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	<i>Pour un Peuple Réconcilié dans un Etat de droit ; For a Reconciled People in a Rule of Law ; Duharanire Ubwiyunge bw'Abanyarwanda mu Gihugu cyubahiriza Amategeko;</i>	

## THE INTERNATIONAL FORUM ON CONFLICTS: RESOLUTION, PREVENTION AND RECONCILIATION

### **The conflicts in the Great Lakes region, Rwanda constitutes the principal hotbed of instability in the region**

It is our very considered view that the underlying factors to the present conflict are the following: impunity, bad governance, gross abuses of political and civil rights, absence of the rule of law that people had to take the law in their own hands to defend themselves. For the case of the Great Lakes region the problem of impunity and the expansionist policies of the military junta cum civilian regime in Rwanda has compounded the problem, costing more than an estimated 6 million lives, almost the combined population of the Republic of Ireland and Scotland.

It is now a reality that the hot bed of regional instability, which led to what came to be termed by some as the first African world war, is the military regime in Rwanda.

While all of us rightly condemn the genocide that has been committed in Rwanda, troubling and compelling evidence is emerging on the role played by the Rwandese Patriotic Front, now in power in Rwanda, in this horrendous crime, by deliberately creating an explosive environment for the genocide to take place and pulling the trigger by carrying out a terrorist act of shooting down a civilian aircraft carrying two Heads of State of Rwanda and Burundi and their top aides including ministers.

The following evidence may be worth considering pointing to the criminal and terrorist behaviour of the group in power in Kigali.

- The testimony given by Professor Philip Reytnjens, expert on the Great Lakes, on the 13 October 1997 when he appeared at the International Criminal Tribunal for Rwanda in Arusha, appearing for the prosecution in the case of Georges Rutaganda. He revealed among other things that when he put to the leadership of the RPF that a Tutsi led invasion would put the Tutsi inside Rwanda in great danger it retorted “ one cannot eat an omelette without breaking eggs”.
- General Dallaire, commander of the UN troops in Rwanda says in his book “ kissing the hands of the devil” that when he asked Paul Kagame to go directly to Kigali to stop massacres of Tutsi, he was told that that if it is the price that has to be paid then those Tutsi have to pay it. In his testimony at the International Tribunal for Rwanda this year he also revealed that the RPF never wanted to share power with hutu. It wanted to establish Tutsi power.

- The testimony by Colonel Marechal, commander of the Belgian contingent in the UN troops in Rwanda that the RPF had so much intelligence that it knew the risk that weighed on Tutsi if the assassination of President Habyarimana took place.
- The testimony of former member of inner circle of the RPF including Mugabe, Ruzibiza pointing to the responsibility of RPF in the assassination of late President Habyarimana in full knowledge of the consequences
- The report of the internationally respected anti terrorist judge Burguière
- The opposition of the RPF for the intervention of an international force to stop the massacres for fear it would stop its way to total control of power. [Réf. :“*United Press International May 23, 1994, Monday, BC cycle; AFP; AP; Le Monde du 4 mai 1994 B7Reuter; Copyright 1994 Caledonian Newspapers Ltd. The Herald (Glasgow) May 18, 1994*”)].
- The marginalisation of the survivors of genocide, whom the regime claims to have come to save. A good number of the prominent ones have fled for their dear lives.
- Its role in creating insecurity and ethnic tension by among other things using the displacement of people (predominantly Hutu), one million people on the eve of the resumption of war, as military strategy, assassination of Hutu leaders and Tutsi in some areas to exacerbate ethnic tension etc. With a hind sight one could not fail to conclude that criminals from government side that were responsible for the killings in 1994 were strategic allies of the terrorist RPF leadership, which tries cynically to position itself as the guarantor of Tutsi survival in the region.
- The massacre of estimated 200,000 Hutu refugees and Congolese civilians (it is estimated now that more than 3.5 million Congolese have died since 1996 when the armies of Rwanda, Uganda and Burundi invaded Congo). .

It is crucial to understand how the regime had not only created instability in the region but also made the Tutsi the target of popular anger. The international community is indirectly contributing to this ethnic polarisation by refusing to prosecute those who are responsible for crimes committed by the RPF leadership and watching helplessly the plunder of Congo resources by a criminal gang with international connections. We are very afraid that such a situation could easily be exploited to sow seeds of hatred in the region by those who would allege that the international community considers some groups more important especially if they look at the numbers of people who have been killed. For the ordinary people do not consider the legal definition of crimes but the numbers. They want to see justice done irrespective of the colour, ethnic and political affiliation of the culprit.

It is clear that the instinct of political self-preservation and economic survival will dictate to the regime in Rwanda to carry a repressive policy and territorial conquest. The only protection from prosecution and accountability is to hang on power and maintain instability in the region and particularly remaining in the DRC to keep its military busy and to loot to keep the military top brass rich and happy. Total demobilisation is a big threat to its regime.

The RDR is convinced that the security problem of the Great Lakes region will not be resolved until the Rwandan problem is tackled headlong. The policy of appeasement towards the military junta in Rwanda calls to mind the policy toward Hitler in the run up to the Second World War and will only prolong the agony of the people of the region, making peace and reconciliation more elusive.

We think that the following issues need to be addressed as a prerequisite for peace and stability and economic development in the Great Lakes region:

## **Impunity**

The clique in power in Kigali includes those who were responsible for atrocities committed in Uganda where they were working in the military intelligence (Paul Kagame, Colonel Nziza Jackson, Colonel Patrick Karegeya etc.) or as military commanders in Northern and Eastern Uganda. This criminal gang is doing the same dirty job in Rwanda in the DRC and Burundi.

I would like to recall that the RPF took power by force of arms at the end of a bloody war that cost millions of innocent civilian lives. It is estimated that more than 3 millions Rwandans lost their lives in the war that RPF to power. The co-responsibility of RPF in this tragedy is an open secret. People have now come out to testify over this horrible crime. One of the deserters of RPF is very clear about the role of RPF. *"I can confirm that RPF carried out massacres against people from all ethnic groups to cause anarchy and thus justify its bid to power, even this decision meant the extermination of a whole ethnic group"*. (cfr.: Lt Abdul Ruzibiza, Sunday 14-03-2004).

The RPF is not only responsible for the massacres in areas in the north of the country under its control before 1994, but also of large scale massacres, including internally displaced people, all over the country during the war to seize power, e.g. massacres of an estimated 8000 in Kibeho camps in April 1995.

The same policy of indiscriminate killing continued evens after taking power in July 1994 and has now been exported to neighbouring countries. Former RPF members who tried to flee were hunted down and assassinated. One may mention late Seth Sendashonga former Minister of internal affairs and Colonel Théoneste Lizinde both assassinated in Nairobi Kenya where they had taken refuge. One may add the attack on refugee camps and massacre of more than 200000 innocent civilian refugees in the Democratic Republic of Congo. Not only were the camps destroyed but also the refugee were hunted down in the jungle to massacre the maximum number possible (cfr: UN Security Council Statement of its President 13July 1998 based on the report of Expert team of the UN Secretary General (S/1998/581))

## **Expansionist policy.**

During the ten years that RPF has been in power, it has implemented its plan to invade the Democratic Republic of Congo (DRC) during which the Army has massacred millions of civilians and plundered its natural and other resources. Credible international NGOs estimate that more than 3,5 millions Congolese have died since 1998 in areas controlled by the RPF army.

As if that was not enough the RPF has imposed its dictatorial system of government on the whole region that it controls. The RPF army has now reoccupied eastern DRC and deployed its militia in the province of Cibitoke the Republic of Burundi. The imaginary and pretext of a threat from Hutu rebels based in the DRC can no longer deceive anybody.

The threat of another genocide against Tutsi in Rwanda and Banyamulenge in DRC is used as diversionary tactic of RPF to hang on a repressive regime in Rwanda and to justify its expansionist policy in the Great Lakes Region. General Kagame and the RPF high command uses this pretext to continue the plunder of DRC resources for personal gains Now that the personal responsibility of Paul Kagame and the RPF in the crimes committed in Rwanda and the DRC is being established they are keen to cause confusion in the hope of getting of the hook. Indeed the report of the anti terrorist judge and the revelations made by Lieutenant Ruzibiza have pushed the Kigali government to the wall.

Following those reports few people now doubt of the criminal and political responsibility of members of RPF in the Rwandan genocide and crimes against humanity committed in the Great Lakes Region.

The redeployment of Rwandan troops and militias in the DRC and Burundi supported by other criminals elements allied to the Kigali regime is meant to subvert the peace process in the two countries which would deprive it of vital resources that it needs. The RPF government would also like to intimidate the Congolese population and to prevent it from testifying in massacres perpetrated by its Army against Rwandan refugees. At the same time the RPF wants to make access to areas where its army buried Rwandan refugees and Congolese people impossible.

### **Paralysis of the judiciary system.**

The establishment of the International Criminal Tribunal for Rwanda (ICTR) had given hope to Rwandans that justice was going to be done to all Rwandans. It was hoped that it would end impunity in Rwanda and in the region and bring Rwandans on the road to reconciliation. This meant bringing to justice all those who are responsible for genocide, crimes against humanity and war crimes committed in Rwanda at least during the period covered by the mandate of the ICTR. The Rwandan people have been surprised on realising that one party to the conflict, the party that was defeated is being tried while members of RPF responsible for various crimes covered in the mandate of ICTR are immune from prosecution. The whole process looks as if the ICTR was not established to render justice to the Rwandan people but rather to consolidate power of the victor, RPF dictatorial and repressive regime, by neutralising those who had lost it and may threaten its grip on power. In this context it has failed to contribute to shedding light on the truth about the Rwandan tragedy, to restoring justice, peace and reconciliation among Rwandans.

As you are aware the ICTR was established by UN Security Council's resolution 955 of 8 November 1994, following report S/1994/1157, annex I and annex II, of the Special Rapporteur for Rwanda of the U.N. Commission on Human Rights, and the preliminary report S/1994/1125 of the impartial UN Commission of Experts established pursuant to resolution 935 (1994). The Commission of Experts concluded in its preliminary and final reports (S/1994/1125 and S/1994/1405) that: "*Individuals from both sides to the armed conflict in Rwanda during the period from 6 April 1994 to 15 July 1994 perpetrated serious breaches of international humanitarian law, in particular of obligations set forth in Article 3 common to the four Geneva Conventions and relating to the protection of victims of non-international armed conflicts of 8 June 1977 and that Individuals from both sides to the armed conflict perpetrated crimes against humanity;*"

Up to this day no member of the RPF has been arrested by ICTR. Efforts by some UN investigators who wanted to investigate the other party to the conflict were thwarted. Some investigators were dismissed, investigations carried out so far taken out of circulation and the Security Council under the pressure of RPF removed the case from Prosecutor Carla Del Ponte.

This lack of impartiality on the part of ICTR has compromised its credibility in the eyes of many Rwandans and polarised the Rwandan society and gave weight to the idea that might is right. ICTR has thus become a political tool and an instrument of justice and national reconciliation. On the contrary it has encouraged the RPF to perpetrate the same crimes in the Democratic Republic of the Congo, a policy has so far cost an estimated 3,5 million lives in the DRC since 1996.

It would pure illusion to imagine that the Rwandan justice system could do better where the international justice has failed. The daily interference of the executive in the judicial system in Rwanda

has paralysed the whole system. However as we all are aware it is difficult to bring national reconciliation, source of stability in Rwanda and in the region, without equitable justice for all.

Government sources put the figure of prisoners to more than 100000. Some of them have been held for more than 10 years without any charge sheet. Some of the prisoners have been promised freedom if they plead guilty. The government explains the delay in trial to lack of logistics. As everyone knows this is diversionary tactic. In 1995 the Kagame government reject the offer from UNDP to provide foreign lawyers to help.

In order to find a way out of this, the dictatorial regime has introduced since two years, another form of justice through people's Tribunals, known as GACACA, as a panacea for solving the problem. Those ad hoc tribunals fall short of international standards of international humanitarian law. The accused has no legal representation and because the system has been politicised, people accused of the same crimes is put in different categories and receives different sentences.

Furthermore the law that established those tribunals allows them to try war crimes, crimes against humanity and genocide apart those committed by members of RPF. This is one of the main reasons that part of the Rwandan population has refused to take part in this parody of justice, which cannot lead to national reconciliation

A constitution, which enhances impunity, can never bring about national reconciliation among Rwandans. This is more so when the regime institutionalises tribunals which were meant to deal with reconciliation between local people is given mandate to try hutu suspected of the crime of genocide without extending the same power to try all people from all ethnic groups, including members of RPF suspected of the same crimes. Reconciliation will also be difficult in a situation where only a part of the population, the Tutsi, is allowed to mourn its dead and provide them a decent burial while denying the same to the hutu population.

### **Violations of political civil rights of citizens.**

After 10years of exercising power, the RPF has shown its true colours. It has shown its true nature as a criminal and terrorist organisation, which cannot buy into democratic values or bring national reconciliation among Rwandans. The violation of fundamental political and civil rights reached its paroxysm in 2003 with stage-managed popular consultations marked by: Referendum on the constitution 26 May 2003; Presidential elections 25 August 2003; Parliamentary elections 29 September to the 2 October 2003.

These elections that were meant to consolidate the power of RPF took place in an environment of extreme tension. During the campaign, Paul Kagame, the President of Rwanda personally came out to threaten the population and the opposition in the declarations he made in Bwisige in the north of the country on the 31<sup>st</sup> March 2003. He declared that "*he would crush anyone who would stand in his way to power*" and add that "*he would leave the country in a bloodbath the way he found it if ever he was forced to leave power*".

The electoral process was marked by systematic acts of repression to ensure an absolute majority to the RPF. We can just mention a few of these acts.

- The dissolution of MDR party, even though it was member of the government coalition since 1994;

- The intimidation, detention as well as the assassinations of the supporters of the candidates of the opposition by the "Directorate of Military Intelligence (DMI)", and the militia "Local Defence Force (LDF)";
- The disappearance of leaders of the opposition such as Major Cyiza and Hitimana MP;
- Detention and harassment of the leaders of party PDR (Party for Democracy and Renewal, of MDR party (Republican Democratic Movement), of the ADEP-Mizero party, journalists, Human rights defenders.
- Deliberate refusal of the regime to grant the ADEP-Mizero party legal personality, etc.

It may worthwhile mentioning some provisions in the antidemocratic constitution. These include in particular:

- Article 56, which established the Forum of the parties, dominated by the FPR and outside of which no party political activity is allowed. Whether they like or not they must toe the government line and therefore become automatically part of the government coalition led by a Prime Minister from a party that other parties do not necessarily share neither the vision nor the political programme.
- Article 52, which stipulates that, the leading structures of the parties and political formations are organised only at the national level and the level of the Province and the town of Kigali. This article aims at maintaining the status quo which cuts the other political parties from their grassroots political base and making them sounding boards and executive bodies of the ruling party RPF

The FPR regime has thus confiscated the rights and freedoms of the Rwandan people. It violates the democratic principles and civil and political freedoms of the citizens universally recognised by the Universal Declaration on Humans rights, the African Charter of Human and People's rights, the international Convention on Political and Civil Rights as well as other instruments relating to human rights ratified by Rwanda.

### **Mismanagement of economic resources**

The regime of Kagame claims that the economy of the country is doing well, and goes as far as hiding that the populations of certain provinces like Bugesera and Gikongoro die of hunger. It produces false reports claiming the prosperity of the country and the increase in national income to please Bretton Woods Institutions and other donor countries like yours. For non informed visitors, the life and the economic prosperity posted by Rwanda authorities are limited to what they see in cities and in particular in Kigali where the diamonds and gold plundered in RDC are used for the full development of building industry dominated by the RPF Mafia, while in rural areas the popular masses wallow in abject poverty and are subjected to a process of increasing impoverishment. There is little monetary exchange in rural areas; the economic activities are there at a dead end; many rural people have gone back to barter trade. The cost of living is very high, many children cannot afford to have clothes nor means to go to school, no drugs hospitals, etc.

Although Rwanda have received during the ten years of RPF regime more than three times the development aid received by other regimes before it, this country remains among the poorest countries of this planet with 85% of the population living under the poverty line!

Using the pretext of applying the economic prescriptions of the World Bank and International Monetary International Monetary Fund, the regime of Kagame sold all the public and semi-public companies to his cronies and to members of the FPR and associates. They were undervalued and sold at ridiculous prices. Worse still, these meagre revenues were diverted to the coffers FPR which one cannot practically differentiate with that of the State, the Minister for Finance being at the same time the treasurer of the party State RPF

The top officials of the RPF regime not save their money in Rwandan banks. According to the Rwandan National Bank, for only the year 2003, there was an embezzlement of more than 56 million American dollars. The report of the Auditor General of March 2004, revealed the disappearance of funds of an amount of more than 7 million American dollars, which evaporated from the State. This figure does not take into account embezzlement by the Kagame regime by using fake NGOs such as Rwanda Development Organisation, TriStars investment, Highland flowers, Alliance Express etc.

Under these conditions nobody can possibly believe any more in economic recovery.

### **Conclusion and recommendations**

RDR has the firm conviction that peace in the Great Lakes Region will remain threatened as long as an appropriate solution to the big issue of Rwanda crisis will not have been found, since Rwanda constitutes the principal hotbed of instability in the region.

To solve the Rwandan crisis, it must be tackled headlong. The existence of the three ethnic groups Hutu, Tutsi and Twa is a social and historical reality of Rwanda. The Rwandans need no other reconciliation other than multiparty democracy under the rule of law. The solution with the Rwandan problems requires **a dialogue** between the various components of the Rwandan society so that they agree on a better system of governance and management of political power and putting in place institutions that safeguard the security of each and everyone. This process should lead to the restoration of democracy of a reconciled people where the citizenship is a reality in the institutions and all the sectors of national life, and where the individuals identify themselves with other on the basis of political convictions and not on the basis of ethnicity.

Political exclusion that the FPR continues to practise by usurping all the levers of political, economic and that cultural power, compromises all the chances of reconciliation, without which any prospect of peace and security will remain precarious Rwanda in particular and in the whole region of the Great Lakes in general. The image of Rwanda at the end of ten years of power of FPR is that of a country in bankrupt in all fields; it rather gives the sad image of a sinking ship. This regime has no capacity to change course and does not have any moral authority to lead the country to a good future.

The RDR request the international community to take following urgent measures to stabilise Rwanda source of instability in the area of the Great Lakes:

- To put an end to impunity of war criminals protected by the FPR, starting with those against whom the International Penal Court for Rwanda established charge sheets.
- Put pressure on the RPF to release political prisoners and to put an end to arbitrary arrests and summary executions, especially political opponents and journalists;
- To put a diplomatic and economic embargo on the regime of FPR to force it to create political space necessary for the exercise of a pluralist democracy,
- To convene a regional conference on Rwanda under the auspices of the United Nations to adopt measures aimed at restoring peace and democracy in Rwanda and in the whole Great Lakes Region.

Barcelona, 16 June 2004

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