



FACTSHEET

Situation in the Democratic Republic of the
Congo

Callixte MBARUSHIMANA

11 October 2010



PROFILE - Callixte MBARUSHIMANA



Source: Interpol

Name: MBARUSHIMANA, Callixte
Also known as: "Maneza"
Sex: Male
Date of Birth: 24 July 1963 (47 years old)
Location of Birth: Ndusu / Ruhengeri, Rwanda
Nationality: Rwandan
Current Position: Executive Secretary of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR)

Relevant Background Information

- The FDLR is a foreign militia group operating in the eastern Democratic Republic

of the Congo (DRC). It emerged from the successive fusion and scissions of Rwandese rebel groups. It includes in its ranks former *génocidaires* that fled to the DRC after the 1994 Rwandan genocide. At that time, some *génocidaires* re-grouped within refugee camps in the DRC, organised themselves and launched attacks in Rwanda, with the goal of removing its then new Government through violence.

- The FDLR activities were part of the causes of the two Congo wars, from 1996 until 2002, that produced, directly or indirectly, an estimated 4 million victims. This is the largest number of civilian casualties after the Second World War.

- Since 2002, the FDLR continued committing crimes against civilians. The Security Council has consistently characterised the FDLR as a threat to the peace and security of the Great Lakes region, a cause of insecurity and instability there and a threat to the local civilian population

- Mr. Callixte MBARUSHIMANA has been exercising functions as the FDLR Executive Secretary since July 2007 at the latest. In this capacity, he is one of the highest-ranking members in the FDLR.



BACKGROUND INFORMATION SHEET

Callixte MBARUSHIMANA

BACKGROUND

- In sealed documents submitted to the ICC judges on 20 August 2010, the Office of the Prosecutor (OTP) presented evidence against Mr. Callixte MBARUSHIMANA, Executive Secretary of the FDLR, charging him with 6 counts of war crimes and 5 counts of crimes against humanity.
- The Court's Pre-Trial Chamber I issued a sealed arrest warrant on 28 September 2010.
- On 11 October 2010, the French authorities executed the arrest warrant and arrested Mr. Callixte MBARUSHIMANA in Paris, France.
- On 11 October 2010, Pre-Trial Chamber I unsealed the arrest warrant against Mr. Callixte MBARUSHIMANA.
- Mr. Callixte MBARUSHIMANA is currently in detention in Paris, France, where national proceedings related to his surrender to the Court are taking place.
- Since 2004 Mr. Callixte MBARUSHIMANA has held senior positions in the political leadership of the FDLR.
- Together with other FDLR leaders, he is believed to have played an essential role in the planning of widespread and systematic attacks against the civilian population of North and South Kivu.
- The arrest of Mr. Callixte MBARUSHIMANA is the first visible step of the Office of the Prosecutor's process of addressing impunity of those most responsible for massive crimes in the North and South Kivu provinces of eastern DRC.

COOPERATION AND COMPLEMENTARITY

- The arrest of Mr. Callixte MBARUSHIMANA follows the arrests by

German authorities on 17 November 2009 of Mr. Ignace MURWANASHYAKA and Mr. Straton MUSONI, the FDLR's President and First Vice-President respectively, for crimes committed under the German Code of Crimes Against International Law and the German Criminal Code.

- These three arrests are a concrete result of close coordination between the OTP and States such as Germany, France, the DRC and Rwanda to bring to justice those most responsible for crimes committed by the FDLR. Moreover, the collaboration with the German authorities is a clear example of positive complementarity in action. The OTP is considering bringing more cases before the Court, against other FDLR leaders who are among those most responsible for the crimes. This will contribute to the demobilisation and repatriation of the FDLR foot soldiers to Rwanda and to bringing an end to the suffering of the civilian population.

THE DRC SITUATION AT THE ICC

- Mr. Callixte MBARUSHIMANA is the fourth person arrested by the Court in relation to the DRC situation. He is the first person charged for crimes committed in the Kivu provinces of the DRC.
- The first case in the DRC relates to war crimes allegedly committed by Mr. Thomas LUBANGA DYILO and Mr. Bosco NTAGANDA, leaders of the UPC-FPLC in the District of Ituri. These crimes involve enlisting and conscripting children under the age of fifteen years into the FPLC, and using them to participate actively in hostilities in the district of Ituri in the DRC. Mr. Thomas LUBANGA DYILO is currently facing trial in the Court,

while the arrest warrant against Mr. Bosco NTAGANDA is still outstanding.

- In the second DRC case regarding crimes allegedly committed by leaders of the FNI-FRPI armed groups in the district of Ituri, Mr. Germain KATANGA and Mr. Mathieu NGUDJOLO CHUI have both been surrendered to the Court. They face charges of crimes against humanity and war crimes, in relation to the attack on the civilian population of Bogoro village on 24 February 2003. Their trial is ongoing.

THE CONTEXT

- The DRC has been a State Party since it ratified the Rome Statute on 11 April 2002. The ICC has had jurisdiction in the DRC since the entry into force of the Rome Statute on 1 July 2002.

- The OTP received numerous communications concerning alleged crimes from non-governmental organisations and international organisations, as well as other sources.

- In September 2003 the Prosecutor announced that he had selected the crimes committed in the district of Ituri as the most serious crimes requiring investigation.

- In March 2004 the DRC Government referred the situation on all of its territory to the Prosecutor.

- The OTP opened its investigation into crimes committed in the DRC in June 2004.

- Between 2002 and now, millions of people have died in the DRC as a direct and indirect result of the ongoing conflict there. In the first half of 2009 alone, repeated attacks by the FDLR in North and South Kivu killed hundreds of people, driving over 370,000 of them from their homes and into the forests, or to other places of refuge. Hundreds of individuals have been brutally raped, often repeatedly, and thousands of houses and other structures were burnt to the ground.

- In November 2008, the OTP announced the opening of a third case in the DRC situation

following allegations of massive sexual violence, forced displacements and killings in the Kivus. The arrest of Mr. Callixte MBARUSHIMANA will not be the last in this case.

THE CRIMES

- Mr. Callixte MBARUSHIMANA is accused of being among the top FDLR leaders that, at the end of 2008 and over the course of 2009, agreed to conduct widespread and systematic attacks against the civilian population in order to create a humanitarian catastrophe. He is also accused of agreeing to conduct and personally conducting an international campaign intended to persuade the DRC and Rwanda Governments and the international community that the FDLR could not be defeated militarily and thereby to extort from them concessions of political power for the FDLR in Rwanda as a condition for the FDLR to stop committing atrocities against civilians.

- The OTP accuses Mr. Callixte MBARUSHIMANA, as part of the FDLR leadership, of having used violence against civilians as their main bargaining tool in their international campaign to attempt to extort from Rwanda and the international community political power for the FDLR.

- The OTP accused Mr. Callixte MBARUSHIMANA of being responsible for the crimes committed by the FDLR in pursuit of this goal as contributor to the commission of crimes by the FDLR, a group acting with a criminal common purpose.

- As such, the OTP alleges that Mr. Callixte MBARUSHIMANA is responsible for the war crimes of (1) attacks against the civilian population; (2) destruction of property; (3) murders or willful killings; (4) rape; (5) inhuman treatment; and (6) torture, and the crimes against humanity of (1) murders; (2) torture; (3) rape; (4) inhumane acts; and (5) persecution.