

COMPENDIUM OF RPF CRIMES - OCTOBER 1990 TO PRESENT: THE CASE FOR OVERDUE PROSECUTION

PAUL RUSESABAGINA

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« Justice must be impartial; it must be done and seen to be done for all, regardless of who the victims or perpetrators are. True reconciliation in Rwanda must involve showing that the rule of law does not discriminate for or against any one. The Tribunal's work should contribute to this process »

(Amnesty International -International Criminal Tribunal for Rwanda- Trials and Tribulations, April 1998)

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Compiled by:
Paul Rusesabagina

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I. INTRODUCTION

- 1.** On November 8, 1994, the United Nations Security Council adopted Resolution 955 which established the International Criminal Tribunal for Rwanda (ICTR) “*for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda, between January 1, 1994 and December 31, 1994. It may also deal with the prosecution of Rwandan citizens responsible for genocide and other such violations of international law committed in the territory of neighboring States during the same period*”. [ICTR Statute as adopted by UN Security Council Resolution S/RES/955 (1994) of 8 November 1994]. Following the recommendations of the Experts Commission Report set up by the UN Secretary General which concluded that “*Individuals from both sides of the armed conflict perpetrated serious breaches of international humanitarian law and crimes against humanity*” (The United Nations and Rwanda, 1993-1996, p.64).

2. The creation of the ICTR brought hope and enthusiasm to the people of Rwanda, the Great Lakes region and all peace loving people of the world who were hoping to finally put an end to impunity and bring real justice to the perpetrators of those horrible crimes. Unfortunately, twelve years later, we cannot help but realize that all those hopes have been dashed. In fact, whereas several members of the former government suspected of war crimes, crimes of genocide, and crimes against humanity have been arrested and indicted, not a single RPF suspect has been indicted. Meanwhile, the operating budget of the ICTR has cost the international community a whopping 1.5 billion dollars.
3. This situation is all the more stunning as several sources indicate that the ICTR is in possession of the mountains of evidence of horrible crimes committed by RPF that fall under its mandate. Amnesty International for one has declared that *“Evidence of crimes committed by RPF in 1994 have been transmitted to the prosecutor’s office either in private and confidential communications, in publications of non-governmental organizations and other sources, or through depositions of its own expert witnesses in Arusha”*. (Amnesty International, International Criminal Tribunal for Rwanda- Trials and Tribulations, April 1998, p.17).
4. Some have argued that the government of Rwanda should be allowed to prosecute members of the RPF accused of war crimes, crimes of genocide and crimes against humanity. This is unacceptable for several reasons. For one it would be against the basic fundamentals of the rule of law because the RPF would be judge and jury. On the other hand, it would be unfair for the people of Rwanda to be treated differently than other people who have been victims of similar crimes and have had UN tribunals set up to prosecute alleged criminals. A good example is the International Criminal Tribunal of Yugoslavia (ICTY) which has indicted and prosecuted Serbs, Croats, Muslims and Albanians alike and did not allow any of these groups to prosecute alleged criminals in its own ranks.
5. The fact that alleged RPF criminals have remained free of prosecution is laden with serious consequences because, as the former ICTR prosecutor, Ms Louise Arbour put it at the 50th Anniversary of the Human Rights Declaration conference in Montreal on December 7, 1998: *“Judicial impunity is particularly shocking in penal code because it makes justice irrelevant and thus incites people to repeat the same crimes”*. The people of Rwanda and the Great Lakes region of Africa have already paid a heavy price through the impunity of crimes still being committed by the RPF army.
6. This document highlights some of the RPF crimes that most international observers and human rights organizations have acknowledged as war crimes, crimes of genocide, and crimes against humanity. It presents RPF mass crimes in three parts: the first covers the crimes that fall under the ICTR mandate, from January 1, 1994 to December 31, 1994. The second part covers crimes committed during the war, from October 1, 1990 to December 31, 1993. And the final part covers crimes committed after the war, from January 1, 1995 to date. The document also talks about other serious crimes committed by the RPF like degrading and humiliating treatment of victims, physical elimination of opponents both inside and outside the country, and other grave violations. Finally, the document ends with final observations and a general conclusion which translate our firm commitment to do everything possible so that justice for all victims of the Rwandan conflict is achieved.

II. RPF CRIMES FROM JANUARY 1, 1994 TO DECEMBER 31, 1994

The following are scanty facts and testimonies from witnesses of the RPF crimes and atrocities from January 1994 to December 1994. A thorough UN-mandated independent investigation is warranted in order to document a fully exhaustive list of all RPF crimes and bring the criminals to account. The world community has a moral obligation to investigate these crimes and many others that were committed during

this period (and in the period prior to and after 1994), and prosecute them according to their qualification as War Crimes, Crimes against Humanity, or Crimes of Genocide. Witnesses are still living inside and outside Rwanda who are ready to testify to the authenticity of these crimes.

RPF War Crimes, Crimes against Humanity, and Crimes of Genocide (January 1, 1994 – December 31, 1994):

1. **The political assassination of February 21, 1994:** A prominent political leader from the southern province of Butare and also General Secretary of the PSD party, **Felicien Gatabazi**, was ambushed, shot and killed as he returned home from an evening meeting with other political leaders. This was a highly reckless criminal act with the potential to polarize the country and ignite widespread violence among Gatabazi's supporters and opponents at an extremely tense and volatile moment in Rwandan politics. While drinking in Kigali bars in the festive days following the capture of Kigali, RPF operatives were reported to have openly bragged about their criminal acts of derring-do, including killing Gatabazi, as they terrorized the country in their fight against the government. (Testimony provided by witnesses, still living; Abdul J. Ruzibiza, Rwanda, L'Histoire Secrete, 2005)
2. **The political assassination of February 23, 1994:** Another prominent political leader from the southern province of Cyangugu and president of the CDR party, **Martin Bucyana**, was killed by a mob of PSD party youths enraged by the death of Gatabazi. Factual and testimonial evidence available today shows that these youths had been heavily infiltrated by death squad elements of the RPF, who may have been responsible for this assassination. We need to know who did it. (Abdul J. Ruzibiza, Rwanda, L'Histoire Secrete, 2005)
3. **The double assassination of Rwandan and Burundian Presidents on April 6, 1994:** In the evening of this fateful April day, the Rwandan presidential aircraft was shot down as it prepared to land at Kigali airport. Everyone on board was killed. They were **President Juvenal Habyarimana** of Rwanda, **President Cyprien Ntaryamira** of Burundi, Rwandan Army Chief of Staff **Major General Deogratias Nsabimana**, Burundian **Ministers Cyriaque Simbizi and Bernard Ciza**, President Habyarimana's special adviser **Colonel Elie Sagatwa**, President Habyarimana's adviser **Major Thaddee Bagaragaza**, President Habyarimana's personal **Doctor Emmanuel Akingeneye**, President Habyarimana's adviser **Ambassador Juvenal Renzaho**, and three French crew members: **Jean-Pierre Minaberry, Jacky Heraud, and Jean-Marie Perrinne**. This assassination represented a decapitation of the Rwandan government and army, and of the Burundian government as well. Available evidence, including witness testimony, clearly indicates that this terrorist crime was the act of the RPF rebel group. It defies logic why the UN Security Council has never mandated an investigation of this airplane missile attack to establish who was responsible, especially since everyone agrees it was the one incident that touched off the mass killings commonly referred to as the "Rwandan genocide of 1994".

When former Lebanese Prime Minister Rafik Hariri was killed on February 14, 2005, the overall peace and political stability of Lebanon appeared to be come under serious threat that the UN Security Council ordered an immediate investigation into this assassination. Yet, this terrorist act had nowhere near the impact of Presidents Habyarimana's and Ntaryamira's dual assassination – which has gone uninvestigated so far – both in terms of human lives lost and far-reaching political implications in the country and the region.

It is critical to point out that the presidential airplane missile attack was the most reckless criminal act yet in the Rwandan conflict, since it targeted and killed the president himself. It also took the life of the Burundian president, only 6 months after another Burundian president, **Melchior Ndadaye**, was assassinated (October 21, 1993) by the Tutsi Burundian army. President Ndadaye had been in office only 4 months after being democratically elected in June and sworn in on July 10, 1993. All of a sudden, in a short 6 months, the Hutu political leadership in both Rwanda and Burundi, 2 twin countries with a similar ethnic makeup, was decimated with absolutely no adverse

consequences to the perpetrators. It is worth mentioning that the ethnic violence that engulfed Burundi in the aftermath of President Ndadaye's assassination claimed the lives of as many as 200,000 civilians in spite of Burundi being in a time of peace when Ndadaye was killed. Therefore, is it possible that whoever killed the Rwandan president in a time of war knew exactly what kind of catastrophe was going to follow? Is it possible that the death of their Hutu president along with his Hutu entourage only 2 months after 2 other Hutu prominent political leaders (Gatabazi and Bucyana in point 1 and 2 above) were also assassinated, may have pushed Rwandan Hutus overboard and driven them into their killing frenzy against Tutsis? The answer to both questions is probably yes. Then, it is unfathomable how so far no independent inquiry has been conducted since it would provide all the key answers to so many unanswered questions in the Rwandan tragedy, and its implications could be far-reaching:

"If it turns out the FPR shot down the airplane, the history of genocide must be rewritten. Although that will not alter Hutu extremists' responsibility for the death of hundreds of thousands of people, it will cast the RPF under a completely different light, because so far the RPF has been considered in the West both as the victims and saviors who stopped the genocide." (Public statement by Carla Del Ponte on April 17, 2000 as reported by Charles Onana in Silence sur un attentat: Le scandale du genocide rwandais, 2003, p.77)

4. **The mass murder of Byumba towards the end of April, 1994:** In the sectors of Nyabisiga, Birenga, Zoko, and Gitumba of the commune of Buyoga, and also, in the adjacent commune of Giti in the province of Byumba and in the communes of Mugambazi and Rutongo in the province of Kigali, the RPF reportedly killed **20,000 innocent civilians** in all these areas in April. At Shagasha primary school near Muyanza parish, there is a mass grave reportedly containing **500 innocent civilians** killed and dumped in there by the RPF. Not too far away from there, below the home of a certain Burasiyo, there is a flat, level ground area where the RPF summoned villagers "for a meeting on security issues or to collect food supplies," and then threw grenades into the people and fired on them, **killing all 80** who had shown up. They were also buried in a mass grave right there, and those who dug the mass grave were also killed. (Testimony provided by witnesses, still living)
5. **The Kigali selective killing of intellectuals on April 7, 1994:** In the sector of Remera in Kigali city, the RPF selectively killed **121 people**, mostly intellectual Hutus and their entire families, using an already drawn up list of targeted victims. They include former prefect of Kigali Claudien Habarushaka, former prefect of Ruhengeri Sylvestre Bariyanga and his entire family, Émile Nyungura and almost his entire family (his son, singer Corneille who currently lives in Canada, was the only survivor), Emmanuel Bahigiki and his entire family, Iréné Kayibanda, the son of former president Grégoire Kayibanda, Muhamud Rahamatar, Félicien Mbanzarugamba, former cabinet minister Benoît Ntigurirwa, and many others. (Pierre Pean, Noires Fureurs, Blancs menteurs: Rwanda 1990-1994, 2005, p.249)
6. **The targeted massacre of youths at Kabuye in April 1994:** At Kabuye near Kigali city, a team of RPF killers is reported to have exterminated a total of **more than 3,000 youths** in the month of April 1994 alone. The youths were recruited into the RPF army one team after another. After the previous team was killed off, the next team would be recruited and told that the previous team had already been promoted and assigned to combat duty on the battlefield, and so on until more than 3,000 of them were decimated. (Abdul J. Ruzibiza, Rwanda, L'Histoire Secrete, 2005, p. 261)
7. **The Kiziguro butchery of April 1994:** At Kiziguro parish (province of Kibungo in eastern Rwanda), the Interahamwe militias killed **about 1000 Tutsis** sheltered at the parish. Later, the RPF Tutsi army arrived and killed **about 10,000 Hutus** sheltered in the parish facilities. (Pierre Pean, Noires Fureurs, Blancs menteurs: Rwanda 1990-1994, 2005, p.263)
8. **The floating corpses of May 1994:** Many of the cadavers washing up into Lake Victoria were not Tutsi victims of the Interahamwe, but Hutu victims of the RPF soldiers. The villagers unable to

cross over into Tanzania before the arrival of the RPF army, including refugees fleeing the advancing rebels and terrified by the noise of gunfire and the nauseating smells of burning flesh, were all rounded up and eliminated with machine guns, grenades, or by means of a used up hoe (“agafuni” in Kinyarwanda). Then the bodies were either massively piled up and burned down or tossed into the Akagera River. On May 22, the government of Uganda declared as “disaster areas” all districts surrounding Lake Victoria for health reasons. (Pierre Pean, *Noires Fureurs, Blancs Menteurs: Rwanda 1990-1994*, 2005, p. 265)

The international community must never lose sight of the fact that the RPF army had total control of northeastern Rwanda from the beginning of the mass killings in April 1994, as FAR (the Rwandan national army at the time) troops had abruptly left the area in disarray soon after Habyarimana’s death. The Akagera River runs through eastern and northeastern Rwanda before reaching Uganda. It has been repeatedly observed that the corpses washing up into Lake Victoria looked “fresh”, meaning they had not been killed too long before, and many of them were tied up in “Akandoya” style (a Ugandan word meaning tightly binding both arms in the victim’s back with such pressure that the chest bones break), a trademark of the RPF. It must also be kept in mind that the RPF monitored and controlled the movements of foreigners in the area under its control. Journalists and representatives of humanitarian organizations rarely talked to Rwandan citizens under RPF control without an RPF official present. Consequently, most of the information given to international media as war waged was either incorrect or biased. What we all know is that the RPF was very efficient in concealing its crimes and misleading the international media, including the most known and respected, to its full advantage. An independent investigation can help establish the role of each belligerent in this tragedy.

9. **The decapitation of the Catholic Church on June 5, 1994:** At Kabgayi, in the locality of Gakurazo, 3 Bishops (**Archbishop Vincent Nsengiyumva** of Kigali, **Bishop Thaddee Nsengiyumva** of Kabgayi, and **Bishop Joseph Ruzindana** of Byumba), Monsignor Gasabwoya, along with 9 priests, 1 Friar and 3 girls were gunned down by the RPF on direct orders from their superior. In the days that followed, the RPF methodically killed off, one by one, anybody in the adjacent neighborhoods who might have witnessed the killings of all these clergymen. After decapitating the country’s government and army leadership on April 6, the RPF had now successfully decapitated the Catholic Church in this assassination. (Venuste Linguyenzeza, *Testimony on the 1994 Bishops’ killing*)

A little more than a month earlier, **on April 23, 1994** to be exact, the RPF had carried out a similar collective massacre of clergymen assigned at the Junior Seminary of Rwesero, at the western shores of Lake Muhazi, in Byumba. The killing took place at Karushya, near Rwesero, where the priests had taken refuge. Among the victims were Father Joseph Hitimana, the rector of the seminary, Fathers Christian Nkiriyehe, a former rector, Athanase Nkundabanyanga, Alexis Havugimana, Faustin Mulindwa, Fidèle Mulinda, Célestin Muhayimana, Augustin Muhayimana, and Gaspard Mudashimwa, Sisters Annonciata and Carolla, professors Elie Hatungimana and his entire family, and Augustin Hakizimana, and many others. In all, the lives of **50 innocent people** were brutally taken in this massacre. (Leonard Nduwayo, *Giti et le genocide rwandais*, 2002, p.172-177)

10. **The selective massacre of an entire Hutu family in Nyanza in June 1994:** Former businessman Josias Mwongereza and his entire family of **48 people** were killed in June 1994. They were part of a larger group rounded up by the RPF at Buhanda in Gitarama and driven off to Nyanza. Then the RPF separated the Hutus from the Tutsis, and proceeded to kill the Hutus with used up hoes. The victims included Josias Mwongereza, his sons Emile Mwongereza, and Dr. Eliab, and another brother who was an Engineer. Also killed were Josine Mukamanzi, the wife of Dr. Eliab and 4 months pregnant, Josias Mwongereza’s father named Mukwikwi, and brother Jonathan Mukwikwi. Josias Mwongereza’s daughters, Francine Uwimbabazi and 16 year-old Angelique Umulisa, were also killed. The wife of Jonathan Mukwikwi, Ms. Gloria, a Hutu woman with a physical appearance of a Tutsi, was spared and kept as a future concubine of an RPF officer, but

was never happy because of the death of her husband. Eventually she was killed along with her 5-year old son. The Tutsis who were separated from this group of Hutus are still living.

1. **The infamous Byumba city selective killing of Hutu evacuees in May, June, and July 1994:** As the RPF fought a war of attrition with the government forces around Kigali city, many of its teams supposedly were busy “evacuating trapped and displaced civilians towards safe areas under RPF control”. People were even encouraged to flee in the direction of RPF-controlled areas to escape death at the hands of the Interahamwe militias. That’s how many of the civilians amassed at the Amahoro soccer stadium in Kigali and at Kabuga business center were misled into believing they were being trucked away to “safety” in Byumba city. After arrival, Hutus and all unwanted subjects were separated from Tutsis and killed. Jean Sibomana, an employee of Mille Collines Hotel, fled to Kabuga and was even recruited into the RPF army, before being executed a few weeks later. The lady known as “Jeanne of Nyamirambo” was also among the crowd that left Mille Collines Hotel and headed to Kabuga. She was killed by the RPF. Leonard Rudasingwa, a senior official of BRALIRWA, fled towards the so-called “safe haven” zone under RPF control, but was killed upon arrival. Some of the other victims of this criminal operation included Sebulikoko, a renowned Tutsi real estate developer who was killed because he belonged to the ruling MRND political party and was a close friend of President Habyarimana. Also killed were lawyer Grégoire Kayinamuna and his daughter Oda, and former soccer player nicknamed Pilote of Kiyovu Football Club, who was forced to testify on the airwaves of RPF Radio Muhabura that he was rescued from the Interahamwe militias, before being executed by the same RPF. In all, more than **2,500 Hutu civilians** perished in Byumba city during the 3 months of selective killings. (Testimony provided by witnesses, still living)
2. **The massacre of my family members at the beginning of July 1994 in Murama in the Province of Gitarama:** My youngest brother Emmanuel Gasana, along with my oldest sister Nyirakabwa, my 2 paternal cousins Ngezenubwo with wife Martha and Simon Ngfayabarambirwa and his son Karambizi, were all burned inside the house of our neighbor Salathiel Binenwa where they had sought refuge, including him and all his family members. **Several people** perished in this criminal blaze. During the same period, my brother-in-law Benjamin Nkurikiyinka, who resided in Nyanza but had fled the fighting to come to our region, was also assassinated by RPF soldiers. Still in the same period, another brother-in-law named Eliel Rwagasana, was killed by the RPF at his residence in Rusatira, along with his father Mahalaliel Nsozerumpa and his younger brother Gerard. All these RPF horrible crimes must be fully investigated and their perpetrators punished.
3. **The cold-blooded massacre of the Mbazi wedding, July 1, 1994:** the family of Mussa Kabwana of the sector of Mwulire and the cell of Murambi, in the commune of Mbazi in the Province of Butare, was hosting a wedding réception on the afternoon of July 1, 1994. Between 3:00PM and 4:00PM, an advance team of RPF soldiers led by a native of the area (who is currently a high-ranking RPF government official) arrived on the scene. Even the sight of such jubilant hosts and guests was not enough to overcome the soldiers’ hate and urge to kill: they opened fire onto the crowd, killing more than **20 innocent people**, before retreating back to their unit. This massacre marked the beginning of a long wave of severe repression and revenge killings throughout Mbazi and the entire province of Butare. (André Guichaoua, Rwanda 1994: Les politiques du génocide à Butare, 2005, p. 306)
4. **The savage burning of sub-prefect Placide Koloni’s home and family in Ruhango towards the end of 1994:** One night in the waning weeks of 1994, the RPF army surrounded the home of Placide Koloni while his family slept, poured gasoline on the entire compound, torched it and stood guard so no one would escape, until everybody, including all domestic animals, had succumbed in the blaze. No one has been punished for this horrible crime. (Testimony provided by witnesses, still living)
5. Many other crimes, **including (1)killing prisoners of war, (2)detaining people in containers and abandoned homes, (3)burying people in mass graves and running incineration centers,**

(4)throwing live people in deep pit latrines, (5)firing on unarmed civilians during meetings, weddings or at market places, and (6)using civilians as human shields were reported in many areas where the RPF army was present. They all need to be thoroughly investigated and prosecuted.

III. RPF CRIMES FROM OCTOBER 1, 1990 TO DECEMBER 31, 1993

RPF War Crimes, Crimes against Humanity, and Crimes of Genocide (October 1, 1990 – December 31, 1993):

1. **The Ruhengeri city attack of January 23, 1991:** The RPF staged a night attack on the city of Ruhengeri, resulting in heavy civilian casualties and heavy property damage. The RPF opened the gates of Ruhengeri prison, freeing many prisoners and enrolling them as fighters. The RPF also engaged in heavy looting activity in the city, and **a reported 400 people** were forced out of their homes to help carry the loot. These 400 civilians were all killed afterwards, along with **another 100 civilians** around the city as the RPF retreated back into the volcano forest. (Abdul J. Ruzibiza, Rwanda, L'Histoire Secrete, 2005, p. 132)
2. **The Butaro massacre of May 1992:** At Rusasa in the commune of Butaro, in the province of Ruhengeri, the RPF attacked displaced people on a small island in the swamps of Rugezi, destroying their shelters and killing their goats and sheep. **150 people** were reportedly killed in this attack. (Testimony provided by witnesses, still living)
3. **The notorious Ruhengeri and Byumba massacre of February 8, 1993:** The RPF staged a major attack in several communes of the Provinces of Ruhengeri and Byumba, killing many people and inflicting heavy damage on state and privately-owned property. During this attack, the RPF killed a total of **24,400 people in Ruhengeri**, and of **15,800 in Byumba**. (James K. Gasana, Rwanda: du parti-Etat a l'Etat garnison, 2002, p. 185)
4. **The political assassination of May 18, 1993:** The RPF is reported to have killed **Emmanuel Gapyisi**, a prominent political leader from the south and vice president of the MDR party. He was one of the most clear-minded and respected leaders of the MDR party. His killing removed a powerful RPF opponent because Gapyisi was very critical of RPF violent methods and practices. But this also was an extremely reckless crime capable of plunging the country into widespread violence between southerners and northerners especially if the former came to believe the latter had killed their man. Gapyisi's killing was among the first in a wave of assassinations nationwide targeting Hutu political leaders, including businessmen, mayors, parliamentarians, and leading up to the assassination of Gatabazi, Bucyana, and finally President Habyarimana. An investigation is needed to clear the mystery of these assassinations once and for all.
5. **Other crimes and terrorist acts:** Throughout the year of 1993, Rwanda experienced **a major spike in acts of armed banditry, grenade attacks and mini-bus taxi explosions in several parts of the country**. According to several credible witnesses, among them former RPF officer Lieutenant Abdul Rizibiza now in exile in Norway, **the acts were the work of infiltrated RPF hit squad members and spy operatives all belonging to the "RPF Network"**, who were assigned to spreading violence and insecurity, thus rendering the country ungovernable in a bid to overthrow the government and seize power by force. (Abdul J. Ruzibiza, Testimony of Abdul Ruzibiza, March 14, 2004)

IV. RPF CRIMES FROM JANUARY 1, 1995 TO PRESENT (NOVEMBER 8, 2006)

RPF War Crimes, Crimes against Humanity, and Crimes of Genocide (January 1,1995 – Present: November 8, 2006):

1. **The gruesome Kibeho massacre of April 17-23, 1995: an estimated 4000 internally displaced people** were reported killed on the orders of Major General Paul Kagame when army units collectively fired on the Kibeho camp that was estimated to shelter about 100,000 people, indiscriminately killing unarmed men, women, children, and many elderly. Paul Kagame, then vice president and minister of defense, reportedly had established his local operations headquarters in nearby Butare to closely supervise the siege and dismantling of the Kibeho camp. **It took one full night of non-stop body disposal by truck towards the Nyungwe forest for mass incineration** (many areas of the site were cordoned off for supposed “security and military reasons”) before the RPF allowed journalists, independent observers and UN monitors, to access the site. (Paul Jordan, *Witness to Genocide – A Personal Account of the 1995 Kibeho Massacre*, 1998; Abdul J. Ruzibiza, *Rwanda, L’Histoire Secrete*, 2005)

This was a well-publicized massacre brazenly carried out by the RPF government, in the presence of the UN military contingent from Zambia and officials from NGO’s assisting these refugees, and many pictures of which were taken and made public. The simple question, then, is why hasn’t there been any independent inquiry so that the perpetrators can be officially identified and punished?

2. **The deadliest year of 1996: the year of the infamous mass murder of refugees in Zaïre (currently the Democratic Republic of the Congo) and forced deportation of refugees:** The RPA army carried out perhaps the most brutal and genocidal campaign in modern history by attacking the sprawling refugee camps in Goma and Bukavu in Zaïre, home to an estimated 1 to 2 million Rwandan refugees. There is little doubt that among these refugees were those who had participated in the mass killings inside Rwanda 2 years before. But the RPA army put the guilty and the innocent in the same bag, and indiscriminately fired on the camps and crowds of unarmed fleeing refugees, especially women, children and the elderly who were the weakest and unable to run fast, hunting down many of them like beasts deep into the tropical Zairian forest all the way to Tingi Tingi and Mbandaka. By all accounts, **it is estimated this whole operation claimed the lives of 400,000 Rwandan refugees.** While this operation was underway, the RPA army undertook one of the biggest deportation campaigns ever, by forcibly (i.e. against their will) airlifting an estimated 700,000 refugees back to their respective original communes in Rwanda. Then the RPF started a long-running criminal process of killing these returnees, as a result of which about 50% of the returnees are not living today. These horrific crimes, both in Zaïre and in Rwanda, were executed with orders received from their leaders. (Testimony provided by witnesses, still living; Marie Beatrice Umutesi, *Fuir ou Mourir au Zaïre: Le vécu d’une réfugiée Rwandaise*, 2000)

The International Center for Human Rights and Democratic Development (CIDPDD), in teaming with the African Association for the Defense of Human Rights in DRC (ASADHO), concluded that *“It appears pertinently that the Rwandan government can be held accountable for war crimes, crimes against humanity, and acts of genocide”* in their document entitled “Report of inquiry by the international non-government commission on human rights violations in DRC (former Zaïre) 1996-1998”, 1998, p.78.

3. **The slaughter of the Nyarutovu wedding, January 18-19, 1997:** In the night of January 18-19, 1997, the RPF attacked and killed each and every one of the guests, including the bride and groom and their parents, at a civil wedding in the home of Major Laurent Bizabarimana in Nyarutovu in the northern province of Ruhengeri. **50 people** were collectively slaughtered that night. Major Laurent Bizabarimana and his family had recently returned from Zaïre during the massive forced deportation by the RPF, and became victims of a brutal RPF nationwide campaign inside Rwanda to eliminate “genocidaire elements” from among these returnees. (Testimony provided by witnesses, still living)

4. **The horrors of the Nyakinama Cave, October 23-28, 1997:** RPA soldiers are reported to have pursued and killed **8,000 unarmed civilians, especially women, children and the elderly who were too weak to run** who had sought refuge in the cave of Nyakinama, in the commune of Kanama, to escape indiscriminate shootings and bombings by the RPA in the area. RPA soldiers reacted by lobbing grenades and other explosives into the cave, then went on to seal off the entrance of the cave with rocks and gravel so no one would be able to come out. (Amnesty International, The dead can no longer be counted, report, December 1997)
5. **The Hutu Christmas massacre of Kayonza, December 23-25, 1998:** In the evening hours of December 23, 1998, a passenger on a mini-bus taxi from Kigali got off near Nyagatare, and suddenly fired a gun into the air before running off into the hills of near-by Ngarama. The next day, people woke up to road blocks at Kayonza and Musha, and to military security sweep operations in the surrounding communes of Ngarama, Muvumba, Murambi, Kayonza, and Bicumbi. All taxis to and from Kigali were stopped and carefully screened for Hutus, who were ordered out before the taxis were allowed to resume their journey. These Hutus were then all executed using guns or used up hoes, then loaded up onto trucks and shipped to humming incineration centers in the Mutara region, with the ashes later dispersed into the Akagara National Park. **An estimated 5,000 innocent civilians, including the cousin of one witness,** perished in this macabre 2-day operation. (Testimony provided by witnesses, still living)
6. **The brutal reprisal campaigns against Abacengezi (1997-2000) and the ethnic cleansing of the Mutara region (1995 and after):** From 1997 to around 2000, the RPF faced an increased number of cross-border raids from Zaire into Rwanda carried out by remnants of the previous army who called themselves “Abacengezi” (or inroad specialists). Each time they attacked, the RPA army responded by unleashing a brutal reprisal campaign targeting the civilian population, especially in the northwestern provinces of Ruhengeri and Gisenyi, in order to break the will of the insurgents, many of whom originated from these provinces. **More than 50,000 people** were killed in many communes of these 2 provinces from 1997 to 2000. In the meantime, the RPF returned to the Mutara region in the northeast and started where it had left off in cleansing the area of all ethnic Hutus. The RPF decimated native Hutus, as well as other Hutus who had immigrated into this once under-populated area from other parts of the country in search of land and new jobs during the 1960’s, 1970’s, and 1980’s. The Mutara region is now the new all-Tutsi land of Rwanda, complete with farms and cattle ranches for the Tutsi herders. There have been reports that these ranching activities, in search of grazing pasture, have led to severe encroachments into the adjacent Akagera National Park, destroying the ecosystem of the area and the natural habitat of many wild animals. (Testimony provided by witnesses, still living)

V. OTHER ALLEGED RPF CRIMES

1. **The crime of denying people their right to seek medical treatment overseas:** Since taking power in July 1994, the RPF has put in place a criminal policy of systematic non-issuance of medical treatment exit visas for people it wants to punish for multiple reasons. These are mostly people who have voiced their criticism of the government or the army, or are perceived to be in the political opposition, etc. One of the most glaring cases is that of **Father Andre Sibomana**, former Editor of the independent newspaper “*Kinyamateka*”, and a former interim Bishop of the Diocese of Kabgayi after the assassination of Bishop Thaddee Nsengiyumva in June 1994. He was a staunch social justice advocate and human rights activist known for his editorials denouncing the excesses of the RPF regime. He was never allowed to seek expert medical treatment overseas, and succumbed to his illness in Kabgayi at the young age of 43 on March 7, 1998. **Dr. Jean Bagiramenshi**, a veterinarian who worked for the government and later consulted for the World Bank, was another victim of this policy. He suffered from multiple ailments, including kidney malfunction and gout, and may have had liver problems as well. He was prevented several times from seeking medical treatment out of Rwanda on his own money, and by the time he was allowed

- to leave, it was too late. He died in Belgium in 2005. **Investigations must be carried out to determine how many people have fallen victim to this criminal policy.** (Testimony provided by witnesses, still living)
2. **RPF death squads on the trail of opponents inside and outside Rwanda:** On May 16, 1998, **former Interior Minister Seth Sendashonga** was assassinated in Nairobi, Kenya; on October 6, 1996, **Colonel Theoneste Lizinde** and **businessman Augustin Bugirimfura** were assassinated in Nairobi, Kenya; in the night of February 14-15, 1999, former CEO of Rwanda African Continental Bank (BACAR) **Pasteur Musabe** was assassinated in Yaounde, Cameroon. Inside Rwanda, former Council of State president **Vincent Nsanzabaganwa** was assassinated on February 14, 1997; former presidential advisor **Assiel Kabera** was gunned down on March 5, 2000; on April 7, 2003, parliamentarian **Leonard Hitimana** was assassinated, and no inquiry has been conducted. Two weeks later on April 23, 2003, **Colonel Augustin Cyiza** was abducted and killed. **Edouard Mutsinzi**, former editor of “Le Messager” newspaper in Kigali, was abducted and beaten up, with his ribs broken, his eyes taken out, and his brain damaged so bad that he lives in a vegetative state in Belgium. All the victims were either critics of the government or potential compromising witnesses in possession of top state secrets. These crimes and many others were reported to have been committed by RPF death squad members assigned to do the dirty work against RPF opponents in different world capitals. They must be investigated, and their perpetrators brought to justice.
 3. **The cruel and inhumane use of prisoners in de-mining operations:** The RPF has been reported sending hundreds to Hutu prisoners to their immediate death by forcing them to run in areas where landmines are suspected of having been planted by the ousted army, especially in the Bugesera region. These allegations must be fully investigated and prosecuted. (Testimony provided by witnesses, still living)
 4. **The cruel and inhumane treatment and exploitation of Rwandan prisoners in the Congo war for the profit of President Paul Kagame:** During the Congo war and the occupation of Eastern DRC by the RPA, reports abounded about Rwandan prisoners being sent to die at the forefront of a brutal war of occupation and exploitation of the DRC. There were also numerous reports that hundreds, maybe thousands, of Rwandan prisoners were sent to RPA-occupied areas of the Congo to work as forced labor in the digging of minerals, especially Coltan, gold and diamonds, for the top brass members of the RPA army, starting with President Paul Kagame himself. This was a flagrant violation of international laws governing prisoners and a despicable trampling of human dignity. A full investigation and prosecution of these crimes is warranted. (Testimony provided by witnesses, still living)

VI. FINAL OBSERVATIONS

1. When this RPF crime compendium is released, I expect the RPF government to hit back with blanket accusations, without any proof, that I am a “revisionist and a negationist of the Rwandan genocide”, and that “I harbor an ideology of genocide and divisionism”. The international community must take a very close and careful look at such character assassination, and in many cases outright persecution, of all real and perceived contrary opinion holders and political opponents, social justice advocates and human rights critics in Rwanda by the RPF government, and find a proper way to address it.
2. The present compendium was conceived as an effort to document most reported and under-reported crimes by the RPF organization as a predominantly Tutsi rebel group and government with a view to bring to light its apparent share of responsibility in the whole Rwandan tragedy. Even though it places a premium on seemingly forgotten Hutu casualties, this document did not and does not intend to belittle Tutsi and Twa casualties of the Rwandan genocide. All sons and

daughters of Rwanda, as well as foreigners who perished in this tragedy were a terrible loss to humanity and must be equally mourned and remembered, regardless of their ethnicity. We need to know with certainty who massacred the Bagogwe Tutsi sub-clan of Gisenyi in 1991 and 1992. We need to know with certainty who butchered the Banyamulenge Tutsis and Bagobwe Tutsis sheltered at Mudende camps in August, November, and December 1997. We need to know with certainty who killed the American, British, Australian and New Zealand tourists at Bwindi National Park in Uganda in 1999. Who killed the Spanish volunteers in Rwanda in 1997 and in Congo in the following years? Who abducted, mutilated and killed former Rwandan cabinet minister Juvenal Uwiringiyimana before dumping his body in a Brussels canal in December 2005? Was he or not a victim of the RPF death squad in Europe as widely suspected? **The overall goal of this document is to lift the cloud of mystery and secrecy hanging over the Rwandan tragedy. It is to fight impunity and help bring equitable justice to Rwanda: whoever killed a Tutsi must pay, whoever killed a Hutu must pay, whoever killed a Twa must pay, and whoever killed a foreigner must pay.**

3. Rwandan President Paul Kagame is now widely believed to be behind the shooting down of the aircraft carrying President Juvenal Habyarimana on that fateful night of April 6, 1994. In that capacity, he is the suspected triggerman of the Rwandan genocide of 1994 and the architect of the genocide after 1994. Kagame outright denies these allegations. But a better way to refute the charges and clear his name once and for all is to allow an independent investigation to look into these crimes. Of course Kagame will never request such an independent investigation, because he knows he is guilty. That's why we ask the UN to mandate the ITCR to investigate these tragedies not covered by the current mandate.
4. The provinces of Byumba and Ruhengeri did not experience the wave of genocidal killings that engulfed the rest of the country in April 1994, because they were already under RPF control. Yet, the vast majority of families currently living in these regions (about 80% of all inhabitants of these areas) are made up of widows and orphans, who tell stories of their husbands and fathers having been killed by the RPF. International non-government organizations (NGO's) have been prohibited by the RPF government to go into these areas and assist these widow-run families to move ahead, and to mend the traditional family nucleus and the social fabric which have been completely shattered. Families in these areas with a member in the previous government army have been especially targeted and hit the hardest by the RPF. The simple question is this: why has the international community remained blind in the face of such blatant brutalization of human life? From 1990 to 1994, a reported 400,000 people have died in these areas. Who killed them?
5. Reports have circulated that many extremist RPF members in Kigali and other cities had large caches of weapons in their residences, and had dug up very deep pits in their backyards a few months before the genocide. What was the purpose of these weapons and pits? There have been reports that in the ceasefire months leading up to April 1994, many RPF youths received extensive fire arms training in the CND parliament building housing the RPF battalion, and at the RPF headquarters in Mulindi. Also, it is no secret that while the ruling MRND party had the Interahamwe militia, the MDR party had the JDR (Democratic Republican Youth) militia, and the PSD party had the Abakombozi militia, the RPF had a youth militia of its own that inflicted as much damage as the other militias. An independent inquiry of these facts is needed, and witnesses are available to testify openly.
6. The killings in Rwanda in 1994 were called genocide. Today, the killings in Darfur are being denounced as genocide. The killings in Zaire from 1996 to 2001, which took the lives of more than 4 million innocent lives, were called just that: killings. Where is the logic? Some of the perpetrators of the Rwandan genocide have been punished, and from all indications the perpetrators of the Darfur genocide will be punished, since the setting up of an International Criminal Tribunal for Darfur is already in the works. That's all good. But when are we going to have the International Criminal Tribunal for Congo? When will the perpetrators of the Zairian

- killings be punished? Never mind calling the Zairian killings genocide, can their perpetrators at least be punished? There are countries which do not have a total of 4 million inhabitants. That's a lot of people to kill and live freely ever after. We all know beyond a doubt that the RPF committed these killings. You, the international community, can you tell us who you hold responsible for these wholesale massacres? For the same crimes, there must be the same punishments.
7. More than 50% of current inmates in Rwanda have no official criminal charges against them, but continue to be kept in jail and out of active life. The government keeps the inmates on meager meals that must be supplemented with additional food rations from their families, or they will die from hunger – when they do not succumb to torture so rampant under different forms inside official prisons throughout the country and inside hidden unofficial torture centers. In most cases, women, including those educated, cannot keep a paying job because they need 2 to 3 hours per day to go feed their husbands in jail. No employer will agree to so much time off every day. This means that for the 100,000 married men in prison, there are 100,000 women not working, or a total of 200,000 people not actively contributing to the economy. With an average of 4 children per Rwandan household, that's a total of 400,000 children nationwide that lack parental guidance and money to attend school. And all of a sudden, the grim picture of the legacy of the RPF regime comes into full focus: the pauperization and illiterate-ization of an entire generation of Rwandans. If this is not slow genocide, then genocide does not exist. Truthfully, there are 5 main factors of genocide: bad leadership, bad media, impunity, poverty, and lack of education. Today, all these 5 genocide factors are in place in Rwanda. The height of injustice in Rwanda can be summed up this way: many innocent Hutu civilians are in jail, while all criminal RPF elements are free. Where is the UN while all of this is happening? There cannot be any possible reconciliation in any nation where one part of the population is having a field day at the expense of the other part of the population on its knees.
 8. Joseph Matata, a Rwandan human rights advocate who heads the Brussels-based "Center against Impunity and Injustice in Rwanda", has reported that about 100 ex-FAR military officers are jailed at the Kibungo military prison since April 1999. An additional 37 or so ex-FAR military officers remain unaccounted for, while many other former comrades have been summarily executed [*Report of April 14, 1999*]. The "official" political parties in Rwanda today function under the umbrella of the so-called "Forum of Parties" where the RPF is sole master. In view of all this, the question is this: Does the Arusha Peace Agreement of August 1993, painfully reached between the then-RPF rebels and the then-government, and which called for a merger of the 2 fighting armies and free political activity in Rwanda, have any relevance left?
 9. Contrary to RPF claims, there is no peace in Rwanda. That explains why far too many Rwandans continue to flee overseas and are easily granted asylee or refugee status. How long is the RPF going to use genocide as a pretext to stifle democracy and entrench one of the most predatory dictatorships ever? Political opposition is completely muzzled. How long will the people of Rwanda continue to die a slow death? Former President Pasteur Bizimungu and his collaborators, such as Charles Ntakirutinka, are rotting in jail for having started a political party. In fact, in Rwanda there is no shortage of political prisoners, prisoners of opinion, prisoners of hate, prisoners of race, etc., and Colonel Stanislas Biseruka, reporter Dominique Makeri, and Colonel Patrick Karegeya are only a handful in a long list. You, the ICTR, whose original mandate was to reconcile the Rwandan people among other things, what is going to be your legacy for Rwanda when your time expires?
 10. The recent brutal killing of many businessmen among them Fulgence Nsengiyumva of Gitarama, aged 49, by the RPF government army on August 6, 2006 must be condemned vehemently. His wife is being persecuted for reclaiming the confiscated truck that belonged to him, and their 5 innocent children will be traumatized for the rest of their lives. The recent arrest, search and strip of old women in an open market place by RPF police in broad day light as a way to humiliate and force all old and barefoot women to never set foot in a market place again, is abhorrent and must be condemned vehemently. The on-going campaign to ban bicycles and motorcycles from cities,

especially Kigali, as well as the on-going campaign to raze all banana plantations, is an act of economic depredation on the Rwandan population by its RPF government and will result in the starvation of the masses. It must be condemned vehemently. The on-going campaign to expel from Kigali city all the poor, all AIDS orphans, all war widows and war invalids, is criminal. It all started with a seemingly simple desire to take the poor away from the city, then the campaign targeted the bare-foot crowd, then those wearing sandals and slippers, then the pedestrians, then the bicyclists, and finally the motorcyclists. Who is it going to be next? There is clearly a pattern of criminal exclusion that must be condemned. In reality, this whole campaign is an empty attempt by RPF rulers to project to visitors and donors the deceptive impression that Kigali in particular, and Rwanda in general, are well-managed to deserve more financial aid. Chasing all these poor people away from the city without addressing the root cause of their misery is a window dressing, whitened-sepulcher, or sweep-under-the-rug type of approach to development, and it obviously can't help any poor Rwandan. It can't fool any foreign donor country either. So the simple question to the United Nations is this: why are the people of Rwanda being so toyed with, persecuted and killed by their own government in this fashion and nothing is being done about it?

- 11. Finally, what is Presidential Immunity?** It seems to mean that someone can kill all the people he or she wants, and not worry about any consequences as long as he or she is president of a given country! We are in the 21st century, and humanity sure can come up with better laws.

VII. GENERAL CONCLUSION:

The above list of RPF crimes is by no means exhaustive. There are reports of countless RPF crimes before 1994, in 1994, and after 1994 that could not be compiled in this document. For example, in the small eastern town of Muhura as the RPF marched onto Kigali in the Spring of 1994, General Paul Kagame himself is reported not only having given direct orders to fire on crowds of wandering displaced people, but also having personally sprayed bullets into these crowds with his own machine gun. An investigation of this massacre is needed, and witnesses are available to tell the story.

Currently, there is a general, state-sponsored crime being perpetrated by the RPF government against an entire segment of the Rwandan population, specifically Hutus, through the infamous Gacaca Courts. The RPF government is attempting to incriminate the biggest number of Rwandans possible by officially labeling them “killers” or “genocidaires”, thus ostracizing them from public life and creating a caste of second class citizens or “untouchables”. Gacaca trials are an age-old, small-courts-type Rwandan tradition designed to settle only misdemeanors, such as stealing a cow, a goat, or chickens, and minor land disputes between neighbors. By its nature, a Gacaca trial does not require judges and jurors to have law school training and degrees, only common sense. Conversely, the crime of genocide is so grave by nature that it cannot be tried in a Gacaca court, with semi-literate judges and jurors, and with no legal defense, without being diminished and debased.

The justice system in place wants detainees to admit to the crime of killing if they want to be freed. Then, they head to a local Gacaca court where they not only must confess (and explain) their crimes but also reveal and denounce other killers. Anything short of this is a half-confession and not acceptable, and the suspect must go back to jail. In other cases, witnesses are produced from the woodwork to incriminate suspects for crimes they never committed. Very clearly, there is an attempt here on the part of the RPF government to humiliate and exterminate an entire people. I, Paul Rusesabagina, personally know of specific cases where this has happened. The international community must condemn this abhorrent system and demand its immediate abolition.

In summary, here is the sad reality of Rwanda : The genocide and other crimes committed from October 1, 1990 to April 5, 1994, the genocide and other crimes committed from April 6, 1994 to July 4, 1994, and the genocide and other crimes committed from July 5, 1994 to present, were and are the result of a fierce confrontation between on one hand Hutu Extremist militias who hated minority Tutsis and wanted to

eliminate them using machetes, spears, and clubs, grenades and machine guns, **and on the other hand** the RPF army which hated and hates Hutus, and wanted and wants to kill them massively using machine guns, grenades, used up hoes, mass burial, incineration pyres, and organized disappearances. While the ringleaders of the first group have been arrested and prosecuted by the ICTR, the masterminds of the second group remain free and enjoy utmost impunity.

That is the core of the sad reality of the Rwandan tragedy, and until there is equitable justice to settle this fundamental issue, peace and reconciliation among Rwandans will remain elusive for many years to come.

Equitable justice is a necessary pre-condition to reconciliation. All peoples of the world, including Rwandans, have an inalienable right to life, democracy and freedom. Any effort to reconcile the Rwandan population without a frank, honest, and sincere dialogue will produce the same result: inter-ethnic confrontations.

In the final analysis, the United Nations, the ICTR, and all of humanity, all of us have written our name down in the history book of the Rwandan tragedy. Before colonization, Rwanda was divided between slave and master. After colonization, Rwanda became divided even more. From 1990 to present, divisions among Rwandans have reached unprecedented heights. Where is Rwanda headed as a society? Are we sure we have exhausted all our possibilities in bringing true peace and reconciliation to Rwanda, so that when all is said and done history will be kind to us?

VIII. DEFINITIONS

i) War Crimes

In the context of war, a **war crime** is a punishable offense under International Law, for violations of the laws of war by any person or persons, military or civilian. Every violation of the law of war in an inter-state conflict is a war crime, while violations in internal conflicts are typically limited to the local jurisdiction. In essence, the term "war crime" represents the concept of an international jurisdiction as applicable to the most severe crimes, in areas where government is dysfunctional and society is in a state of turmoil. (Wikipedia, the free encyclopedia)

ii) Crimes against humanity

A **crime against humanity** is a term in international law that refers to acts of murderous persecution or any large scale atrocities against a body of people, as being the criminal offense above all others. Crimes against humanity are considered similar to war crimes and share some similar characteristics, but they differ in that crimes against humanity are usually targeted towards a particular group and need not occur in a war context. (Wikipedia, the free encyclopedia)

iii) Crimes of Genocide

Genocide is defined by the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) Article 2 as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group." (Wikipedia, the free encyclopedia)

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