

Rwanda: recruitment, desertion and prosecution of soldiers

Rwanda is a landlocked African country with a recent history of war and conflict. In 1990, a rebel army, formed by mostly exiled Tutsi refugees, attacked the regular army from Uganda. The war lasted four years and the rebel group, the Rwandese Patriotic Front, took control of the country and ended the genocide of 1994. Its military branch, the Rwandese Patriotic Army, integrated some of the regular defeated army and became the Rwanda Defence Forces.

This report examines barriers to leaving the armed forces in Rwanda over the past decade. It is based on the testimonies of former soldiers who have deserted the army (we use 'respondent a, b, c and d' to designate them. Anonymity is important for their security). We find that:

- generally, soldiers recruited between 1990 and 2012 were not given employment contracts
- anyone recruited in this period (including those still in the armed forces currently) have no clear process for leaving the military
- for soldiers recruited in this period still in the military, ability to leave the military is at the discretion of commanding officers
- the consequences of desertion can be grave, yet difficulties in finding lawful ways to leave the army mean that desertion remains the only option for many
- the right of conscientious objection to military service is not respected.

Recruitment practices then and now

The Rwandese Patriotic Front (RPF) and its armed branch, the Rwandese Patriotic Army (RPA), were formed in late 1989. Most of the rebel army command and senior officers had been members of the National Resistance Army, the regular army in Uganda. They deserted the Ugandan army to invade Rwanda. They needed troops, and recruited from the refugee camps and from Rwandan families that had settled in Uganda.

As examples of recruitment circumstances in that era, we can give the stories of four interviewees. Respondent A was attending high school in Uganda in 1990 when he was recruited. He was still a minor at this point, and was worried about his education. The recruiters promised to let him continue with his education after the “struggle for liberation” was won, and the refugees return to Rwanda. Respondent B was also a Rwandan refugee in Uganda. His family had difficulty putting him in school and he crossed over to Rwanda when the war broke out, where he joined the RPA. He was a minor, and small in size, and was ordered to collect wood and other supplies for the army. He was accepted as a soldier a year later in 1991, aged 17 since the RPA was short on personnel. Respondent C was a member of the regular army. After the RPA victory in 1994 he ran away to Zaire (later called the Democratic Republic of Congo [DRC]). He returned to Rwanda and was jailed, but when Rwanda invaded DRC for the second time in 1998 and needed experienced troops on the ground he was released and sent to DRC to fight there. Respondent D was a child who survived the genocide in 1994 and fled to East Zaire along with other Tutsi survivors and was sheltered in a camp. The RPF recruiters found him there and took him to the battlefield. He was 12 years old.

Upon seizing power in 1994, the Rwandese Patriotic Army (RPA) transformed into a regular army and became the Rwandan Defence Forces (RDF). With a justification of securing the borders of Rwanda, the RDF pursued the defeated army i.e. the former state army of Rwanda, into Zaire and supported a rebellion that invaded Zaire in 1996 and successfully removed President Mobutu Sese Seko from power. The new President, Laurent Kabila, quickly sought to gain control and independence from Rwanda's army and this led to a second invasion in 1998 of Zaire, which by now become the Democratic Republic of Congo. Under international pressure, Rwanda pulled out its troops from DRC in 2002¹ but remained determined to have influence in the country. The Rwandan army never did what it set itself to do in DRC. Instead, it got involved in the illicit trade and plunder of mineral resources of the country. Rwanda struck a deal with the new President of DRC - the younger Joseph Kabila - and returned its army in DRC officially to fight Rwandan Hutu rebels alongside the regular Congolese army. To force the weak Congolese government and army to cooperate, two Rwandan army officers took on Congolese citizenship and directly challenged the central government by fighting proxy wars against the Congolese government on behalf of Rwanda. Those generals are Nkunda and Bosco Ntaganda, whom Rwanda supplied with personnel, weapons, political and institutional support to run the East of DRC. For his part in the war crimes and crimes against humanity in East DRC, General Bosco Ntaganda is currently on trial at the International Criminal Court at the Hague, Netherlands².

Rwanda last formed a rebel army to destabilise Congo in 2012 when the M23 rebels - the group also known as the Congolese Revolutionary Army, led by Bosco Ntaganda - took control of the Eastern city of Goma and threatened to march toward the capital city Kinshasa. The International Community reacted by authorising the UN troops stationed in the East of DRC to use force to stop the M23 fighters. The M23 movement was defeated and has since disbanded. Many UN reports established the facts of the Rwandan army's involvement in destabilising DRC through the M23, either directly or through proxies³. Each time Rwandan troops entered DRC, many soldiers, including child soldiers would be recruited to fight against their will⁴.

In recent years, the RDF has been posting recruitment calls in different districts of the country. The conditions for selection are published in the Official Gazette No 36 of 03 September 2012. There are two groups of recruits needed: officer cadets and non-commissioned troops. Discrimination appears to occur in military recruitment currently. All our respondents agree that recruits are selected according to their ethnic group and origin. Cadet positions are almost exclusively reserved for youths whose parents were Tutsi refugees in Uganda. A few Tutsi from other countries (Burundi, DRC, and Tanzania) and the Tutsi genocide survivors and very few Hutus are recruited for the cadet course. The bulk of

1 'October 2002: Rwanda pulls its 20,000 troops out of Congo following pressure from the international community'. From Human Rights Watch, DR Congo: Chronology https://www.hrw.org/news/2009/08/21/dr-congo-chronology#_Failed_Peace_Efforts , accessed 26th October 2016

2 See Human Rights Watch: 'Bosco Ntaganda' <https://www.hrw.org/topic/justice-internationale/bosco-ntaganda> , accessed 26th October 2016

3 See 'Letter dated 12 October 2012 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo', http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/843 , accessed 26th October 2016

4 See 'Report on political situation, security and human rights in Rwanda, Danish Immigration Service': "Besides recruitment to the LDF inside Rwanda, recruitment into LDF also takes place in the Rwandan controlled areas of DRC." <http://www.refworld.org/pdfid/3df8c0344.pdf>, accessed 26th October 2016

recruits are for non-commissioned troops, including the Republican Guard and the Special Forces. Republican guards are almost exclusively Tutsi from Uganda. The Special Forces are dominated by the Tutsi from Uganda as well but other Tutsi and few Hutu are allowed in the force. The rest of the troops is primarily of Hutu origin.

The Rwandan government's attention has shifted towards Burundi, and since the start of the Burundian crisis in early January 2015 credible sources and also reports from UN experts have established that the Rwandan army actively recruited fighters in the Mahama Refugee Camp⁵, trained and armed young Burundian refugees and sent them to destabilise Burundi. Consequently, the Rwandan army itself was not used, since the camps provided enough recruits. There are tensions between the two countries as a result, and as of August 2016 Burundi stopped all cross-border transport buses from Rwanda in an effort to reduce infiltrations into the country.

Services, Contracts and Work Conditions

Rwandan soldiers, like soldiers everywhere, are expected to follow orders without question. Respondent A had expected to return to school in 1994 after a short spell in the army. Instead, his unit was charged with the security of Paul Kagame during the rebellion and in government the unit became the Republican Guard. He fought in Angola and Congo. He wanted to study and asked his superiors several times to let him go to school but they refused. Instead he was sent to military courses, and still was never promoted. He was jailed six months for insisting to go back to school. He was later asked to kill a senior officer, and decided to quit for good. Respondent D echoes Respondent A as he was also arrested and jailed many times for wanting to study. He managed to finish high school and university and was sent to work in the intelligence unit in the immigration services. He also says that RDF promotes cronyism.

All respondents say that they worked without contracts for a long time, having started their service before the army statutes were put in place. Respondents B and C explain that a soldier is confirmed to be in service once s/he receives a bank account from the Army's bank known as the CSS. The account number corresponds to the service number in the armed forces. Any soldier who does not have an account is not in reality a recognised soldier. Respondent D got his first salary in October 1994, while Respondent C got his in October 2000 after spending two years fighting for the army in DRC. In those two years, he received no salary. The army statutes were revised in 2012. Although the conditions for recruitment and services are better stipulated on paper, the practice is different from the policy. For example if the target number of recruits is not reached in a district, the army resorts to kidnapping and forced recruitment tactics. There have been occasions when all men in an area (at schools or at work) are arrested and their identity documents confiscated. Those who fulfil criteria are then forcibly recruited and have no chance of escape. This happened most recently with the war efforts in East DRC in support of the M23 rebels.

A major issue of contention between the soldiers and the army chiefs concerns the contracts of those soldiers who originally joined during the rebellion with the RPF i.e. before they were the state army of Rwanda. Many soldiers within the RPF, including some of those quoted in this paper, did not sign the contracts when they joined, but were given contracts many years afterwards. This often resulted in loss of rank and other benefits, which prompted many of these soldiers to quit the army. They were then declared deserters.

5 '2016 Trafficking in Persons Report – Rwanda', United States Department of State <http://www.refworld.org/docid/577f95b54.html>, accessed 26th October 2016 and 'UN report pins Rwanda on training Burundian refugees', AfrikaReport, <http://www.afrikareporter.com/un-report-pins-rwanda-on-training-burundian-refugees/>, accessed 26th October 2016

Child Soldiers

Respondents A and B report that they were minors when they were recruited in the army (A in 1990 and B in 1991). They put their studies on hold to join others and expected to return to civilian life after the war. Respondent D explains that a major part of the RPA was made of minors, some as young as eight years old. In 1995 human rights organisations began to complain and pressure the Rwandan government to stop using child soldiers in its armed services. As a result a school was built in the south of the country and most child soldiers were demobilised and sent there to study. Most of the children were survivors and orphans of the genocide. They were still treated like soldiers and the army was preparing the first invasion of the DRC the following year in 1996 and did not want to lose those children.

Respondent C says that it is in Mudende, north western Rwanda, in 2012, where he was supposed to train new recruits there were many child soldiers. He fled the country before he could start the training. This allegation is corroborated by many reports of human rights organisations and media reports⁶. Respondent D, who fled Rwanda via Burundi, claims to have credible information about the training given by the Rwandan army to Burundian rebels, including children. A United Nations report has found this to be true as the UN experts noted at least the presence of six children among the combatants they met, as recently as February 2016⁷.

The fate of deserters and consequences for their families

Leaving the Rwandan army without official permission has serious consequences. While the Presidential Order NO 32/01 of 03 September 2012 explains in Article 84 the causes of cessation of service in the Rwandan army, Art 87 requires soldiers to apply in writing for the cessation of service. An applicant can expect an answer to be provided within 90 days. Furthermore, this principle is not adhered to in practice. Where their applications for early release are responded to, there is no guarantee that requests will be granted. Since this application system is the only way out of the military, legally, a negative decision essentially traps the soldier indefinitely.

Therefore, soldiers are left with little choice but to desert. The presidential order does not make provision for desertion or conscientious objection (this is rather treated as insubordination). This opens a wide field of arbitrariness. Respondent D was giving an example: "These days there is no war going on. A captured deserter is taken to court, sentenced to one year jail and imprisoned in Mulindi military prison and thereafter demobilised. The deserter loses all his benefits".

A soldiers' contract is for 5 years, renewable twice. But the army reserves the right to retain a soldier should s/he have scarce skills that the army requires. What is considered is mostly the retirement age. It is 45 years for non-commissioned soldiers, 50 years for junior and senior officers and 55 years for general officers. These retirement ages can be extended to 5 years (maximum) if the army requires the services of the would-be retiree. In practice no one dares to leave on their own, especially among junior, senior and general officers. They wait to be released for fear of repercussions should they ask to leave the army.

Some deserters and other former members of the military, including those cited in this report, claim that whilst in exile, they have been subject to constant harassment and assassination attempts whilst from squads sent by the Rwandan government. Innocent Kalisa, a former

⁶ <http://www.reuters.com/article/us-congo-democratic-rwanda-children-idUSBRE9940C520131005>, <https://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes>

⁷ See 'Exclusive: Burundi rebels say trained by Rwandan military - U.N. experts', <http://reut.rs./23JGkRN>, accessed 26th October 2016

commando and President Paul Kagame's personal bodyguard disappeared in Uganda in 2013, having fled Rwanda in 2010⁸. The brother of Faustin Nyamwasa, who served as chief of staff to President Kagame until 2001, disappeared in 2010⁹, and was for five months detained without trial or charge¹⁰. Similar claims were also made by all our interviewees, but for the security of the families and relatives of the respondents specific details of the harassment, humiliation and trials they and their family members went through (as a result of loved ones leaving the army) cannot be described here. In some cases deserters are abducted and returned to Rwanda where they disappear or are tried in military courts without fair representation.

These risks are particularly acute for soldiers who have had access to sensitive information of the state. They experience greater difficulties when confronted with their consciences and disobey the orders of their superiors. All four respondents were in this category: two of them were members of the Republican Guard and attended to the personal security of the President and the First Lady, one was appointed in the immigration services and another one was deployed to train the M23 Congolese rebels. The information they hold is considered a threat to the security of the state. So after they deserted, not only were they hunted down both inside Rwanda and in neighbouring countries, but their families and relatives were (and still are) threatened with arrests and jail terms on fabricated charges. They face expropriation, loss of income and businesses.

Conclusion

The current Rwandan army started as a rebel movement in 1990 that recruited rank and file soldiers from Rwandan refugees who lived in camps in Uganda. Given the conditions of the time, soldiers were not given contracts to sign but were promised better living conditions upon successful takeover of power of Rwanda. Many of the recruits were children as evidenced by respondents A, B and D. After seizing power, most soldiers served without written contracts.

For the better part of their adult life Rwandan soldiers who served since the rebellion time had no recourse for unfair treatment at the hands of their senior officers. Any objection to the orders lands a soldier in jail or risk of assassination. Many soldiers flee the country and seek refuge in neighbouring countries or far afield in western countries, as did our interviewees. Deserters report constant harassments and assassination attempts in other countries, by the Rwandan security services.

Despite the Presidential Order NO 32/01 of 03 September 2012 that lays down the recruitment criteria and process of young soldiers, those soldiers who had served since the rebel times report that the order excludes them and does not recognise service rendered before it was signed into law.

The Rwandan army is urged to close the gaps between policy and implementation and inform soldiers about their rights and benefits they are entitled to in and out of the service. It

⁸ See 'Fears for missing bodyguard who fled Rwandan regime' <http://www.thetimes.co.uk/tto/news/world/africa/article3845284.ece>, accessed 26th October 2016

⁹ See 'Fears for arrested Rwanda officer' BBC, <http://www.bbc.co.uk/news/world-africa-11053446>, accessed 26th October 2016

¹⁰ See 'Rwanda must investigate unlawful detention and torture by military intelligence' Amnesty International, <https://www.amnesty.org/en/latest/news/2012/10/rwanda-must-investigate-unlawful-detention-and-torture-military-intelligence/>, accessed 26th October 2016

should allow the right to conscientious objection, cease to harass objectors and deserters and most importantly stop to threaten objectors and their families with imprisonment, confiscation of properties, abductions and assassination inside the country and in countries of exile.

Authored by a researcher from Rwanda