

Information or interpretation ? Political scheming kills the victims of Gatumba a second time

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The genocidal massacre of Gatumba, in which 164 people were killed and over 100 injured and traumatised on 13 August 2004, is presently being used as a pretext for political scheming around regional agendas in the Great Lakes Region.

In the night from 13 to 14 August 2004, Gatumba refugee camp in Burundi was attacked by an armed force numbering around one hundred. 163 Congolese refugees – men, women and children – were massacred, 149 of which were Banyamulenge and 14 Babembe. Over 100 refugees were injured. One of the injured died of his wounds two day later, bringing the total number of dead to 164.¹ Pole Institute is in the process of preparing a detailed report on the basis of our own investigations and interviews.

In the light of recent media attention, however, we are now reacting to the Human Rights Watch report on Gatumba issued on 7 September which is inherently contradictory. Human Rights Watch has chosen to highlight the alleged non-implication of Congolese actors in the preparation of the massacre - while conceding in parts of their report, without drawing a conclusion, that individual Congolese may have participated in the massacre itself. At the present time, all investigations are necessarily incomplete and it is extremely difficult to give any irrefutable proof regarding the direct and indirect responsibility of one party or another. In a highly explosive political and military context on the local level it is sloppy, to say the least, to assert that Congolese actors are not responsible for the massacre without even having investigated in the Congo itself. Thus we have decided to publish a preliminary summary of our own information and analysis, while preparing our own detailed report. We wish to emphasise that investigations should not stop here. Our report is designed to be one of several contributions to the reconstruction and analysis of the facts.

The genesis of the controversy

The Burundian Hutu rebel movement FNL claimed responsibility for the massacre on 14 August, the day after it happened. But according to eyewitness accounts, the attackers were a coalition of Burundian FNL fighters, Congolese Mayi-Mayi and Rwandan Interahamwe militia based in the DRC. They crossed the border to Burundi to attack the refugee camp.

¹ Pole Institute has a list of the victims including their age. It was drawn up by Elias Ntuyahaga, one of the surviving refugees.

The President of Burundi, Domitien Ndayizeye, said: "Our country has been attacked, our borders have been violated by elements coming from the DRC to massacre Congolese civilians who sought asylum with us". In reaction, the UN Security Council on 15 August asked the UN missions in DRC and Burundi, MONUC et ONUB, to mount an investigation. A preliminary report established that the attackers numbered around 90, of which a third were FNL and the others Mayi-Mayi and Rwandan militia. It was presented to the Security Council at the beginning of September and discussed there on 3 September. This preliminary report has not been published and the Council asked the political divisions of the two UN missions to continue their investigations. On 30 August, UN Secretary-General Kofi Annan had already told the Security Council : « Eyewitnesses have testified that the FNL attacked a neighbouring military camp while Congolese and Rwandan elements committed the Gatumba massacre." He had already expressed himself in identical terms in his first report on the ONUB mission in Burundi, published on 25 August.

The massacre had provoked strong international condemnation and had seriously endangered the transition in DRC.

On 7 September, Human Rights Watch published a briefing on the massacre² which, beyond giving information, concentrated on interpreting the eyewitness accounts, casting serious doubt on the testimonies of survivors and concluding that the FNL alone was responsible. Any Congolese implication in the massacre of the Congolese refugees was deemed highly improbable. The report asserted that « the details of the attack show that the FNL was the chief force in the slaughter at Gatumba » (p. 20) and that the claim of exclusive FNL responsibility « appears to be correct » (p. 21). The claim of a combined force of Burundian, Congolese and Rwandan militia is dismissed as an « official version » which « seriously distorts reality » (page 26). HRW representatives went even further when presenting the report. The HRW press release announcing the report quotes its author Alison Des Forges as follows: "The accepted version of events is wrong". Another HRW representative told a journalist that there was not even any proof that the attackers really came from Congolese territory and went back there afterwards, as eyewitnesses had testified.³

HRW justifies its work by the need to avoid politicising the Gatumba massacre, as it could otherwise serve as a pretext for a new regional war in the Great Lakes Region. But in fact the report itself, and especially the declarations made at its launch which were widely disseminated in the international media, amount to this very same politicisation. A new UN investigation is underway and there has been a host of reactions especially in the DRC which have fuelled the danger of renewed conflict.

² Human Rights Watch: "Burundi: The Gatumba Massacre. War Crimes and Political Agendas. Human Rights Watch Briefing Paper, September 2004"

³ See "Die Tageszeitung" of 8 September 2004: Politische Leichenfledderei nach dem Blutbad, by Dominic Johnson

Our investigation

Pole Institute had visited Gatumba camp at the beginning of July for in-depth interviews with the camp leaders and individual refugees. We wanted to understand what had pushed these Congolese to leave their country and seek refuge in Burundi. Already then all our interview partners said they wished to go home as soon as possible, but they wondered whether even minimal security existed at home for them to go back. The day after the massacre, one of our researchers travelled to Gatumba and conducted inquiries from 14 to 17 August. A second investigation was carried out in Burundi from 23 August to 1 September. We have interviewed over 20 survivors, amongst which many with injuries ; representatives of the Burundian military ; an administrator of Fizi in the DRC ; Burundian journalists who reported on events ; exiled members of South Kivu's civil society ; and an imprisoned Burundian member of the attacking force. Some of these sources we recognize in the Human Rights Watch report. Our interviews will be published soon. But given the HRW publication and subsequent reactions we have deemed it necessary to give our view of the matter and our criticism of HRW's conclusions now.

Key Elements:

1. *There are many indications which point to the conclusion that responsibility for the attack was shared between several parties. So why deny this on the basis of an incomplete investigation ?*

The Human Rights Watch report concludes that the FNL was the sole planner and responsible agent for the Gatumba massacre. Yet various elements from different sources, notably the preliminary investigations of the UN but also eyewitness accounts which we have collected, stress facts and observations which point towards elements from the 10th military region of the DRC armed forces (FARDC), in which there are Congolese Mayi-Mayi but also Rwandan Interahamwe. It appears also that deliberate steps are being taken in the DRC to remove incriminating witnesses.

- Several eyewitnesses say that the attack was led by the Congolese Major Ekofo, a former fighter of the militia of Mayi-Mayi General Nyakabaka and today vice-commander of the FARDC in Uvira. According to UN OCHA, Ekofo was shot by one of his bodyguards on 2 September and is now in hospital in Panzi, Bukavu⁴.

⁴ We received this information from several sources on the ground in Congo and Burundi. UN OCHA confirms that Ekofo was wounded by gunshot and taken to hospital in Bukavu in its weekly bulletin of 28 August to 3 September 2004, without linking this to the events of Gatumba.

- The chief of Sange in DRC, Masumbuko Burugwa, who gave MONUC detailed information on the attackers which confirmed Congolese involvement, has disappeared.⁵
- Several wounded attackers were, according to eyewitnesses, taken to hospital in Uvira, and they have apparently been transferred to the health centre of Kabimba (Kigongo), four kilometres south of Uvira⁶.

In all these cases, eyewitnesses and observations made by other investigators stress strong Congolese involvement⁷. It is true that in the region people with different languages and from different backgrounds are strongly mixed, and there is no doubt that Burundian militia participated in the attack. But many sources have established that non-Burundian elements – Congolese and Rwandan – took part in it too. HRW does not even deny the presence of Congolese, but it reduces them to role of presumably aberrant individuals with no influence on events.

2. *The evidence does not support the assertion that the attackers only spoke Kirundi.*

An essential argument of the HRW report, serving to assert that only Burundian elements took part in the attack, is that the attackers used the Kirundi language and sang songs in it. But several sources say that they heard words and songs in other languages as well as Kirundi - Bembe, Fulero, Swahili, Lingala, Kinyarwanda. Kirundi was the main language heard, but not the only one, and thus its use does not clinch the argument. The report even mentions a badly injured Mubembe woman (whom we also interviewed, in Swahili) who was rescued by a Mubembe attacker who had heard her calm her child in the Bembe language. Yet the report's authors draw no conclusion from this. We have spoken to other Babembe survivors who say that they heard the attackers speak Bembe or Fulero. Why does the report in its conclusions ignore the accounts of Babembe, who after all have 14 dead to mourn amongst the victims of Gatumba ? The only crime of these innocent victims was to live together with their Banyamulenge neighbours.

3. *The report sheds new light on the nationality question.*

The HRW report suggests that if eyewitnesses said that they heard other languages than Kirundi, this is due to Burundians having learnt these languages during their travels in the region. The report does not take account of the fact that the travels of Burundian and also Rwandan militias may have resulted in some of them being integrated into Congolese militia or even FARDC. Here, the Congolese nationality question takes a quite new turn ! For us, the real question is not the place of birth of one murderer or another but the political responsibility for the massacre and the strategic agenda of the planners and executors of this genocidal act.

⁵ According to a report of Elias Ntuyahaga dated 31 August 2004.

⁶ *ibidem*

⁷ See for example the statement of the International Crisis Group investigator Pierre Bardoux on RFI radio on 2 September 2004.

4. The report exhibits a peculiar way of reading survivors' eyewitness accounts.

The HRW report quotes a Munyamulenge with two wives, one of which is a Muvira (according to our investigations) or a Mufulero (according to others), who was saved because he happened to be in this wife's tent during the attack in a part of the camp which was occupied by Burundian returnees and Bafulero refugees and thus spared. This Munyamulenge testifies that he spoke to the attackers in Kifulero. The report discredits his testimony because before his flight he was a RCD service agent in Uvira. The authors of the HRW report insinuate that an agent's testimony must be a sophisticated invention and cannot represent the facts. But did they verify their sources and cross-check their information to judge this person's credibility and political affiliation ? Of course one has to take into account that in the Congo, as elsewhere, it can be profitable to trade in rumours and false information. But what is worrisome here is that the HRW report's authors in their use of eyewitness account appear to give more credibility to interpretations which exclude certain responsibilities. It is striking that all our eyewitness testimonies point to a coalition of Burundian, Congolese and Rwandan criminals, a « militia without borders » which came from Congolese territory and went back there after carrying out its deed.

5. The victims and survivors of Gatumba are Congolese civilians.

Solving political crimes of this kind is always difficult. Rumours and approximations are usual in a context of crisis and war. However, it is astonishing that HRW interprets practically every Banyamulenge and Babembe survivor's account with extreme caution. The report even stresses that individual interviews especially with women – apparently « often more spontaneous in their answers than men » – were systematically invaded by one or several men. « *These ever-present Banyamulenge seemed to want to make all information conform to a given version of facts rather than to permit a reconstruction of the most accurate possible account of the tragedy.* »(page 25) Does such an interpretation not presume that the Banyamulenge community, or at any rate its male civilian refugees, are a monolithic bloc under control of some obscure power ? Even in a tragedy of this enormity Banyamulenge civilians are presented as being part of a conspiracy instead of being seen as hunted people who react the best they can and try to understand what is happening to them. We conducted our own interviews with survivors individually and without any kind of control. The descriptions of the attackers and the attack we collected clearly suggest a coalition of regional forces with a strong Congolese component.

6. Conspiracy theories should not replace serious investigation and analysis when attributing responsibility.

The complete exclusion of any Congolese responsibility for the massacre is not based on eyewitness accounts of the facts but on conspiracy theory. According to local sources, some MONUC investigators in Bukavu are concentrating on the « invisible hand of Rwanda » and pretend to have elements of proof which until now they have not managed to produce.

Regarding the question of an involvement of Rwanda or Burundi, the HRW report confines itself to underlining the declarations of the Rwandan and Burundian authorities about a new war these two countries might lead in the Congo with the Gatumba massacre as pretext. We think that the potential or real political instrumentalisation of such a massacre by any party has to be part of the analysis, but it should not be confused with an investigation of the facts.

The report also deplores the inflated use of the word « genocide ». According to all available information, the massacre was indeed an act of genocide aiming at the extermination of a given ethnic group. It should be qualified as such instead of drowning it in a soup of conspiracy theories bordering on denial which extremists of all kinds are ready to exploit.

7. An FNL witness confirms the active and decisive involvement of Mayi Mayi.

One FNL militiaman who took part in the attack has been arrested and has been interviewed by us as well as by an ONUB investigator cited by HRW. He is Jean Minani, aged 25. Certainly, as the HRW report says, his arrest in Ngarara raises questions given that this is a mainly Tutsi area. We talked to him. It is true that he is inconsistent about the number of FNL fighters who came from Rukoko and took part in the attack: Sometimes they are 90, sometimes 23. However, his description of the itinerary of the FNL attackers, of the other groups they met coming from the Congo, of the responsibility of command during the attack, of its geography and of the details of the massacre itself make his participation in the massacre extremely likely.

We remarked one thing during the interview : Minani said that "les Mayi Mayi étaient full", meaning they were more numerous than his own FNL group which HRW thinks constituted « presumably all or almost all » of the attackers. Not being able to totally deny the presence of Congolese, the HRW report concedes that in addition to FNL « there may have been some others present » (p. 23) and this « might suggest a link to the Mai Mai ». How can it then conclude that the claim of exclusive FNL responsibility for the attack « appears to be correct » (p. 21) ? Minani asserts in our interview that the FNL with him brought their guns but that the bottles with petrol used to set fire to refugee tents during the attack were brought by the Mayi Mayi. HRW did not speak to him directly, but to deduce HRW's conclusions from his account would mean assuming that he was under pressure and that his account was dictated to him by the Burundian authorities who are holding him.

8. *The blanket denial of Congolese responsibility weakens the chances of success of the transition in the DRC and the return to a durable peace.*

The report denies any Mayi Mayi involvement in the planning of the attack, even if some dispersed elements « may » have taken part in the attack itself. But the Mayi Mayi of South Kivu are part of the military structures of the 10th military region of FARDC and thus any involvement on their part, however small, incriminates FARDC too and raises the question of whether the FARDC 10th military region bears responsibility for the Gatumba massacre. In brushing aside their possible involvement in the planning and execution of the massacre, the HRW report obscures the question of Congolese responsibility. What for ? To save the transition in DRC , or the formation of a national army in the Congo, to name only two central factors in the Congolese crisis ?

The real question is : Why does the report so flagrantly ignore and even deny any responsibility on the part of the Congolese military authorities ? Why does it refuse even to pursue any lead which might incriminate them ? We think that at the very minimum the DRC's civilian and military authorities should be judged by the same standards as any other recognised and responsible structure of authority.

9. *Why can't the dead of Gatumba rest in their homeland ?*

One crucial question is not dealt with in the report. If the responsibility for the massacre lies with FNL and is thus Burundian and not Congolese, why were the dead of Gatumba buried in a foreign country, Burundi, four kilometres from the Congo, and not in Uvira or Minembwe – despite the presence of high-level Congolese authorities at the funeral (vice-president, ministers, members of parliament, provincial governors etc.) ? When we visited Gatumba at the beginning of July 2004, the refugees clearly stated their wish to return home as soon as possible. They were aware of the argument that security conditions did not permit it, but after being massacred in a foreign country this does not seem to be a very valid argument any more. Insecurity seems to follow these unfortunate people wherever they go. And why do the authorities and population of the Congo nor repatriate the dead bodies of their massacred compatriots and offer them a dignified resting place in the land of their birth in order to begin a process of mutual confidence-building as the basis for durable peaceful cohabitation ? No serious party has yet dared to call the victims of Gatumba criminals or members of an armed group. Do they not deserve to rest in their own country ?

10. *Propaganda of hate and exclusion is alive on the regional level and it directly and indirectly fuels massacres and war crimes.*

All sources, including the HRW report, mention pamphlets circulating in Congo and Burundi inciting hatred against the Banyamulenge and Tutsi in general. The HRW report says that these pamphlets in content and style

are clearly situated in the Congolese situation, but in spite of testimonies by survivors and other Banyamulenge it doubts that any of them were circulated in Burundi before the attack. HRW is also unsure whether the pamphlets are authentic and says that « no evidence has yet been presented linking one or both to the Gatumba massacre » (p. 24). But even if they were not circulated in Burundi before the attack, all observers including HRW recognise the existence of hate propaganda in pamphlets and radio broadcasts. All observers also stress the existence of strong regional links between militias. In this context there is a clear link between the hate propaganda which had been around for some time and the massacre of Gatumba which was explicitly aimed at Banyamulenge and those who cohabited with them in the camp ! Arguing that the massacre is a strictly Burundian affair now appears all the more absurd.

11. A complete, in-depth, impartial investigation remains necessary.

In a context of regionalisation of conflicts in the Great Lakes Region, different political tendencies appear to be trying to use the Gatumba tragedy for their own ends, instrumentalising the 164 dead and the injured and traumatised, as has happened with other similar incidents in the past. Thus we think it is all the more important that investigators concentrate on establishing and publicising the direct and indirect responsibility of all parties regarding this odious crime. The HRW report however seems essentially to be aimed at exonerating Congolese actors and even Rwandan militia, as well as to a certain extent ONUB. It does not make anybody directly or indirectly responsible except the Burundian FNL. But if Rwandan, Burundian or Congolese authorities are involved in one way or another, it must be stated clearly and proof must be produced. An in-depth and impartial investigation is crucial.

12. The essential questions remain unanswered :

- Who carried out the Gatumba massacre ?
- Who made it possible or ordered it ?
- Who is inciting hate among the ethnic groups of the Congo which today are further away from peaceful cohabitation than in 1996 ?
- Who profits from the situation ?
- And above all : what can the international community do to contribute to security of life for all Congolese, whatever their ethnic origin ?

All these are fundamental questions which are too important to be answered lightly.

The transition in the DRC and peace in the sub-region can only be successfully realised on a healthy basis, a basis of engagement for all civilian populations, whatever their origin.

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