

**The Bosco surrender: more questions than answers**  
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There has been a lot of conjecture and speculation surrounding Bosco's "surrender" to the US embassy on Tuesday morning. In recent weeks, various parties to the conflict have been purposely spreading false information, which has made it difficult to parse the facts. Here are my own thoughts on some of these points.

Why did Bosco surrender?

His time was up. On February 24, an internal battle had broken out among the M23, pitting Bosco's wing against that of Sultani Makenga (for more information about Bosco's career and the divisions within the M23 see the Usalama Project's briefing here). While Bosco led a large group of soldiers—at least 500 were reported to have crossed the border on 14 March—he was short on ammunition. After weeks of fighting, he decided to run.

The larger and perhaps more important question is: Why did the M23 implode? Divisions existed since the group's creation in April 2012, driven by ethnic considerations (Bosco is from the Gogwe sub-ethnic group, many of Makenga's officers are Banyajomba), historical differences (Makenga was close to Laurent Nkunda, whom Bosco replaced in January 2009), and struggles over money and power (each carried out promotions behind the other's back and set up separate tax structures).

The final straw, however, appears to have been the looming possibility of a peace deal, or at least Bosco's perception that one might take place. With an international arrest warrant looming over his head, and declarations by the Congolese government concerning his arrest, he knew that he would have no chance of re-integrating the Congolese army.

Nonetheless, important questions persist. Allegations abound, for example, that President Kabila exacerbated the divisions with bribes. But which side did he bribe—each accuses the other for having received blood money.

Rwanda's role is also curious. Reliable reports point to Rwandan backing for the M23 up until the capture of Goma on November 20, 2012. Since then, however, support appears to have declined (perhaps also because there has been a de facto truce with the Congolese army during the Kampala negotiations). However, if the Rwandan army had wanted to prevent the implosion, they most likely could have. Also, if they had wanted to solve Bosco's ammo problem, they could have easily sent bullets and mortar rounds across the border. So why didn't it? Had the aid cuts affected its view of the conflict, and the M23 squabbles looked like a way out?

How did Bosco get to the US embassy?

Again, there appear to be more questions than answers. It is obvious that Bosco thought his choice was the ICC or probable death—but at the hands of whom? And was it his choice to make?

The first version, supported by many current and former M23 soldiers, has Bosco crossing the border along with the rest of his troops, probably on 14 or 15 March, being arrested by the Rwandan army and debriefed. They then decided that they didn't want yet another Congolese rebel under house arrest in Rwanda—Laurent Nkunda and Jules Mutebutsi are enough of a headache, and Bosco's ICC warrant would certainly make him a more difficult case.

But why would the Rwandan government hand Bosco over to the US embassy, where he immediately asked to be transferred to the ICC? The Rwandan government opposes the ICC, and is probably concerned by some of the revelations that Bosco could make on the stand. After all, Kigali backed the UPC armed group for whose crimes Bosco is now answering, as well as the CNDP and M23. If this version is correct, it may be that Rwanda was not left any good options and preferred Bosco being sent to the ICC than having him sit around under house arrest in Rwanda (or worse). After all, Bosco's former UPC boss Thomas Lubanga stood trial for 5 years without any revelations being made about outside support to his group.

The second version, supported by ex-CNDP officers, diplomats and Congolese and Rwandan intelligence agents, suggests that Bosco slipped across the border, evading detection and eventually arriving at the US embassy in downtown Kigali. According to this version, he took advantage of his contacts in the Rwandan army, as well as his ethnic kin and family in Ruhengeri, to escape arrest. There have even been reports of Rwandan intelligence agents being arrested for failing in their duties to detect him.

True? Hard to say—Bosco does have friends and family in Rwanda, as well as a lot of money. But if he wanted to hand himself over to the ICC, why not just go to the MONUSCO base in Kibati (just north of Goma), which was under his control up until the last minute? It would probably have been safer for him. And could he really escape detection by Rwandan security services, who have extensive contacts with M23 members and good control over their own country?

Will he be transferred to the ICC?

Yes. There has been a lot of conjecture about the fact that the US is not signatory of the Rome Statute; Congolese analysts have also been suggesting that since the US is an ally to Rwanda, they might not want to transfer him, or that he will have to get from the US embassy to the airport, going through Rwandan territory.

At the end, none of this matters or is accurate. The Obama administration has not signed the ICC (it thinks it would be difficult to push it through domestically), but it backs the court. The expansion of the Rewards for Justice program last year to include individuals indicted by the ICC was an expression of that support—and it put a \$5 million reward on Bosco's head (no one is thought to have picked it up, however). And President Kagame has now said that it will not block Bosco's extradition. So it's just a matter of time.

What will the impact be of his transfer to the ICC?

In part, it strengthens Makenga's hand—he is now rid of a large faction of his officers and political leaders who had been a thorn in his side. While he has probably lost over a third of his troops to death or defection, he has rationalized his military chain of command and now has more reliable politicians to represent him in Kampala. While he is now rid of all of the officers with serious legal problems (except himself), it is unclear whether this will result in a peace deal in Kampala. M23 delegates say that they can't accept the terms proposed by Kabila, which amount to integration with almost nothing in return. In particular, they insist on good ranks, political positions, the return of refugees, and a generous amnesty. As one of Makenga's officers told me today, just before a meeting of the officer corps, "Alituambia: vita ingali. Kungali njia mrefu." (He told us: there is still war. The road is still long).

On the other hand, Rwanda emerges with a boost to its reputation. While it isn't clear what role it played in Bosco's surrender, at the very least they signed off on the implosion of the M23, which makes it look like they are more part of the solution than the problem. In recent weeks, the World Bank has disbursed \$50 million of the cut aid, and other donors may soon follow suit.

What will happen at the ICC? Bosco is reportedly more of a slam dunk than other cases currently being tried. Given his direct involvement in military operations, there is strong evidence against him for the Ituri crimes (rape, recruitment of child soldiers, murder, pillage). In addition, the prosecutor will seek to add charges related to his time as chief of staff of the CNDP (2006-2009).

So, in sum, Bosco's arrest won't bring peace to the eastern Congo, but Bosco's arrest does spell a victory in the battle against impunity and the dismantling to one of the barriers to a peace process in the country.

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