

**DYNAMICS FOR PEACE AND LOGICS OF WAR**  
2002 report on the situation of human rights in the great lakes region:  
Burundi, DR Congo, Rwanda

---

**EXECUTIVE SUMMARY**

---

The African Great Lakes Region, restricted to Burundi, Rwanda and the Democratic Republic of Congo has been struggling for almost a decade in a regional crisis dimension, with domestic specificities and expansions for each country.

The year 2002 went through a number of initiatives opening a window to various chances to overcome crisis or put an end to transitional political situations.

Such dynamics are far from being linear and they occur coupled with war logic and events capable of jeopardising them and slow down expected outcomes.

The three countries show a number of similarities but also differences peculiar to the context of each country.

The ongoing powers undergoing various pressures, be they internal or external, are compelled to engage in reforms to change their domestic situation but with a quick clash over interests of dominating groups which are often hostile to changes and eager to maintain the statu quo.

Such a context emerges a number of obstacles to fundamental freedoms blocking any space for free expression so as to monopolise the speech and deny citizens from the right to participate. Freedoms infringed upon in a subtle way, range from censorship, intimidation and even to physical elimination of individuals. Therefore, abuses can be committed at the absence of essential and vital vigilance.

Another typical feature is the non-respect of concluded agreements. The breaking of agreements is a common practice in the region. Often, we have the official discourse that reaffirms attachment to concluded agreements on the one hand, on the other, and on the other direct underground actions through other actors that destroy or paralyse concluded agreements.

## **B URUNDI**

The Arusha peace Accords signed in august 2000, having been delayed in its implementation, remain signed away by lack of total cease-fire between belligerent parties. Its implementation did not consider by no means the share of the population. Instead, continuation of hostilities has been the mould of massive violations of human rights, particularly with regards to the right to life; but also to progressive and significant decline of living conditions of the populations.

Efforts made for cessation of hostilities have come up with mixed results. Negotiation between belligerent parties has been blocked by the fragmentation of armed groups, each of which split up each in two fighting wings. The kicking out of one commander makes emerge a new one, who is generally more radical, with the strongest group on the ground. Apart from a number of missed appointments, the will for dialogue was not yet on the schedule and accords' signature mainly took place thanks to the pressure by the mediation and the regional initiative for peace.

With lack of a real ownership, the accords have remained a dead letter and the war has continued its course on a new tone. The devastating war is carried out on a significant part of Burundi territory, the international humanitarian law being generally contravened. Villages are attacked, with civilians taken as main targets during ambushes on the main roads and rapes perpetrated against girls and women, people being held to ransom, lootings etc. Indeed with reference to observations carried out, certain acts committed constitute war crimes and crimes against humanity.

The war also brought about a number of dysfunctions in all sectors particularly within the state machinery. These dysfunctions are an obstacle for citizens to enjoy their rights to access various public services. This situation has given room to the rise of corruption and other embezzlements; making government resources and its capacity to fulfil its missions rather precarious. Worse, this situation has widened inequalities and intensified frustration.

In 2002, the signing of ceasefire accords has restored hope to Burundians. However it is unfortunate that lack of effective implementation of these peace accords has quickly transformed that hope into high disillusionments.

## **CONCLUSIONS AND RECOMMENDATIONS**

A number of events which took place during the year 2002 have been an opportunity for Burundians to renew with hope at least for a lapse of time. In addition to Arusha Accords, the year was also marked with the signing of the ceasefire between the government and one of the important rebellion armed faction<sup>1</sup>. These hopes were quickly turned into disillusionments as agreements concluded by belligerent parties will hit against a great deal problems with regards to their implementation. So the Arusha Accords experienced a number of violations and the ceasefire will remain a dead lock issue. The hopes for Burundians, however temporary, to get a respite by a total cessation of hostilities were vanished.

The war has continued with its woes and miseries; the population continued to be the main target of violence and victim of socio-economic deterioration, subsequent to war logic.

Negotiations have failed to cement trust between belligerent parties as some continue to harbour hidden agenda and favour sectarian interests. The irreversible internal dynamics for dialogue, so expected, was dwarfed by dominating logics of violence.

Despite efforts made by other actors notably the civil society for a change, citizen participation remain relatively insignificant in a war dominated context. The majority of citizens are under the burden of daily struggle for survival. They are thus unable to organise and mobilise themselves to take actions capable of influencing military and political actors in order to significantly improve Human Rights situation, particularly the cessation of violence and the set up of environment enabling progress towards lasting peace in the country.

---

<sup>1</sup> CNDD-FDD, Peter Nkurunziza's wing

In Burundi, the pursuit of violence is stimulated by the persistence of impunity. Every body knows well that a number of key political actors are responsible for crimes which underlay the current crisis. The logic of negotiation wants to safeguard their interests by provisionally shielding them from judicial prosecution in an effort to give chance to peace.

In this regards, the adoption of a law repressing genocide is constantly balanced with the bill on provisional immunity ending up in blocking within the Transitional National Assembly whose interests of different political groups can not be reconciled on the issue.

During the whole crisis, living conditions of people have been deteriorating, the middle class progressively disappears and gives rise to proletarianism, farmers growing poorer and losing their capacity to support themselves; Poor salary conditions of civil servants have been underlying serious social conflicts. A number of strikes were organised in several public and para public sectors and they nearly derailed the fragile ongoing peace process.

In 2002, Burundi continued to be a pattern of violence spearheaded by civilians; local administrative offices being particularly targeted. Despite denunciations on the observance of rules of the war, belligerents rarely respect the humanitarian law. The war in Burundi has been taking place for ten years but belligerents on both sides have no war prisoners. The war also goes hand in hand with numerous attacks against civilians, sometimes on selective basis, frequent ambushes on roads, making them uncertain for the transport of goods and people, attacks on basic social infrastructures, looting of goods and cattle etc.

Burundi is unable to come out its current stagnation unless military and political actors agree upon a cessation of hostilities. Mechanisms to rebuild trust between different actors should thus be promoted. The country needs also a multiform support from international community: financial and political support. The International Community should bring about Burundians to cease the war, rebuild the confidence among different actors and break with the culture of impunity. In so doing the international contributors will have laid grounds for a stable rule of law in Burundi.

## **RECOMMENDATIONS**

### **To the government of Burundi**

- Guarantee fundamental freedoms in order to create conditions for a wide and productive dialogue on the problematic of peace in the country.
- Refrain from any persecution against internal political opponents and release unconditionally, all prisoners of opinion or all people deprived of freedom as a consequence to their political activism.
- Initiate mechanisms to fight against corruption and embezzlements.
- Set up effective mechanisms to protect life of civilians and their properties and punish all abuses committed by civil servants in conformity with the law;
- Give priority to a large dialogue so as to settle problems related to Arusha Accords implementation; other political actors and those from civil society being integrated.
- Remove all obstacles on the bill on the repression of genocide crime, war crimes and implement of all mechanisms fighting against impunity in accordance with Arusha Accords.
- Ratify the International Penal Court statutes as soon as possible.

## **The rebellion groups**

- To the movements already signatory of the ceasefire, strictly respect concluded agreements and give priority to dialogue to find solutions to questions that have been shelved.
- To Palipehutu-FNL, refrain from the war logic and join the negotiation table.
- Scrupulously respect the Geneva conventions by refraining from targeting unarmed civilians and civil infrastructure.

## **To the international Community**

- Keep on monitoring the peace process in Burundi by pressurising military and political actors in order to respect concluded agreements.
- Take appropriate measures to bring about rebellion movements which have not signed ceasefire Accords to suspend hostilities and place them in negotiating dynamics.
- Support Burundi in order to find appropriate mechanisms to fight against impunity through an international court ad hoc or a mixed tribunal so as to prosecute perpetrators of genocide crimes, crimes against humanity and war crimes committed in Burundi.
- Seek a global and inclusive solution to problems pertaining to peace in sub region by organising an international conference on peace in the region.

## **To the Civil Society.**

- Get better organised in order to impact on different national actors so as to bring them respect concluded agreements and seek a common vision for the country.
- Organise controlling mechanisms in order to thoroughly document human rights violations and denounce their authors, whatever perpetrators they may be.
- Carry out concrete actions aimed at fighting against impunity in the country.
- Initiate actions leading to genuine reconciliation of Burundians particularly by actively participate in the implementation of mechanisms provided for by Arusha Accord (Truth and Reconciliation commission, Ombudsman)
- Initiate actions allowing the country to overcome the crisis and establish a genuine democracy focused on full citizen participation and equality of all citizen before the law.

## **THE DEMOCRATIC REPUBLIC OF CONGO**

The peace process in the DRC has made significant progress both on internal and external dimensions. Despite some failures, the inter-Congolese dialogue for peace has come up with total and inclusive accords placing the country into a transitional period which, hopefully, if well managed, would end the war and lead up to the restoration of a legitimate government and the reunification of the country.

Negotiations with neighbouring countries involved in the Congolese conflict have come up with Pretoria and Luanda Accords between the Congolese President and his counterparts from Rwanda and Uganda. The implementation of these accords led to the withdrawal of

Zimbabwean, Namibian and Rwandese troops from the Congolese territory and so did the large part of the Ugandan troops between June and November 2002.

The implementation of Accords always resulted in hesitations of belligerent parties who always seemed to harbour hidden agenda. On each side was found a will to refuse a compromise and rather looking for ways to get a military strong position over the other protagonists. In fact, most of them have pursued their military positioning on the field or actively worked to strengthen the positions of their allies. This portends a preparation to reopen hostilities.

The implementation of these strategies peaked out with a military confusion in the eastern part from the north to the south, alongside the Lake Tanganyika and the borders with Rwanda and Uganda. It generates micro conflicts nurtured by war commanders forged or allied to the chief protagonists. The increase in number of armed factions created a real balkanisation of the eastern part, being subdivided in multiple enclaves under the war chief commander authority. This has negatively impacted on the enjoyment of all rights and fundamental freedoms as various self proclaimed authorities acting in obscurity never respected the law and international conventions on Human Rights and humanitarian law.

The situation of human rights is then characterised by massive violations of the right to life, rapes of women, lootings and tightening of fundamental freedoms, especially the right to free opinion and expression. The borders of these different enclaves also constitute serious obstacles to freedoms of movements for people and goods, and increase the already high number of taxes in that eastern part of the country.

As regard to the socio economic situation, the living conditions of the population has significantly deteriorated due to the occurrence of war and mismanagement in the areas occupied by rebellion factions. The increase in number of taxes and the constant depreciation of currency have drastically reduced the purchasing power of the population. In the same way the persistent insecurity causes much displacement of people and hinders them from carrying out productive activities what leads to incapacity of self reliance. The two combined factors result into an increase in number of vulnerable people, thus, incapable to self rely for basic care such as providing school fees and self feeding. Such a situation has unfortunately led to dramatic increase of mortality rate..

## **CONCLUSIONS AND RECOMMENDATIONS**

The year 2002 has been punctuated by contradictory events. On the one hand, there is a significant pace of Congolese political actors progressing towards a global and inclusive peace accord and on the other, persisting war logic and conflicts, especially in the eastern part subdued by many war chief commanders. The latter are consolidated by a traffic of influence and political and military positioning between the government of Kinshasa and neighbouring countries allied to the rebellion . So, despite the withdrawal of foreign troops from Congo and the signing of a global and inclusive peace accord on power sharing during the transitional period, the eastern part in DRC remain under the yoke of numerous micro-conflicts.

The continuation of such micro-conflicts negatively impacts on the enjoyment of rights by Congolese citizens. Due to the war, a number of human lives have been lost , people have been undergoing physical attacks, blatant violence against women and numerous infringement

on fundamental freedoms. Subsequent degradation of living conditions of populations makes them lead a precarious life with a pure denial of right and dignity. Such multiform abuses will persist unless involved parties agree to definitely put an end to hostilities and engage in peace logic. Respecting concluded agreements is essential.

The settlement of the Congolese issue has a regional dimension and will be correctly and sustainably envisaged, if only regional factors are being considered, and priority given to universally recognised principles as well as interests of different involved actors.

Destabilisation, fragmentation and impoverishment of Congo is a factor to the instability for neighbouring countries which would gain from the reunification and economic reconstruction of this country and would lay grounds for a rule of law. Similarly, Congo needs to take into account legitimate preoccupations of neighbouring countries especially as regards to security, cessation of hatred campaigns and building a space for dialogue and cooperation

## **RECOMMENDATIONS**

### **To rebellion factions**

- To scrupulously respect concluded agreements in the framework of Lusaka Accord and other subsequent conventions.
- To stop any political, logistic and military support to different armed groups active in the eastern part of Congo.
- To give priority to consultation and dialogue to settle disagreements which may rise from the interpretation and implementation of different accords having been signed.
- Respect the international law and humanitarian law in areas, yet in conflict.
- Remove obstacles against the enjoyment of fundamental freedoms particularly the freedoms of expression, of opinion and peaceful association.
- Permit independent investigations of different types of violations and prosecute perpetrators in conformity with the law.
- Use all means to relieve the woes and misery of the population under their control especially by paying salaries to civil servants and military and their arrears.
- Reorganise public services in conformity with the respect of rights of citizens whatsoever.

### **To the armed groups**

- Put an end to hostilities and firmly engage in peace process;
- Put an end to various alliances with armed factions from neighbouring countries (Interahamwe, FDD, FNL, etc.) based in the Democratic Republic of Congo and stop any collaboration with them;
- Refrain from any hatred or denigrating on ethnic, tribal or regional basis;
- Respect humanitarian law and the Geneva Conventions by refraining from violence against unarmed civilian populations.

## **To the Civil society**

- Put a lot of effort into the search for peace and reconstruction of a genuine rule of law
- Refrain from nurturing ambiguous relationships with political organisations and armed groups by taking independent positions and transcending sectarian divisions.
- Denounce human rights violations whoever perpetrator may be.
- Denounce any hatred and denigrating campaign and strive for national unity and reconciliation.

## **To the International Community**

- Use its weight( influence) to bring about belligerent parties to respect and implement concluded agreements.
- Politically, practically and finically support the peace process.
- Reinforce the **MONUC**, by providing them with necessary human and material resources so as they can fully play their role.
- Pressurize the government of Rwanda , Uganda and Congo in order to scrupulously make them respect concluded agreements in accordance to Luanda and Lusaka Accords and those of Pretoria.
- Support economic reconstruction priority being given to the putting in place of communication facilities to allow an economic and political integration of the country.

## **RWANDA**

Contrary to the other two countries, Rwanda enjoys a satisfactory domestic security situation although obtained at the expense of its troops' involvement in the Democratic Republic of Congo. This keeps the country away from the mass human rights violations peculiar to conflict situation. However, serious obstacles to the enjoyment of civil and political rights, and the fundamental freedoms are observed.

The political situation in Rwanda has been characterised by the progress of democratising process aiming at ending the transitional regime on power since 8 years long. That is, after the genocide that ravaged the country. In this regard, the government has set up a commission, to draft the constitution text and organised the consultation, of people on the text draft; the latter will later be submitted to a referendum to become a legal framework for 2003 presidential and legislative elections.

A closer analysis of the process shows that the dominating party has set up a machinery to marginalize other actors so as to maximise the chances to win all the scheduled elections. Such a situation is likely to generate frustrations and might toughen the positions and give room to new tensions and even violent confrontations.

What seems contradictory is on the one hand, the proclaimed will for the democratisation of the political game and on the other, the mechanism knowingly put in place to control and block democratic spaces.

Targeted attacks, visible or hardly veiled are mostly dispatched in the area of freedom of opinions, free expressions and peaceful associations.

The arrest and detention of the former president Bizimungu and his main co accused can be placed in this same context. When he was about to declare the formation of a political party “PDR Ubuyanja”, the arrest occurred after several scenario of intimidation and the denigrating campaign by some public officials.

Therefore, however the charges against them, it is hard to convince that the chief grounds for the arrest were not rather to cast them from political game for that the executive power has permanently and visibly interfered into the issue. It is worth noting a frustrating mobility of the charges so far retained by the prosecution.

Restrictions to fundamental freedoms in Rwanda mainly those pertaining to opinions and associations in Rwanda, create and maintain a climate of unrest often leading to the fleeing of top political and military officials. Consequently, through lack of space of expression within Rwanda, political movements are organised outside the country, resulting in alliance building of political and military groups, extremist organisations included. Thus, we can name the formation of an organisation denominated “Igihango” in Germany at Bad Honnef in march 2002, as a kind of “blood alliance” between political movements like FDLR, the ARENA and the NATION.

All these groups opposed to Kigali regime negatively impact on the enjoyment of fundamental freedoms. Kigali makes recourse to self- defence mechanisms by hunting the real or suspect opponents and to preventive measures to neutralise any free expression or criticism, which suddenly end up in a sort of vicious circle. To counter the political action or propaganda of the movements, the regime carries out a melting of democratic spaces. This reinforces more and more their determination to combat the Kigali regime and counteract the set up measures. Henceforth, Kigali regime hardens again its positions by silencing any contesting opportunity or any possible independent expression on its system.

These different reflexes are symptomatic of the Kigali regime difficulties to deal with genocide consequences and subsequent fears to organise an open democratic game. As a result, there are an increasing number of taboos;

Aware of its weaknesses, the government of Rwanda has initiated procedures to stabilise the political situation, to draw a consensus on democratisation process by greatly associating Rwandese from the Diaspora; These procedures carried out on voluntary basis and which have noble objectives aimed at reconciling Rwandese and permitting them to draw together a common vision for the future, but have a little scope as they are centralised and interventionist.

The government of Rwanda has also engaged in finding alternative solutions to the dead lock judicial problem of trying thousands and thousands of presumed genocide perpetrators and repairing victims. “Gacaca” jurisdictions are meant to take up this challenge as a traditional alternative mechanism which will, not only allow to try criminals but also to lay down the basis for reconciliation, by revealing the truth and allowing guilty people to ask for forgiveness. However, the big challenge is that judges “inyangamugagayo” need to be reinforced in terms of abilities and enabling the environment favorable to the functioning in full independence of the executive power for fair and equitable justice .

As regards to the socio economic situation, poverty has been worsening in Rwanda, widening inequalities and growing a number of vulnerable people. With reference to statistics from he



finance ministry, the Rwandan population living below the threshold of poverty, represents around 60 per cent of the total population. In such conditions, access to basic and socio economic rights can not be guaranteed, particularly health care and education.

## **CONCLUSIONS AND RECOMMENDATIONS**

Eight years long after the 1994 genocide, Rwanda made progress and setback in the democratisation process and entrenchment of a human right culture.

Along the transition, Rwanda has significantly stepped forward in reconstruction and the putting in place of a State, especially an administrative machinery that was completely destroyed during the genocide. The transitional period is coming to an end and has already been preparing to enter the democratic era.

The way the process is conducted is rather contradictory. There is a manifest and irreversible will to come out of this transition ; but it is coupled with desires to maintain the statu quo. which reduces the scope and even the credibility of such a process. This results from both the approach used and the general climate prevailing in the country. On the one hand, the drafting of the constitution text was carried out in an interventionist way with drastic restrictions on contradictory debate and subsequent contributions ; and on the other, Kigali regime has blocked democratic spaces with a deliberate will to silence any independent expression.

Such a situation has raised a strong feeling of unrest that has particularly been worsened by suspicions, arrests of real or suspected opponents, desertions of military and civil officials and a decline of freedom of expression in general.

Relationships with neighbours also impact on domestic climate. In this respect it will be noted the withdrawal of Rwandese troops from the Democratic Republic of Congo following Pretoria Accords , this being a good sign to normalize relationships between the countries. However, relationships with Uganda are still tense, each country trying to destabilise the other by supporting groups which are hostile to the regime in place and sometimes, giving asylum to officials capable of reinforcing such opposition.

On economic level, poverty has been increasing and the political proclaimed will to combat poverty has not made any concrete measure and tangible projects. The gap between the rich and the poor widens more and more every day with its subsequent potential social unrest.

## **RECOMMENDATIONS**

### **To the government of Rwanda**

- Take concrete and proper measures to clear the socio-political climate to allow an effective and equal participation of all Rwandan citizens, by first of all, creating a favourable environment for free expression, sine qua non conditions for the establishment of sustainable peace and genuine democracy.
- Organise a contradictory and inclusive national debate modalities to integrate all political components, including political parties in exile that are firmly engaged in political struggle and recognising genocide without ambiguity.

- Engage in pro-active action, to normalise relationships with Uganda and maintain durable disengagement from the Democratic Republic of Congo
- Take urgent measures, enabling an independent and responsible press, with full exercise of activities regulated by professional associations and in conformity with the law.
- Revise the law on non-profit organisations to permit them to play their role and carry out their activities countrywide in conformity with the law;
- Enforce the judicial decisions and punish civil servants guilty of non implementation of these decisions;
- Promote good governance by taking concrete and appropriate measures to fight against corruption, embezzlements in order to ensure security and social order to Rwandan people;
- Ratify the convention against torture, the international penal court statutes and those of African Court for Human Rights.

### **To the Civil Society**

- Concentrate efforts on establishing a Rwandan Civil society, which is strong and independent, able to play the role of counter weight vis-à-vis the power and allowing citizen participation.
- Courageously, firmly and independently participate in fight for respect of Human rights and fundamental freedoms in Rwanda;
- Inform and educate the population in order to involve them into a pacific and responsible mobilisation for an active participation in civic affairs.

### **To the International Community**

- Financially and politically support the democratisation process in Rwanda by pressurising the incumbent regime and bring them to open spaces to genuine democracy and respect for fundamental freedoms in Rwanda;
- Support the civil society in their initiatives to inform and educate the population for a genuine citizen participation.
- Use appropriate mechanisms to promote the human rights culture and respect of fundamental freedoms in Rwanda.
- Guarantee the progress of peace process in the Democratic Republic of Congo and engage in effective surveillance of security situation in the eastern Congo, to allow the government of Rwanda to serenely pursue its political programme of national reconciliation.