



## RDR

Rassemblement Républicain pour la Démocratie au Rwanda

Republican Rally for Democracy in Rwanda

Ihuliro Rishingiye kuri Repubulika Liharanira Demokarasi mu Rwanda

EXECUTIVE  
COMMITTEE

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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### **RWANDA : WAR CRIMES COMMITTED BY THE RPF SHOULD BE INVESTIGATED AND PROSECUTED BY THE ICTR**

On behalf of the victims of war crimes and crimes against humanity committed by the Rwandan Patriotic Front (RPF) in Rwanda in 1994, the Republican Rally for Democracy in Rwanda (RDR) rejects the proposal of transferring the investigations and the prosecution of RPF crimes to the current RPF-led dictatorial government of Rwanda, instead of being tackled by the International Criminal Tribunal for Rwanda (ICTR). The US war crimes ambassador Pierre-Richard Prosper made this suggestion following his talks with the Rwandan ruler Paul Kagame on 19 November in the Rwandan capital Kigali and with the new ICTR Chief Prosecutor Hassan Bubacar Jallow on 20 November in Arusha, northern Tanzania

In order to assert its independence and boost the confidence of the Rwandan people in international justice, the ICTR should tackle not only cases related to the genocide of Tutsis, war crimes and crimes against humanity committed by the former Rwandan regime overthrown by the RPF but also war crimes and crimes against humanity committed by the RPF in 1994.

The United Nations Impartial Commission of Experts concluded in its preliminary report S/1994/1125 and final report 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 "*ample evidence indicates that individuals from both sides to the armed conflict perpetrated crimes against humanity*". The then Special Rapporteur of the U.N. Commission on Human Rights on the situation of human rights in Rwanda, Mr. René Degni Segui, identified the then "*Rwandese State authorities*" overthrown by the RPA in July 1994 and the "*RPF organs, particularly those in charge of military operations*" as the perpetrators of those crimes. However, no lone RPF military officer or political leader has been prosecuted by the ICTR. The ICTR should investigate and prosecute war crimes, crimes against humanity and genocide committed in Rwanda in 1994 in total independence and without any discrimination among their perpetrators nor among their victims.

The Rwandan judiciary is not independent from the executive branch of the government and is controlled by the RPF. Victims of RPF atrocities have no confidence in it and expect no justice from the RPF-led justice system. During the nine years of RPF rule, the Rwandan justice system has apprehended no leading RPF military officer or political leader for war crimes and crimes against humanity. On the contrary, the Rwandan ruler Paul Kagame and the Rwandan Chief Prosecutor Gerald Gahima have all adopted the politics of deception, deceit and denial. These RPF leaders and other Rwandan officials have no political will to prosecute unpunished leading RPF war crimes suspects; they have constantly denied their existence and said that the ICTR should tackle only cases related to

Email: [info@rdrwanda.org](mailto:info@rdrwanda.org)  
Website: <http://www.rdrwanda.org>

Victoire Ingabire, President  
Postbus 3124  
2280 GC, Rijswijk, Netherlands  
Phone/Fax : 00-31-180633822

Emmanuel Nyemera, Vice President  
P.O. Box 5352, Postal Station B  
Montreal, Canada, H3B 4P1  
Phone: (514) 572 3466

RDR is member of  
the coalition Union of  
Rwandese  
Democratic Forces  
(URDF)

the genocide of Tutsis, war crimes and crimes against humanity committed by the former regime overthrown by the RPF. Hence, the issue of unpunished RPF war crimes suspects is already a closed affair for RPF-led dictatorial regime.

The record of Kagame regime's unfulfilled promises of justice is also too long to be ignored:

In its Presidential Statement S/PRST/1998/20 of 13 July 1998, the U.N. Security Council condemned "*the massacres, other atrocities and violations of international humanitarian law committed in Zaire/Democratic Republic of Congo, and especially its eastern provinces, including crimes against humanity and those other violations described in the Report of the Secretary-General's Investigative Team (S/1998/581)*". More than 200,000 Rwandan Hutu refugees in Eastern and dozen thousands of Congolese civilians had been butchered in cold blood in 1996-1997 by military units of the RPA allied to the forces of the Alliance of Democratic Forces for the Liberation of Congo (ADFL) which overthrew the dictatorial regime of late President Mobutu in May 1997. The Security Council requested the Governments of the DRC and Rwanda to provide, before 15 October 1998, an initial progress report to the Secretary-General on the steps taken by them to investigate and prosecute those responsible for these massacres, atrocities and violations of international humanitarian law. This deadline had not been met and no lone RPF military officer or political leader has been punished for the killings of Hutu refugees. Instead of investigating and prosecuting alleged war crimes and crimes against humanity, RPF leaders have adopted the politics of deception, deceit and denial.

The interim report S/2001/357 and final report S/2003/1027 of the U.N. Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC accuse Rwanda, Uganda, Burundi and Congolese rebel groups of plundering DRC's wealth to finance war and the continuation of grave human rights abuses. However, instead of investigating and prosecuting alleged war crimes, crimes against humanity and plunder of Congolese natural resources and other forms of wealth, the Kagame regime has adopted the politics of deception, deceit and denial.

In order to put an end to the prevalent culture of impunity in Rwanda and contribute to durable peace in the Great Lakes region, the ICTR should investigate and prosecute crimes committed by the RPF in 1994. The international community should use its influence and powers to assert ICTR's total independence and ensure full cooperation of the RPF-led Government of Rwanda with the ICTR.

Done in Montreal on 24 November 2003  
For the RDR,

Emmanuel Nyemera, Ph.D.  
Vice Chairman and Spokesman