

Investigating Multidirectional Violence in Eastern Congo: Owning 'Genocide' and Pre-judicial Atrocity

Christopher P. Davey

Abstract: Researching mass violence and genocide in the eastern Democratic Republic of Congo is academically, politically, and socially fraught. In this country, multiple claims are laid on genocide as a marker of suffering and destruction. This article discusses research carried out with Banyamulenge soldiers as layered actors in perpetration of mass violence. It discusses their assertions of self-defense and victimhood that touch on other Congolese cases of mass violence. As a group, these soldiers serve as an archetype of the actors in stories of multidirectional mass violence in Congo. The problematic, yet rich, nature of this fieldwork is discussed in two observations: the narrative notion of a group owning genocide as exclusive suffering, and how researchers can approach pre-judicial atrocity, meaning violence that is yet to be established in a legal setting or even in an agreed historical record. I examine the innovation and limitations of seeing subjectivity in Congo-based genocide research, notwithstanding or perhaps because of the highly fraught nature of this term and its uses. These discussions are supported with an analysis of my own positionality as a researcher in this field. The intention is that emerging researchers can apply this discussion of how to approach ownership of genocide and prejudicial atrocity to other contexts, and more broadly encourage subjective approaches in the field of perpetrator research.

Keywords: Banyamulenge, Democratic Republic of Congo, field research, Genocide, Multidirectional violence, perpetration

This article emerged from engaging conversations with learners at Clark University in my African Great Lakes graduate seminar, special insights were provided by MK Speth and Nicole Toedtli. Further input from Dr. Elizabeth Blake came during a small Clark faculty writing group. Input from the editors and the anonymous peer reviewers were also immensely helpful in bringing together the chaotic thoughts of what was a fieldnote into a more coherent article. Numerous conversations with Congolese, Burundian and Rwandan colleagues during the summer of 2023 lifted the analysis in this article, especially those with Josaphat Musamba and Libérat Mfumukeko.

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Introduction

In the Democratic Republic of Congo, who is a perpetrator or victim and how these labels are determined is a contested, fraught dilemma.¹ Such a setting makes research about mass violence and genocide in Congo specifically challenging. How should the research about mass violence between multiple parties be carried out? What is the role of perpetration research in these cases of what I term “multidirectional violence”? In Congo, multidirectional violence has been ongoing for decades. This is the crisscrossing of actors and violent conflict beyond the binary of perpetrator and victim, and inclusive of multiple participating actors. The 2010 UN Mapping Report² approaches this multidirectionality capturing these flows of violence in Congo from 1993 to 2003. Discussing this report, one of my research participants conveyed the problematic nature of this credible attempt at sorting out the who, where, and when of this violence. They claimed the accuracy of the whole report was dubious, ‘because they would take part of the truth (but) say someone else was responsible for it’.³ The report was not to be trusted because it did not reflect the whole truth, and even distorted it. In our conversations, I discovered that in this former combatant’s doubt was, first, a sense of communal ownership of genocide, or how a group through its narrative networks consistently frames its own experience of violence as genocide. Second was the perception of potentially competing atrocity narratives prior to judicial assessment, or the absence of a baseline of legitimate/non-legitimate violence. Both are *in situ* actor responses to multidirectional violence.

This article discusses these two themes against the backdrop of my research on perpetration in Congo.⁴ I explain ownership of genocide

1 I refer to the Democratic Republic of Congo (DRC) as Congo to capture this broad space both before and after colonialism.

2 OHCHR, ‘Democratic Republic of the Congo 1993–2003 – Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003’ (2010) <<https://www.ohchr.org/en/countries/africa/2010-drc-mapping-report>> [accessed 16 July 2024].

3 Interview with author, Nairobi, January 2022.

4 A nuanced approach in perpetrator studies is reflected in the following publications: Uğur Ümit Üngör and Kjell Anderson, ‘From Perpetrators to Perpetration: Definition, Typologies, and Processes’, in *The Routledge International Handbook of Perpetrator Studies*, ed. by Susanne C. Knittel and Zachary J. Goldberg (London: Routledge, 2019), pp. 7–22; and Timothy Williams and Susanne Buckley-Zistel, *Perpetrators and Perpetration of Mass Violence* (London: Routledge, 2018).

and the examination of pre-judicial atrocity as observed, unforeseen outcomes of research about identity and participation in armed conflict in Congo. I address here the subjectivity of claims of genocide, or where this descriptor is used, in a chronological order, highlighting the multidirectional context of the claims over time.⁵ In turn I address the need for a subjective, interpretive approach to these claims. My understanding of genocide as a term is the destruction of a target group, without relying on the limitation of specific intent or target category constraints in the UN Convention on the Prevention and Punishment of the Crime of Genocide. This framing also intends to incorporate genocide as a type of mass atrocity. I refer to mass atrocity as Scott Straus does: an array of acts codified in the Rome Statute of the International Criminal Court. Mass violence as a term is then a broader one that lacks such specificity. Both are helpful in dealing with definitional debates and understandings of subjectivity in this level of violence.⁶

The Mapping Report is key to my research as it is a vast empirical contribution to the study of contemporary Congo. It is the result of extensive fieldwork including legal recommendations for transitional justice. Yet it demonstrates the challenges addressed in this article: it relies on the historically overburdened labels of perpetrator and victim. The report opens with this description of identities, 'where almost every single individual has an experience to narrate of suffering and loss. In some cases, victims became perpetrators, while perpetrators were themselves sometimes exposed to serious violations of human rights and international humanitarian law, in a cycle of violence that has not yet abated'⁷ This report, and particularly these opening lines, initiated my own research into this region, and surfaced for me the complexity of identifying and understanding actors in mass violence.

My research, and use of this report, focuses on Banyamulenge, or Congolese Tutsi from South Kivu, whose participation is quintessen-

5 I rely on this approach elsewhere in the analysis of subjectivity around genocide in this region. The meaning of the subjective here starts from looking beyond the objective to seeing people's subjectivity in identity and collective sense of self. See Christopher P. Davey, 'A Soldier's Journey: Banyamulenge Narratives of Genocide', *Journal of Interpersonal Violence*, 36 (2021), 12548–75. See also Mark Bevir and Jason Blakely, *Interpretive Social Science: An Anti-Naturalist Approach* (Oxford: Oxford University Press, 2019); Nick Crossley, *Towards Relational Sociology* (London: Routledge, 2011).

6 Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (Ithaca, NY: Cornell University Press, 2015), pp. 17–33.

7 OHCHR, 2010, p. 1.

tially multidirectional.⁸ As a researcher, I aim to retell stories of Banyamulenge soldiers as perpetrators and victims starting in the 1990s. Because both kinds of experiences have currency for my participants, I found an additional, rich layer within their narratives articulating the subjectivities of genocide and self-defense. I mean here that there were multiple realities and meanings for participants, that in this case created an emergent narrative of genocide among these communities.⁹ The Banyamulenge have been subject to genocidal violence, and in turn armed groups claiming to represent it militarily have committed massacres against other Congolese populations. The above quoted participant, a Banyamulenge rebel and *Forces armées de la république démocratique du Congo* (FARDC) officer, described how the Mapping Report was part of a conspiracy against his people due to its framing of their role in attacks on civilians over the decades. He claimed that ‘they’, including the likes of Nobel Prize winner Dennis Mukwege, utilized the report to win fame, and that Congolese politicians mobilized it to further hate speech and persecution towards his Banyamulenge community. Seeing politics in such claims and debates is crucial, and necessarily requires engagement with contested, fraught discussions of identity and participation in conflict.

This article addresses this complexity through the recognition that seeing genocide in Congo is problematic. I argue that possible claims of genocide in Congo are in fact multidirectional and require a level of critical analysis to acknowledge the crisscrossing of actors and violent conflict over historical periods, and even through overlapping episodes of violence. In identifying multidirectional conflict, I further Michael Rothberg’s notions of multidirectional memory and ‘implicated subjects’ as ways of conceptualizing subjectively crisscrossing actors and conflict beyond a perpetrator and victim binary. This notion is not only helpful for a researcher’s consideration of their own positionality, which I address below, but also is an intervention that allows for in-

8 Banyamulenge communities in South Kivu have resided in this highlands area for many generations prior to Belgian colonization. Other Kinyarwanda speaking groups are also settled in another eastern province of North Kivu. Congolese Tutsi in this area are a long-standing mix of labor migrants, refugees, and transborder communities connected to Rwanda.

9 Robert C. Townsend and Christopher J. Cushion, “Put that in your fucking research”: reflexivity, ethnography and disability sport coaching, *Qualitative Research* 21: 2 (2020), 251–267; Nerina Weiss, Erella Grassiani and Linda Green, *The Entanglements of Ethnographic Fieldwork in a Violent World* (London: Routledge, 2023).

sights into the actors participating in multidirectional mass violence.¹⁰ Postcolonial spaces like Congo are sites of the kind of multidirectional violence sparsely examined within the growing field of perpetrator studies. As such, a subjective, interpretive framing is crucial to critical engagement with a variety of actor voices.

My approach to multidirectionality is similar to Rothberg's but extends beyond the varying positionality of victimhood and perpetration to assess broader impacts of actor perception and action.¹¹ For Rothberg, implicated subjects are continually moral, political, and economic agents, not 'ideal' types in practice.¹² Relatedly, multidirectional memory is a non-competitive, collaborative, albeit messy, call to memory making that generates 'acts of empathy and solidarity' and can be the 'grounds on which people construct and act upon visions of justice.'¹³ Recognizing this important potential of memory, I argue that implicated subjects are actors who construct memory instrumentally as part of an ongoing conflict. This agentic fluidity reflects a multidirectional nature of conflict itself. Depending on the forms and scope of solidarity, attempts at multidirectional memory can at least exacerbate violence or build peace. This article is then, in part, a discussion of how the relations of memory, mass violence, and active conflict interact as part of a multidirectional environment. I follow Rothberg's call to examine the 'fundamental situations that produce violence' through addressing how actors see the latter, and how researchers assess it.¹⁴

Recognizing the multidirectionality of violence is not always politically nor strategically expedient for armed actors, scholars or activists. Weakness in the historical record and lack of sensitivity to the multidirectional nature of conflict create gaps in understanding. These result from the competing narratives of owning claims to genocide, and complexity with which how researchers address pre-judicial atrocity. I suggest that, through trends seen in my own fieldwork observations, two challenges arise. Firstly, how owning genocide, or entering into competitive mobilizations of this phenomenon, is resorted to in actor logics. Secondly, the pre-judicial nature of many atrocities not yet

10 Michael Rothberg, *The Implicated Subject: Beyond Victims and Perpetrators* (Stanford, CA: Stanford University Press, 2019), pp. 10–21.

11 Christopher P. Davey, *The Banyamulenge Soldier: Genocide Between Congo and Rwanda* (Ann Arbor, MI: Michigan University Press, forthcoming).

12 Rothberg, *The Implicated Subject*, 33.

13 Michael Rothberg, *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonization* (Stanford, CA: Stanford University Press, 2009), 19.

14 Rothberg, *Multidirectional Memory*, 308.

narrativized representatively or internationally, and where details are broadly contested, and even become a battlefield of social belonging, particularly in response to the Mapping Report.¹⁵ In this attempt to contextualize my field observations, I seek to examine these challenges. These two observations of perpetration research in Congo are about responses by actors to the multidirectional nature of conflict, but also challenge the recognition of such conflict. Fundamentally, what stands out is the ill-defined and varied nature of perpetration. These assorted episodes of mass atrocity around Congolese Tutsi should indicate that not all would-be claims of genocide fit in the ready carved molds of the Holocaust and perpetrator-victim dichotomies, neither should they. A wider question raised here is the possibility of concurrent cases of genocide, highlighting the restrictive nature of this label.¹⁶

The structure of the article is as follows. I describe the notion of multidirectional conflict in Congo with an overview of historical interactions of Congolese Tutsi (and to a lesser extent Hutu in Congo), especially Banyamulenge in Congo's regional conflicts. I review potential and acknowledged incidents of genocide, or at least, instances where this term is applied or inferred in the time frame from the 1990s to the present.¹⁷ In the following section, I problematize the fields of perpetrator studies and genocide studies by accounting for the gap resulting from not seeing multidirectional conflict in mass atrocity. Here I also review my own related positionality and fieldwork. I then look at the two field observations of how groups seek to monopolize or own a narrative of genocide as exclusive to their position and not to others, and then what I term as "pre-judicial atrocity crimes," meaning that these have not been subject to any application of international law, nor exercise of national consensus building. I explore this approach using

15 The report was met by harsh responses from actors of the Great Lakes region, including Burundi, Rwanda, and Uganda, which are all accused of playing heavy roles in two Congo wars, first from 1996 to 1997 and then 1998 to 2003. Xan Rice, 'Uganda Rejects UN report on war crimes in Congo', *The Guardian* 1 October 2010, <<https://www.theguardian.com/law/2010/oct/01/uganda-un-war-crimes-congo>> [accessed 16 July 2024]. The Rwandan government further threatened to withdraw its troops from a Darfur based UN peacekeeping mission, see *France 24*, 'Rwanda threatens to withdraw peacekeepers from Darfur over UN report', 31 August 2010, <<https://www.france24.com/en/20100831-rwanda-threatens-darfur-peacekeeper-withdrawal-un-report-war-crimes>> [accessed 16 July 2024].

16 In the unfortunately inherited Rwandan language of double genocide this is recently discussed by Adam Jones, 'Denying Rwanda, denying Congo', in *Denial: The Final Stage of Genocide*, ed. by John Cox, Amal Khoury, Sarah Minslow (London: Routledge, 2021), pp. 148–160.

17 I see mass violence as an umbrella term, and genocide as the destruction of a group of people through various means. This distinction is borrowed from that made by others, see for example Straus, 2015, pp. 79–85.

fieldwork experience in Congo, Rwanda, Kenya, and among the Banyamulenge diaspora, as well as those in the US. I show that seeing actor subjectivities is crucial in order to engage with narratives between competing histories and present contexts of multidirectional violence.¹⁸ The deployment of a subjective, interpretive analysis is paramount to piecing together actor voices and parties across narratives of violence, offering key contributions to the field of perpetrator studies in cases of multidirectional violence.

Multidirectional Conflict and Claims of Genocide in Congo

Context is essential for grappling with claims of genocide and unaddressed histories of mass violence in Congo. This mammoth effort has not been undertaken on a broader continuum and cannot be done justice to in these pages. This brief historical summary is not an endorsement of representations of histories, but a display of cases and how they can be approached in the exchanges between academia and popular discourse. I include a summary of Congolese and Rwandan Tutsi, and to a lesser extent Rwandan Hutu, examples to demonstrate the widespread nature of claims of genocide in Congolese history and politics, often with interconnections being made between past and more contemporary examples to increase the legibility of group claims. While this article focuses on my own Banyamulenge centered fieldwork, their claims of genocide are not unique. Non-specialists to the Great Lakes region should note a long history in the area of mass atrocity, particularly in the Congo, from Portuguese extraction of enslaved people, early to late phases of European colonization, and into the era of an independent Congo along with genocide in Burundi (1972) and Rwanda (1994) and civil wars in Burundi (1993-2005), Congo (1996-1997 and 1998-2003), Rwanda (1990-1994), and Uganda (1986-1994). Twentieth century episodes all had significant impact on Congo in the form of refugees, links to co-ethnic populations, and continuance of conflict through the presence of foreign rebels.¹⁹

18 Kjell Anderson has addressed the potential overlapping nature of 'role in genocide' through hyphenating labels, such as 'victim-perpetrator', see more here, Kjell Anderson, 'The Margins of Perpetration: Role-Shifting in Genocide', in *Perpetrators of International Crimes: Theories, Methods, and Evidence*, ed. by Alette Smeulers, Maartje Weerdesteijn, and Barbara Holá (Oxford: Oxford University Press, 2019), pp. 132-152.

19 The closest to documenting these histories in one place is David Van Reybrouck, *Congo: An Epic History of a People* (New York: Harper Collins, 2015). Another shorthand attempt is made

Congo is an independent state formed through a series of episodes of mass violence. The 1960s turbulent independence and the Katangan succession crisis led to the assassination of Patrice Lumumba, years of divisive rebellion, and ended in the torture and erasure of so-called Mulelists in Mobutu's Zaire.²⁰ After decades of Mobutu's dictatorship, the 1990s saw a breakdown during democratization with scapegoating, destabilization, and micro civil wars in eastern provinces where precolonial, migratory, and refugee populations of Hutus and Tutsis were targeted as foreigners.²¹ For Congo, the 1994 genocide in Rwanda became both a link in regional conflict as well as an escalation of Rwanda's own civil war.²² The genocide, driven top down by the Hutu-dominated government and military and bottom up from localized extremists, resulted in the murder of over 500,000 mostly Tutsi Rwandans.²³ It has had an enduring impact on the political landscape of Rwanda and the region. As the Tutsi-led Rwandan Patriotic Front (RPF) took power they established a Tutsi minority government, filled with returnees from Ugandan exile. These ranks of officials, soldiers, and political actors were supplemented by internationally and regionally focused recruitment of Congolese Tutsi from both Banyamulenge

in Felix Ndahinda, 'Collective Victimization and Subjectivity in the Democratic Republic of Congo', *International Journal on Minority and Group Rights* 23. 2 (2016), 137-178. See also these micro-level studies, Maria Eriksson Baaz and Maria Stern, 'Making sense of violence: voices of soldiers in the Congo (DRC)', *Journal of Modern African Studies* 46. 1 (2008), 57-86; Judith Verweijen and Justine Brabant, 'Cows and guns: Cattle-related conflict and armed violence in Fizi and Itombwe, eastern DR Congo', *Journal of Modern African Studies* 55. 1 (2017), 1-27; Maria Eriksson Baaz and Maria Stearn, 'Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)', *International Studies Quarterly* 52. 3 (2009), 495-518; Aldwin Roes, 'Towards a History of Mass Violence in the Etat Indépendant do Congo, 1885-1908', *South African Historical Journal* 62.4 (Dec., 2010), 634-670; Linda M. Heywood, 'Slavery and Its Transformation in the Kingdom of Kongo: 1491-1800', *The Journal of African History* 50.1 (2009), 1-22; Séverine Autesserre, 'Dangerous tales: Dominant narratives on the Congo and their unintended consequences', *African Affairs* 111. 443 (April 2012), 202-222.

- 20 Emery Kalema, 'The Mulele 'Rebellion', Congolese Regimes, and the Politics of Forgetting', *Cahiers d'Études Africaines*, 235 (2019), 747-782; Emery Kalema, 'The Mulele 'Rebellion': Bodily Pain and the Politics of Death (Democratic Republic of Congo, 1963-1968)', *Politique Africaine*, 163 (2021), 145-172.
- 21 Georges Nzongola-Ntalaja, *The Congo from Leopold to Kabila: A People's History* (London: Zed Books, 2002), pp. 171-214; Emizet F. Kisangani, *Civil Wars in the Democratic Republic of Congo, 1960-2010* (Bolder, CO: Lynne Rienner Publishers, 2012), pp. 117-166.
- 22 Omar Shahabudin McDoom, *The Path to Genocide in Rwanda: Security Opportunity, and Authority in an Ethnocratic State* (Cambridge: Cambridge University Press, 2021), pp. 45-72.
- 23 See a recent *Journal of Genocide Research* forum 'Calculating Mortality in the Rwandan Genocide', *Journal of Genocide Research* 22.1 (2020), 72-141. Various authors here address the number of those killed during the genocide between 500,000 to 600,000. This does not include the numbers of those killed by the RPF in Rwanda during the 1990s.

in South Kivu, and other Banyarwanda in North Kivu.²⁴ Rwanda, in the course of a few months, became a safe haven to Tutsi survivors of the genocide, as well as those across the border in Congo fleeing escalating violence in 1995.²⁵

The arrival of a million Rwandan Hutu refugees and tens of thousands of 1994 *genocidaires* hybridized existing 1990s localized conflicts between more established Congolese populations (including Hutu and Tutsi) over land and citizenship into another episode of the Rwandan genocide. This pitted coalitions of Congolese Hutus, local militias, and Zairian security forces against Tutsi Banyarwanda (those seen as and who were Rwandan migrants) groups in North Kivu and Tutsi Banyamulenge in South Kivu.²⁶ Many Congolese Tutsi from North and South Kivu were forcibly removed by the above noted local Zairian and Hutu coalitions following others electing refuge in Rwanda or Burundi. Massacres of Tutsi groups escalated as the RPF ramped up its recruitment of young men into its pending invasion force from 1995 to 1996.²⁷ In this chaos Banyamulenge communities found themselves at once victimized in Congo and empowered by Rwanda to fight back.

This period of instability brought all-out warfare to Congo from 1996 to 1997, and then again from 1998 to 2003. The civilian death toll in the latter war, according to contested International Rescue Committee analysis, was estimated at up to 5 million (between 1998 and 2007).²⁸ The Mapping Report details the targeting of Rwandan Hutu refugees during the First Congo War. This was carried out by the First Congo War's coalition of Congolese Tutsi recruits under RPF leadership: *Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre* (AFDL). This ensemble of anti-Mobutu rebels included Burundian and Ugandan forces. Primarily carried out by the initial parties of Tutsi Banyarwanda and

24 Davey, 'A Soldier's Journey'.

25 Alex Mvuka Ntung, *Not my Worst Day: A personal journey through violence in the Great Lakes Region of Africa* (EARS Press, 2013).

26 See OHCHR, pp. 50–152; Michaela Wrong, 'Kagame's Revenge: Why Rwanda is Sowing Chaos in Congo', *Foreign Affairs* (2023), <<https://www.foreignaffairs.com/africa/rwanda-congo-uganda-kagames-revenge>> [accessed 16 July 2024]; Jason Stearns, *The War that Doesn't Say its Name: The unending Conflict in the Congo* (Princeton, NJ: Princeton University Press, 2021), pp. 78–83.

27 Davey, 'A Soldier's Journey', 12559–12567; OHCHR, pp. 62, 64, 71–76; for a direct account of this violence see Ntung, *Not My Worst Day*.

28 International Rescue Committee, *Mortality in the Democratic Republic of Congo: An Ongoing Crisis*, 1 May 2007, pp. 15–16; this figure was later revised, James Butty, 'A New Study Finds Death Toll in Congo War too High', *VoA*, 20 January 2010 <<https://www.voanews.com/a/butty-congo-war-death-toll-questioned-21jan10-82223332/152921.html>> [accessed 16 July 2024].

Banyamulenge, led by hardened RPF liberators, it is estimated that in dozens of sites from the east around Goma and Bukavu, to Mbandaka in the west, 233,000 refugees were killed by this highly mobile and ideologically driven anti-*genocidaire* force.²⁹ Refugees were believed to be carriers of a socio-political disease of 'genocide ideology'.³⁰

The violence of the Second Congo War was far more widespread, resulting in the formation of multiple armed groups that have since swelled and fragmented to over a hundred in the early 2020s.³¹ Along with the First Congo War, the Second Congo War fueled stronger narratives of Tutsi perpetration with massacres like that of Makobola at the end of 1998. Here locally mobilized militias attacked an RPF-led encampment, leading to a retaliatory attack targeting Babembe civilians believed to be harboring enemies. The RPF-led faction, *Rassemblement Congolais pour la Démocratie* (RCD), containing Congolese Tutsi soldiers, killed hundreds of people.³² This incident sits in public discourse as an example of impunity in the Great Lakes region, and is exemplary in how Congolese narratives cast Tutsi as perpetrators and all else, Rwandan Hutu and other Congolese as victims of invader aggression. The latter label is a resonant theme that leads to targeting of Banyamulenge in particular during moments of populist fever over tensions with Rwanda.³³

The Rwandan Hutu *genocidaire* forces grew through recruitment and abduction into the *Forces Démocratiques de Libération du Rwanda* (FDLR) from Rwandan refugee and Congolese populations.³⁴ Emerging out of the remnants of the government in exile, the 1995 initiated *Armée pour la Libération du Rwanda* formed and split during the process of the

29 Kisangani, 'The Massacre of Refugees in Congo: A Case of UN Peacekeeping Failure and International Law', *The Journal of Modern African Studies*, 38. 2 (2000), pp. 163–202.

30 Davey, 'A Vortex of Genocide: Banyamulenge Identity Formation in Pursuit of the *Genocidaire*, Zaire (1996–1997)', (unpublished doctoral thesis, University of Bradford, 2019), pp. 43, 133, 237–247.

31 Stearns, *The War that Doesn't Say its Name*.

32 OHCHR, pp. 178–179.

33 AP, 'DRC: Gathering marks 22 years since Makobola mass killings', 31 December 2020, <<https://www.republicworld.com/world-news/drc-gathering-marks-22-years-since-makobola-mass-killings/?amp=1>> [accessed 16 July 2024]; Judith Verweijen, Juvénal Twai-bu, Moïse Ribakare, Paul Bulambo, and Freddy Mwambi Kasongo, 'Mayhem in the mountains: How violent conflict on the Hauts Plateaux of South Kivu Escalated', *Insecure Livelihoods Series* (2021), pp. 25–27.

34 Nicolas Florquin and Claudia Seymour, 'Down, but Not Out: The FDLR in the Democratic Republic of Congo,' *Small Arms Survey Research Notes*, 56 (2016), pp. 1–4; Anna Hedlund, *Hutu Rebels: Exile Warriors in the Eastern Congo* (Philadelphia, PA: University of Pennsylvania Press, 2019), pp. 40–65.

Congo Wars. The most formidable and widespread of these groups, as of this writing, the FDLR, peaked in the 2000s–2010s with expansion of controlled territory and ad hoc alliances with various other militias and armed groups across eastern Congo. Recruitment of Congolese nationals through opportunity or constraint swelled the ranks of the group beyond the original 1994 perpetrators escaping the advance of the RPF. Presently, the FDLR relies on a narrative of victimhood of an RPF-led genocide of Hutus to justify an increasingly unlikely forced return to Rwanda. Conversely, Kigali continues to seek alliances against the group to further diminish their presence and leverages the FDLR's presence as a foreign policy tool to maintain influence in eastern Congo.³⁵ The persistence of pro-Congolese Tutsi armed groups (like the *Congrès national pour la défense du peuple* [CNDP] and *Mouvement du 23 mars* [M23]) in Congo links into the enduring threat of FDLR genocidaires, incubated through long-term relations of convenience between the FDLR, its predecessors and local Congolese militias and the national army.³⁶

As of 2017, perceptions and utilizations of this threat are captured in the resurgent North Kivu based M23, as a reincarnation of old Tutsi rebellions backed by Uganda and Kigali during both wars, seeking a fulfillment of unrealized peace agreements.³⁷ Although their most recent military activity intensified in 2021, this group is a fractured reinvention of its early 2010's iteration, as well as past in groups originating in the CNDP and AFDL.³⁸ In reality, they are, like most armed groups, jostling in a military bourgeois competition in the broken politics of Congolese society.³⁹ The return of the M23 fuels not only spikes in popular anti-Tutsi sentiment, but waves of recruitment and mobilization

35 Jonathon Belhoeff, *Foreign Policy in Post-Genocide Rwanda: Elite Perceptions of Global Engagement* (Routledge, 2020), pp. 97–111. Susan Thomson, *Rwanda: From Genocide to Precarious Peace* (New Haven, CT: Yale University Press, 2018), pp. 120–121, 193.

36 Hedlund, 169. It is increasingly the case that Rwandan intervention actually drives collaboration between a dwindling FDLR and the FARDC, see *Congo Research Group*, 'Should we talk about the FDLR every time we talk about the M23?', 2022 <<https://www.congoresearchgroup.org/en/2022/08/18/should-we-talk-about-the-fdlr-every-time-we-talk-about-the-m23/>> [accessed 5 February 2024].

37 Past negotiations with the M23 in 2013 yield a document which can be found here, very few of the M23 demands in this agreement materialized, *Joint ICGLR-SADC Final Communiqué on the Kampala Dialogue*, 12 December 2013 <<https://t.co/l24bM6V8WE>> [accessed 7 November 2022].

38 Stearns, pp. 121–163; Judith Verweijen and Christoph Vogel, 'Why Congo's Mwe Crisis Lingers On', *The Global Observatory*, 30 May 2023 <<https://theglobalobservatory.org/2023/05/why-congos-m23-crisis-lingers-on/>> [accessed 5 February 2024].

39 Stearns, pp. 91–120.

into militias. These include, for example, Raia Mutomboki, a network of loosely organized self-defense groups, and since 2022, auxiliary Wazalendo (patriots in Swahili) volunteers called up by the government and military.⁴⁰ The multidirectional character of escalation appears perpetual, but is in fact facilitated by a deployment of perpetrator and victim narratives interpreting history for the benefit of political actors across the region set to gain from continued fighting.

Parallel to North Kivu in this recent period, Banyamulenge in South Kivu have further mobilized into self-defense groups, the most formally organized of which is Twirwaneho. Led by Banyamulenge former FARDC officers, this group has presented a serious counter force to the military and its varying militia allies. This group is recruited locally and from a regional Banyamulenge diaspora, but unlike the M23 it is not staffed directly by Rwandan soldiers.⁴¹ Twirwaneho mobilizes around the reproduction of *genocidaire* threats based on members' historic 1990s training and framing of Tutsi victims and Hutu and Congolese perpetrators as early RPF recruits.⁴² Whilst direct Twirwaneho connections between the RPF and M23 are contested and as of this writing a point of contention within Banyamulenge communities, there is a shared narrative and sense of solidarity around the targeting of Tutsi in Congo.⁴³ Banyamulenge, since the late 2010s, have experienced continued targeting by local Mai Mai groups, the FARDC and regional rebels creating massive displacement in the highlands of South Kivu.⁴⁴ The multidirectionality between groups, each with their own narratives, offer an entanglement of claims of genocide, with enacted forms of violence against purported existential adversaries.

This multidirectional conflict (or more precisely its lack of recognition as such) instigates broader, reductive popular debate about whether Congo itself or Rwanda are to blame for endemic issues of violence. Social media acts as a visceral site for the competing hashtags of #RwandaIsKilling and #CongoIsKillingItself. Whilst shorthand for

40 Arlette Bashizi and Fidele Kitsa, 'Crowded camps and local aid: How DR Congo's M23 conflict is impacting Goma', *African Arguments*, 19 April 2024 <<https://africanarguments.org/2024/04/crowded-camps-and-local-aid-how-dr-congos-m23-conflict-is-impacting-goma/>> [accessed 24 Ma 2024].

41 Davey, 'I need to protect everyone'.

42 Davey, 'Soldier's Journey', pp. 12554–12559.

43 Davey, 'I need to protect everyone: Exploring Banyamulenge Violent Masculinity', *Journal of African Military History* (2022), pp. 1–35; Verweijen and Vogel, 2023.

44 Verweijen, et al, 'Mayhem in the mountains', pp. 50–67; Accord, *Democratic Republic of the Congo: The situation of the Banyamulenge (2020 to March 2022)* April 2022, pp. 16–20, 28–32.

deeper multidirectional conflicts, these hashtags erode the responsibility of leading violent actors and speak a superficial language of genocide. Congolese civil society and diaspora actors frequently deploy the language of genocide in their advocacy and description of the two wars and the ongoing violence in the east.⁴⁵

Contemporary uses of genocide in Congo also resonate across national actors as a blanket description of the devastating effect of ebbs and flows of conflict since the early 1990s. Charles Onana's *Holocaust au Congo* has been derided as a gross over-simplification, but then taken up by activists and scholars alike to evidence the genocidal nature of foreign interference in the country.⁴⁶ Such discourse feeds into and benefits from broad opposition to the UN in Congo of late, fostering a kind of nationalism that potentially sharpens some of the above contemporary genocide or mass violence claims.⁴⁷ A trajectory of perpetrator studies sees these caricatures critically in case investigation, especially in the focus of actors and agency, and our positionality to such as researchers.⁴⁸ Onana's work is not to be dismissed outright but seen as another artifact in the contestations around how violence in Congo is framed.

Seeing conflict through the subjective lens of participants, militant or activist, presents glimpses into a social world constantly being formed and reformed. Multidirectional violent conflict is then a set of realities where competing narratives are mobilized in pursuit of political goals. In the case of Congo, Rwanda-linked populations since the 1990s have engaged in existentially framed defensive violence that has increased the likelihood of specific group targeting, not reduced it. Pro-Tutsi, anti-government groups like M23 and Twirwaneho enact violence that interacts with existing anti-Tutsi tropes, escalating hate speech and violence. In turn the FDLR deploys its own victim narrative in preserving territory and influence. This provides Tutsi-aligned groups and the Rwandan government with justification for continued

45 Diaspora actors such as The Friends of Congo organization and scholar-activist Kambale Musavuli are usual suspects in this narrative.

46 Charles Onana, *Holocaust au Congo: L'Omerta de la communauté internationale* (Paris: L'Artilleur, 2023). During a recent African Studies Association panel, this book was held up (literally) by two of the panelists as a truth-speaking device, targeting especially the Rwandan and Global North abuse of Congo.

47 Jenna Russo, 'Protests against UN in eastern Congo highlight peace mission's crisis of legitimacy', *The Conversation*, 31 July 2022, <<https://theconversation.com/protests-against-un-in-eastern-congo-highlight-peace-missions-crisis-of-legitimacy-187932>> [accessed 16 July 2024].

48 *Researching Perpetrators of Genocide*, ed. by Kjell Anderson and Erin Jessee (Madison, WI: University of Wisconsin Press, 2020).

fighting. Between these top-level views of distinct groups are also competing, intra-group divergences on the uses of violence and construction of narratives. This will be further discussed in the specific case of the Banyamulenge in the following sections.

Accounting for Gaps and Positionality in Fields of Study

The histories outlined above are seldom tackled in perpetrator and genocide studies, not least because of the complexity and inaccessibility of data.⁴⁹ If a lack of sensitivity to the multidirectional nature of conflict is an apparent gap in these fields, especially in the case of Congo, what are the reasons for this absence? Two explanations are most relevant to Congo case studies. These are particularly relevant to the research problems in this article: claims of genocide ownership and pre-judicial atrocity. In this section I address this gap in these fields of study, my fieldwork, and personal challenges around positionality as they lead into the article's main two-pronged analysis.

The first explanation is aligned with what is at stake, among many benefits and negotiating points about the extent of violence in Congo is a particular lack of a widely accepted narrative or public memory of conflict. This is indicated in the above set of claims to genocide. The latter are complex as discrete cases, yet are overlapping in their occurrence over time, and then also in their place and silences in group or popular memory. Congo, like many other states in the Great Lakes region, is devoid of independent, national level truth and reconciliation efforts. Commissions come and go, and are often subject to dominant political party narratives of victimhood and (in)justice.⁵⁰ Localized efforts are emergent, but stall in modes of protest without the resources or resilience to weather hostile political climates.⁵¹

49 Scott Straus, 'The Limits of a Genocide Lens: Violence Against Rwandans in the 1990s', *Journal of Genocide Research* 21.4 (2019), 504–524. Readers may also be interested to know that cursory searches of major journals in these fields reveal a dearth of content about the 1990s period of Congolese history.

50 Priscilla Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commission*, 2nd ed. (London: Routledge, 2011), pp. 16, 117–118, 235, 243, 253–254. Hayner mentions attempts in Burundi, DRC, and Rwanda.

51 Bilge Sahin, 'Mobile hearings in the Eastern DRC: prosecuting international crimes and implementing complementarity at national level', *Journal of Eastern African Studies*, 15.2 (2021), 297–316.

The second explanation is linked to *the how*, particularly the relation of storyteller to story. This is seen in the challenge of multidirectional conflict, but also in dominant narratives about conflict that often fall back on ethnic identity-based explanations. Broadly speaking, scholarship has critically resolved the greed and grievance thesis, developing consensus out of these debates.⁵² Yet, popular discourse, campaigning, and journalism embrace simplified, even *ethnic* conflict narratives and persistent recitations of this former debate. Genocide studies as a specific discipline is often activist-framed, suffering feedbacks into scholarship through victimhood framings, subverting critical approaches to ethnic conflict often only seen as a simplified narrative. This can lead to a circuitous relation between activism and scholarship.⁵³

Overlapping the scholar/activist relation are issues of legitimacy, access and career development for researchers. In my experience this is a messy balance. I have found myself presenting ongoing research to audiences with different Congolese parties, each claiming that violence is either not sufficiently recognized or wholly misconstrued. The politics of research in these cases is an active element that cannot be avoided. The extent to which it dictates the criticality of analysis and whose voices are heard at the expense of others is the vital question.

My research focuses on Banyamulenge experiences of conflict, survival, soldiering, and genocide. I attempt to navigate the dynamics of subservient criticality where activism blends with scholarship. Indeed it is the profound role of scholars of mass violence to leverage power to underscore unattended suffering, especially under organized, co-ordinated attacks on vulnerable groups.⁵⁴ The situation of Banyamulenge communities in South Kivu has certainly been framed as such: highlighting victimhood as a result of ethnic targeting.⁵⁵ Whilst this is a prominent factor of violence impacting this group, much of the scholarship leaves in a void Banyamulenge armed groups creating vi-

52 For example, see Kieran Mitton, *Rebels in a Rotten State: Understanding Atrocity in Sierra Leone* (Oxford: Oxford University Press, 2015), pp. 94–100.

53 Meiches, Benjamin, 'Speaking of Genocide: Double Binds and Political Discourse,' *Genocide Studies and Prevention: An International Journal* 11. 2 (2017), 36–52; Tony Barta, 'Liberating Genocide: An Activist Concept and Historical Understanding,' *Genocide Studies and Prevention: An International Journal* 9. 2 (2015), 103–119.

54 Alexander Laban Hinton, 'Critical Genocide Studies,' *Genocide Studies and Prevention: An International Journal* 7.1 (2012), pp. 4–15; Daiyu Suzuki & Edwin Mayorga, 'Scholar-Activism: A Twice Told Tale', *Multicultural Perspectives* 16.1 (2014), 16–20.

55 *Genocide Watch*, 'Genocide Emergency: The Democratic Republic of the Congo', August 2022 <https://www.genocidewatch.com/_files/ugd/b8876a_595e497980384480b85f11b059c24450.pdf> [accessed 6 December 2022].

olence, competition around land as resources, and the historical roots of 1990–2000s conflicts behind both armed groups and claims to land.⁵⁶ Furthermore, my own research has raised the overlapping complexity of perpetrator and victim experiences. Banyamulenge soldiers, in the 1990s as RPF veterans and new AFDL recruits, led and participated in attacks on Rwandan Hutu refugees as *genocidaires*, and carriers of a deleterious ideology. The Mapping Report further documents massacres carried out by this group and its allies during the Second Congo War.⁵⁷ Such violence is discretely acknowledged in private conversations by Banyamulenge actors, but not addressed in coherent historical, transitional justice discourse about conflict in South Kivu between Banyamulenge armed groups and communities, and many others in the province.⁵⁸

In doing this research, I have conducted fieldwork across various diaspora and in-country spaces from the UK, US, Kenya, Rwanda and Congo about and with Banyamulenge actors. The process of fieldwork has relied on a growing network of community-based researchers, and snowballed contact and participants. Research has been carried out with two field-based research assistants who also act as translators and guides. Most interviews are conducted in either English, French, Kinyarwanda, Lingala, or Kiswahili; many interview participants switched between languages for ease of speech. At the time of writing this article (early 2024), over 50 interviews have been conducted mostly with former or current combatants.⁵⁹ Interviews were semi-structured around biographical questions, providing space for detail where participants felt comfortable doing so, or had the recollection of 1990s events to the present. The questions were based on an interdisciplinary literature review and limited existing accounts prior to fieldwork and have not changed significantly from 2017 to the present.⁶⁰ We met with most participants twice, with many interviews lasting over several hours.

56 Verweijen and others, pp. 12–14.

57 OHCHR, pp. 164–212.

58 In various in-field conversations on social media and in person among the US and Kenya-based diaspora and in Congo itself this hidden participation has been discussed.

59 This total does not include participants interviewed as part of the Gatumba Survivors Project, see footnote 65.

60 This literature included key works on conflict in the African Great Lakes region, particularly formative were accounts of and about Banyamulenge soldiers in the Mapping Report and Jason Stearns' *Dancing in the Glory of Monsters: The Collapse of Congo and the Great War of Africa* (Public Affairs, 2012).

Ethical dilemmas of researcher privilege were ever present and expressed themselves in occasional expectations of compensation for sharing information, or additional requests for support during or after the interview.⁶¹ Accompanying these requests was the (disappointed) expectation that as a researcher I would have reach and impact to speak on the group's behalf to the international community. For many, my acknowledgement or agreement that a genocide against the group was taking place was key for earning trust. To be transparent, I shared my thinking that this violence over a long period can be considered a genocide, on various occasions in community meetings and private conversations, but this obfuscates the multidirectional nature of conflict and mass atrocity in Congo.⁶² Despite the apparent clarity of this statement, situating myself in the scholar-activist continuum in the process of doing this research was challenging. Access to participants and diaspora events often hinged on the perception of my position being sufficiently in line with an organization's goals (including that of Twirwaneho) of genocide recognition and retributive justice. During recent fieldwork about First Congo War attacks on Rwandan Hutu refugees, a member of the US-based Banyamulenge diaspora published a well-read blog post about me as a 'negationist' and 'revisionist' not only of the 1994 Rwandan Genocide Against the Tutsi, but also of genocidal violence targeting Banyamulenge. This had a chilling effect on ongoing conversations with Banyamulenge communities.⁶³

At the outset I sought to find a story of perpetration about the attacks on Rwandan refugees in Congo (1996-1997). I aimed to retell this set of stories from the eyes of Banyamulenge soldiers as perpetrators and victims and of this period. Although both kinds of experiences have currency for my participants, I found a richer set of narratives articulating the subjectivities of genocide and self-defense. I found violent relations that stretched across Congo, Rwanda and the region itself. Soldiers, as my core group of participants, moved from ending geno-

61 My decided policy was to compensate for travel or meals if the interviews were taking place after hours of employment or over usual mealtimes.

62 See as an example this talk given in 2021: Christopher P. Davey, 'Gatumba Memorial 2021 Keynote', *Chris Davey*, 7 February 2024 <<https://chrispdavey.blogspot.com/2024/02/gatumba-memorial-2021-keynote.html>> [accessed 16 July 2024].

63 Paul Kabudogo Rugaba, 'Christopher Davey le négationniste-récidiviste du génocide contre les Tutsis dans la région des GL', *Campaign for Peace DRC*, 18 July 2023. <<https://www.campaignforpeace-drc.com/post/christopher-davey-le-n%C3%A9gationniste-r%C3%A9cidiviste-du-g%C3%A9nocide-contre-les-tutsis-dans-la-r%C3%A9gion-des-gl>> [accessed on 16 July 2024]. This article prompted behind the scenes debate in Banyamulenge WhatsApp groups about my research agenda.

cide in Rwanda to perpetration in Congo, and continued involvement in ongoing multidirectional conflict since. Raised in this fieldwork by participants was positionality in connection to the litany of mass violence in Congo, the owning of genocide, and dealing with pre-judicial atrocity. The following analysis of these recurring themes highlights the dividends of taking a subjective, interpretive approach to perpetration. This is intended as the main contribution of this article to perpetrator and genocide studies.

Owning Genocide

This juncture appropriately brings me to the first field-based observation I encountered researching perpetration in Congo. As noted above, there are varied competing claims on genocide across a variety of fault lines. My phrasing of owning genocide means a group's claim, expressed by implicated actors as victims or survivors, of genocide as exclusive and simplified narrative (populated only by perpetrators and victims), shredding the context of multidirectional conflict. Victimhood is often underscored, even made authoritative, by implying or asserting an exclusive ownership of genocide through hierarchies of suffering in Congo and elsewhere. Acute then in multidirectional settings is the negotiation and competition when broader suffering is claimed on the part of one group and drawn away from another. This is not a new problem in Holocaust and genocide studies,⁶⁴ but one that is particularly problematic in Congo, and especially in my fieldwork with Banyamulenge soldiers and other actors.

Appeals to Holocaust tropes are found across historical literature and popular media. Unsurprisingly, they also appear in survivor discourse beyond the Holocaust and ongoing accounts of violence, including the interviews and field research I conducted.⁶⁵ A particularly demonstrative meme appeared on Twitter in 2021 as dual image recitation of genocidal tropes. It recirculates on social media around peaks of violence against Banyamulenge displaced persons and communities.

64 A. Dirk Moses, 'Who counts as victim?' *Aeon*, 10 May 2021 <<https://aeon.co/essays/the-pantomime-drama-of-victims-and-villains-conceals-the-real-horrors-of-war>> [accessed 16 July 2024].

65 Anne Rothe, *Popular Trauma Culture: Selling the Pain of Others in the Mass Media* (New Brunswick, NJ: Rutgers University Press, 2011). A handful of participants, especially the more politically astute linked Banyamulenge self-defense to the conduct of Israeli domestic and foreign policy when dealing with enemy states and terrorism (prior to 2023).

On top is an infamous image of a killing site exhumation in Poland, labelled, 'Nazi Germany in 1945 against Jews'.⁶⁶ On the bottom is a photo from early 2021 where Banyamulenge men were gathered into a pit without their rubber boots on and guarded by local opposing militia forces, with the caption 'DRC in 2021 against Banyamulenge' (see Figure 1, Appendix). It was later confirmed that the dozen or so men in the pit were later released.⁶⁷ The symbolic appeal and representation of suffering in this image is intended as a provocative activist tool to highlight suffering of the group, whilst obfuscating the roots and causes of violence in the province. This strategic use of Holocaust imagery partially meets Rothberg's definition of multidirectional memory. Yet, this use decontextualizes an ongoing conflict, decreasing potential for solidarity in Congolese memory making. Based on my observations of the deployments of this meme, posted in English, both in 2021 and subsequently, the intended audience was both intra-group as a form of limited solidarity and confirmation of victimhood, as well as for sympathetic Global North audiences. This search for legitimacy as a victim group is sought through appeal to familiar imagery.

The sentiment raised and repeated with each reposting of this meme is that of claiming ownership of genocide as a totalizing and depoliticized form of suffering by a targeted group. Throughout the interviews I have conducted with Banyamulenge refugees, soldiers, and political activists, this claim has been made with a collective sense of uniqueness. Many participants expressed this dynamic through asserting the long-term and persistent nature of violence against Banyamulenge communities. I observed another instance of this mobilization of Holocaust memory at a memorial of the Gatumba massacre – a massacre that took place in 2004 where 166 Banyamulenge refugees were specifically targeted in a Burundian refugee camp by Burundian and Congolese armed groups.⁶⁸ At the memorial, a church service held in the US, I observed a young man in this diaspora community, someone who had been born in the US, but still impacted by violence. He wore a black hoodie with green text marking out specific years where violence had occurred from the 1960s up to the present, including the Rwandan

66 The original photo can be found in the Yad Vashem collection online <<https://collections.yadvashem.org/en/photos/39150>> [accessed 17 July 2024].

67 Author correspondence over social media.

68 For more on this incident, its memorialization, and meaning see the Gatumba Survivors Project, hosted on Digital Commons at Clark University here: <https://commons.clarku.edu/gatumba/>. This collaborative community-based project collected survivors' testimonies alongside an explanatory essay.

genocide in 1994. Each year was followed by the slogan ‘never again’.⁶⁹ The twinning of Banyamulenge experiences as Tutsi with the Rwandan genocide, and through popular tropes to the Holocaust is central to exceptionalizing violence by comparison.

In correspondence with another participant over the course of a few years, our conversation frequently returned to the question of uniqueness and the claim of genocide. To this person, a former RPF informant during the First Congo War, there was a context for violence against Banyamulenge communities, but the violence itself was more consequential, ‘. . . as we know ethnic identity crisis is older than the two wars. It is hard to link Banyamulenge victimization with broader issues. I don’t even agree with [Severine] Autesserre that Banyamulenge joined the RPF because of their local grievances. I was involved in the movement as a young person, most of us had other reasons.’⁷⁰ This linked with their earlier observation about the context of unique Banyamulenge targeting, they added ‘there is no such thing as “complexity” in the DRC crisis. And it is not “us versus them” or a story of “tribes killing each other”. There is a broader crisis and there is a story of hatred against the Banyamulenge. Everything has been a consequence of that. Academics try too much to be too objective in the DRC affairs. That is itself a subjective stance.’⁷¹ This was an indictment of my position in our conversation around the notions of complexity and context. Do they subsume group identities and experience around suffering? What was clear from our conversation was the pivotal nature of the Banyamulenge experience of genocide as an ordering principle for how to see Congolese conflict.

I found sensing context and subjectivity a productive analytical response to such claims.⁷² The subjectivity of owning genocide can highlight, in valuable ways, the multidirectional nature of violence in the country and region. For Banyamulenge actors, supported by Global North politicians and activists, a genocide narrative is used to frame ongoing displacement, attacks on cattle as livelihoods, homes, and individual acts of violence.⁷³ The perpetrators of this violence are identi-

69 Field observations, Dallas, Texas US, August 2021.

70 Author correspondence in 2022. See Autesserre, 2012.

71 Ibid., 2021.

72 Davey, ‘A Soldier’s Journey’, p. 12551.

73 See a recent example here in a House Resolution discussing violence in Congo as predominantly anti-Tutsi, *House Resolution Condemning all acts of violence, oppression, and abuse against ethnic minorities in the Democratic Republic of the Congo*, 1 February 2024, <<https://www.congress.gov/bills/118th/congress/house-resolution/991/text>> [accessed 16 July 2024].

fied as a broad populist coalition of anti-Tutsi actors, including neighboring communities, local militias, foreign armed groups, the national military, and national level politicians using populist anti-Tutsi sentiment. This ascribed coalition of enemies is believed to be coordinating attacks to remove Banyamulenge villages and families based on ethnic hatred and enrichment of property.

A then Nairobi-based Twirwaneho armed group fighter described the long-running, but escalatory violence Banyamulenge are targeted using the imagined words of their perpetrators, 'today we have taken the cows, tomorrow we come to burn your homes'.⁷⁴ This succinct statement summarized for the former soldier his narrative of systematic violence against his community going back to the 1960s from the present. He went on to articulate the 'self-defense' mission of the armed group he had been part of. It was to prevent the coalition of the enemy, in the front (the FARDC) and in the back (other local militias).⁷⁵ He concluded, 'we will continue to fight until the international community comes to stop the genocide'.⁷⁶

This ownership of genocide interlocks with counter claims by other Congolese communities lumping together Congolese Tutsi as an enemy associated with multiple Rwandan invasions and sponsoring of armed groups. This includes the return of the M23 in 2017, which is more pronounced since the group's military victories in 2022 and 2023 across North Kivu. Connecting massacres of Hutu refugees in the First War, millions of Congolese in the Second War, and the ongoing attrition of instability in the East as genocides, activist and popular narratives cast Tutsi as perpetrators, regardless of the complex dispersal and political positionality of Tutsi throughout the region.⁷⁷ Many Banyamulenge actors I have spoken with find Rwanda's involvement in the region through the M23 or previously in the late 2010s Burundian group RED-Tabara to be problematic at best, and complicit in genocidal targeting

74 Author interview, Nairobi, Kenya, January 2022. Twirwaneho is a conglomeration of Banyamulenge affiliated armed groups led by mutinied FARDC officers currently active in eastern DRC.

75 Ibid.

76 Ibid.

77 Al Jazeera, 'How will DR Congo defeat rebels in the east? Inside Story', 1 November 2022 <<https://youtu.be/01ooZWZeqY?si=7t7UkvtfUb7Kw3Rg>> [accessed 16 July 2024]; Felix Mukwiza Ndahinda and Aggée Shyaka Mugabe, 'Streaming Hate: Exploring the Harm of Anti-Banyamulenge and Anti-Tutsi Hate Speech on Congolese Social Media', *Journal of Genocide Research*, (2022), 48–72; *The Insecure Livelihoods Series*, 'The Great Lakes Region: Regional solutions to regional problems', Governance in Conflict Network, December 2023, 46–49.

of Banyamulenge at worst.⁷⁸ Kigali engages in supporting compliant pro-Tutsi armed groups, and disrupts regional security through supporting armed groups attacking Banyamulenge communities. Some do also favor M23 acts as self-defense and self-determination. During recent fieldwork in the region in 2023, it was apparent that fractures between anti/pro-Kigali elements in the Banyamulenge community continue to rupture in the context of persistent action by the M23.⁷⁹ Within this division groups and individuals find nuanced positions. For example, the core US-based, but internationally connected Banyamulenge diaspora organization, Mahoro Peace Association, is home to a variety of approaches to how genocide is used in the region.⁸⁰ I understood that no ethnic group exhibits a uniform array of political allegiances.

The ownership of genocide in these ways provides a challenge for addressing field interviews in accepting the subjectivity of competing claims as an interpretive mode of processing trauma, targeted mass violence, and grief. Such expressive ownership of genocide often consumes narratives. Not accepting these narratives and challenging their factual basis and raising the multidirectionality of decades of conflict can be seen as a breach of trust between participant and interviewer. Certainly, there is a rich subjectivity and exploration of narratives to be made here. However, the contiguous nature of participation and perpetration is masked behind this kind of narration. Early on in my fieldwork, expectations of what I was going to come away with as data were disrupted by this narrative. Recognizing the subjective realities of research on the ground in Congo was a sharp learning curve for me.⁸¹

A genealogy of politics also comes into play here. Banyamulenge soldiers who have been active since the 1990s were trained by the RPF, both ideologically and materially, and create a subaltern narrative of the final preventers of genocide through the use of force in the face of international inaction. This narrative was passed through to AFDL and

78 This Burundian rebel group is confirmed by the UN to have been sponsored by Kigali, see United Nations, 'Final report of the Group of Experts on the Democratic Republic of the Congo', S/2019/469, 7 June 2019, p. 20

79 The last two UN Group of Experts on the DRC report have also highlighted these divides, commenting on Banyamulenge armed group and political actor facilitation of M23 recruitment from South Kivu, see <https://www.ohchr.org/en/hr-bodies/hrc/kasai-region/index>.

80 This example was highlighted by an anonymous reviewer of this article and is discussed further as a chapter of my forthcoming book based on ethnographic work on the Mahoro Peace Association, Davey, *The Banyamulenge Soldier*.

81 Lee Ann Fujii, 'Shades of truth and lies: Interpreting testimonies of war and violence', *Journal of Peace Research*, 47, 2, (2010), 231–241; Vogel, p. 24.

RCD actors, and can be seen in the narratives of teenagers recruited into current Banyamulenge groups like Twirwaneho. In interviewing these younger, most recent recruits and comparing narratives from earlier 1990s recruits there is a stark uniformity in the explanation of violence as genocide and the necessity of self-defense and winning peace through violent conflict, similar to that described by the above soldier.⁸² This can be characterized as a networked narrative derived and perpetuated from early RPF training.⁸³ Ownership of genocide and subaltern positionality are key then to continuing fighting and recruitment of more bodies into the battle.

The outcome of owning genocide where complex, multidirectional violence is ongoing is the fracturing of the political, social, and economic contexts of violence. Down to the actor level this means unpeeling in each case the nature of implicated subjects, from the subscribed victim, to alleged perpetrator, and researcher. This is not to be confused with victim blaming,⁸⁴ but it is an appeal to seeing violence from multiple angles, and the agencies therein. This call for analysis is about analyzing interactions of narratives, identity and action in the multidirectional context. Indeed, the underlying product of my research has been to isolate the agencies and relations that participant as self-identified victims have played in Congo's and regional multidirectional conflicts. The inherent subjectivity of owning genocide needs to be interrogated as interpretations of collective violence, as well as narratives of such that hold political value for stimulating intervention and broader international support. This search for legitimacy comes in both establishing victimhood and recognition as political actors denied human rights.⁸⁵ Frequently, both seem to demand an obfuscation of the subjective and multidirectional.

82 Author interview, Nairobi Kenya, January 2022.

83 Davey, 'A Soldier's Journey', pp. 12557-12559

84 Sandra Walklate, 'Victimology and genocide: Neglected Stories?', in *Genocide and Victimology* ed. by Yarin Eski (London: Routledge, 2021), 32-35.

85 Delphin Ntanyoma, 'The Banyamulenge: how a minority ethnic group in the DRC became the target of rebels - and its own government', *The Conversation*, 13 March 2023 <<https://theconversation.com/the-banyamulenge-how-a-minority-ethnic-group-in-the-drc-became-the-target-of-rebels-and-its-own-government-201099>> [accessed 16 July 2024].

Pre-judicial Atrocity

Building on the dialectic politics of murky and crystal-clear narratives and actors is the problem of unravelling the who, how and why of perpetration of mass violence in Congo. In this section, I explore the problems facing researchers who might approach mass violence outside of a judicial framing. Fundamentally, the absence of judicially established narratives of conflict and widespread impunity condition relations across all actors. Much perpetration and atrocity literature orients around transitional justice or larger mechanisms of prosecuting perpetrators. Crucial works in the study of perpetrators rely on post-judicial subjects, as convicted perpetrators.⁸⁶ In the cases of Congo, and with other recent genocidal conflicts, such as Syria, Yemen, and Ethiopia, perpetrators are often actors with positionality in multidirectional violence.⁸⁷ This leaves researchers observing something beyond the relative tidiness of judicial identification of perpetration in its structures, leadership, and organization.⁸⁸ Thus researchers are thrust into the politics of an ongoing conflict.

Even more so in the case of Banyamulenge and other Congolese Kinyarwanda-speaking groups, perpetration is entangled with claims of owning genocide and ongoing conflict where acts of violence between and against groups sharpen discourse and crowd out critical analysis. In the Congolese context, no judicial mechanism has been pursued to establish accountability for past crimes of groups, making impunity a sustaining feature for armed groups, rebellions, and even the FARDC. The earlier quoted participant's response to the Mapping

86 Christopher Browning, *Ordinary Men: Reserve Police battalion 101 and the Final Solution in Poland* (Harper Collins, 2013). The primary source base in this book is supplemented with personal accounts of 101 policeman including diaries and letters. See also examples in Rwanda and Cambodia, respectively, Scott Straus, *Order of Genocide: Race, Power and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006); Alexander Laban Hinton, *Man or Monster: The Trial of a Khmer Rouge Torturer* (Durham, NC: Duke University Press, 2016).

87 René Lefort, 'Ethiopia's war in Tigray is "but the tip of the iceberg when it comes to conflicts ravaging the country"', *The Africa Report*, 30 April 2021, <<https://www.theafricareport.com/84350/ethiopias-war-in-tigray-is-but-the-tip-of-the-iceberg-when-it-comes-to-conflicts-ravaging-the-country/>> [accessed on 31 January 2023]; A. Dirk Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge: Cambridge University Press, 2021), pp. 25–26; Christopher Phillips and Morten Valbjørn, 'What is in a Name?': The Role of (Different) Identities in the Multiple Proxy Wars in Syria', *Small Wars & Insurgencies*, 29.3 (2018), 414–433.

88 This positionality is clearly not straightforward given the fraught nature of post-conflict scenarios, see 'Introduction', in *Perpetrators of International Crimes: Theories, Methods, and Evidence*, ed. by Alette Smeulers, Maartje Weerdesteijn and Barbora Holá, pp. 1–10 (p. 3).

Report intended to cast doubts on this documentation being a reliable, moreover a widely accepted guide for justice. Such logic reinforces the perpetuation and currency of impunity.

In this vein of table turning, most participants invoked the vagaries of open warfare during the Congo Wars and present violence to obfuscate their own participation in conflict. The fog of war is not an uncommon claim, even by those on trial or convicted of mass violence and genocide.⁸⁹ However, this situation proffers a conundrum for perpetrator research. When asked about violence reportedly committed by the RPF, AFDL, RCD, and other groups down to Twirwaneho, my participants diverged in their responses based on their proximity to violence. Most soldiers spoke of being in places of violence targeting civilians and following orders of senior, and often Rwandan officers, or casting refugees and civilians as associated with anti-Tutsi *genocidaires*, and therefore carriers of 'genocide ideology'.⁹⁰ This term had significant currency for most Banyamulenge actors, especially those trained and armed by the RPF back in the 1990s.

How can pre-judicial investigation of perpetration create challenges for researchers? This issue is twofold. First the absence of a broad, accepted narrative arc from the local or national and international context allows for maximizing armed actors' situational contingency and masking of violence. Further out of reach are then the nuances of multidirectional conflict, and the nature of armed actors using massacres while making claims of self-defense. State absence and capture, and volatility of such relations in eastern Congo make for difficult circumstances at best. An attempt has been made at a popular tribunal, combining documentary evidence and theatre through the modality of the courtroom. Yet, this short event focused more on the involvement and accusations toward multinational corporations, NGOs, and the UN mission.⁹¹

Second, the muddiness of this first issue blends into legitimating narratives of killing as self-defense. This is a normative and empirical problem. How can accounts of violence, from different parties be assessed and accounted for by implicated subject-researchers who are

89 Various authors in Anderson and Jessee (2020) speak to this phenomenon across a range of cases in both judicial, and post-judicial contexts.

90 Davey, 'A Soldier's Journey', p. 12562.

91 *The Congo Tribunal*, dir. by Milo Rau (Fruitmarket and Langfilm, 2017); Barbara Besendorfer, 'The Real and Reality in Milo Rau's *The Congo Tribunal*', *focus on German Studies*, 27 (2020), 136-160.

often a source for journalists and even the construction of legal prosecution? I am thinking here of the challenges discussed earlier, around the expectations and mobilizations of the scholar-activist continuum. Navigating narratives inevitably demands researchers to consider what is truth, regardless of how much we might honor the rich subjectivity of such cases of mass violence.

Turning back to the Mapping Report, and its use as a framework for my initial research in Congo, I found very few participants were willing to accept 1996-1997 attacks on Rwandan Hutu refugees as mass violence, genocide, or even acknowledge their perpetration. The empirical problem here was that when confronted with my relaying of evidence in the report, participants turned subjectively to their own suffering and need for self-defense in removing *genocidaires* from Congo. One former soldier, when discussing comparisons of genocide in 1994 Rwanda, and the First Congo War he fought in, immediately drew a connection between the Banyamulenge experience to that of 1994 Rwanda, 'For Banyamulenge it is absolutely similar to what took place in Rwanda, the Banyamulenge were hunted from caves and everywhere and the orders come from above'.⁹² This participant further discussed how such a label of genocide, as suggested in the Mapping Report, could not apply to the 'Banyarwanda' (referring to Rwandan Hutu refugees), stating, 'What happened in Rwanda is a genocide but what took place in Congo was a war, so there are people who say they just dramatize the situation but the fact is it cannot be compared to what happened in Rwanda'.⁹³ In this case a participant relied on the post-judicial clarity of genocide (in Rwanda) to identify the pre-judicial murkiness of war (in Congo) along with the ownership of genocide through ethnic association.

There is a caveat to this argument for deploying subjectivity in approaching pre-judicial atrocity. As discussed earlier with Onana's intervention, post-judicial atrocity understandings are not devoid of contestation, despite being situated as more established, legally and historically speaking. The case of the FDLR demonstrates this limitation. The broad claims of genocide made by this group have not evaporated despite decades of research and proceedings. Yet, this is why a multidirectional perspective is so crucial to contested cases, pre- and post-judicially speaking. The claims made by the FDLR range from those shifting the 1994 genocide into a war and even a Hutu genocide.

92 Author's interview, Bukavu, November 2017.

93 Ibid.

As a descriptor the latter can be seen in the attacks on refugee camps by the RPF and AFDL (not in 1994), where the Mapping Report and my own ongoing research states there is a case for the targeted destruction of Hutus during the First Congo War period.⁹⁴ Understandings of pre-judicial atrocity and multidirectional conflict are necessarily interactive and should be viewed as such by the researcher.

What can be done in the face of such circumstances? Certainly, cross checking and verifying through humanitarian reporting is important. Utilizing geographic locations as nodes, categorical sites of violence (i.e., camps or killing zones), and narratives from across communal groups offers clarity to the exactness of what happened where and when. These details must frame the subjectivity of violence committed, as well as the “whys” from the perspective of armed actors. Yet, researchers in their small numbers can or should not create single handedly, through some misguided white savior complex, a single unifying narrative of multidirectional violence, especially in places like Congo.⁹⁵ The challenge of examining pre-judicial atrocity demonstrates the limits of perpetrator research, and the relatively productive situatedness of judicial and post-judicial research done in archives, court rooms, or with convicted perpetrators. In the pre-judicial realm, the positionality of subscribed victimhood in perpetration research is similarly problematic. As noted earlier, centering agency for ascribed or subscribed victims is paramount. A middle ground between structure and agency framing of perpetration, even implicatedness, offers a more helpful grounding. Seeing the forming and reforming of social worlds by actors can help shape understandings of how, for example, actors build institutions that shape choice.⁹⁶ Furthermore, it demonstrates the potential of a “survivor” identity label in place of overly clear-cut perpetrator or victim. The latter two having significant currency in legal and activist discourse rather than in more gray-zone attentive social science, or even for communities who have experienced such violence. The case of Congolese Tutsi in various circumstances (whether a targeted civilian, diaspora members, or an M23 or Twirwaneho fighter) demonstrates the multidirectionality in a narrative of

94 Meredith Woodward King, ‘Guggenheim Scholars seek to uncover decades-old stories of Rwandans fleeing violence in Congo’, *ClarkNow*, 1 June 2023 <<https://clarknow.clarku.edu/2023/06/01/guggenheim-scholars-seek-to-uncover-decades-old-stories-of-rwandans-fleeing-violence-in-congo/>> [accessed on 16 July 2024].

95 Vogel, pp. 16–18.

96 Davey, ‘A Soldier’s Journey’, pp. 12550–12552.

genocide and engagement in violence as can be best described as active survivorhood.⁹⁷ They are at once active agents in a conflict claiming victimhood and acknowledged as perpetrators.

Conclusion: Seeking Subjective Ways Forward

This article focused on research carried out with Banyamulenge soldiers as actors in the perpetration of mass violence, their claims of self-defense, and victimhood that touch on many of the listed multidirectional cases. These soldiers serve as an archetype of the stories of multidirectional mass violence in Congo. The conceptually difficult yet rewarding nature of this fieldwork is that it provides insight into the question of the “owning” of genocide as a source of legitimacy in a complex, layered, long-term involvement in conflict. Additionally, the challenge of investigating and describing such violence prior to a broad international or national consensus about responsibility and accountability for these crimes constitutes as another key problem. The pre-judicial nature of these atrocities impacts the positionality of research participants in how they frame their own story, without the encumbrance of internationally or court imposed/constructed narratives. There is, however, an additional problem, not addressed extensively in this article, of how various levels of historical consensus are reached, and what the role of conflict researchers is in facilitating such narratives. Importantly, while there is capacity for multidirectional memory in Congolese spaces at home and in the diaspora, the practices I have addressed as part of a multidirectional conflict impede visions of justice and solidarity, and thus meaningful peacebuilding.

Furthermore, current narratives seem to single out Banyamulenge soldiers, refugees, and civilians as Rwandan perpetrators in Congo, citing the litany of claims to genocide and mass violence. The label of genocide is certainly applicable to the long-term experience of Banyamulenge communities but must be seen through the complexity of regional targeting of Tutsi across the twentieth and twenty-first centuries, alongside the multidirectional participation of Tutsi actors like Banyamulenge soldiers in creating violence. These cases highlight the comparative saliency of crimes against humanity for the purpose of

97 Rebecca Patterson-Markowitz, Elizabeth Oglesby, Sallie Marston, “Subjects of Change”: Feminist Geopolitics and Gendered Truth-Telling in Guatemala, *Journal of International Women's Studies* 13.4 (2012), 82–99.

identifying violence as opposed to the limitations of genocide. A final question resulting from this discussion and consideration of troubling field engagement is that of agency and roles in administering labels of suffering.⁹⁸ When and where is this the domain of scholars, courts, survivors, politicians, and activists, and if so, how is competition between these actors and parties on the ground of multidirectional conflict to be considered?

This article offers a case study to complement the growing literature on reflexive fieldwork in current and post-atrocity contexts. Analytically, I suggest that critical reflection is required, particularly within genocide studies, with respect to participant situatedness in multidirectional conflict. Seeing and examining subjectivities is crucial, and it can be done through engagement in observations like the ones sketched above, of how ownership of the experience of genocide is constructed and demonstrated in narratives and networks among research participants. Subjectivities can also be observed in actors' approaches to pre-judicial atrocity through ethnographic and other in-depth qualitative forms of research. Paying attention to how participants in conflict or even genocide see themselves analytically or narratively engage in multidirectionality is a necessary level of this criticality.

Unravelling these two not exclusively Congolese specific issues cannot be done in a single piece of writing. However, identification of these challenges is necessary, as the adage goes, early and often. Seeing multidirectional conflict is key to addressing the challenges encountered in this fieldwork. Embracing this interpretive lens is crucial to perpetrator and genocide studies.

98 Weiss, Grassiani and Green, *The Entanglements of Ethnographic Fieldwork in a Violent World*.

Appendix



Nazi Germany in 1945 against Jews



DRC in 2021 against Banyamulenge

Figure 1: An image found across various Twitter posts in 2021.

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Christopher P. Davey holds a doctorate in Peace Studies from the University of Bradford. His research focuses on identity, narrative and emerging perspectives on genocide, and includes fieldwork with Banyamulenge soldiers in central Africa and the diaspora. He is a Visiting Assistant Professor of Genocide Studies at Binghamton University's Institute for Genocide and Mass Atrocity Prevention, a current Harry Frank Guggenheim Distinguished Scholar, and a research scholar with Clark University's Strassler Center for Holocaust and Genocide Studies.