



EXECUTIVE
COMMITTEE

RDR

Rassemblement pour le Retour des Réfugiés et la Démocratie au Rwanda
Rally for the Return of Refugees and Democracy in Rwanda
Ihuriro Liharanira Itahuka ry'Impunzi na Demokarasi mu Rwanda

Pour un Peuple Reconcilié dans un Etat de droit - For a Reconciled People in a Rule of Law
Duharanire Ubwiyunge bw'Abanyarwanda mu Gihugu cyubahiriza Amategeko

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The International Criminal Tribunal for Rwanda (ICTR) must rise above the politics

RDR (Rally for the Return of Refugees and Democracy in Rwanda) strongly denounces and condemns the complaisance of the ICTR's Office of the Chief Prosecutor towards the Rwandan Patriotic Front (RPF), whose political and military leaders committed numerous crimes against peace and humanity, war crimes and other serious violations of the international law before, during and after the 1994 Rwandan genocide, and the influence, interference and pressure of the RPF-led dictatorial government on the Registry and the office of the Chief Prosecutor of the ICTR.

The current Rwandan government is controlled by RPF political and military leaders co-responsible of the Rwandan tragedy and distrusted by the Rwandan people. They have no legitimacy to govern the country nor moral authority to judge the same crimes they have also committed and are still committing. In fact, apart from accusing former Rwandan regime of genocide against the minority Tutsi ethnic group, preliminary report S/1994/1125 and final report S/1994/1405 of the impartial U.N. Commission of Experts on the 1994 Rwandan genocide, reports which formed the basis on which the U.N. Security Council created the ICTR, accuse jointly the two Rwandan belligerents in 1994, i.e. the RPF and the former Rwandan government, of having committed crimes against humanity and serious violations of international humanitarian law during the period from 6 April 1994 to 15 July 1994. The fact that RPF won the war doesn't clear its political and military leaders of their war crimes and crimes against humanity. However, seven years later, no lone political or military RPF leader has been indicted by the Office of the Chief Prosecutor of the ICTR, arrested and tried. Only those who lost power, and who are ethnic Hutus, are being arrested and tried by the ICTR. RDR is very concerned by the impunity enjoyed by suspected RPF war criminals and their influence on the ICTR. It is unacceptable that those who should be behind bars in Arusha, Tanzania, to answer for their crimes against the Rwandan people are still free and on power in Rwanda without being indicted by the ICTR. The latest development proves rather clearly that the RPF authoritarian regime, through its influence on the Registry of the ICTR, is destabilizing defence teams of the accused at the ICTR.

On Monday, 16 July 2001, the Registry of the ICTR terminated the contracts of three defence investigators and suspended the contract of another defence investigator on allegations of participation in the 1994 Rwandan genocide levelled against them by the Special Representative of the Rwandan government to the ICTR, Mr. Martin Ngoga. Those who had their contracts terminated are Augustin Basebya working for the defence team of former mayor Juvenal Kajelijeli, Augustin Karera working for the defence team of former minister Jean de Dieu Kamuhanda, Aloys Ngendahimana working for the defence team of former Radio Rwanda director Ferdinand Nahimana. Mr. Thaddee Kwitonda, working on the defence team of Arsene Shalom Ntahobali, had his contract suspended. Normally, should the Registry of the ICTR had reliable information on their involvement in the 1994 Rwandan genocide, it should have passed it to the office of the Prosecutor in order to have them immediately arrested and tried by the ICTR. It is common knowledge that the RPF authoritarian regime exploits the 1994 genocide against Tutsis for political ends. Arbitrary lists of alleged suspects of genocide have

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become a political weapon for the current Rwandan government to silence any real, potential or imaginary political opponent from the Hutu community. Critics of government's policies from the Tutsi community are simply labelled as traitors, thieves or saboteurs.

Mr Augustin Karera, whose contract has been terminated for involvement in genocide, had been cleared by the RPF-led government of that offence and is now being accused for the same offence by the same government only after accepting to work as investigator for an accused person at ICTR. The case of Mr. Aloys Ngendahimana is clearly a case of mistaken identity. He was deliberately presented to the ICTR by the Kigali government's representative as category one genocide suspect, only to be proved wrong later by the vigilant Ferdinand Nahimana's defence lawyer who showed that there was a deliberate manipulation to confuse him with another person with the same name but with a different place of birth, date of birth and names of parents. The two other investigators are only paying for their criticism and complaints about the actions of the Rwandan government's representative at ICTR. Defence investigators whose contracts have been terminated or suspended are easy targets used to intimidate other defence investigators as well as potential defence witnesses in order to undermine the defence of those accused.

RDR has made it clear on many occasions that partial justice cannot bring durable peace to Rwanda. It is going to heighten ethnic and political tensions. Prosecutorial partiality and bias against Hutus in indictments and the interference of the RPF authoritarian regime in their defence make the ICTR appear as a victor's tribunal instead of being an international impartial tribunal. As we believe in the unity of humankind and the brotherhood of man, RDR has clearly and unequivocally condemned and condemns all acts of genocide, crimes against humanity, war crimes and other violations of human rights committed and still being committed in Rwanda, whoever are the perpetrators or the victims. If necessary measures are not taken to correct the current course of justice at the ICTR, convicted Hutus will finally consider themselves as martyrs or victims of international injustice. To fulfill its mandate of contributing to the process of national reconciliation, the restoration and maintenance of durable peace in Rwanda, the ICTR must rise above the politics, find and prosecute the assassins of President Juvenal Habyarimana, whose assassination on 6 April 1994 sparked the 1994 Rwandan genocide, and all perpetrators of genocide, crimes against humanity, war crimes and other serious violations of the international law without any discrimination, regardless of whether they are Hutus or Tutsis, winners or losers of the 1990-1994 war in Rwanda.

Done in Montreal on 23 July 2001

For the RDR

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Vice-President