

**Again at the Crossroads –
Rwanda and Burundi,
2000–2001**

Filip Reyntjens

***Filip Reyntjens* is a Professor of Law and Politics at the Institute of Development Policy and Management, University of Antwerp. He is the chairman of the Centre for the Study of the Great Lakes Region of Central Africa. He teaches on law and politics in the Third World, with a particular emphasis on Sub-Saharan Africa. He has done extensive research on the contemporary history of the Great Lakes Region in Central Africa.**



NORDISKA AFRIKAINSTITUTET

The Nordic Africa Institute
P O Box 1703, SE-751 47 Uppsala
Tel. (46)-18-56 22 00, telefax (46)-18-56 22 90
E-mail: nai@nai.uu.se. Internet: www.nai.uu.se

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Contents

- 1. Introduction 4
- 2. Governance and Institutions 5
- 3. Justice11
- 4. Human Rights15
- 5. Civil Wars, Opposition, Political Dialogue17
- 6. The Regional Context21
- 7. Conclusions and Perspectives23
- Acronyms26

INTRODUCTION

The political evolution of Rwanda and Burundi must be seen in a broader regional geopolitical context. The presence of the Rwandan and Burundian armies in the DRC is the expression of the extraterritorial extension of these countries' civil wars. While the Burundian armed conflict runs parallel to (very fragile) negotiations, the Rwandan regime remains closed to any idea of political dialogue. The Burundian talks where the facilitator Nelson Mandela induced a forceps delivery, ended in August 2000 with the signature of an accord which is really a non-accord. Its application meets with very considerable difficulties. During 2001, the option of total war was once again on the agenda and Burundi finds itself once more at the cross-roads. The Rwandan regime is confronted with increasingly threatening political challenges: these include the desertion of a number of Tutsi, (former) RPF militants and officers of the RPA. The Rwandan and Burundian opposition movements attempt to seize the opportunities offered by the unstable nature of regional geopolitics: thus, Uganda is preparing to join the Congo as a base for the destabilisation of Rwanda.

While Burundi has experienced a considerable decrease in international aid over several years, the "genocide credit" which made Rwanda a "special case" to which political conditionality was not applied is nearing its end. The war waged in the DRC, the illegal exploitation of its resources, poor governance, growing

isolation and the arrogant refusal of any dialogue are causing the "friends of the new Rwanda" to keep their distances and to threaten to become more severe. This sort of development may lead to an increasingly difficult economic situation in addition to the political impasse, especially if the rent derived from the illegal exploitation of the RDC were to dry up.

The peoples of the Great Lakes region are the main victims of the inveteracy of a political-military-mercantile class which, in Kigali and Bujumbura, acts in what it perceives to be its self-interest. Their most elementary human rights, including the right to life, are violated on a daily basis in a context where large-scale violence has become a banal instrument of political management. Subjected to massacres, arbitrary detention, lack of education and health care, forced regroupment and "villagisation", civilians are caught between two fires, as the insurrectionist groups are no more concerned about human rights than government armies are. Finally, the behaviour of the RPA in the DRC constantly reinforces the "Bantu" vs. "Hamite" bipolarisation and contributes to an ethnogenesis that contains the seeds of future confrontation which will prove difficult to manage.

Antwerp, May 2001

2. GOVERNANCE AND INSTITUTIONS

2.1. Rwanda

The period under review was much less eventful than the previous one, during which, in the first trimester of 2000 the Speaker of the National Assembly, the Prime Minister and the President of the Republic were all replaced. Indeed last year, the Speaker of the Assembly, Joseph Sbareenzi, left for the US where he was to become the co-founder of a new opposition movement (see below). His example was followed at the end of May 2000 by the former Prime Minister, Perre-Célestin Rwigema, who was accused of misappropriation of funds and other abuses by a parliamentary commission. Like Sbareenzi, he took up residence in the US, from where he became an outspoken critic of the Kigali regime. On 25 July 2000 he was removed from office as chairman of the MDR and replaced ad interim by Célestin Kabanda, the secretary of state in the Ministry of Planning and Finance. In September, Kabanda in turn was subjected to accusations, in particular of having participated in the genocide, by other candidates to the presidency of the party. According to one of its leaders, the MDR was still faced with a struggle between “reformers” and those who “remain attached to the anti-Tutsi ethnic values which have dominated this party since 1959”.¹ The self-destruction of the MDR, with the help of the RPF which successfully attempted to weaken its most powerful political opponent, continued on 23 February 2001, when the political bureau replaced Kabanda at the head of the party by Anastase Gasana, close to the RPF; the MDR thus split into two factions once again. Rwigema, on his part, suffered the same fate as others in the opposition. He was accused of having participated in the genocide and an international arrest warrant was launched against him in April 2001. During the same period his name appeared in the first category on a new list of those “presumed to have participated in the genocide”.

A first ministerial re-shuffle did not have any particular political significance: on 20 June 2000, Marcel Bahunde replaced Bonaventure Nyibizi

as Minister for Energy, Water and Natural Resources. On the other hand, the dismissal of the Minister for Home Affairs and Security, Théobald Rwaka Gakwaya, removed from office by President Kagame on 16 March 2001, was revealing. Rwaka was close to the human rights movement and suspected by the RPF of passing “subversive information” to the outside world, or even of organizing clandestine meetings and of collaborating with “infiltrators”. Rwaka disappeared on 27 April, but later turned up in Kampala, from where he sought asylum in the US.² He was replaced by Jean de Dieu Ntiruhungura, the Minister for Public Works, Transport and Communications, who in turn was replaced at this post by Silas Kalinganire. At less visible levels, dozens of appointments in the presidential services and in para-statal firms reinforced the hold of the RPF over the state and part of the economy. The appointment of members of the constitutional commission was in keeping with the same practices: nine of its twelve members are RPF or allies; eight are Tutsi. A slight revision of the Arusha agreement has increased the number of seats in the National Assembly in order to allow the inclusion of representatives of women and youth who took their seats in January 2001.

The organization of local elections was presented by the Rwandan government and some of its partners as an important step on the road to democratization. However, the ballot of 6–7 March 2001 does not augur well for the future of democracy in Rwanda. In the first instance, the system itself is very indirect and of Byzantine complexity. At the level of the sector, the population elects a councillor, one representative for women and one representative for young people. The district³ council is composed of elected councillors and of one third of the representatives for women and young people. In turn, the

² On the occasion of this ‘disappearance’ and of others, Human Rights Watch once again expressed its anxiety concerning this phenomena: Human Rights Watch, *Rwanda: Resolve Disappearances, Assassinations*, New York, 4 May 2001.

³ The former «communes» are now called districts; the former prefectures have been renamed provinces.

¹ AFP, Kigali, 14 September 2000

members of the district executive council, including the mayor, are elected by the members of the district council, plus the serving members of the sector executive committees and the coordinators of the cells. These last two categories are “men of the system” appointed by the RPF; according to an observer accredited by the electoral commission, the “elected” councillors only represent 20 per cent of the electoral college responsible for choosing the mayor.⁴

Next, various observers’ reports include information about the pressure brought to bear both on candidates and on voters. People who wished to be candidate were “dissuaded” from running, whereas others who were reticent were “encouraged” to do so. These pressures took the form, amongst others, of visits from the army, or threats of imprisonment and loss of employment. Despite that, according to a Human Rights Watch report,⁵ roughly 45 per cent of the elections had only one candidate. As far as the voters were concerned, their massive participation can be explained – at least in part – by the fact that many people were convinced that the vote was compulsory,⁶ and that they ran the risk of being fined or imprisoned if they did not participate. Even if they had not been told, Rwandans know very well what is expected of them, and they know the risks inherent in a “hostile” attitude to the powers that be.

Moreover, while the candidates did not have the advantage of a party label and other political groups were barred from campaigning, the RPF recruited candidates and campaigned in numerous districts; the local authorities appointed by the RPF and elements of the Local Defence Forces and the army gave the electors to understand which candidate they should vote for. An NGO observer considered that “the people in the party machinery” were known to all, a fact “which distorts the play of democracy and tends to transform Rwanda into an ‘RPF State’”.⁷ It is not surprising in these circumstances that over 80 per cent of the former mayors, appointed by the FPR, were re-elected.

⁴ Kigali, AFP, 7 March 2001

⁵ Human Rights Watch, *No Contest in Rwandan Elections. Many Local Officials Run Unopposed*, New York, 9 March 2001

⁶ This conviction is not surprising, given that it was compulsory to register and, in the past, the vote has always been compulsory in Rwanda.

⁷ CCAC, *Rapport sur l’observation des Elections communales au Rwanda*, s.d.

Finally, by far the most important flaw in the ballot was its lack of secrecy, even though voting booths, ballot papers and ballot boxes were used. In fact, electors expressed their preference by putting their thumb-print opposite the name and the photo of the chosen candidate. In Rwanda, just as elsewhere in Africa, the imposition of a thumb-print is the equivalent of a signature; it was therefore as if, in Europe or North America, the voter had signed the ballot paper with his own name. Even if it is taken for granted that it would be materially impossible for the authorities to check each identity corresponding to over three million thumb prints, electors must have feared the possibility of an identification, especially in the case of “dissident” votes. This peculiarity in the vote, which no objective reason could possibly justify, would in itself suffice to disqualify the exercise which was, as a peasant confided to a foreign observer, “a theatrical performance for the benefit of the international community”.⁸ As was to be expected under the circumstances, the “members of the system” were elected: in Kigali, Théoneste Mutsindashyaka, general secretary in a ministry and an RPF Tutsi, was proclaimed mayor with more than 90 per cent of the votes at the outcome of the indirect process described above. It is however highly unlikely that he enjoys the confidence of the majority of those under his administration.

Human Rights Watch considers that “this election has been flawed from the beginning, and these flaws far outweigh the few election-day irregularities that have been reported”.⁹ That President Kagame referred to these elections as “a significant step in the process of democratization” is not surprising, but that the UN special representative for human rights in Rwanda, Michel Moussali, should have supported this point of view by declaring that “the people were able to express themselves politically and are beginning to enjoy a process of democratisation and decentralisation”¹⁰ is truly astonishing. Obviously, the Rwandan regime considers the “international community” as naïve, and rightly so.

A PSD member of parliament, Jean Mbanda, denounced “the gradual shrinking of the de-

⁸ Personal information, 15 March 2001.

⁹ *No Contest ...*, *op. cit.*

¹⁰ IRIN-CEA, *Update 1,133 for the Great Lakes*, 13 March 2001.

mocratic arena in Rwanda in the course of the last few years" in an open letter addressed on 5 May 2000 to the leaders of the political parties. He observed that the parties were practically no longer in existence; the "forum of political parties" is a club in no way representative which Mbanda compared to the erstwhile *abiru*¹¹; the party leaders have thus "contributed to reinforcing the return of dictatorship". He unambiguously declared that the country was going through "an unprecedented crisis" and "a widespread and simultaneous breakdown in institutions". On 29 May, Mbanda was arrested, officially for a misappropriation of funds which he was said to have committed in 1994.

The regime is also increasingly challenged from within. At the beginning of 2001, the directors of the newspaper *Rwanda Newslines*, who used to be close to the RPF, were threatened after the publication of articles criticizing the government, in particular concerning their military involvement in the Congo. They wrote that they were accused of being in the pay of "negative forces" ("a loosely coined term by the RPF by which it terrorises all its critics or opponents into silence"). The editorial staff of *Imboni*, another newspaper considered to be close to the RPF, left Rwanda for Brussels from where they publish an "Imboni in exile". In the first editorial, the staff "apologized" in particular for "having publicly expressed our indignation at the spirit of sycophancy, the deliberate process of impoverishment of society and public opinion to vassalhood". Even a journalist from the governmental press was forced to go into exile: on 2 September 2000, Valens Kwitegetse of the newspaper *Imvaho Nshya* sought asylum in Uganda.

Rising numbers of RPF officials and RPA officers followed suit: the members of parliament Evariste Sissi and Deus Kagiraneza (who was also an officer in the RPA and a DMI cadre) left for Uganda and Belgium respectively; Bosco Rutagengwa, the founder of Ibuka, requested asylum in the United States; Majors Furuma, Mupende, Ntashamaje and Kwikiriza left for Uganda, Belgium or Canada; the banker and former MP Valens Kajeguhakwa, an erstwhile funder of the RPF, fled as well. On 12 April 2001 the editorial of *Rwanda Newslines* interpreted the "disappearance" on 4 April of retired major Alex Ruzindana, who was later found dead, as

"a possible attempt to discourage new defections". At the beginning of September 2000, the leadership of the RPF-United States (including its chairman Alexandre Kimenyi and vice-chairman Augustin Kamongi) resigned from the party and later participated in the creation of ARENA (see below).¹² At the end of April 2001, six people from the Ugandan diaspora, including three magistrates, were arrested and detained in places unknown to their families. They were said to be suspected of being in contact with the exiles in Uganda and one of them (Alfred Bandora) was reportedly arrested at the Rwandan-Ugandan border. In May 2001, seven students who had just graduated from La Roche College in the United States refused to return to Rwanda, although they were Tutsi who had returned from Uganda, close to the regime and favoured by it, in particular through the funding of their studies. The above are just a few examples. The fact that a growing number of "deserters" are Tutsi is politically very significant, a point to which I shall return.

Despite the endeavours of the regime to convince those in opposition, particularly the Hutu, to return home, few of those in exile were persuaded to do so: the former Minister for Justice, Faustin Nteziryayo, who went into exile at the beginning of 1999, came back in September 2000; he was appointed second vice-governor of the National Bank. But the opposition in exile was unanimous in staying away from the "National summit on unity and reconciliation" which was held in Kigali from 18 to 20 October 2000. One of those invited to attend, Joseph Sebarenzi, explained his absence in the following way: "This conference is a media event aimed at convincing international opinion that the RPF wants to promote national reconciliation, but we cannot come to any very positive results in the present situation".¹³

One of the ironies is that some Tutsi are very unhappy with the attempts to "recuperate" Hutu personalities. Thus, in *Imboni* (in exile) No.3, Déo Mushayidi complained about the rapid "Hutuisation" of the RPF of which he saw

¹¹ The keepers of the royal ritual under the monarchy.

¹² In Kigali, the danger of this type of defection was immediately recognized. Kimenyi was accused of "having shared beds with Habyarimana" and Kagame let it be known that the dissidents "are only a few discontented individuals who have never rendered any useful service either to their country or to themselves".

¹³ Kigali, AFP, 20th October 2000.

signs in “the large-scale enrolling of the ex-FAR in the RPA” and “the creation of new militia who are referred to as the *Local Defence Forces* who are mainly recruited amongst young Hutu”. In a document which was widely distributed on the internet in September 2000, Frank Ikondere wrote that “the RPF leadership today is composed of a few people who feel that Tutsis are more of a danger than Hutus”. According to him the RPF “is imitating the exact policy that has failed in Burundi, rushing the country to elections while trying to legitimate their regime by seducing and allying with Hutus (ex-MRND, MDR, PSD) who for most have involvement in the genocide, either the one of 1994 or previous ones”.¹⁴

One can understand the anxiety which reigns in Kigali and which is further reinforced by the accumulation of indications that the “genocide credit” is coming to an end. Thus, the international panel of eminent personalities (IPEP), which in 1998 was given the task by the OAU to inquire into the 1994 genocide and its consequences, published its report in May 2000.¹⁵ While it confirms the bulk of what we know about the genocide and the guilt by omission of the international community, the report is very severe and none too tender as regards the RPF which is accused of having committed atrocities on a large scale before, during and after the genocide, both in Rwanda and in the Congo.¹⁶ Probably without having read it, Rwanda’s reaction to the report was initially favourable because – this could be read in the press agency dispatches – the IPEP considered that the international community was liable for reparations. Having read the report, the Rwandan reaction was furious: the IPEP was accused of partiality and a lack of independence and was said to have been “cheated” by “revisionist” experts including Gérard Prunier and the author of these lines.

The commotion over the IPEP report was scarcely over when the French journal *Esprit* published three articles on Rwanda in its issue of August-September 2000. The one signed by Rony Brauman, Stephen Smith and Claudine

Vidal¹⁷ is particularly severe. With the accession of Paul Kagame to the presidency, “a person responsible for crimes against humanity has become the head of the Rwandan state in the name of the victims whom he claims to represent”. “The violation of human rights has been established as a system of government (...), crimes against humanity have become commonplace”. The article denounces a further drift to ethnism, the massacres, the systematic disinformation, the militarisation of society, the detention of innocent people, the instrumentalisation of the genocide, etc. and concludes that the ritual of the commemoration serves to “reflect the innocence of the victims of the genocide on the Rwandan government and thus to enable a tyranny to dress up as a model of virtue”. One is struck by the severity of the indictment, especially as Claudine Vidal had in the past shown a degree of understanding for the RPF. The article helped to raise the taboo which, in France in particular, had prevented some people from expressing themselves on this subject for fear of being accused of “revisionism” or, worse, of “complicity with those responsible for the genocide”. However, it should be noted that Claudine Vidal waited until the year 2000 to express her opinions, whereas the drift she denounces was visible as from the end of 1994 – beginning of 1995.¹⁸ In the same issue Marc Le Pape details how the RPA exported the massacres into the Congo.¹⁹ A third article is a somewhat opportunistic piece by Jean-Pierre Chrétien, well known for his support for the RPF who was probably uncomfortable about finding himself isolated in this position which has become untenable; in an ambiguous vein he “covered” himself while at the same time

¹⁷ “Politique de terreur et privilège d’impunité au Rwanda”, *Esprit*, August-September 2000, p. 147–161.

¹⁸ See my political chronicles in the successive editions of *L’Afrique des grands lacs. Annuaire*, Paris, L’Harmattan, 1997, 1998, 1999, 2000. For some earlier analyses, see F. REYNTJENS, “Sujets d’inquiétude au Rwanda, octobre 1994”, *Dialogue*, no. 179, November-December 1994, p. 3–14; S. DESOUTER and F. REYNTJENS, *Rwanda. Les violations des Droits de l’Homme par le FPR/APR, Plaidoyer pour une enquête approfondie*, Antwerp, University of Antwerp, June 1995; F. REYNTJENS, “Gérer le ‘nouveau Rwanda’ né en 1994?”, *La Revue Nouvelle*, July-August 1996, p. 14–21. One of the co-authors of C. Vidal, Stephen Smith, had already published an “Enquête sur la terreur tutsie” in *Libération*, 27 February 1996.

¹⁹ “L’exportation des massacres au Congo-Zaïre”, *Esprit*, August-September 2000, p. 162–169.

¹⁴ Frank Ikondere, posting on Rwanda-I, 5 September 2000.

¹⁵ International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events, *Rwanda: The Preventable Genocide*, 29 May 2000.

¹⁶ See in particular Chapter 22 of the report.

“putting into perspective” the reports damning the regime in Kigali.²⁰ Whatever the case, the issue of *Esprit* let the genie out of the bottle ...

Other facts tarnished the image of the RPF further during the period under review: the revelations concerning a memorandum written by a former ICTR investigator, accusing the RPF of involvement in the assassination of President Habyarimana; the opening of an investigation into charges against General Kagame entrusted to judge Jean-Louis Bruguière, also in connection with the attack against the presidential plane; the opening in Brussels, by judge Damien Vandermeersch, of an investigation against Kagame for alleged crimes against humanity; the confirmation by the ICTR prosecutor that investigations are being carried out against RPA officers and that charges are possibly going to be made; and the trial in Nairobi in the matter of the assassination of Seth Sendashonga, during which strong suspicions were raised of involvement of the Rwandan secret services.²¹

With its back to the wall, in reaction the regime became increasingly intransigent. When Colette Braeckman dared to criticize the Rwandan operations in the Congo, referring in passing to the fact known to everyone that the RPA is bringing “fake interahamwe” into Sud-Kivu,²² the reaction of the Rwandan ambassador in Brussels was nothing less than a diatribe. Referring to “frenetic anti-Tutsi racism”, he wrote that “this nauseating phantasmagoria which *Le Soir* has been pounding out to its readers for some time recalls the worst literature from the worst periods of racism”. *Le Soir*, which it would be difficult to suspect of clerical sympathies, was accused of peddling “gossip from ecclesiastical circles” and of “giving the sacristies who bear grudges something to gloat about”. Ambassador Bihozagara went as far as accusing Colette Braeckman of being “corrupt”: “Kinshasa has more diamonds than Rwanda: it can afford the price of lots of journalists; Rwanda cannot even

pay for fidelity”.²³ In an editorial comment published on 4 October 2000, *Le Soir* noted that the ambassador “assimilates any criticism to anti-Tutsi racism” and that, as far as it is concerned, “the Shoah does not exempt Israel in Palestine just as the genocide does not give Rwanda the right to destabilise the Congo”. In fact, President Kagame himself recognizes that no criticism is tolerated. Referring to the Rwandans who have chosen to go into exile and “mislead the international community while doing a disservice to their country and their fellow citizens”, he states that “some of them have committed crimes, while others are motivated by selfish interests, or else guided by outdated ideas based on division and ethnism”.²⁴ Thus any criticism is automatically disqualified.

Other former allies are also becoming critical. The violent occupation of part of the Congo and the alliances concluded with UNITA finally cast a shadow on the credit which Rwanda enjoyed in Washington. Moreover, the new American administration installed at the beginning of 2001 does not suffer from the guilt complex which paralysed the Clinton administration. During a visit to the United States at the beginning of February 2001, Kagame was lectured in Washington by the new Secretary of State, Colin Powell and in New York by the new American ambassador to the UN, James Cunningham. At the end of May, Powell visited several countries in Africa, including Uganda, but not Rwanda. Present at the national summit on unity and reconciliation, South African president Thabo Mbeki gave a low-key lesson to the Rwandan regime: “Do not fear democracy, do not believe that democracy is a threat”. Referring to the actions of the RPA in the Congo, he also warned that “despite the suffering which we have endured, (...) we must not think in terms of inflicting the same suffering on other peoples”.²⁵

²⁰ “Le Rwanda piégé par son histoire”, *Esprit*, August–September 2000, p. 170–189.

²¹ See in particular “Analysis: the trial of Sendashonga’s assassins – a trail of missing links”, Nairobi, *Internews*, 18 September 2000; “Investigating officer calls former Rwandan Minister assassination political”, Nairobi, *Internews*, 25 January 2001. Alphonse Mbayire, APR officer and diplomat in function in Nairobi at the time of the murder was shot by “unknown persons” in Kigali a few days after his name was quoted during the trial.

²² *Le Soir*, 8 September 2000.

²³ Communiqué of the 11 September 2000. The last sentence is particularly suggestive; in 1995, Colette Braeckman received a medal from the Rwandan government of whom at the time she was considered a “friend”.

²⁴ Kigali, AFP, 18 October 2000.

²⁵ Kigali, AFP, 19 October 2000.

2.2 Burundi

Burundian political life has been completely dominated by the Arusha negotiations and, in particular, by the difficulties of implementing the accord signed on 28 August 2000 (see below). This is probably the explanation for the lack of striking events in domestic policy: no cabinet reshuffles, reduced parliamentary activity, apparent stability on the political stage.

The only elements to be reported took place at the end of the period under review and could be linked. At the beginning of April 2001, leaders of the radical Tutsi opposition were arrested for “insulting the President of the Republic” or avoided arrest by going into hiding. One of those arrested, Dr Alphonse Rugambarara, the president of the Inkinzo party, had accused President Buyoya of being an “accomplice” to the civil war. At the beginning of May it was the president of the small radical party RADDES, Joseph Nzeyimana, who was arrested and briefly detained. The existence of tensions in Tutsi circles concerning the political and military management of the crisis was confirmed by a strange attempt at a coup d'état which took place on 18 April 2000 at the time President Buyoya was in Libreville for a meeting with FDD rebel leaders. A few dozens of soldiers under the command of a lieutenant surrounded the buildings of the national radio station and announced the “suspension” of the president, the government and the parliament. The putschists met with practically no resistance and no unit from Bujumbura, a town where there is however no lack of military camps, opposed the attempt at the outset. Several hours after the beginning of the operation the radio was encircled and the rebels surrendered without violence.

Even though the attempt failed miserably, for Buyoya it must raise doubts as to the loyalty of the army, since the camps in Bujumbura began by adopting a wait-and-see – almost opportunistic – attitude, probably wanting first to observe the turn the events took. This attitude is historically typical of the Burundian army, as is the fact that a subaltern officer is used as a screen for the political and military forces who do not show themselves. Lieutenant Ntakarutimana and some forty of his men were detained, and two civilians, members of the radical PARENA party were also arrested on 21 April. Following the publication of the report of a commission of inquiry, set up by the government on 20 April, soldiers from the camps in Gakumbu, from the para battalion and from the military academy ISCAM, as well as members of PARENA, were charged. The Burundian experience suggests that it is nevertheless very unlikely that we will learn the whole truth about this affair. The net result is that the blackmail of *coups d'état* continues to loom over Burundi.

3. Justice

3.1 Rwanda

The trial which attracted the most attention from the media finally ended with the acquittal on 15 June 2000 of the Bishop of Gikongoro, Mgr. Augustin Misago.²⁶ The specialised chamber in the Court of first instance in Kigali considered that the charges, in particular of genocide and of crimes against humanity were not proven and ordered the immediate release of the prelate, for whom the Public Prosecutor had demanded the death penalty. After a period of convalescence in Rome, Mgr. Misago returned to his diocese in September 2000. The affair had a strange sequel when the deputy public prosecutor, Edouard Kayihura, who acted as prosecutor in the Misago trial, fled the country. According to some sources, he considered that he had been manipulated in this case which was “indefensible because there was nothing in it”.²⁷ Kayihura was removed from office on 28 September for “desertion”.

In the meantime, the mathematical problem – to which I already referred in my earlier chronicles²⁸ – continues to haunt the Rwandan justice. During 2000, 2,678 judgements were pronounced in “genocide trials”. Although this is an increase of over 100 per cent compared to the previous year, at this speed it will still take fifty years to judge a prison population estimated at over 120,000.²⁹ This is why the setting up of

gacaca courts³⁰ is now actively pursued. A survey carried out by the human rights league Liprodhor shows that a very large majority (93 per cent) of the respondents are on the whole favourable to the initiative, even if doubts are expressed about their efficiency and the independence of these traditional courts, the choice of the *Inyangamugayo* judges, the administration of the sentences and the compensation of both the victims and the innocent people unjustly imprisoned.³¹ The organic law creating the “*gacaca* courts” was approved by parliament on 13 October 2000. However, the procedures had not begun at the time of ending this article (end May 2001), but they are announced for the Fall of 2001; the president of the *gacaca* courts department in the Supreme Court, Aloysie Cyanzayire, anticipated that the *gacaca* trials will last for about five years.³²

A “pre-*gacaca*” experiment offers some information on the effect which they could have on reducing the prison population. 3,400 people were detained in Gisovu (Kibuye) prison; in August and September 2000, the public prosecutor’s department studied approximately 3,200 cases; 544 cases (17 per cent of the total) containing little or no indications of guilt were presented to the population in November and December 2000; 255 detainees (47 per cent) were provisionally released in the absence of accusations formulated by those present. This experience can be interpreted in two ways. On the one hand, the number of people liberated only represents 7.5 per cent of the detainees; on this basis, if we were to extrapolate to the national level, this procedure would lead to the liberation

²⁶ The term “ended” is perhaps premature, since the prosecutor and the civil parties lodged appeals and the name of Mgr. Misago appeared again on a new list of genocide suspects of the first category, published in April 2001, long after his acquittal.

²⁷ Kigali, Fondation Hirondelle, 28 September 2000.

²⁸ See F. REYNTJENS, *Talking or Fighting? Political Evolution in Rwanda and Burundi, 1998-1999*, Current African Issues No. 21, 1999; F. REYNTJENS, *Small States in an Unstable Region. Rwanda and Burundi, 1999-2000*, Current African Issues, No. 23, 2000.

²⁹ It will be noted that the time limit for regularizing detentions on remand, which had already been extended on several occasions, expires on 30 June 2001. It will doubtless be extended once again, thus depriving prisoners who have been incarcerated for seven years of their most basic rights. Moreover, in a certain number of cases, those who are acquitted are kept in prison illegally by some public prosecutor’s departments (the one in Butare seems to be

particularly disrespectful of the law); others are re-arrested or “disappear”.

³⁰ Locally based community courts staffed by nonprofessional people. Although *gacaca* (meaning « lawn », a reference to the fact that people sit outside on the grass) is a traditional conflict-solving process, these are in reality newly created institutions without effective links to the past.

³¹ LIPRODHOR, *Juridictions gacaca au Rwanda. Résultats de la recherche sur les attitudes et opinions de la population rwandaise*, Kigali, August 2000, 50 p.

³² Kigali, Fondation Hirondelle, 29 April 2001.

of approximately 10,000 people, which is obviously far from resolving the problem. On the other hand, if the extrapolation is done on the basis of the detainees presented to the population alone, almost half would be released. In this perspective, the problem would become manageable. Similar experiences carried out in March 2001 in the provinces of Gisenyi, Byumba and Cyangugu provide analogous indications.

The criticism concerning justice of the *gacaca* type is well known. The system does not correspond to the principles internationally recognized in matters of civil rights and criminal procedure for the following reasons: there is no distinction between the prosecutor and the judge, no legal counsel and no duly argued judgements. There is also a risk of self-incrimination, wide divergences in matters of administration of the proof and the sentences, and of the composition of the “seat” from one *gacaca* to another.³³ However, as Peter Uvin has pointed out, “[t]he choice (...) amounts not to one between a ‘clean’, satisfying, safe, or easy to achieve alternative, and a ‘dirty’, risky, unsatisfying one. Rather, it is between two real-world alternatives that violate human rights, both contain political and social risks”.³⁴ Whence the widespread conviction that, even if there are serious intellectual reservations to be had concerning the *gacaca* courts, an attempt must be made to use them.³⁵

For a large part of the period under review, the ICTR has continued to function by fits and starts and its structural problems have become even more apparent. Up until the beginning of the “Cyangugu” trial in September 2000, six of the nine judges had not been in session on the merits of a case for more than a year, whereas a third courtroom was installed at great cost and several detainees are in prison for more than five years.³⁶ As a result, the “judicial productiv-

³³ See S. VANDEGINSTE, “Les juridictions gacaca et la poursuite des suspects auteurs du génocide et des crimes contre l’humanité au Rwanda”, *L’Afrique des grands lacs. Annuaire 1999-2000*, p. 75–93

³⁴ P. UVIN, *The Introduction of a Modernized Gacaca for Judging Suspects of Participation in the Genocide and the Massacres of 1994 in Rwanda*, Discussion Paper, no date (2000), p. 10.

³⁵ For a more reluctant view, see J. SARKIN, *Using Gacaca community courts in Rwanda to prosecute genocide suspects: Are issues of expediency and efficiency more important than those of due process, fairness and reconciliation?*, no date (2001).

³⁶ See in relation to the disorganization of the tribunal: T. CRUVILLIER, “Une crise grave”, *Ubutabera*, 18 September

ity rate” remained very low, even if three court rooms have finally been occupied since the end of October 2000. It is likely that the dysfunctioning was at the source of two changes in personnel at the head of the institution. The term of office of the Nigerian Registrar, Agwu Okali, which ended in February 2001, was not renewed; his successor Adama Dieng, a Senegalese national, former secretary general of the International Commission of Jurists, took his place on 1st March 2001. Similarly the assistant prosecutor, Bernard Muna, “did not request the renewal” of his term of office which expired on 21 May 2001. This decision, agreed “by common consent” with the prosecutor Carla Del Ponte in reality expressed discontent with her assistant based in Kigali. The name of Muna’s successor was not known at the time of writing these lines.

During the year 2000, barely two judgements were rendered: on 27 January, Alfred Musema, a former director of a tea factory, was sentenced to life imprisonment; on 1 June, the former RTLM journalist, Georges Ruggiu was sentenced to twelve years in prison after a guilty plea. The Bagilishema trial ended on 28th October 2000 and the affair has been in deliberation since then.³⁷ Several affairs were dealt with in appeal: the appeals of Omar Serushago and Jean Kambanda were rejected on 14 February and 19 October respectively; those of Jean-Paul Akayezu, Clément Kayishema, Alfred Musema, Georges Rutaganda and Obed Ruzindana were pending in the appeal’s chamber at the time of writing. At the beginning of April 2001, the defense of Akayezu requested the revision of the judgement of 2 September 1998 (see also below). Despite the beginning of the “media” and “Cyangugu” trials, by April 2001 there were still 26 detainees whose trial had not begun; some have been deprived of their freedom for five years and more, and the problem of “reasonable delay” is inevitably going to be posed in an increasingly acute fashion.

Other weaknesses of the ICTR came to the fore more distinctly than before. In the first instance, the subject of equality of arms between prosecution and defence came up again, when

2000. Confronted with this challenge, the Registrar had a right of reply published in *Ubutabera*, 17 October 2000.

³⁷ This very lengthy deliberation gave rise to rumours in the corridors of the tribunal: the court was said to be considering an acquittal. After the completion of this paper, Bagilishema was indeed acquitted.

the prosecutor, complaining of the weaknesses within some of her teams, considered that “our judges are very good judges, because they can correct the errors of the prosecution”.³⁸ One can understand that the ICTR detainees denounced the “scandalous revelations of Mme Carla Del Ponte” in a letter dated 15 December 2000; in particular they considered that the prosecutor “had explicitly confirmed that far from being neutral, our judges put the finishing touches to the charges and, if necessary, even compensate for their inadequacies”.³⁹ Other incidents seemed to reinforce this perception of partiality. Thus, during the inauguration in Taba of a programme of aid to witnesses, on 26 September 2000, the Registrar recalled the sentencing of the former mayor of Taba, Jean-Paul Akayezu, whereas the sentence was not definitive. In a letter sent to the Registrar on 2 October, Akayezu’s lawyer considered “unacceptable” for a spokesman of the court to make public statements about questions which were still *sub judice*.⁴⁰

The nature of the relations between the tribunal and the Rwandan authorities remained another element contributing to the impression of bias. When the Tribunal’s president, Navanethem Pillay, accompanied by a few judges, visited Rwanda in September 2000, she met, amongst others, President Kagame. Referring to the “cooperation between the government and the tribunal”, the judges said they were “very satisfied and honoured” to have been received by the head of State,⁴¹ despite the fact that one day he himself might stand indicted. In a letter to Pillay, dated 7 September, the detainees described the visit and the declarations as the confirmation that “you have reinforced him (Kagame) in his illusions that he is unlikely to be in any way troubled, arrested and judged for all his crimes. Once again, you have confirmed that the ICTR is there to ensure the justice of the

winner and not of the losers”.⁴² Moreover it was with a reference to the “partiality” of the tribunal that Jean-Bosco Barayagwiza, indicted in the affair of the media, boycotted his trial and considered that he was the “first political prisoner of the United Nations”.⁴³ The perception of bias was further reinforced when the prosecutor, Carla Del Ponte, confirming that inquiries were taking place against RPF officers, expressed the opinion that it was a question of “individual, personal responsibilities and not of institutionalized responsibilities”.⁴⁴ However, research published in recent years indicates the contrary and demonstrates the hierarchical and organized nature of the crimes committed by the RPA.

Another theme which has become more visibly problematic is that of the witnesses. During the trial of the media, in particular, the credibility of several witnesses for the prosecution was challenged by defense teams, which lodged complaints for perjury. The relations between witnesses and defence lawyers tend to turn sour to the point that the defence of Hassan Ngeze (the media trial) demanded that the court declare a witness for the prosecution “hostile” to the defence and that President Pillay threatened to reject his statement in its totality if the witness continued to refuse to reply to the questions asked by the defence.⁴⁵ But the case which was potentially the most damaging for the prosecutor occurred on 9 April 2001 when the defence for Jean-Paul Akayezu who had been convicted by the Tribunal on 2 September 1998 and whose appeal was pending, filed a request for review. The motion was based on a statement under oath made on 25 March 2001, alleging that the charges during the original trial were the outcome of a conspiracy, involving about twelve witnesses, the aim being to obtain Akayezu’s condemnation, whereas he was in fact innocent. The statement was detailed and, at first sight, convincing. If the outcome were to be a revision of the trial, it would be the first judicial confirmation of a practice of organized denunciation which has often been hinted at, but was never really proved.

³⁸ Account of a press conference held in Arusha, on 13 December 2000, Arusha, Fondation Hirondelle, 13 December 2000.

³⁹ Letter sent on 15 December 2000 by the prisoners to the president of the ICTR and the judges in the appeals chamber and the trial chambers.

⁴⁰ “The defence of the ex-mayor of Taba denounces the remarks of the Registrar’s Office”, Arusha, Fondation Hirondelle, 10 October 2000.

⁴¹ “The president of the ICTR is satisfied with the visit of the judges to Rwanda”, Arusha, Fondation Hirondelle, 3 September 2000.

⁴² “Prisoners criticize the visit of the judges to Rwanda”, Arusha, Fondation Hirondelle, 9 September 2000.

⁴³ In this connection, see “Le ‘procès Coubertin’”, *Ubutabera*, 15 October 2000.

⁴⁴ Kigali, Fondation Hirondelle, 7 April 2001.

⁴⁵ Arusha, Fondation Hirondelle, 14 March 2001.

This section on justice concludes with a brief overview of the judicial activities in third countries. Four suspects living in Belgium were referred to the assise court in Brussels where the trial opened on 17 April. All were found guilty and sentenced to prison terms ranging from 12 to 20 years. In France, Judge Roger Le Loire continued his pretrial investigation in the case of Abbé Wenceslas Munyeshyaka, but a referral to a trial court was not envisaged at the time of writing. In Switzerland, the 14 year prison sentence imposed on appeal on the former mayor of Mushubati, Fulgence Niyonteze, was confirmed definitively by the highest military court in a decision of 27 April 2001. The procedure against Léon Mugesera in Canada landed in a deadlock when Justice Nadon in the Federal Court on 12 April 2001 partly overturned an earlier decision unfavourable to Mugesera.⁴⁶ This very costly affair, which started in 1995, thus returned to square one. Finally, it should be remembered that both in France and in Belgium there are ongoing investigations against President Kagame.

3.2. Burundi

During 2000, the three criminal chambers (in Bujumbura, Gitega and Ngozi) only passed 406 sentences, in which 108 persons were sentenced to death, 119 to life imprisonment and 179 acquitted. This number – already very limited – of decisions is even lower than in 1999, when 436 judgements were pronounced. The consequence obviously is that the prison population remains very high: 8,756 prisoners for 3,650 places in December 2000, of whom 5,814 (66 per cent) are awaiting trial.⁴⁷ The decrease by one thousand in the number of detainees compared to the previous year is therefore not the outcome of any form of judicial productivity, but of the efforts made to regularize the situation of those in preventive detention and who are freed on condition. Moreover, on 29 March 2001, the resumption of the work of the criminal chambers was adjourned *sine die* by the Minister of Justice, without any reason being given. While extending the detention of thousands of people, the

majority of whom have not been presented to a judge for seven years, the Iteka League considers that this deferment also re-opens the discussion on the independence of the judiciary vis-à-vis the executive.⁴⁸

The implementation of the new code of criminal procedure which came into force at the beginning of 2000 has met with serious difficulties. Whereas it should, in particular, have improved the situation of the detainees, the Iteka League observes that “these arrangements are far from being strictly respected by the very people who are entrusted with their implementation”⁴⁹. Finally, we should point out that during the month of October 2000, two soldiers were condemned to death for murder by the court martial in Gitega. They were executed two days after the sentence, without having benefited from the assistance of a lawyer nor, which is more serious, having been able to appeal (for which the law provides a delay of 30 days from the date of the sentence).

⁴⁶ *Mugesera et al. c. Ministère de la Citoyenneté et de l'Immigration*, 2001 CFPI 460.

⁴⁷ Figures taken from ITEKA, *Vers le pire ou le meilleur? Rapport annuel sur la situation des droits de l'homme en 2000*, Bujumbura. This report can be consulted on the site of the Iteka League <http://www.ligue-iteka.bi>.

⁴⁸ ITEKA, “L'ouverture des travaux des chambres criminelles reportée sine die”, Bujumbura, 20 March 2001.

⁴⁹ ITEKA, *Vers le pire ou le meilleur?*, *op. cit.*

4. Human Rights

4.1 Rwanda

In comparison with our preceding chronicle,⁵⁰ there have been few developments in the human rights situation. For the past few years – especially since the end of the uprising in the north-west in the autumn of 1998 – the large-scale massacres of civilians by the army have stopped, at least within Rwanda. On the other hand, in the Congo, where the Rwandans pursue their civil war extra-territorially, the RPA continues to be guilty of crimes against humanity and war crimes (see below).

According to the Annual Report of the US Department of State, in general “the Government’s human rights record remained poor, and the Government continued to be responsible for numerous, serious abuses”. The report lists summary executions, conditions in prison,⁵¹ “disappearances”, the forced recruitment into the army, censorship and – more so – the self-imposed censorship in the press.⁵² The Annual Report of Human Rights Watch comes to similar conclusions and expresses its concern about two other phenomena: on the one hand, the re-arresting, and even the murder of detainees liberated following their acquittal or dismissal of the charge; on the other, the pursuit of the programme of forced villagisation which, together with the drought, has led to a fall in agricultural production. The report notes that “serious food shortages threatened regions where villagisation was most advanced”.⁵³ We should add that the cases of unsolved murders contribute to the concerns of international observers and encourage increasing numbers of Rwandans to go into

exile. A private inquiry carried out by the friends of Assiel Kabera, assassinated on 6 March 2000,⁵⁴ came to the conclusion that the murder was committed by the DMI on the orders of President Kagame.⁵⁵ We referred above to the case of Alphonse Mbayire, assassinated in Kigali a few days after his name was mentioned in the Sendashonga trial in Nairobi.

The only moderately positive reports came from the special representative of the UN Human Rights Commission, Michel Moussali, who went as far as considering that the Rwandan leaders “are seen to be totally dedicated to the welfare of the country, close to the people of Rwanda and attentive to their needs”...⁵⁶ The violations of human rights are systematically watered down and the image offered by M. Moussali does not correspond to that painted by the majority of observers inside and outside the country. It should be borne in mind that it was under the pressure of the Rwandan government that the mandate of the special rapporteur, René Degni-Séguy, was ended in June 1997. He was replaced by a special representative, in the person of Mr. Moussali, whose room for criticism is much more limited. At the end of March, 2001, Moussali requested that his mandate should not be extended “for personal reasons”. On 20 April, with the support of the African group, Rwanda succeeded in putting an end to the examination of the situation of human rights in Rwanda by the UN Commission for Human Rights; the mandate of the special representative was thus automatically terminated. This astonishing decision, taken despite the protests of Canada⁵⁷ and the European Union, obtained a majority of 28 votes against 19 and 9 abstentions. The resolu-

⁵⁰ F. REYNTJENS, *Small States...*, *op. cit.*

⁵¹ Two other reports rang the alarm in this connection. At the beginning of February 2001, Liprodhor denounced the “disappearances” of detainees and the death rate in the detention centres, in particular in Kibungo prison. The ICRC reported at the beginning of April 2001 that dozens of prisoners had died during the past months as a result of the poor conditions in detention (*Rwanda: Emergency aid in Rilima prison*, ICRC News 01/13, 5 April 2001).

⁵² U.S. Department of State, *Country reports on Human Rights Practices 2000*, Rwanda, February 2001.

⁵³ Human Rights Watch, *World Report 2001*, Rwanda.

⁵⁴ See F. REYNTJENS, *Small States...*, *op. cit.*, p. 8.

⁵⁵ Raporo ya commission yigenga ku rupfu rwa bwana Assiel Kabera, Kigali, 16 August 2000.

⁵⁶ UN, General Assembly, *Report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda*, A/55/269, 4 Aug. 2000, p. 9.

⁵⁷ In its usual style, Rwanda attacked Canada violently. The Rwandan delegate Eugène Gasana accused Canada of “sheltering numerous participants in the genocide” (Geneva, AFP, 20 April 2001).

tion presented by Kenya in the name of the African group expressed “its appreciation to the Government of Rwanda for the progress made in restoring the rule of law and the actions taken to consolidate peace and stability and to promote national unity and reconciliation”. Few Rwandans and other people in the region would share this optimism. Despite the multiple signs to the contrary, Rwanda was thus declared a “normal country” no longer deserving the attention of the international community, which thus commits the same errors as before 1994.

The regime continued to bluntly refuse any criticism emanating from international organizations for the defense of human rights: in a lengthy reply to the report *Rwanda. The Search for Security and Human Rights Abuses*, published by Human Rights Watch in April 2000 the government described this text as “very mean-spirited, grossly prejudiced and shallowly researched”. Human Rights Watch was accused “of consciously waging a war of lies and defamation against the Rwandan government of national unity” and of being guilty of a “patent and shameless attempt to interfere in the internal politics of Rwanda and an immoral attempt to enhance the political agendas of certain opponents”. As usual, the governmental critique did not deal with the substance of the observations made by Human Rights Watch.

4.2 Burundi

The annual report of the Iteka League demonstrates to what extent the most elementary right, that to life, is violated on a daily basis. The long list of massacres attributed equally to the rebels and to the regular army exposes the high human cost of the war.⁵⁸ The fighting in Kinama (see below) alone resulted in several hundreds of civilian victims and brought in their wake the displacement of tens of thousands of people. All the other reports published arrived at the same observation: the special UN rapporteur,⁵⁹ the US Department of State,⁶⁰ Human Rights Watch⁶¹

and Amnesty International.⁶² Similarly, breaches of the right to liberty and security of the individual remain serious and numerous. According to the special rapporteur, the population is compelled, by soldiers and armed groups, to do forced and humiliating forms of labour, and to participate in the payment of the war effort.⁶³ At the beginning of May 2001, the government introduced new taxes “to create a fund intended to finance urgent security requirements”.⁶⁴ Burundians are thus expected to provide the means for their own destabilisation.

In the sphere of illegal arrests and detention, the situation has scarcely changed and soldiers and gendarmes believe themselves to be above the law. This is illustrated by a very revealing incident described by the special rapporteur: “Despite the presence of the Public Prosecutor of the Republic, and of Mr Niyongabo, the general commissioner of the judicial police, the special rapporteur was refused access to the cells of the special highway police by Major Fabien Ndayishimiye, the commander of the Bujumbura district”.⁶⁵ This absence of transparency also explains the frequency of torture,⁶⁶ “disappearances” and deaths in places of detention.⁶⁷ Impunity perpetuates this state of affairs. The report of the US Department of State notes that in the majority of cases, the massacres of civilians have not been the subject of an inquiry nor have the results of the inquiries announced been made public.

An improvement can be observed in two areas. On the one hand, as already mentioned, the prison population has fallen by about one thousand as a result of an endeavour to regularize case files and to free prisoners conditionally; on the other, the “regroupment camps” are closed, even though there are still numerous concentrations of displaced people living in conditions of extreme precarity.

⁵⁸ ITEKA League, *Vers le pire ou le meilleur?*, *op. cit.*

⁵⁹ United Nations, Human Rights Commission, *Rapport sur la situation des droits de l'homme au Burundi soumis par le Rapporteur, spécial, Mme. Marie-Thérèse Keita Bocoum*, E/CN.4/2001/44, 19 March 2001.

⁶⁰ U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Burundi, February 2001.

⁶¹ Human Rights Watch, *World Report 2001*, Burundi.

⁶² Amnesty International, *Burundi. Between hope and fear*, 22 March 2001.

⁶³ United Nations, Human Rights Commission, *Rapport... op. cit.*, p. 14.

⁶⁴ Bujumbura, AFP, 6 May 2001.

⁶⁵ United Nations, Human Rights Commission, *Rapport... op. cit.*, p. 16.

⁶⁶ Some examples can be found in Amnesty International, *Burundi. Between hope and fear*, *op. cit.*, p. 25–28.

⁶⁷ Amnesty International observed a significant rise in cases of torture after the operations of the FNL in Bujumbura at the end of February–beginning of March 2001: *Burundi: Torture again on the rise!*, 3 April 2001.

5. Civil Wars, Opposition, Political Dialogue

5.1. Rwanda

Apart from a few isolated incidents in the north-west, the interior of Rwanda has remained calm. Nevertheless, a few large-scale attacks took place in May 2001 in the provinces of Gisenyi and Ruhengeri. According to RPA spokesmen, the assailants came from the Congo and were said to have been aided by the government in Kinshasa. Moreover, it is probable that these actions were linked to the operations of the Rwandan army in the Congolese areas of Masisi and Rutshuru, since the civil war continued to be waged extra-territorially, in the Congo in particular (see below). On the other hand, the proliferation of movements opposed to the RPF has continued and has even considerably broadened in scope. Alongside the groups that have been active abroad for several years (RDR, CDA, UFDR, OPJDR, RRD, ...) as well as organizations operating within the country, or claiming to do so (the *Front national pour le salut du peuple rwandais*, *Forces démocratiques de libération du Rwanda*, the Movement for Peace and Development), there are now in addition platforms which are new in that, more than in the past, they include Hutu and Tutsi, including for the latter former RPF militants who are disillusioned and are fleeing the country in increasing numbers.

Some of these groups favour the restoration of the monarchy. This is the case of "*Nation – Imbaga y'Inyabatatu Nyarwanda*" founded in Brussels on 22 February 2001. Its provisional executive committee, set up on 29 March, includes the former leader of "Rwanda Pour Tous" and "Rwanda Notre Avenir", Joseph Nhahimana, RPA Major Gérard Ntashamaje and the journalist of *Imboni*, Déo Mushayidi. On 12 May, the movement published a "Proposal for a platform in 50 points" which is articulated around four main axes: defence and promotion of rights and liberties, democratic transition and the rule of law, economy and regional and international cooperation.⁶⁸ On the same day as

the announcement of the creation of this movement, the Rwandan Embassy reacted furiously to this "manoeuvre to confuse Rwandan and international public opinion". It should be noted in this connection that the king, Kigeli V, in exile in the United States, speaks to the Rwandan people regularly through messages. In November 2000, he went to the Congo where he met President Laurent Kabila and – perhaps, according to certain sources – General Bizimungu, the commander of the ex-FAR forces. The activities of the king and the monarchist movements are a source of concern for the regime, since a considerable part of the base of the RPF is in favour of the return of the monarchy.

Other bi-ethnic movements are republican, even if they do not exclude the restoration of a constitutional monarchy if this were the choice of the Rwandan people. Thus, in March 2001, the *Alliance Rwandaise pour la Renaissance de la Nation* (ARENA) was founded. The founders include the former Speaker of the National Assembly, Joseph Sebarenzi, and Professor Alexandre Kimenyi, one of the leaders of the RPF at its beginning and for long its main ideologue. When Major Alphonse Furuma went into exile in Uganda (see above), he published a long open letter, dated 23 January 2001, which constituted an extremely severe indictment of the RPF. Fruma added documents relating to the "Movement for Peace and Development" (MPD) created in 2000 and presented as "an underground opposition political organization" established within Rwanda and including cadres from the RPF/RPA, people from other political parties and members of civil society".

For the RPF, the emergence of this bi-ethnic opposition constitutes a considerable challenge. Indeed, formerly when the Hutu defected, it was possible to accuse them of an ethnic-orientated project, or even to describe them as "participants in the genocide"; this strategy of discredit can obviously not be used against Tutsi opponents.

⁶⁸ *Nation – Imbaga y'Inyabatatu Nyarwanda, Proposition de plate-forme en 50 points. Pour une monarchie constitutionnelle*

comme instrument de stabilisation de l'Etat au Rwanda, Brussels, 12 May 2001.

These platforms objectively constitute a considerable progress since – in the place of a discourse which is explicitly or implicitly ethnic – they articulate political projects which, in the light of the demographic composition of the country, is the only one to offer a way out of the profound impasse in which Rwanda finds itself.

However, the regime has not the slightest intention of entering into a dialogue with the opposition and prefers the path of individual co-optation. Forced to recognize that an increasing number of civilians and soldiers of a certain level are leaving the country, President Kagame declared that “I know that one day they will come back or they will stay where they are, make noise, write on the internet or abuse people but life here goes on”. He implied that most of those who choose to go into exile do so for material rather than political reasons.⁶⁹ This intransigent attitude obviously reinforces the isolation of the regime and is likely to become a factor in the radicalization of the opposition; furthermore, it will probably encourage them to constitute a common front in order to force their recognition as a valid interlocutor. This could lead to unlikely alliances, for example, between ex-FAR officers not implicated in the genocide and deserters from the RPA. In an unsettled geopolitical context, Uganda could join with the Congo as an assault base for military operations (see below).

Burundi

Last year I expressed my fears concerning the negotiations in Arusha and I touched on the risks inherent in imposing an arrangement to which some of the actors did not really subscribe.⁷⁰ These fears have unfortunately been confirmed. While Nelson Mandela announced that an agreement was to be signed on 20 July 2000, it became clear that disagreement continued to exist on important points, such as the management of the transition, the electoral process, the reform of the army, the cease-fire and international guarantees. Reluctantly, the facilitator accepted the need for further consultations, while fixing the date of 28 August for the final signature. During the days preceding the

ceremony, it was obvious that, while the Hutu parties seemed to be generally satisfied with the draft accord, the Tutsi parties and the Burundian government remained reticent; several partners announced that they would not sign.

President Clinton was called in to increase the pressure and on 28 August, 13 of the 19 parties signed the accord: “a signature obtained by default and a forceps delivery”.⁷¹ Even though the recalcitrant Tutsi parties did sign the accord a few days later, it was really a non-accord.⁷² Most of the Tutsi parties and the government did express reservations on points so important that the text loses a great deal of its substance. Furthermore the rebel groups are absent from the process, no cease-fire has been concluded and the Burundian army expressed considerable reluctance concerning the integration of the rebel forces. The South African consultant Jan Van Eck expressed the fundamental ambivalence inherent to the accord as follows: “The Hutu think they have an agreement and the Tutsi think there is still room for negotiation, since they signed with reservations”.⁷³ As a result, the signature of the Arusha agreement is only a stage in a process, which began in January 1994, and which is still on-going.⁷⁴

The relative and somewhat artificial optimism of the end of August gradually gave way to despair. The attempts to negotiate a cease-fire with the rebel movements have come to nothing even if, on 10 January 2001, President Buyoya did have a first meeting in Libreville (Gabon) with the leader of the FDD, Jean-Bosco Ndayikengurukiye, under the auspices of the Congolese President, Laurent Kabila. Other meetings organized in Pretoria by the South African Vice-President Jacob Zuma with the FDD and the FNL have not reached an accord. As far as the implementation of the political aspects of the accord are concerned, the parties drag them-

⁷¹ International Crisis Group, *Burundi: ni guerre ni paix*, 1 December 2000. An analysis of the resistances to the accord and a highly critical evaluation of the “Mandela effect” can be found on pp. 14–29.

⁷² This reality was implicitly admitted by a member of Mandela’s team, Mark Bomami: “The negotiators were not able to agree on certain specific points (...). Even if you give them one year or two years, they will probably not agree” (Arusha, Fondation Hironde, 13 August 2000).

⁷³ “Burundi: IRIN Focus on Arusha Peace Agreement – what next?”, Arusha, IRIN, 29 August 2000.

⁷⁴ On this process, see F. REYNTJENS, *Burundi: Prospects for Peace*, London, Minority Rights Group, November 2000.

⁶⁹ “Rwanda President Speaks on Political Refugee Problem”, Kigali, Internews, 28 March 2001.

⁷⁰ F. REYNTJENS, *Small States...*, op. cit., p. 22.

selves from one meeting to another, without any real progress being recorded.

As from November 2000, the choice of the president in the transitional period became the bone of contention,⁷⁵ while the remaining substantial points of disagreement were no longer discussed. The "Commission for the monitoring of the accord", an unwieldy structure composed of 29 members set up on 27 November 2000, has remained paralysed by this question, which demonstrates, once again, that for the majority of the negotiators, the distribution of posts and functions is more important than the future of the country. In exasperation, this is what the Iteka League pointed out in an open letter addressed to all the political actors on 16 March 2001: "For several months and at the expense of the profound social concerns of the majority of the Burundians, the political discussion has been diverted and restricted by the politicians to the single question: 'Who will preside over Burundi during the transitional period?'" The text accused the officials of all political tendencies of being selfish and jockeying for positions on the basis of their ethnic origins, and launched a solemn appeal: "The people hold you today, and will hold you tomorrow, responsible, each and every one of you, for both the words and the public acts of initiative and goodwill that you have had neither the lucidity nor the strength nor the courage to assume in its supreme interest. We are appealing to your consciences".

This appeal was not to be heard by an unmoved political class and the various "partners" in the monitoring committee settled into permanent deadlock: it is worth betting that, if the problem of the transitional presidency were resolved, disagreements on other points in abeyance would once again block the process.⁷⁶

⁷⁵ In February 2001, six candidates were presented in opposition to President Buyoya, supported by Uprona, the PSD, the government and the National Assembly: D. Ndayizeye (supported by the Frodebu and other Hutu parties), Colonel E. Bayaganakandi (six small Tutsi parties), Colonel J.B. Bagaza (Parena), A. Mbonerane (CNDD), T. Nsanze (Abasa) and A. Nkundabashaka (Palipehutu). Brief biographies of these candidates can be found in "Les candidats à la présidence de la République", Arusha, Fondation Hirondelle, 22nd February 2001.

⁷⁶ Thus, the announcement made on 10 March 2001 by President Buyoya that there can no longer be question of setting up transitional institutions without first obtaining a ceasefire – a hypothesis which was unlikely in the immediate – could constitute a new stumbling block (Nairobi, AFP, 10 March 2001). For those who so wish, there are plenty of other pretexts simply waiting to be exploited.

These pieces of trickery are performed behind closed doors, completely remote from the desperate situation experienced by the very great majority of Burundians. At the end of April 2001, Jan Van Eck who has been closely following the experiment of the Burundian "dialogue" for several years, warned that the Arusha accord was "on the verge of collapse".⁷⁷ Another well-informed observer, the International Crisis Group, declared that the Arusha accord was a failure, that the "comedy of political parties" continued and that there was a need for a new framework, while at the same time the governmental army and the rebels were preparing for a major confrontation.⁷⁸

This pessimism, which we are obliged to share, is further reinforced by the fact that the civil war has not ended, but on the contrary has intensified during the period under review.⁷⁹ The provinces most affected are those which border Tanzania where the refugee camps also constitute bases for assault and retreat for the rebel groups, and those which border on the forest of Kibira and rural Bujumbura. A new occurrence, at the end of February 2001, was that the FNL succeeded in holding the Kinama area in Bujumbura itself for almost two weeks.⁸⁰ In April there was violent fighting between the army and the FDD around Gitega, the second town in the country. We have referred to the numbers of civilian victims which come with the fighting in the section devoted to human rights. At the political level, these confrontations often take place just before one or other of the meet-

⁷⁷ J. VAN ECK, *Burundi Report. Polarization of Parties into 'Win Power' and 'Keep Power' camps, threatens the collapse of peace process*, 24 April 2001; "Burundi: Arusha Accord 'on verge of collapse'", Nairobi, IRIN, 4 May 2001.

⁷⁸ International Crisis Group, *Burundi: sortir de l'impasse. L'urgence d'un nouveau cadre de négociations*, Nairobi-Brussels, 14 May 2001.

⁷⁹ A summary of the sequence of violence during 2000 can be found in *Burundi: Geography of Violence*, Bujumbura, Azania, 8 January 2001.

⁸⁰ At the same time, Agathon Rwasa, commander of the FNL operations in the Bujumbura region, announced the dismissal of Cossan Kabura as president and chief of staff of the FNL (declaration of 24 February 2001). Kabura reacted by declaring that he remained the commander of the movement and announced that disciplinary sanctions had been taken against Rwasa and some of his companions (Arusha, Fondation Hirondelle, 4 March 2001). The fragmentation of the rebel camp is thus continuing. The FNL were already a splinter group of the Palipehutu, while the CNDD-FDD had also split into two groups at the beginning of 1998.

ings on the implementation of the Arusha accord which the rebel movements, who were not included in it, are thus attempting to sabotage. The intensification of the fighting could also lend credibility to the possibility of a military victory, thus dealing a fatal blow to the political process (in particular due to the withdrawal of rebel elements from the Congo towards Burundi and Tanzania (see below)). This is the perception prevailing at the end of May 2001. The UNHCR was preparing for new flows of refugees from Burundi and the Burundian Minister for Defence admitted that "the war is of necessity going to intensify".⁸¹

⁸¹ Libreville, Radio Africa No 1, 16 May 2001, relayed by BBC Worldwide Monitoring, 17 May 2001

6. The Regional Context

It is impossible to isolate the political development of Rwanda and Burundi from the regional geopolitical context. The Rwandan and Burundian armies operate in the Congo where Rwanda in particular is very deeply involved in three spheres. Militarily the RPA maintains fifteen to twenty thousand men in operations in the DRC over a territory which is thirty times the size of Rwanda. Politically, Rwanda supports the RCD-Goma whose autonomy vis-à-vis Kigali is extremely restricted. Economically, Rwanda, along with Uganda, is the most actively involved in the illegal exploitation of the resources in the Eastern part of the Congo.⁸² The military presence of Burundi is more limited: the deployment of a few thousand troops on the Congolese bank of Lake Tanganyika and in the valley of the Rusizi is mainly aimed at the protection of the frontiers against rebel incursions. The pursuit of the Rwandan and Burundian civil wars in a situation of extraterritoriality takes place against the background of the shifting alliances I have already referred to in the past.⁸³ The (Rwandan) ex-FAR and the (Burundian) FDD are part of the Kabila coalition, from whom they have succeeded in obtaining funds for training, equipment and logistics. Whereas the majority of the ex-FAR are on the front line one thousand kilometers away from the Rwandan frontier, certain ex-FAR, former *interahamwe* militiamen and other armed opponents maintain pockets in the Kivu region, where they sometimes conclude alliances of convenience with the mai-mai-FAP. While there are clashes with the RPA from time to time, the operations within Rwanda have become negligible since the Fall of 1998. However, developments in the DRC could move the war towards Rwanda; relatively intense fighting took place in the regions of the Volcanos in May 2001, but it is too early to con-

⁸² United Nations. Security Council, *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo*, S/2001/357, 12 April 2001.

⁸³ See e.g. F. REYNTJENS, *La guerre des grands lacs. Alliances mouvantes et conflits extraterritoriaux en Afrique centrale*, Paris, L'Harmattan, 1999.

clude that there is a resumption of hostilities in Rwanda itself. The outcome of the peace process in the Congo could weigh heavily on the situation here. Already, the perspective of a settlement of the conflict, the repositioning of President Joseph Kabila on the international and the home front and the threat of a possible disarmament is pushing the FDD to withdraw into Tanzania and Burundi. A similar development could lead the ex-FAR to move towards the East, and therefore in the direction of Rwanda.⁸⁴

These developments must be seen in the context of more complex recompositions. Thus, the increasingly numerous departures of RPA officers to Uganda (see above) could, in the medium term, constitute a considerable threat for the Rwandan regime. It is likely that Uganda, whose relations with Rwanda seem to have irretrievably broken down,⁸⁵ secretly supports forces capable of destabilising Kigali. Sources indicate that, apart from RPA deserters, one finds in Kampala and elsewhere in Uganda elements of the ex-FAR, monarchists,⁸⁶ and even a battalion of Banyamulenge who have decided to fight the Rwandan regime. If this tendency were to be confirmed, Rwanda would find itself in a vulnerable position, isolated between Uganda and the DRC that are hostile, Tanzania officially neutral but not very friendly and Burundi which is unstable and increasingly exposed to rebel

⁸⁴ For an interesting glimpse of the complexity of the war, see International Crisis Group, *Scramble for the Congo. Anatomy of an ugly war*, 20th December 2000.

⁸⁵ The gulf has widened since last year (see B. LELOUP, "Rwanda-Ouganda: chronique d'une guerre annoncée?", *L'Afrique des Grands Lacs. Annuaire 1999-2000*, Paris, L'Harmattan, 2000, p. 127-145). On 6 March 2001, Rwanda was included on the list of "nations hostile" to Uganda. The Rwandan government reacted furiously by a communiqué on 11 March. At the beginning of April, troops were deployed on both sides of the frontier and the two countries mutually accused each other of supporting the opposition movements. In anticipation of a possible confrontation, Rwanda is actively pursuing the construction of an axis with Kenya.

⁸⁶ N° 947 of *La Lettre de l'Océan Indien* reports that King Kigeri V came to Kampala, but this information has not been confirmed. The *mwami* had already met Laurent Kabila, another opponent of the Rwandan regime, during the Fall of 2000.

operations. We have already referred to the pessimism concerning the implementation of the Arusha accord. According to Burundian officials, “the only option is becoming that of war”: “It has become clear that the rebels think they are capable of winning this war militarily, which leaves the government with no other option than to fight”.⁸⁷ A recent report by the International Crisis Group is in complete agreement: “From a situation which is ‘neither peace, nor war’ there is a risk that Burundi will revert to a situation of full-scale civil war”.⁸⁸ The “anti-Tutsi” forces in the region consider Burundi as the weak link; if it were to give way, Rwanda would become a small island in a hostile environment.

One danger threatening Rwanda and Uganda in particular – and tending to be ignored or underestimated – is linked to the mining activities by these two countries in the Congo. Chris Dietrich has shown that “military commercialism” implies the risk that considerations of a mercantile nature determine strategic and military decisions.⁸⁹ These practices enable the concealing of illicit activities, which it is easier to remove from international vigilance when they take the form of extraterritorial predations, carried out under cover of political or security aims. This makes disengagement more difficult, contributes to the criminalisation of the state and the economy and is a potential source of serious tensions at a time when the elites are obliged to share the wealth looted from their neighbours. This threat is particularly real for Rwanda, a very poor, small country whose “economy” is not capable of financing the lifestyle of the regime’s privileged classes. If, at the same time, Rwanda had to “digest” the return of its expeditionary force from the Congo, the mix could become explosive.

⁸⁷ Nairobi, IRIN, 21 May 2001.

⁸⁸ International Crisis Group, *Burundi: sortir de l’impasse*, *op. cit.*

⁸⁹ C. DIETRICH, *The commercialisation of military deployment in Africa*, Pretoria, ISS, 2001.

7. Conclusions and Perspectives

The heart of the problem in the region of the Great Lakes remains the unfinished civil war in Rwanda which has been going on since October 1990. Whether it is waged within the frontiers or extraterritorially, it destabilises the country and region and makes any effort of national reconciliation and reconstruction impossible. Quite the contrary, the war waged in the DRC has led to a considerable extension of the Hutu-Tutsi split which, at the level of the region, takes the form of a "Bantu" – "Hamitic" divide, ethnic groups which have no "scientific" existence but whose genesis on the ground is undeniable. Instead of protecting Tutsi in the region, the instrumentalisation of their situation by the Kigali regime is a threat to their existence in the longer run. While the Rwandan authorities insist on the holding of the inter-Congolese dialogue agreed in the Lusaka accord, there is however no question of an inter-Rwandan dialogue, which would be equally necessary. The fact is that the option of the military management of a national and regional space has become even less realistic than before, particularly since an ever-increasing number of former RPF militants are opting for the path of political, but also – there is not a shadow of a doubt – of military opposition. Thus, the Rwandan regime's intransigence and withdrawal into itself is intensifying an ever deeper impasse, which has been visible for several years but which today contains the seeds of its own destruction.

Today, the structural violence, "a key component of the social basis on which the edifice of [the 1994] genocide was built"⁹⁰ is as present as before 1994. But, just as at the beginning of the 1990's, people prefer to ignore the warning signs. Despite the numerous criticisms to which Rwanda is subjected in spheres as diverse as the occupation and exploitation of one third of the Congo, governance, human rights and the exclusion of the majority of Hutu and Tutsi Rwandans, the international community continues to give it the benefit of the doubt. The President of

the World Bank, James Wolfensohn, adopting a technical position which despite everything is what the institution usually does, was still, in February 2001, expressing his satisfaction with the economic progress achieved in Rwanda. The IMF is of the same opinion. At the end of 2000, Rwanda's debt was reduced by 810 million dollars in the context of the programme in favour of the highly indebted poor countries (HIPC). In the framework of the Facility for the Reduction of Poverty and for Growth (FRPC), a new loan, granted in August 2000, brings to almost 56 million dollars the total amount of funds allocated for a period of three years. Since GDP per capita has still not reached the 1990 level and export revenue is constantly falling, this effectively constitutes support for a heavily subsidized economy involved in a war of aggression.

Even though, at last, some partners are beginning to have their doubts, some of the bilateral sponsors have remained as generous as ever. Thus, the European Union finances almost 10 per cent of the Rwandan budget for the year 2000. The United Kingdom still grants budgetary aid of £55 million for a period of ten years, an amount which was doubled in November 2000 for the years 2001–2003, although it is obvious that the fungibility of the budget enables the use of these means to finance the war and the instability in the region.⁹¹ This gives rise to very little in the way of criticism, even though a British parliamentary mission did ask a few pertinent questions, but they were not followed by any action.⁹² The policy implemented by the

⁹¹ In a piece in the *New York Times*, 21 April 2001, former US under-secretary of State for African affairs Herman Cohen rightly observed that "one way to apply pressure to Rwanda and Uganda would be to suspend the tens of millions in World Bank and European Union budgetary support dollars being disbursed to these two countries. This money from American and European taxpayers has effectively financed Rwanda's and Uganda's war in Congo since August 1998". However, this plea would be more credible if Cohen was not paid as a consultant by the government of Kinshasa...

⁹² *All Party Parliamentary Group on Rwanda, the Great Lakes and Prevention of Genocide. Visit to the Great Lakes Region 23 July-1 August 2000*, November 2000; see also the debate in the House of Commons: Westminster Hall Adjournment Debate Great Lakes, 14 November 2000.

⁹⁰ P. UVIN, *Aiding Violence. The Development Enterprise in Rwanda*, West Hartford, Kumarian, 1998, p. 110.

Netherlands, another friend of the “new Rwanda”, has been described as “cheque-book diplomacy”.⁹³ Another Dutch report concluded that “the Netherlands should (...) consider a more critical long-term relationship as it is perhaps partly responsible for the creation and survival of the incumbent regime in Kigali”.⁹⁴

As for Burundi, which has not been particularly cherished by the international community, the year 2000 was that of the signing of the Arusha accord, but 2001 could well be the year of its failure. Alas, the outlook is bleak. The Burundian actors are once again settling into the logic of violent confrontation. Given that the “fatigue” of the regional and international communities, the “facilitators”, the “special envoys” and the “professionals of parallel diplomacy” may finally prevail, foreign powers may well turn away from the degeneration of the situation and abandon Burundi to the violent fate which awaits it. The future of the peoples of the Great Lakes Region, who are hostages of their politico-military-mercantile “elites”, is truly somber in the extreme.

⁹³ P. DOUMA and K. VAN WALRAVEN, *Between Indifference and Naïveté. Dutch Policy Intervention in African Conflict. A Synthesis Report*, Clingendael Institute, October 2000, p. 35.

⁹⁴ P. DOUMA, *The Netherlands and Rwanda. A case study of Dutch foreign policies and interventions in the contemporary conflict history of Rwanda*, Clingendael Institute, June 2000, p. 68.

Acronyms

ABASA	Alliance burundo-africaine pour le salut
ARENA	Alliance rwandaise pour la renaissance de la Nation
CCAC	Concertation chrétienne pour l’Afrique Centrale
CDA	Congrès démocratique africain (Rwanda)
CNDD	Conseil national pour la défense de la démocratie (Burundi)
DMI	Directorate of Military Intelligence (Rwanda)
DRC	Democratic Republic of Congo
FAR	Forces armées rwandaises (former government army)
FDD	Forces pour la défense de la démocratie (Burundi)
FNL	Forces nationales de libération (Burundi)
FRODEBU	Front pour la démocratie au Burundi
GDP	Gross domestic product
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
IMF	International Monetary Fund
IPEP	International Panel of Eminent Personalities (OAU)
LIPRODHOR	Ligue pour la promotion des droits de l’homme au Rwanda
Mai-Mai-FAP	Mai-Mai-Forces d’autodéfense populaire (DRC)
MDR	Mouvement Démocratique Républicain (Rwanda)
MPD	Movement for Peace and Development (Rwanda)
OPJDR	Organisation for Peace, Justice and Democracy in Rwanda
PALIPEHUTU	Parti pour la libération du peuple hutu (Burundi)
PARENA	Parti pour le redressement national (Burundi)
PSD	Parti social-démocrate (Rwanda)(Burundi)
RADDES	Ralliement pour la démocratie et le développement économique et social (Burundi)
RCD	Rassemblement congolais pour la démocratie (DRC)
RDR	Rassemblement pour la démocratie et le retour des réfugiés (Rwanda)
RPA	Rwanda Patriotic Army
RPF	Rwanda Patriotic Front
RRD	Rassemblement des Rwandais démocratiques
RTL	Radio-télévision libre des mille collines (Rwanda)
UNHCR	United Nations High Commission for Refugees
UFDR	Union des forces démocratiques rwandaises
UNITA	Union for the Total Independence of Angola
UPRONA	Union pour le progrès national (Burundi)