

RATIONALE

For over a decade, people in the Democratic Republic of the Congo (DRC), particularly in the eastern provinces, have been preyed on by the region's armed groups - both state and non-state. One of these, the notorious *Forces Démocratiques de Libération du Rwanda* (FDLR), has been shown to use Canada as a base to facilitate their activities in the DRC. This group evolved from the remnants of the extremist-Hutu movement that executed the 1994 Rwandan genocide, killing over 800,000 people from all of Rwanda's ethnic groups: Tutsi, Hutu and Twa. At the end of the genocide in mid-1994, the *génocidaires* were forced out of Rwanda to the neighbouring eastern DRC. Since this time, rape, forced labour, looting and the torture of civilians have been the FDLR's trademarks in the eastern DRC (see, MONUC). All of the armed groups in the DRC should be held to account for their actions. In particular, the FDLR's exploitation of Canada demands that the Government of Canada (GoC), for the sake of both Congolese and Canadians, take a lead role in ending the continual human devastation wreaked by the FDLR.

Today the FDLR is supported by a "far-reaching international Diaspora network involved in the day-to-day running of the movement, the coordination of military and arms trafficking activities and the management of financial activities" (United Nations 3). Some of this activity takes place in Canada. The United Nations Security Council (UNSC) has records of thousands of dollars of Western Union transfers, sent from Canada to the FDLR in the eastern DRC as well, records of phone conversations between known RUD (an FDLR splinter group) military commanders and Canada during the period of September 2008 and August 2009 (United Nations annexes 22 and 24).

Historically, the GoC investigated, prosecuted, deported or incarcerated Rwandan *génocidaires* who entered Canada. Today, further action is needed to stop FDLR activity in Canada. The GoC must place the FDLR on Canada's list of Recognized Terrorist Entities, fund the UN Organization Stabilization Mission in the DR Congo (MONUSCO) and make financial resources available to the Royal Canadian Mounted Police's War Crimes Section on an 'as needed basis'.

CANADA – RWANDA HISTORY

Throughout the 1960s Rwanda and Canada developed significant cultural, economic and political ties, which opened the borders between the two countries. These relationships began when priests from *Université Laval* (Laval University) in Québec, with financial support from Lester Pearson’s government, co-founded the National University of Rwanda (NUR) with the government of Rwanda (Off 1).

These ties further deepened in the 1970s when *la francophonie*, the political and humanitarian organization and forum that represents 70 francophone countries, started gaining worldwide importance (International Organisation of La Francophonie). The provincial government of Québec and the GoC both wanted to represent francophone Canada at the organization, and both sought support for their bids to do so from francophone countries in Africa, primarily from Rwanda (Gendron 14). Rwanda came to be considered the “jewel in [Canada’s] foreign aid crown” (Off 1).

Unfortunately, the GoC’s policy interest in Rwanda fluctuated during the late 1970s and into the early 1990s (Delvoie 4). In particular, during the early 1990s the GoC disregarded reports written by Canadian officials stating there was increasingly “large-scale ethnically motivated killings” in Rwanda (Off 1). The GoC continued providing aid to the government of Rwanda despite evidence that it was becoming “brutal and repressive” (Off 1). While genocide raged, Canada, like the rest of the international community, utterly abandoned Rwanda – sending a token peacekeeping force that had no hope of stopping the violence and refusing to name the conflict genocide until well after the massacres ended.

When the genocide ended and the extent of its horrors became known around the world, the GoC reprioritized Rwanda, taking on leadership roles in several humanitarian relief operations and political initiatives.¹ When it became apparent that the ties between Canada and Rwanda could facilitate the entry of suspected war criminals and génocidaires into Canada,² the GoC amended its Extradition Act, enabling it to send these suspects to the

1 Canada participated in humanitarian relief and housing construction operations during the post-genocide emergency period of 1994 to 1999 (Delvoie). Furthermore, Rwanda was designated as one of the Canadian International Development Agency’s (CIDA) 25 priority development partners for the period of 2005 to 2011. The GoC also took on a lead role in supporting the International Conference on the Great Lakes Region, the main international forum set up to identify lasting solutions to the Rwanda and its neighbouring countries’ peace, security, stability and development problems (Government of Canada). Finally in 2005, the GoC cancelled Rwanda’s bilateral debt of CDN\$ 2.3 million (Government of Canada).

2 For example, Léon Mugesera, a man identified by Canadian officials as inciting hate and as being an “instigator” of genocide, was rapidly granted permanent residency in Canada, around the time of the Rwandan genocide. This was done in spite of a presentation made by a member of the non-governmental organization Human Rights Watch against him at his immigration hearing. His close relations with

International Criminal Tribunal for Rwanda (ICTR).³ Additionally, in 2000, the GoC enacted the Crimes Against Humanity and War Crimes Act, which authorized the initiation of proceedings in Canada against such suspects.⁴ The effectiveness of these new laws has been proven; in 2009, Désiré Munyaneza was convicted for his role in the Rwandan genocide and Jacques Mungwarere was arrested on suspicion of war crimes related to the Rwandan genocide (The Canadian Press). Yet today, the FDLR's activities are still facilitated by their abuse of the cultural, economic and political relationships that Canada and Rwanda have shared since the 1960s. Further action is needed.

Policy Recommendations to the Government of Canada

1. Place the FDLR on Canada's list of Recognized Terrorist Entities.

This will enable the GoC to sanction those on Canadian soil that “have knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; knowingly acted on behalf of, at the direction of or in association with an entity that has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity.” Additionally, this will enable the government of Canada to freeze funding of individuals aiding those who partake in hostilities or exacerbate the situation on the ground (Public Safety Canada 1).

2. Make financial resources available to the Royal Canadian Mounted Police "A" Division (War Crimes Section) on an 'as needed' basis.

This will facilitate investigations, prosecutions and, if required, extraditions to the ICTR or incarcerations within Canada for crimes related to the Rwandan genocide or war crimes in the DRC.

Université Laval faculty and Canadian government officials were cited as key reasons for application's success (Off, 1).

3 The ICTR was created by the United Nations Security Council in November of 1994 to contribute to the process of national reconciliation and to maintain peace in Rwanda. It prosecutes persons responsible for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January 1994 and 31 December 1994. It also deals with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in neighbouring states during the same period. Canada and other nations that have deported génocidaires did not send suspects to Rwanda because it used the death penalty during this period (ICTR).

4 Canada's Crimes Against Humanity and War Crimes Act defines a crime against humanity as “murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group” and defines a war crime as “an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission” (Crimes Against Humanity and War Crimes Act).

3. Increase financial support to the United Nations’ peacekeeping mission in the DRC.

Many of FDLR’s combatants are not génocidaires, having been children at the time of the genocide or of Congolese nationality. The United Nations’ efforts to disarm, demobilize, repatriate, resettle and reintegrate (DDRRR) FDLR combatants (Spittaels and Hilgert 10; Stearns) are therefore crucial to peacebuilding and must be supported by Canada.

4. Take a principled stance when engaging Rwanda.

The current Rwandan government is credited with ending the 1994 genocide; however, concerns have arisen about its roles in profiteering from the DRC’s conflict economy, supporting insurgencies in the DRC and repressing the political space in Rwanda. To promote peace in Rwanda and the DRC, the GoC must ensure its credibility by denying safe haven to Rwandan or Congolese *génocidaires* and war criminals and then act with the international community to ensure that the Government of Rwanda respects human rights and democracy.

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