Home or Staying Home*).

Furthermore, history has shown that public statements about the granting of citizenship do not always translate into full citizenship for individuals. Rwandan refugees who were offered mass naturalization by the Tanzanian government in the late 1970s with a similar public profile were still waiting ten years later for their certificates, despite having been "naturalized". At the end of the day, the proof of the success of this exercise is not in the declaration that these former refugees are now Tanzanian citizens, but in ensuring the realization of the rights attached to citizenship.

Second, there is concern about what will happen to those whose application for naturalization is rejected. Currently there appears to be no system for informing those whose applications are unsuccessful, and there is no understanding of what will happen to them. As previously documented by the International Refugee Rights Initiative, many of those who missed the opportunity to apply for naturalization did so as a result of basic administrative errors. Yet with no process for appeal in place, the future for those who are not accepted remains unknown and needs to be clarified urgently.

The third concern relates to the situation of other Burundian refugees living in Tanzania who have not been included in the naturalization process, many of whom are refugees who fled Burundi in the 1990s and are therefore not being considered eligible. These refugees fall into two main categories: first, 36,000 refugees living in the last remaining camp for Burundian refugees, Mtabila, who are coming under intense pressure to return to Burundi regardless of whether or not they have legitimate concerns about repatriating; and second, self-settled refugees (or irregular movers as they are known officially) who have fallen off the official radar. In the case of the latter, there has been some indication that those in this group who fled in 1972 might be offered the option of applying for citizenship. However, uncertainty remains.

Of specific concern is the fact that conditions in Mtabila camp have deteriorated rapidly over the last year. Schools have been closed for months leaving more than 12,000 children without education, income-generating activities have been officially suspended, and even going to church was not allowed until recently when prayers were allowed to resume under strict conditions. Only basic medical and relief services are still being provided - as one refugee put it grimly, "only services to keep refugees from dying are still being given." With such considerable push factors, questions have to be asked as to why this group of refugees is not returning to Burundi where, surely, life could not be any worse? Yet many continue to insist that they fear individual persecution if they return to Burundi (see *I Don't Know Where to Go*). Burundi is making progress in its painful transition out of decades of violence and conflict towards stability. Yet not surprisingly, numerous problems remain unresolved, not least the massive deficit of justice in the country and enormous problems relating to the re-acquisition of land (see *Two People Cannot Wear the Same Pair of Shoes*). The situation in Mtabila, therefore, represents something of a standoff between a government that refuses to do anything that might

encourage them to stay, and a group of refugees who stubbornly refuse to return. But it is a deadlock that cannot be allowed to continue to serve as an excuse for violations of the rights of the displaced.

So what is the outlook for Burundian refugees in Tanzania? For those in Mtabila camp, it is imperative that protection continues to be offered to this group of refugees. The cessation clause in the 1951 Refugee Convention - which would effectively rescind refugee status for Burundians living in Tanzania - has not been applied. Even if it were to be applied, refugees must have an opportunity to make an individual case for continued protection. The government must guarantee that refugees are not forcibly returned and alternative solutions are sought. Likewise the government needs to be clear about the situation for self-settled refugees.

For those in the midst of the current naturalization process, it is vital that successful applicants receive their citizenship certificates and are not forced to move from the settlement. In addition, the Tanzanian government, along with UNHCR, needs to be far more transparent and accurate in how it is portraying the situation. We hope that the time will come when the international community - and Tanzania's new citizens - can genuinely congratulate and thank the government for offering this group the opportunity of citizenship and all the rights which are bound up in that. But in the meantime, rhetoric needs to be translated into a reality that allows these new Tanzanians to fully realize their rights as full citizens.

Dr Lucy Hovil is a senior researcher at the International Refugee Rights Initiative.

France Offers to Help With Congolese Refugees

VOA

UN Agency Alarmed by Continued Sexual Violence against Women in DRC
France says it will help the Congo Republic feed more than 100,000 refugees from the Democratic Republic of Congo who has been displaced by fighting in the western Equateur Province.

Relief officials do not have enough supplies to feed all the refugees, who have crossed the Oubangui River into the Congo Republic, fleeing fighting between ethnic Enyele militiamen and the army of the government in Kinshasa backed by U.N. peacekeepers. More than 100,000 refugees are spread along 500 kilometers of the river that separates the countries. Only about one-third of them are receiving food, and those rations are mostly incomplete as there are few starches left in relief warehouses.

That has created a substantial humanitarian crisis for the government of Congolese President Denis Sassou Nguesso, who discussed the situation with French President Nicolas Sarkozy in Paris.

President Sassou Nguesso says 120,000 people from the Democratic Republic of Congo have crossed the Oubangui river and are now living in a region that is normally home to 80,000 people.

The president says 80,000 residents for 120,000 displaced people in a remote region of northern Congo are causing serious problems. He says he and President Sarkozy discussed the situation, and the French leader promised to support the Congo Republic in its relief operation.

Regional diplomats say the humanitarian situation could grow worse with more fighting. Earlier this month, Enyele militiamen launched their boldest attack, briefly taking control of the governor's office and the airport in the capital of Equateur province. That is another security challenge for the government in Kinshasa at a time it is insisting

U.N. peacekeepers begin withdrawing from western provinces in June.

The instability of such a large refugee population may also pose a threat to the Congo Republic. Africa's fifth-largest oil producer is an important French ally in the region. Brazzaville currently pumps about 220,000 barrels of oil a day, and the French energy firm Total is its biggest producer.

Central Africa: LRA - A Regional Strategy beyond Killing Kony

International Crisis Group (Washington, DC)

Press release

To make an end of the brutal Lord's Resistance Army (LRA) once and for all, national armies, the UN and civilians need to pool intelligence and coordinate their efforts in new and creative ways.

LRA: A Regional Strategy Beyond Killing Kony, the latest report from the International Crisis Group, examines how what was once an insurgency in northern Uganda has become a regional humanitarian and security problem that requires a regional solution. Operation Lightning Thunder, the Ugandan army's latest attempt to crush the LRA, has been a military fiasco. After the initial attack on their hideout in a Congolese national park in December 2008, small groups of fighters dispersed more widely in the Congo (Democratic Republic), South Sudan and the Central African Republic (CAR). They immediately committed a series of massacres of villagers to show they retained their power and continue to survive by preying on civilians.

"National security forces are too weak to protect their own people, while the Ugandan army, with U.S. support, is focused on hunting Joseph Kony, the group's leader", says Edward Dalby, Crisis Group's Central Africa Analyst. "The Ugandans have eroded the LRA's numbers and made it difficult for scattered groups to communicate. But, even if

they eventually kill or capture Kony, LRA fighters will remain a terrible danger to civilians in this mostly ungoverned frontier zone”.

The LRA has exploited the inability of the Congo, South Sudan and the CAR to control their border areas and benefited from insufficient coordination between their armies. Small, fast-moving groups of fighters attack unprotected villages to resupply with food and clothes and abduct new recruits before heading back to the cover of the forest. Killing and mutilating are part of a strategy of terror to dissuade survivors from cooperating with the Ugandan and other armies. The weakness of all three state security forces where the LRA now operates and the limited capacity of the UN missions in the Congo and South Sudan have left civilians no choice but to fend for themselves. The UN Security Council must ensure that the planned and gradual drawdown of MONUC (UN Mission Congo) leaves sufficient forces in the LRA-affected areas in the Congo.

“To put an end to what has become a causeless and homeless rebellion, a new strategy is required that prioritises civilian protection, as well as a united effort among military and civilian actors within and across national boundaries”, says Thierry Vircoulon, Crisis Group’s Central Africa Project Director. “Because the need for security is urgent, flexible and innovative forms of cooperation between international, state and non-state actors are needed to counter the threat that operates in and exploits this semi-stateless zone”.

But not even a complete military victory over the LRA would guarantee an end to insecurity in northern Uganda. To do that, the Kampala government must treat the root causes of trouble in the area from which the LRA sprang more than twenty years ago, namely northern perceptions of economic and political marginalisation, and ensure the social rehabilitation of the north.