

**RWANDA'S RESPONSE TO THE ALLEGATIONS CONTAINED IN THE ADDENDUM
TO THE UN GROUP OF EXPERTS INTERIM REPORT**

INTRODUCTION

1. On 21st June 2012, the UN Group of Experts (GoE) for DRC submitted its interim annual report to the UN Sanctions Committee. Five days later, on 25th June the GoE submitted a 48-page addendum to the interim report under intense pressure from the media and non-state actors who had been aggressively touting the baseless claim that the hastily-drafted addendum was being withheld for political reasons or as the result of illegitimate intervention on the part of Rwanda or its allies at the Security Council. The addendum contains a raft of allegations to support the theory of active involvement by the Government of Rwanda (GoR) in the current armed conflict between the Congolese Army (FARDC) and a group of mutineers known as M23. It is alleged that this support violates the UN Arms Embargo and Sanctions Regime that applies to the Democratic Republic of Congo (DRC). The addendum was officially published on the UN Security Council website on 27th June 2012.

2. By the time the addendum was officially published, however, the allegations it contained had been extensively aired in the media. Indeed, the release of the addendum served as the latest act of a carefully orchestrated media and political strategy to cast Rwanda as the villain in this new wave of tensions in Eastern DRC. In effect, the addendum only added a UN stamp of approval to a narrative that had been actively and deliberately propagated since the beginning of this latest crisis, months earlier. The addendum beats a familiar drum, and plays to an audience that has been primed over several years to believe any accusation of wrongdoing on the part of Rwanda when it comes to the region. Thus, Rwanda is rendered guilty from the outset, as reflected most obviously by the lack of interest shown by the GoE in Rwanda's perspective and response to the compendium of allegations made by FARDC sources, self-declared defectors/deserters/PoW and other unnamed parties.

3. It is in this way that “evidence” is retrofit to suit a predetermined narrative. Inconvenient or contradictory facts are ignored or, most often, never sought in the first place. As this response will demonstrate, most of the specific claims made in the addendum are easily disproven; what remains are a series of assertions based on dubious allegations that are un-falsifiable in nature. For example, the addendum builds an elaborate story of alleged RDF-backed troop movements that hinge on the testimony of anonymous FARDC soldiers who recall sighting particular boot tracks. This kind of allegations places the Government of Rwanda in something of a logical blind: it is impossible to prove affirmatively the absence of boot tracks. Such claims permeate throughout the addendum – accusations that are as impossible to definitively disprove as they are to verify – and this is the report’s fundamental weakness. Among the accusations are: direct assistance in the creation of M23 through the transportation of weapons and soldiers through Rwandan territory; recruitment of Rwandan youth and ex-combatants as well as Congolese refugees for M23; provision of weapon and ammunitions to M23; mobilization and lobbying Congolese politicians and businessmen to the benefit of M23; support to several other armed groups as well as FARDC mutineers in the Eastern DRC; and finally, violation of an assets freeze and travel ban through supporting sanctioned individuals.

4. This GoR response seeks to provide facts and perspective on each allegation contained in this deeply flawed addendum. For most of the allegations, this response provides clear evidence to disprove claims and highlights, methodological flaws, oversights, misrepresentation and outright falsehoods found throughout the addendum. In some cases, the GoR provides background information that places the misleading narrative in proper context, with due respect to the complexity of the issues involved.

5. Another glaring weakness of the addendum is that it contains damning allegations against named Rwandan civilian and military officials without providing them with any opportunity to respond. The fact that the report could cite DRC “Intelligence Sources” and anonymous “Congolese Officials” more than 50 times without feeling compelled to consult their Rwandan counterparts, some of whom stand directly accused, is one of the most

telling aspects on the nature of this addendum. The GoR has extensively interviewed each individual concerned and has provided a detailed, comprehensive rebuttal.

6. Beyond hearsay and anonymous witness testimonies, the physical evidence presented in the addendum is utterly unpersuasive. A photograph purporting to prove the presence of RDF forces in the DRC amounts to nothing more than a uniformed torso, not to mention the reality that uniforms of all stripes are easily accessible in the region. Similarly, photographs of bullets establish nothing in an area with dozens of armed militia and a largely unchecked black market for such items. Perhaps even more self-evident is the fact that extensive joint operations between Congolese and Rwandan militaries have provided opportunities for either side to get uniforms and ammunitions from the other. If, as the addendum claims, the Rwanda Defence Force (RDF) is involved in large-scale territorial incursions in the Eastern DRC, as well as highly sophisticated recruitment and training operations on both sides of the border, there would be a plethora of physical evidence available to the GoE – and yet none is produced.

7. The allegations contained in the addendum rely almost exclusively on unreliable, anonymous or compromised sources. Many have obvious motivations to fabricate, manipulate or distort information about Rwanda – FARDC intelligence and other DRC officials feature prominently – while others, such as deserters and captured rebels, have been interrogated under circumstances that raise severe questions. In many cases, the incentive to provide fictitious evidence to suit the interests of their captors/handlers is self-evident, and often comes to the fore when alleged foot soldiers provide highly specific operational details that would be far out of reach for a person of their rank and position.

8. Finally, the GoE addendum fails to address basic contextual questions such as: what would Rwanda be seeking to achieve through M23 that it could not achieve through other means? What would be Rwanda's end goal in supporting a mutiny in DRC? What strategic purpose would be served by active involvement in destabilizing the central government of the DRC? Why would Rwanda have invested so much over the last three years in consolidating its partnership with the DRC central government if it eventually aimed to undermine it?

9. Given the deeply flawed and illegitimate nature of the process described above, the GoE's interim report, addendum and anything that builds on it should be treated publicly and privately as biased and devoid of integrity.

10. To remedy this regrettable situation, the GoR invited the GoE to Rwanda to get an opportunity to receive Rwanda's perspective and inputs on the allegations contained in the addendum. During their visit from 23rd to 26th July 2012 the GoE was provided with extensive information and clarifications including contextual factors, additional information, and technical evidence regarding each allegation. The interaction between the two teams made it clear that most of the allegations contained in the addendum were technically inaccurate, taken out of context or reliant on biased testimonies or through flawed processes. As acknowledged by members of the GoE, it is strongly expected that the information shared will be clearly reflected in the final GoE report.

11. The GoR remains ready to work with the DRC government and the international community in assessing the real causes of the current conflict in Eastern DRC and in the course of this, contribute towards solutions which are relevant to the situation. It will do so in the best interest of its people and regional stability.

BACKGROUND

12. In mid-June, Human Right Watch's Executive Director Mr. Kenneth Roth, introduced the notion of an "annex" (or addendum) to the GoE's interim report and accused the United States and Rwanda of suppressing its submission to the GoE's overseers on the DRC Sanctions Committee. A series of tweets from Roth illustrate this unfortunate pressure from non-state actors.

13. Human Rights Watch, with its long-standing anti-Rwanda rhetoric, was only building on previous attempts to use the new wave of tensions in Eastern DRC to tarnish Rwanda's reputation with a view to provoke international outrage and action against the Government.

14. On 28th May 2012, the *BBC* broke the story of “an internal UN report seen by the BBC”, which concluded that Rwanda was providing material support to the M23 rebels in the DRC.¹ Though refuted by MONUSCO itself², the BBC story triggered similar pieces in both the *Financial Times*³ and the *New York Times*.⁴

15. In spite of UN denials and forewarning by the GoR against such irresponsible and inflammatory behaviour, HRW and some of its sister-NGOs were not dissuaded. On June 4th the INGO released a report not only referencing the *BBC*'s disputed reporting, but also made a series of unsubstantiated and even more outrageous accusations of their own.⁵ Soon, major news organizations, without doing any research of their own, echoed allegations of Rwandan support for M23 and Bosco Ntaganda, a renegade Congolese General indicted by the ICC for war crimes. Instead of deliberately and responsibly conducting an independent examination of the facts, journalists, NGOs, researchers and diplomats, began citing each other.

16. The ensuing international frenzy had dire consequences on the ground. DRC officials soon felt diverted and emboldened enough to bypass the processes of a Joint Verification Mechanism specifically set, on Rwanda's suggestion, to address conflict-related allegations from both sides in order to avoid sensational reporting that could fuel tensions.⁶

¹“Rwanda supporting DR Congo mutineers,” *BBC*, May 28, 2012. Available at <http://www.bbc.co.uk/news/world-africa-18231128>

²Two days later, UN spokesman Penangnini Toure knocked down the *BBC* story, arguing that the “report” in question resulted from a routine interrogation of eleven men who appeared at a facility belonging the UN's Organization Stabilization Mission in the DRC (MONUSCO) asking to be repatriated to Rwanda. “That's all we reported and that's where it stops,” said Toure. “The UN did not produce a report saying that Rwanda is directly involved in what is happening in Eastern Congo.” He further denied claims that the UN tried to cover up the report.

³Wallis, William. “Congo probes claim of Rwandan role in violence.” *Financial Times*. 29 May 2012.

Available: <http://www.ft.com/intl/cms/s/0/fd0d525a-a998-11e1-9772-00144feabdc0.html> - axzz1wHAdo5xy

⁴Kron, Josh. “U.N. Report Says Rwandans Recruited to Fight in Congo.” *The New York Times*. 28 May 2012. Available: http://www.nytimes.com/2012/05/29/world/africa/un-says-rwandans-recruited-to-fight-in-congo.html?_r=1

⁵“DR Congo: Rwanda Should Stop Aiding War Crimes Suspect.” HRW. 4 Jun. 2012. Available: <http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-0>

⁶On June 14 2012, the DRC Minister of Information Lambert Mende bypassed the Joint Verification Mechanism process to announce, during a press conference, his country's position on allegations under investigation.

17. The almost instantaneous rise in ethnic-based hate rhetoric can still be observed in Congolese media and social networks, with predictably dramatic consequences for Kinyarwanda-speaking Congolese⁷:

18. Some of the political and ideological agendas behind this disinformation campaign became more visible when, on June 18th, HRW sought to build on the carefully-staged anti-Rwanda sentiment to challenge the Country's bid for a seat on the UN Security Council. Phillippe Bolopion, the organization's UN Bureau Director, told the *Associated Press*,

*"By allowing its territory to be used to protect and arm an ICC-indicted war criminal, Rwanda is making a mockery of the decisions of the same Security Council it is slated to join next year... Bosco Ntaganda is not only implicated in horrendous crimes against civilians including children, he is also undermining everything the Security Council has tried to achieve at great expense in the region for the last decade."*⁸

19. Notwithstanding the fact that not a single journalist had seen the "annex/addendum", nor had a single official gone on record to provide concrete information about its contents, news organizations transformed unverified allegations from an interim document into the central element of the GoE's findings; namely, that Rwanda was secretly supporting militia groups in Eastern DRC.

⁷Opinion leaders are on record, uttering the most virulent hate speech in DRC. A glaring example is Bishop Elizee calling for a "Holly War against Tutsis" and urging Congolese to "Kill Tutsis everywhere in the world". <http://www.youtube.com/watch?v=eOqV5pxcnmo>

Multiple incidents of physical attacks, abductions and torture targeting Kinyarwanda-speaking populations have also taken place throughout the Kivus. For example, on June 11 Rwandan migrant workers were dumped at the border post after 3 weeks of systematic beating, torture and starving under FARDC hands in Goma. On July 12 2012, a large number of physical attacks, witch-hunting against Rwandans were reported in Goma, DRC. On July 24 2012, it was reported that 4 Rwandan citizens were abducted and illegally detained, tortured. Two of them died as a consequence of their treatment, the whereabouts of the two others remains unknown. On July 25 2012, six members of the Bachikanira family (Amani, Alama, Elia, Eric, Moise and Ezechiel) was burnt alive in their house in Goma

⁸"Rights Group criticizes Rwanda's council selection." KENS5. 18 Jun. 2012. Available: <http://www.kens5.com/news/world/159497335.html>

PROCEDURAL FLAWS

20. In its interim report, the GoE asserts its adherence to a “rigorous investigative methodology.”⁹ In particular, the GoE claims to follow the evidentiary standards recommended by the “Informal Working Group of the Security Council on General Issues of Sanctions in its report of 2006.”

As clearly demonstrated in Rwanda’s detailed response, the GoE repeatedly disregarded available material evidence and exculpatory information in favour of testimonies labelled “credible” despite the evidently biased and polarized context in which they were obtained.

20. Moreover, the addendum contained language describing an “elevated” methodology, suggesting that the addendum was assembled with greater care and impartiality than the interim report to which it was attached citing the serious nature of the GoE’s findings. In particular, while the GoE’s standard methodology requires a minimum of three sources, assessed to be credible and independent of one another, it has raised this to five sources when naming specific individuals involved in these cases of arms embargo and sanctions violations.”¹⁰

21. Strikingly however, none of the sources interviewed – be it three, five, or fifty – included Rwandan officials. The same set of sources -Congolese politicians, DRC intelligence officers and former CNDP officers who did not join M23, are replicated throughout the report producing a powerful cumulative effect and dissimulating the lack of alternative perspective on the events under scrutiny. Furthermore, even when alternative sources of information, including material evidence, were easily accessible; the GoE ignored those, and ostensibly avoided to weigh so-called credible testimonies against contradictory evidence. This simply suggests that when it came to the addendum, the GoE dumped the standards which they claimed to follow; namely those of the “Informal

⁹ *Ibid.* P. 5.

¹⁰“S/2012/348.” United Nations Security Council. 21 Jun. 2012, p 5. Available: http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/348

Working Group of the Security Council on General Issues of Sanctions in its report of 2006.

22. Under a section titled “Opportunity to review, comment and respond” (Para 28 of S/2006/997, dated 22 December, 2006, the document, states that:

“Monitoring mechanisms should emphasize impartiality and fairness during the report drafting process, and make available to relevant parties (State authorities, entities or individuals), if appropriate, any evidence of wrongdoing for their review, comment and response, within a specified deadline. Rebuttals, with an assessment of their credibility, and corrections regarding already published allegations, should be included in subsequent reports.”¹¹

23. The GoE further failed to properly source its report and addendum. It almost exclusively relies on sources with obvious motives, in the DRC context, to provide inaccurate, manipulated or partial testimonies.

24. The GoE acknowledges that it maintains relationships with the “security services principally from the Democratic Republic of the Congo” – a source upon which many allegations are based.¹² The GoE should have been aware of the evident temptation from such services to blame their own professional failures on external factors, thereby attracting domestic and international sympathy in order to gain support against a “powerful aggressor from outside”. The GoE should have also appreciated the capacity such services to set up “credible witnesses’ to support and disseminate their own allegations. Remarkably, in no case were corresponding services in Rwanda called upon

¹¹“S/2006/997.” United Nations Security Council. 22 Dec. 2006. Available: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WG%20Sanctions%20S2006997.pdf>. P. 12.

¹²“S/2012/348.” P. 5.

to provide alternative accounts on specific accusations. At no stage was the GoR provided with an opportunity to offer substantive input.

25. The addendum to the GoE report also makes extensive use of other sources with a heavy potential for partiality and strong motives to distort facts. The testimonies of self-declared M23 defectors are referred to as highly reliable sources even though, as the GoE is or should be aware; accommodating testimonies, fabricated evidence and dictated narratives, often represent the only life-ticket for 'former enemies' in the hands of the notoriously abusive Governmental services and armed forces.

26. The statements of FARDC officers eager to justify their challenges on the military frontline are referred to as believable and according to the GoE, constitute "overwhelming evidence".

27. Reference is frequently made to the large number of testimonies gathered from these kinds of sources, but no or very limited effort is made by the GoE to collect corresponding amounts of testimonies from the Rwandan side where most of the alleged events occurred.

28. Equally important is the fact that, as clearly demonstrated in Rwanda's detailed response below, the GoE repeatedly disregarded available material evidence and exculpatory information in favour of testimonies labelled "credible" despite the evidently biased and polarized context in which they were obtained.

29. Perhaps even more startling, when Rwandan officials, led by the Minister of Foreign Affairs met the GoE coordinator, Steven Hege, in New York on June 25th 2012, the latter claimed that the GoR perspective was considered because "online statements by Rwandan officials on the matter were retrieved and referred to in the addendum". The GoE coordinator also offered to include in the report any comment from his Rwandan interlocutors, notwithstanding the fact that, even at that stage, he did not present anything beyond the "general categories of allegations" against Rwanda. These two elements were subsequently referred to in several fora as the Government of Rwanda's opportunity to respond and comment on the allegations. These disingenuous suggestions ignore the

following. First, Rwandan officials' statements are not meant to provide anything beyond the Government's general position on the situation. These cannot be construed as a Government's response to detailed accusations such as those contained in the addendum. Second, the purpose of the Minister of Foreign Affairs' trip was never to respond to the Addendum's allegations but to attend several high-level meetings in New York and Washington DC. It is therefore preposterous to suggest that a 30-minutes meeting, two hours before the submission of the addendum to the UN Sanctions Committee, could be considered as Rwanda's opportunity to respond to detailed allegations against its senior officials.

30. The elements described above were actually building on other disingenuous insinuations. The planned visit of the GoE to Rwanda from 14 to 16 May 2012 is referred to at paragraph 58 of the addendum as a failed attempt by the Group to discuss its findings with the GoR. Yet, as reflected in the Group's letter to the GoR dated 19th April, 2012 as well as a meeting with Rwandan officials on 16th May 2012; the purpose of that visit was unrelated to violations of the UN Arms Embargo and certainly not to Rwanda's alleged support to the M23 mutiny. A copy of the GoE letter (Reference S/AC.43/2012/GE/OC.7) indicating the purpose of the GoE visit to Rwanda in May 2012 is available at Annex R of this document.

31 Additionally, when asked how the abrupt submission and publication of the so-called "addendum" to the interim report came about, despite assurances to the contrary, Mr. Hege admitted that the GoE did not initially intend to present the allegations at that stage but bowed to demands by members of the DRC Sanctions Committee some of whom confessed to Rwandan officials that they were, themselves, under pressure from "certain activists and organizations".

32. The logical conclusion from the above is that the GoE has intentionally or unintentionally breached their own standards of procedures.

33. By failing to consult the accused individuals or any other Rwandan official, by systematically favouring incriminating testimonies, and by deceiving GoR officials on the scope, content and development of the report, the GoE failed to display the most basic

standards of impartiality and fairness. Consultations such as those carried out with Rwandan officials including those named in the addendum, between 23rd to 25th July, would have led the Group to a fundamentally different outcome.

34. Importantly, for the purpose of this document, the 2006 report warns against the result of the GoE's failure to adhere to these standards;

“Insufficiently supported allegations of non-compliance and sanctions violations publicized in a United Nations report could call into question the integrity of the entire report.”¹³

Based on the elements indicated above, the addendum should be treated publicly and privately as lacking basic integrity.

FACTUAL FLAWS

35. The addendum to the interim report amounts to a compendium of accusations and rumours derived from dubious sources, seemingly intended to produce a predetermined outcome. Taken one by one, these claims are easily disproven when placed in their proper context or tested against exculpatory evidence or alternative scenarios.

36. The following paragraphs expose the inaccuracy, poor reliability or irrelevance of the “evidence” provided for each category of allegations against Rwandan individuals or their Government. Where necessary, alternative scenarios to those indicated in the addendum are presented.

Alleged recruitment of Rwandan youth and demobilized ex-combatants as well as Congolese refugees for M23

37. The GoR has never recruited young people to join armed groups in the Democratic Republic of Congo (DRC); nor has it mobilised funds to support them. It is possible that

¹³*Ibid.* P. 10.

M23 cadres or Kinyarwanda-speaking FARDC officers living in the proximity of the DRC-Rwanda border could have clandestinely mobilized and recruited some youth to join their movements. It cannot be ruled out either that Rwandan citizens with family backgrounds linking them to FARDC Army officers or M23 fighters could have organized covert recruitment operations.

38. The GoE has no tangible pieces of evidence other than those obtained from unreliable sources described above. Examples include:

a. The 30 Rwandan nationals referred to in paragraph 15 of the addendum, were interviewed by officials from both Rwanda and the DRC as part of the Joint Verification Mechanism to which MONUSCO was a signatory.¹⁴ According to their own statements¹⁵, none of them claimed involvement by the RDF or any other official of the GoR yet the GoE asserts that the defectors "... stated that RDF Officers directly participated in their recruitment process". This kind of reporting by the GoE does not only render the referenced evidentiary standard (Para 24 above) questionable, but also raises questions over the motives behind such hasty conclusions.

b. The other 19 individuals remain under FARDC custody. Rwanda has not been given a chance to interview the subjects or examine their testimonies and the GoE has not provided details of the individuals. Therefore, their testimonies cannot be used in the report as credible evidence of RDF involvement. The actual Joint Verification Report signed by representatives of the DRC, Rwanda and MONUSCO after interrogating the 11 defectors and the Joint Intelligence Team statement is at **Annex A** and **Appendix 1** to this submission respectively.

¹⁴Only 10 out of 11 defectors were interviewed since the 11th defector was a minor not legible for such an interview.

¹⁵ The interview process was entirely transparent. Each individual statement was signed after the interviewee's approval of its content. Statements were also captured on audio and video. A sample of the written statements is available at Appendix 1 to Annex A to this submission

c. The GoE fails to provide any details and circumstances regarding the involvement of RDF officers or government officials in any coordinated recruitment activities on behalf of M23.

d. In paragraph 31(a) of the addendum, the GoE cites allegations of a two-week training provided to a RDF unit in Kanombe barracks located near Kigali International Airport, before deploying it to Runyoni as Gen. Ntaganda's advance party. Regardless of the illogical suggestion that General Ntaganda, one of the most senior FARDC Commander in the region, would require RDF support in order to establish his advance party to Runyoni, it is common (and verifiable) knowledge that Kanombe is a garrison-type barracks that comprises living quarters; a referral military hospital also open to civilian patients; a cemetery; and five service support units' headquarters and related facilities. It wouldn't require any form of expertise to find out that this barracks cannot host the training of recruits or any other force preparation activity. A tour of Kanombe barracks carried out by members of the GoE on the 25th June 2012 made it clear that no military instruction could be held in such a busy neighbourhood. Much less so a 'secret training' operation on behalf of a foreign armed group. It is regrettable that such verifications on the ground were not held before the submission of the addendum as they would have led the GoE to easily discard this allegation wherever it originated from.

e. Refugee camps in Rwanda are administered by the UNHCR. Claims that refugee camps in Rwanda were used for M23 recruitment ignore the fact that it is UNHCR, and not Rwandan civilian or military officials, who monitor and approve access and egress to the camps in question. There is no reliable evidence provided, that such recruitment activities ever took place.

f. Paragraph 123 of the interim report as well as paragraphs 18, 21 and 42 of the addendum awkwardly link Ex-FDLR combatants repatriated through the Mutobo transit centre with the RDF Reserve component to allege RDF recruitment

for M23. Interviews with relevant RDF officers on the matter would have led the GoE to understand that the RDF is an all-volunteer force including its reserve component which is jointly commanded and controlled by the RDF Chief of Defence Staff. The RDF Reserve is not an independent force, and would not be in a position to provide unilateral support to armed groups. Furthermore, enrolment of Ex-FDLR combatants into the RDF including in its reserve component is not automatic as the GoE insinuates. Finally Rwanda, over many years working with its partners in the DDR program, has shown an unwavering commitment to the peaceful reintegration of FDLR combatants into mainstream society. Rwanda would not upend such a long standing policy objective to engage in a short term recruitment drive for M23.

g. As with many other aspects of the report, the GoE fails to provide compelling evidence, such as names or intake numbers of any ex-FDLR allegedly sent to reinforce M23.

Alleged RDF logistics support (weapons and ammunition) to M23 by the RDF

39. The display of photographs of an AK 47 rifle, ammunition, gumboots and camouflage pants attributed to the RDF is exceedingly simplistic. There is no shortage of credible scenarios that the GoE would have considered before engaging into such far-fetched deductions. First, the RDF and the FARDC, like most militaries in the region tend to acquire their small arms from nearly the same sources; Second, the RDF having operated in DRC for about seven years with thousands of troops, left in 2002 with the possibility of leaving behind some equipment including AK 47 rifles and ammunitions. A single rifle cannot constitute credible evidence of weapon supply to M23; Third, the illustrated gum-boots are not a signature dress for the RDF. It is a verifiable fact that gumboots were recently acquired and supplied by FARDC for operation UMOJA-WETU; Fourth, the camouflage pants and any other military uniforms cannot be attributable to the RDF unless proper verifications establish that they bear RDF insignia or serial numbers;

Fifth and finally, the GoE distinguishes the “RDF AK 47” in image 7 under paragraph 25 by its *“barrel muzzle that is larger than those used by FARDC”*. This constitutes another absurd claim as such barrels, whose purpose is to fire rifle grenades, are found in limited numbers among all users of AK 47 rifles including FARDC and RDF. It is hard to figure out how the GoE could miss such obvious factors and refer to inconsequential elements as credible evidence of RDF support to M23.

40. Similarly, at Part II (C) p.9 of the addendum, the GoE provides a concoction of details of what they refer to as “RDF Logistical Support to M23”. As evidence, they present pictures of 75mm canon rounds at Annex 37 to the interim report as well as in paragraph 24 and at Annex 4 to the addendum. The following illustrates how fictitious the evidence provided is:

a. In paragraph 119 of the interim report, the GoE had expressed their intent to further investigate and *“...determine which weapon and ammunition Gen. Ntaganda and Col. Makenga would have been able to obtain through diversion from FARDC stockpiles and which weapons must have resulted from deals with arms trafficking networks”*. Instead of carrying out the intended verifications, the GoE rushed to suggest that the 75mm canon was provided by the RDF claiming that they were never supplied by FARDC to its units..

b. As a matter of fact, RDF does not hold 75mm canons in its ordinance stores and has never purchased such canons or their ammunition. Remnants of these weapons and ammunition from the 1990 - 94 war of liberation were disposed of in 2008, which is well documented by the RDF ordinance regiment. Relevant documented evidence can be availed for in-situ review as verified by members of the GoE during their recent visit to the Ordinance Regiment on 25th July 2012. Moreover, through RDF participation in several joint-operations with FARDC including recent operation codenamed UMOJA-WETU, the GoR has credible information that FARDC, unlike RDF, maintains 75mm canons and anti-tank rifle grenades on their arms/ammunition inventory. It is irresponsible to make serious allegations against a UN member state on the basis of such flimsy associations.

Alleged Rwanda's direct assistance in the creation of M23 through transport of weapons and soldiers through Rwandan territory

41. The GoR categorically denies allegations that Colonel Makenga used Rwandan territory, or made contact with any RDF Officers in Gisenyi, as alleged by the GoE. Unverifiable claims that FARDC officers and intelligence officers stationed at the same border saw “*clear boot tracks of Makenga's troops crossing the border into Rwanda*” have no value whatsoever, and should be considered with the contempt they deserve.

42. In paragraph paragraphs 8 – 13, the GoE alleges direct assistance by RDF in the creation of M23 using RDF resources and Rwandan territory. More specifically, the GoE (i) accuses Brig Gen. Emmanuel Ruvusha of having received Col. Makenga in Gisenyi on May 4th upon the latter's desertion from FARDC; (ii) alleges that Brig Gen. Ruvusha accompanied Makenga to coordinate the movements of his troops; (iii) the GoE further alleges that Col. Makenga's 60 troops and tones of equipment were transported on Rwanda's territory using RDF trucks while clad in RDF uniforms.

a. In his summary declaration at **Annex B** to this submission, Brig Gen. Ruvusha denies all allegations. He states that he could not be where the addendum locates him on 4th May as he was on a 2-week leave from 30th April. His leave was however shortened after he was recalled due to the deteriorating situation at the border area. He reported back to duty on 5th May 12 and provides incontrovertible evidence of his whereabouts during the period. He however accepts maintaining official communication with FARDC Officers of the 8th Military Region since 2009 in his capacity as the area commander on the border area.

b. The alleged facilitation of M23 troops and equipment from Bukavu to Gisenyi is not only untrue but technically impossible for several reasons.(i) It is not possible to use RDF motorised zodiac boats to carry 60 personnel and tones of equipment back and forth at night, without detection by FARDC border patrols on that particular segment of the lake; (ii) The carrying capacity of RDF Zodiac boats (7 passengers/including crew per embarkation while mounted) would not carry out

the operation described in the GoE report (para 11) that involved 60 soldiers and several tons of equipment.

The ground transportation of the same group and equipments is equally unfeasible. The alleged route was and remains under major construction and there is no way it could support night movement involving RDF 15 tonner trucks, unless the movement was executed over several days. Moreover, it is inconceivable how offloading of troops in RDF uniforms, on RDF trucks and on the Rwandan side of the border with DRC at a time of tension would be viewed by so-called eye-witnesses as extra-ordinary and linked to Col. Makenga. Detailed specifications and technical data regarding all types of boats held by Rwanda Marines is at **Annex C** to this submission.

Alleged mobilization and lobbying of Congolese Political and Financial leaders for the benefit of M23

43. The GoE makes numerous out-of-context allegations of Rwandan officials involved in mobilization and lobbying in favour of M23. Based on circumstantial evidence, unnamed witness testimonies, and internal FARDC intelligence files, the GoE addendum claims in its paragraphs 26 – 30 that Generals James Kabarebe, Charles Kayonga, Jack Nziza, Captain Celestin Senkoko as well as Bishops John Rucyahana and Colane were actively involved in mobilization and lobbying activities in favour of M23. Reference is made of the accused carrying out extensive phone calls and holding series of meetings with Congolese politicians and businessmen to promote and rally support for M23 while conveying the GoR's political and military support to M23.

It was found that some of the meetings and phone calls did not take place at all. Others that did take place were deliberately taken out of context. This approach is particularly beside the point considering Rwanda's consistent commitment to a peaceful solution from the onset of the crisis. As explained during the recent visit of the GoE, any interaction with GoR officials before the publication of the addendum would have revealed the following facts:

a. Since February 2009, following operation UMOJA-WETU, direct lines of communication between various RDF officers and their FARDC counterparts were established.¹⁶ See the **Annex D**: The minutes of Rwanda/DRC Chiefs of Defence meeting held on 1 – 2 November 2010. This was aimed at consolidating mutual confidence through regular exchanges of information and perspectives. Considering the nexus between Rwanda's political, social and economic interests, stability of Eastern DRC is critical to Rwanda's investments in the North West, business with DRC and harmony between Congolese and Rwandans including Kinyarwanda-speaking Congolese as described in several bilateral Joint Permanent Commission reports.

b. Gen. James Kabarebe: It was found that Gen Kabarebe never made phone calls or participated in any meeting to benefit M23. Conversely, most of the phone calls and meetings were carried out in the larger context of efforts aimed at avoiding a return to violence and promote political dialogue. Most of the calls and/or meetings were either solicited by the DRC Government or pursuant to mechanisms established in the spirit of the UMOJA-WETU framework. Key meetings include those requested by President Kabila via his special envoy, late Mr. Katumba Mwanke (RIP),¹⁷ in which he requested the GoR to leverage its influence over ex-CNDP and PARECO officers in order to facilitate their integration. He also requested the GoR to mediate between the DRC Government and Gen. Ntaganda; as well as getting CNDP troops to accept redeployment away from their regions of origin. **See Annex E**: Report of meeting held in Rubavu on 8 April 2012 between delegations of Rwanda and DRC on crisis in the Kivu. Gen. Ntaganda did not seek, directly or indirectly, any financial support for M23 during a meeting reported by the GoE on paragraph 30 of the addendum.

¹⁶This is clearly indicated in the meeting report between Defence Chiefs of DRC and Rwanda held in Kigali on 1st and 2nd November 2010. Key decisions included: monthly meetings between the Defence Chiefs; Defence Chiefs to maintain communication between each other; Commanders at Operational Level to meet once a month and whenever need arises; continue the sensitization of ex-CNDP combatants for full integration within FARDC; and Joint Intelligence Teams to develop plans for deep operations.

¹⁷ The special envoy visited Kigali on 5th February 2012

Regarding allegations of mobilization meetings with Congolese businessmen further verification with the Rwanda migration department indicates that the two businessmen mentioned in the addendum did not travel to Rwanda during the period mentioned in the addendum. Only Mr. Dieudonne Komayombi travelled through Rwanda to Nairobi between 24 and 28 of June 2012. For a detailed account of the nature and purpose of these calls and meetings, see **Annex F** to this submission.

c. Gen. Charles Kayonga. The RDF Chief of Defence Staff made a few phone calls within the UMOJA-WETU framework especially at the beginning of the crisis when tensions were being fomented in the Eastern DRC. The purpose was never linked to the establishment of M23. Quite the opposite, Gen. Kayonga's intention was to call for restraint while encouraging local commanders to seek solutions to their claims through existing political mechanisms. Among the meetings held in this framework was the meeting between Chiefs of Defence RDF/FARDC held on 2 May 2012 on the crisis in Kivus. See **Annex G** to this submission. Due to a language barrier between Gen. Kayonga and his Congolese counterpart Gen. Didier Etumba who speaks neither English nor Swahili, Gen. Kayonga usually spoke to Col. Makenga and the head of operations Col Delphin Kahimbi and used every opportunity to back-brief the FARDC Land Forces Commander, Maj. Gen. Gabriel Amisi who would pass messages to the Chief of Defence Staff. For details of the summary of statement by Gen. Kayonga, see **Annex H** to this submission..

d. Brig Gen. Jack Nziza. In paragraph 27, 28 and 33 of the addendum, the GoE alleges that Gen. Nziza made threatening phone calls to Congolese officials and participated in meetings intended to mobilise support for M23. Gen. Nziza denies making threatening phone calls to any Congolese Officials. He states that he has no motivation or capacity to engage into such acts. He further considers inherently preposterous the mere idea that he could threaten politicians in a foreign

country. Details regarding this and other allegations against the General are covered in his summary declaration at **Annex I** to this submission.

e. Capt. Celestin Senkoko In addition to several alleged phone calls and meetings, the Captain is alleged to have convened and addressed a meeting in Gisenyi during which he would have delivered an official message from Gen. Kabarebe urging the participants to join M23. In his summary declaration, Capt Senkoko admits having made and received numerous phone calls to and from different Kinyarwanda speaking Congolese with whom he is related and maintains friendship since childhood. He denies making phone calls to do with mobilization in favour of M23. Capt. Celestin similarly denies having convened and addressed a meeting in Gisenyi to deliver an official message from Gen. James Kabarebe. In fact the Captain travelled to Gisenyi in a private capacity. During his stay, he met different friends at Mr. Gafishi Semikore's home as they were mourning the death of the latter's brother who had recently passed away in Canada. Predictably, informal discussions on the implications of the ongoing conflict on their families both in DRC and in Rwanda ensued. During the heated discussions, Captain Senkoko noted some extreme views relating to break-away, federative structures, etc. He recalls discussing this matter with some of his friends and colleagues.. Captain Senkoko finds it difficult to fathom how a normal social gathering would be taken out of context and framed as a deliberate political forum associated with M23. Capt. Senkoko was later informed of subsequent harassment by DRC security officials of at least two of the people present at Gafishi's house. The Captain denies having ever threatened anyone as indicated in the addendum. Instead, he states having received several calls from different politicians including Mr. Robert Seninga and Bertin Kilivita who are loyal to the GoDRC but expressed anxiety with regards to the ongoing M23 related developments citing the activities of M23 sympathisers. Captain Senkoko challenges the GoE to provide evidence of calls involving threats to foreign politicians and accuses the authors of such allegations of putting him in a very precarious situation especially in the way he

relates to his relatives and friends. Details with regard to the alleged meeting are in Captain Senkoko's summary declaration at **Annex J** to this submission.

f. Bishop John Rucyahana. As discussed in his personal response to the GoE at **Annex K** to this submission, the Bishop acknowledges having convened a meeting with Kinyarwanda speaking Congolese for purposes of fostering unity like he frequently does in different fora including universities. He denies having been involved in any form of mobilization for M23.

Alleged Rwandan officials responsible for support to M23

44. Rwanda has consistently cautioned both the DRC Government and the international community to guard against a dangerous trend of events that has consisted in generating and propagating all forms of rumours and conspiracy theories whenever there is a perceived conflict between DRC and Rwanda. Illustrations of this effort are available at **Annex L** (Process Verbal of the meeting of Ministers of Defence of Rwanda and DRC of 12 May 2012) and **Annex M** (The report of meeting held on 29 May 2012 between the Chiefs of Defence of Rwanda and DRC on establishment of Joint Verification Mechanism). Below is a review of each of the allegations/accusations:

a. General Jacques Nziza: the Permanent Secretary of the Ministry of Defence is alleged to be supervising all military, financial and logistic support as well as mobilization activities related to M23. It is stated that he was recently deployed to Ruhengeri and Gisenyi to coordinate assistance and recruitment on behalf of M23. Gen. Nziza dismisses these allegations as demonstrably false and irrational. As the Permanent Secretary of Ministry of Defence, he is in charge of daily accounting. Deploying him away from his office to support M23 would amount to grounding most of the Ministry's core activities. General Nziza provides

incontrovertible evidence that he has not been in Ruhengeri or Gisenyi since 8 March 2012 when he was in Nyabihu District, Western Province attending Women's Day celebrations. As part of his statement, Gen. Nziza provides detailed documentary evidence covering his daily activities. The General has provided copies of his daily meetings including detailed logs of 114 people he met at the Ministry of Defence during the period of the alleged deployment to Gisenyi at **Annex I** and its Appendices 1 and 2 of this submission.

b. Generals James Kabarebe and Charles Kayonga: As mentioned in the summary of their declarations General Kabarebe and General Charles Kayonga have played an active role in promoting peace and stability in the region. That either individual was in contact with senior officials of the FARDC and or M23 will come as no surprise to anyone familiar with the dynamics at play in the Eastern DRC. The distortions raised in paragraph 33 of the addendum presented as evidence of their involvement in coordinating or overseeing Col. Makenga's operations is misleading and cynical. A detailed account of their involvement in repeated attempts to avert the crisis is provided at **Annex F and H** respectively.

c. Generals Alex Kagame and Emmanuel Ruvusha: The GoE alleges that RDF military support on the ground was channelled by General Ruvusha, Division Commander based in Gisenyi and General Alex Kagame, Division Commander based at Ruhengeri. The GoE further alleges that both facilitated recruitment of civilians and demobilised soldiers to M23 as well as coordinating with M23 RDF reinforcements in Runyoni.

As indicated, there is strictly no tangible evidence to support the allegation of RDF reinforcements and/or recruitment for M23. The two officers seemed to have been named in the report for the mere reasons that they are the two senior commanders based in proximity to the conflict area and they have taken part in Rwanda-DRC defence and security meetings.

d. Lt. Col. Jomba Gakumba: According to the GoE, Lt Col Gakumba was recently deployed from Gako Military Academy, where he has been an instructor, to Ruhengeri since the creation of M23. He was allegedly put “in charge of commanding locally military operations in support of M23”. Lt Col Gakumba states that he was never deployed to Ruhengeri and remains an instructor at Gako Military in Bugesera. He provides incontrovertible evidence to support his statement. These include daily and weekly training activities in which Lt. Col. Gakumba was involved, as well as details of all visits by foreign delegations handled by the officer while at Gako. The relevant statement and supporting documents are available at **Annex N**.

He also states that at least one of the members of the GoE should have been in a position to confirm this fact for the following reasons: First, Marie Palamadiala, a member of the GoE, paid a visit to Lt Col Jomba on 20th April, 2012. They discussed several issues including various aspects of the M23 rebellion. Ms Palamadiala followed up on her visit with a telephone call and later an SMS in which Ms. Palamadiala claimed to have information regarding Jomba’s relocation from Gako. Lt Col Gakumba responded that he was never deployed to the North West and was still in Gako. He states that he actually invited her to pay him another visit to Gako if possible. Ms Marie Palamadiala confirmed this sequence of events during the GoE discussions with GoR officials on 24th July 2012.

It is therefore surprising that the GoE would deliberately disregarded specific information in their possession, and falsely accused Lt Col Jomba in order to implicate the RDF in direct support to M23.

45. Paragraph 32 of the GoE addendum alleges that Ex-RDF officers, politicians and M23 collaborators provided information of how Gen. Ntaganda and Col Makenga regularly cross the border into Rwanda to carry out meetings with the above mentioned senior RDF officers at Kinigi in order to coordinate operations and supplies. The same sources allege that former CNDP Chairman General Laurent Nkunda often comes from Kigali to participate in these meetings. These allegations are based on widespread

rumours in Goma and Kinshasa that cannot be substantiated. No details of such meeting are provided in the entire report to support this conclusion. The exact source of the information is vague as no witness who attended such meetings is mentioned.

Alleged Rwanda Support to Armed Groups and Mutinies linked to the M23

46. General James Kabarebe: it is common knowledge that the current Rwandan Minister of Defence, Gen. James Kabarebe has consistently played a key role in the stability of the region. He has been at the centre of mediation efforts between FARDC and CNDP in 2009. Top FARDC officers, even after the integration process, have maintained close relationships with him. He has not only provided counsel to individual officers but also to the FARDC leadership either when solicited or on his own initiative whenever he detected an emerging problem. Gen. Kabarebe regularly briefs western diplomats on his role in this process. Gen. Kabarebe's role was clearly illustrated when he chaired a mediation meeting between DRC government delegation led by President Kabila's Envoy, Mr. Kalev Mulond and FARDC Colonels Makenga, Zimurinda, and Faustin Muhindo in Rubavu on 8th April 2012. The minutes of this meeting are at **Annex E**. In his various engagements, Gen. Kabarebe consistently stressed the GoR's support to the peaceful resolution of the grievances rather than military confrontation. He communicated this to President Kabila and some of his top advisers handling security issues. It is unfortunate that, the DRC government, having opted for a military solution, chose to twist Gen Kabarebe's positive contribution and paint it in a negative light. The false accusations in paragraph 46 of the addendum in connection with Col Bernard Byamungu are a case in point. Gen Kabarebe states that he never gave him orders to rebel against government. On the contrary, he tried to convince him not to enter into mutiny. He also advised him not to surrender to MONUSCO and managed to convince him to hand himself over to FARDC instead. His statement covering other false accusations including those referring to the

coalition of armed groups in Ituri (COGAI) and others are available at **Annex F** to this submission.

47. Regarding the claim that “the Group has gathered evidence indicating that Rwandan officials have been supporting other armed groups and mutinies often using Ntaganda and other ex-CNDP commanders to foster such alliances.” There is no tangible evidence provided to support the allegation of collaboration between Rwanda and the armed groups in DRC for the purpose of targeting the FDLR. It is a matter of public record that the RDF engaged in joint operations with the FARDC against the FDLR and has no interest in aligning with small rebel groups to achieve its security objectives. As a matter of fact, such mechanisms for joint operations continue to take place on DRC territory.

Alleged Direct Rwanda Defence Forces (RDF) interventions into Congolese territory to reinforce M23

48. This allegation is based on information from M23 deserters, FARDC officers, intelligence services and ex-RDF officers, all unnamed. In such a polarized context as the Eastern DRC, prone to rumours and distortions, such information should be subjected to thorough verifications before they can be labelled “credible”. Relevant details should include units’ designations, names of operation commanders, areas of operations, etc. This, unfortunately, has not been done. The GoE and the UN at large should instead aim at defusing tension rather than giving credence to rumours. Provision of evidence regarding units’ designations, names of their commanders, areas of operation and other identifiers and operational details may be the only way this allegation can be credible.

49. Paragraph 31 (a) describes information from an alleged RDF soldier who surrendered on 14 June 2012 from Ntaganda’s position in Runyoni. The RDF has never engaged in any operations in support of M23. All RDF personnel are accounted for. In this particular case, the onus to prove the identity of the alleged surrendered RDF soldier is on the GoE and/or its sources.

50. In paragraph 31 (i) of the addendum, the GoE refers to the signal interception by FARDC of radio communications between RDF and M23. The so-called signal interception by FARDC indicated the reception of RDF troop reinforcements by M23, and request for additional reinforcements. As indicated to members of GoE during their meetings with GoR officials, the evidence provided in this particular case (see “image 10” on p.16 of the addendum) is one of the most demonstrably false pieces of fabrication in the entire report. (i) the mode of communication indicated is a single frequency per channel also referred to as a ‘direct mode operation’; (ii) encryption seems to be based on a manual cipher system also known as SLIDEX; (iii) the frequency is VHF (high) and the frequency range (159,500.00 KHz – 160,900.00 KHz – 161,000.00 KHz) which corresponds to equipment of commercial standard. Hence, it is technically incompatible with the RDF VHF communication system, which uses PRC family military standard with low VHF range operating from 30 – 80/108 MHz meaning that a two-way communication between the two would be impossible; (iv) Furthermore, RDF uses digital encryption imbedded in its communication assets which confirms that a two way communication is strictly impossible in this case. Additional details confirming that the intercepted radio communication cannot refer to a communication between an RDF communicator and that of M23 are available at **Annex O** to this submission.

Alleged violation of the assets freeze and travel ban through supporting sanctioned individuals

51. Just like previous assertions by the GoE, this last assertion that Rwanda is supporting sanctioned individuals was made without undertaking the most basic investigations and inquiries with the GoR, despite a background of cooperation between the GoE and the in the past.

52. The evidence adduced on Rwanda supporting Gen. Bosco Ntaganda in paragraphs 28, 49 and 50 of the addendum do not support the charge. The picture of a house allegedly belonging to Ntaganda is demonstrably inaccurate. Investigations on the

matter indicate that the house presented as image 15 in the addendum is owned by Mr. Innocent Ndagano alias “Cent Kilos”. The certificate of registration of emphyteutic lease title No.UPI 3/03/04/05/217 presented to the GoE is also available at **Annex P** to this submission. It is further alleged in the addendum that Hotel Bushokoro located at Kinigi is co-partially owned by Gen. Bosco Ntaganda. As a matter of fact, the property is actually owned at 50% each by Mr. Enock Munyajabo and his wife Mrs. Nyiramana Kesie under the certificate of registration of emphyteutic lease title No. UPI 4/03/07/03/329 available at **Annex Q** to this submission was also presented to the GoE. The assertion that the named properties belongs to Bosco Ntaganda is therefore a typical baseless allegation.

53. The GoE accuses the GoR of having held meetings with Col Innocent Zimurinda in Rwanda . Reference is made to a meeting with Minister Kabarebe and other officials on 9 April 2012, as indicated in paragraph 51. The meeting in question actual took place on the 8 April 2012 in Rubavu. with the purpose to avert armed confrontation amidst escalating tensions. Col Zimurinda came to Rwanda as a member of an official Congolese delegation, headed by President Kabila’s Envoy, Kalev Mutond, the Head of Agence Nationale de Reinseignement (ANR). Other officers that attended included Col. Yav J Claude, FARDC officer, Col Sultan Makenga and Col Faustin Muhindo. Both sides presented their grievances, and Rwanda helped both sides reach common ground that could have prevented the current conflict - as indicated at Annex M to this submission. It is unfortunate that extensive efforts deployed by the GoR in order to preserve peace are now being turned against it to paint Rwanda as an aggressor.

CONCLUSION

54. Rwanda, more than any other country, has invested a lot of efforts to preserve peace in Eastern DRC especially since 2009. The GoR deplores the hasty publication of the addendum to the GoE interim report prior to discussions with the GoR and accused officials. As noted above, any formal consultation with the GoR would have either invalidated the need for the addendum or significantly alter its content that has misled the international community caused considerable damage to the Government of Rwanda . It is clear from the evidence provided on each of the allegations above that the GoE chose

to ignore their own stated methodology and evidentiary standards and instead relied on compromised and inaccurate sources with total disregard for the basic principles of fairness and integrity. It might not be possible to reverse the tremendous damage already caused by the addendum to the GoR and International Community by the addendum to the interim report. It is however expected that the contextual perspectives, clarifications, factual corrections and material evidence provided to the GoE during their recent visit to Rwanda will lead to better informed, more accurate, and fairer conclusions in the report's final version.

55. As earlier observed, the GoR views the allegations in the addendum as illegitimate given the process leading to its compilation, flawed procedures and the inaccurate evidence presented to support the allegations. The GoE's addendum to the interim report, and any decisions that builds on it should therefore, be treated publicly and privately as biased and devoid of integrity.

56. The GoR remains committed to the ongoing process of seeking durable solutions to political issues in Eastern DRC including dialogue and reintegration of armed groups as well as the neutralization and/or repatriation of negative forces currently operating in the region.