

**A joint memorandum of Rwandan opposition political parties and civil society organizations submitted to the White House with regard to the US-Africa Leaders' Summit: August 4 to August 6, 2014.**

**August 1st, 2014**

Excellency, Mr. President of the United States of America  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

**Re: President Paul Kagame's criminal record, human rights abuse practices and dictatorship**

Your Excellency Mr. President:

Rwandan opposition political parties and civil society organizations operating in the US are very thankful to you, President Obama, for wanting to engage African Heads of states on matters of mutual interest. However, the same organizations invite the US Government to take a hard look on the criminal record of President Paul Kagame of Rwanda, his human rights abuse practices and his dictatorship against the Rwandan people, which are not consistent with American values and ideals. The ultimate goal is to avoid getting America's image tainted abroad by its association with Kagame's criminal enterprise.

1. President Kagame is a war criminal on the African Continent.

Nowadays, it sounds like stating the obvious when one invokes President Kagame's war criminal record after numerous UN reports that accused him of violating the Rwandan people's right to life beginning by the wrongful death of President Juvenal Habyarimana.

Indeed, UN reports after reports accused Paul Kagame of engaging in mass killings against unarmed civilians before, during and after the 1994 Rwandan Genocide.

In late 1994, UN consultant Robert Gersony's personal conclusion was that between April and August 1994, the Rwandan Patriotic Front (RPF) had killed "between 25,000 and 45,000 persons in an area covering only 28% of Rwanda's territory, between 5,000 and 10,000 persons each month from April through July and 5,000 for the month of August." (1)

In his report published on April 8, 1997, UN High Commission for Human Right Special Rapporteur for the Democratic Republic of Congo (DRC), Robert Garreton cited several instances of mass murders committed by the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL) and the Rwanda Patriotic Front (RPF), including the killing of 300 persons invited by the rebels to a meeting in Bukombo, the murder of 600 refugees at the Kashusha camp in Burhale and the killing of 207 people at a church in Chanzu.

He also quoted villagers in Kibumba, housing Rwandan refugees at that time, as saying that they buried more than 1,500 bodies found in the village, and a report by Zairean Deputy Prime Minister Kamanda wa Kamanda that 3,000 persons were killed at the Rwandan refugee camp in Mugunga.

Garreton also documented evidence of massacres committed by ADFL and RPF in North and South Kivu in Eastern Congo. The report also provided evidence of direct involvement of Rwandan soldiers, their intent to destroy the refugees and the removal of bodies and evidence. Garreton labelled these massacres as acts of genocide owing to the obvious intent to find and exterminate Hutu refugees and called for further investigations and criminal prosecutions. He found that the killings of Hutu refugees were “ *an intentional carefully planned exercise which began with the destruction of the camps in eastern Congo and ended up with the final massacres of survival in the country’s west*”. In the end Garreton was obstructed by the Congolese government to investigate the massacre of 1000 refugees in Mbandaka on May 13, 1997.

Because the DRC government was refusing to cooperate with UN investigation, in April 1998, the Secretary General instigated his own investigation which also found that RPF elements were responsible for crimes against humanity and possibly genocide in the DRC, and that up to 200,000 refugees remained unaccounted for (2). Consistent with the UN numbers, one study used estimated ranges for the number of refugees and controlled for the expected mortality rates, concluding that, approximately 233,000 Hutu refugees were massacred by the RPF and its allies (1).

The UN Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003 released in August 2010 (3), gave a detailed account of Rwanda criminal involvement in the mass killings of unarmed civilians in Congo and its share of responsibility in more than 5,000,000 Congolese dead in the conflict which was largely initiated and carried out by the government of Rwanda and its proxies. The report concludes that if proven in the court of law, the killings committed by Rwanda and its co-conspirators could amount to Genocide.

Paul Kagame’s own former close collaborators have recently revealed that he ordered the shooting down of the former president of Rwanda’s airplane, killing President

Juvenal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi, two sitting presidents and their close office personnel. It is a shame to the international community and a shame to the US specifically as a World leader that up to this date no investigation has been opened on this horrendous crime, which is believed to have ignited the 1994 Rwandan Genocide. Rwandan opposition political parties have recently written to the UN asking for an independent international investigation of this terrorist act but there has been no response so far.

## 2. Human right abuse practices

According to Human Rights Watch,

*“In the past 19 years since the RPF took power in Rwanda, there has been numerous documented cases of arbitrary arrests, detentions, prosecutions, killings, torture, enforced disappearances, threats, harassment, and intimidation against government opponents and critics.*

*In addition to the repression of critical voices inside Rwanda, dissidents and real or perceived critics outside the country-in neighboring Uganda and Kenya, as well as farther afield in South Africa and Europe-have been victims of attacks and threats.*

*In the past four years alone, numerous Rwandan refugees and asylum-seekers in Uganda have reported to Human Rights Watch a range of incidents, including personal threats by people they know or believe to be Rwandan, attacks on their homes, beatings, attempted abductions, and, in the most serious cases, killings or attempted killings. Some have also reported being threatened and intimidated by Rwandan diplomatic representatives in Uganda”(4).*

In his statement at the conclusion of his visit to Rwanda on January 27, 2014, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, said the following:

*“Freedom of peaceful assembly*

*The Constitution guarantees freedom of peaceful assembly. Law No. 33.91 provides for prior notification for demonstrations on public roads and public assemblies. But it also then requires prior authorization for assemblies in open air, on public roads or in a public space in the interests of public safety, tranquility or health. This creates an inherent contradiction in requiring both prior notification and authorization, paving the way for arbitrary decisions by the concerned authorities (5).*

*Freedom of association: Non-governmental organizations*

*The Constitution guarantees freedom of association. This right is further elaborated in the recently enacted laws governing the organization and functioning of local and international non-governmental organizations (NGOs). This legislation puts onerous and burdensome conditions on non-governmental organization registration”(5).*

#### *Freedom of Association: Political parties*

*Concerning political parties, Maina Kaia says: “I have observed a lack of space for individuals to express dissenting views. The Government of Rwanda favors “consensus politics” and discourages public criticism and dissent. I am concerned that there is no genuine pluralistic society”(5).*

#### Freedom of speech

In Rwanda, unless you are boasting the government’s achievements, free speech remains only in the books.

With regard to independent journalists for example, Jean Leonard Rugambage of Umuvugizi Newspaper was assassinated during the night of 30 November to 1<sup>st</sup> December 2012.

Agnes Uwimana Nkusi and Saidati Mukakibibi of Umurabyo Newspaper were sentenced to 4 and 3 year imprisonment, respectively after a trial manipulated by RPF.

Charles Ingabire of Inyenyeri News Newspaper was assassinated in the night of November 30 to December 2012.

Journalist Stanley Gatera of Umusingi Newspaper and Epaphrodite Habarugira of Radio Haguruka are in prison now.

Idriss Gasana Byiringiro of the Chronicles Newspaper, in conditional release, remains prosecuted whereas Annonciata Tuyishime of Flash FM Radio was beaten up by the police until she entered a coma.

#### 3. A dictatorial regime that does not tolerate dissent

In Rwanda vocal members of opposition political parties or civil society organizations have only two choices: accept to be silenced or be killed (shut down), go to prison or go in exile. Assassinations of politicians and journalists, political prisoners, kangaroo court trials, human rights activists expulsions, the refusal to register opposition political

parties, the meddling of the executive branch in court cases involving political opponents, have become all too familiar in Rwanda.

With regard to opposition leaders, Madame Victoire Ingabire Umuhoza, President of FDU-Inkingi was sentenced to 8 years in prison by the High Court for allegedly *“harboring genocide ideology and denying the Rwandan genocide”*. These are real political crimes that were immediately condemned by Amnesty International and Human Rights Watch (HRW) and the last UN session on Human Rights that convened in Geneva, Switzerland. In December 2013, the Supreme Court sentenced Madame Victoire Ingabire Umuhoza to 15 years of prison as she had made an appeal, for allegedly *“conspiring against the Rwandan government through terrorism and war and for denying genocide”*. The trial was unfair and inequitable.

The same Supreme Court had in 2010 condemned Mr. Deogratias Mushayidi, President of PDP-Imanzi to a lifetime reclusion sentence allegedly for *“endangering the state security, for using falsified documents and for inciting the population to disobedience”*.

The President of PS-Imberakuri, Mr. Bernard Ntaganda finished in July 2014 his sentence to 4-year imprisonment for allegedly *“endangering the state security, for inciting ethnic divisions and for organizing a non-authorized demonstration”*.

Doctor Theoneste Niyitegeka, the unfortunate presidential candidate in 2003 is still serving a 19-year sentence.

Political assassinations have occurred with Andre Kagwa Rwisereka, the Vice-President of the Democratic Green Party of Rwanda, whose body was found almost beheaded in Butare on July 14, 2010.

Former Interior Minister Seth Sendashonga was assassinated on May 16, 1998 in Nairobi, Kenya by assassins accused by the Kenyan Government of being operatives of the Rwandan Government.

Colonel Patrick Karegeya, former chef of external intelligence and co-founder of the Rwandan National Congress party, who was exiled in South Africa was assassinated in a hotel room in Johannesburg on January 1<sup>st</sup>, 2014.

Exiled politicians have escaped assassination attempts. That is the case for General Kayumba Nyamwasa, who has survived so far three assassinated attempts, two in 2010 and one on 4 March 2014 which led to the expulsion of four Rwandan diplomats appointed in South Africa and the condemnation of those criminal acts by South African Minister of Justice as well as by the US Department of State.

In 2011, British Police warned Rwanda opposition members that there was an imminent threat to their lives, from the Government of Rwanda's personnel accredited in Great Britain.

In 2012, the Government of Sweden deported a Rwandan diplomat for involvement in espionage activities against Swedish of Rwandan origin.

The same HRW report cited above also denounces the kidnapping (or illegal extraditions) and assassinations of Rwandan refugees exiled in Uganda. That was the case of Lt. Joel Mutabazi who was kidnapped from Uganda and brought to Rwanda where he is facing a shame trial that ignores the basic principles of a fair and equitable trial.

Many other members of the opposition are still languishing in Rwandan prisons. They include: Sylvere Mwizerwa, Eric Nshimyumuremyi, Donatien Mukeshimana for PS-Imberakuri Party; Sylvain Sibomana, Venuste Uwiringiyimana, Leonile Twizeyimana, Emmanuel Byukusenge, Marcel Nahimana for FDU-Inkingi Party.

In its Foreign Ministers council conclusions on the Great lakes region adopted on July 22, 2014, the EU says: *"the EU notes its ongoing concern at constraints faced by political parties, including the shrinking of the political space and by reports of disappearances and actions against human rights defenders and civil society"*(6).

The co-signing organizations take this opportunity to thank the US for taking symbolic sanctions against the Rwandan Government after it had become crystal clear that Rwanda was providing human, material and ammunition support to the M23 rebellion. The United State stands in this issue played a decisive role in ending that rebellion in Eastern Congo. It's time that US diplomacy use more stick than carrot with the Rwandan government if they want to help achieve peaceful changes in Rwanda and the Great Lake Region.

Indeed President Paul Kagame is still very defiant as it appears in the statement he made on June 5, 2014 in a public meeting at Nyabihu, Western District of Rwanda. Responding to the US State Department that had expressed deep concerns about arrests, disappearances and lack of freedom of expression in Rwanda, President Paul Kagame acknowledged the facts but promised instead, to take it one step further, and start shooting in broad daylight without due process those suspected to pose a security threats to his government.

-Concerning the fate of the FDLR, the co-signing organizations welcome the peace initiative of Sant 'Egidio and the 6-month moratorium issued by ICGL/SADC member states because that's the only way we can achieve peace in the region.

In fact, FDLR members are refugees and should be treated as such. If President Kagame and his government have substantiated charges against elements of the organization they should bring them to court with the names of the perpetrators instead

of maliciously issuing indiscriminate collective condemnation of the group as genocidaires.

It is worth recalling that M23 has officially disarmed but that concordant information points to the group still organizing, preparing to cause insecurity and devastations again in the DRC with the help of President Yoweri Museveni of Uganda and President Paul Kagame of Rwanda.

The undersigned organizations welcome the "executive orders" the US Government issued recently on DRC, targeting, and citing by names all parties involved in the neverending DRC conflict, including General Laurent Nkunda today living a lavish life unworried in Kigali under the complicit protection of President Paul Kagame.

Let us not forget the crucial role President Kagame played as a facilitator to the crimes General Bosco Ntaganda, the Terminator, was convicted of at the International Criminal Court of La Haye, the Nederland where he is now serving his well deserved time in prison.

With regard to Rwanda's economy, political and economic powers are concentrated in the hands of Paul Kagame and the few army officers and businessmen in his entourage. In addition to being the President of Rwanda, Paul Kagame is the President of the ruling political party, the RPF and consequently he also is the President of Crystal Ventures, a national business owned by the RPF.

Crystal Ventures has invested in all main economic sectors in the country such as construction and real estate developing, agro-food industry, telecommunications, security and many others. It is the second largest employer in the country after the public sector and the largest bidder for public contracts. As it always happens in cases like this, even in developed countries with so many checks and balances, an utmost corruption profiting the ruling party and its leaders thrives. Among others things, such corruption appears in hefty fortunes of some connected individuals including Paul Kagame himself using many aliases.

Rwanda's economic development is built on moving sand as long as there is no democracy and respect for human rights.

As it has transpired after 1994, violent conflicts in Rwanda can cause enormous loss of lives and unspeakable suffering for millions of people, inside the country and in other countries of the region.

Therefore, we, the undersigned organizations, recommend the following measures that are necessary to send a clear message to Rwandan officials so that they may implement needed urgent reforms:

- Demand an immediate and unconditional release of all political prisoners and journalists.
- Demand an opening of the political space without delay.
- Demand an end to persecutions (including arbitrary arrests and detentions, torture, forced disappearances and extra judiciary executions) of political opponents, journalists, human rights activists and their family members.
- Tie development aid to respect of public liberties and international humanitarian laws and to the end of violation of UN resolutions on the DRC.
- Freeze Paul Kagame's assets, and the assets of individuals in his entourage and of different RPF businesses.
- Open an independent international investigation into the shooting down of President Juvenal Habyarimana's plane on April 6, 1994, so that the light may be shed on who was truly responsible for the tragedy that followed the downing of that airplane, including the Rwandan Genocide.
- Use mechanisms of regional Human Rights and those of UN to make sure that Paul Kagame and all parties responsible of the chronic insecurity in Rwanda and in the region be held to account for blatant human rights violations they commit against their citizens inside and outside the country.
- Create working mechanisms, insuring that the UN experts' report on Eastern DRC, the one on M23 and the UN Mapping report be operationalized so that those responsible for the atrocities investigated in these reports be brought to justice.
- Create an ad-hoc tribunal to adjudicate and prosecute the Genocide of Hutu based on all different operations that were planned and cold-bloodedly executed by the RPF regime, namely the massacre of more than 8000 internally displaced Hutus of Kibeho on 22 April 1995 in the sheer presence of UN peacekeepers along with the extermination of hundreds of thousands Hutu refugees in the DRC as documented in the UN Mapping report.
- More particularly the co-signing organizations ask the US Government to:
  - (i) Help the Rwandan people free themselves from Paul Kagame's dictatorship
  - (ii) Put pressure on him to accept negotiations with the opposition



- (iii) Prevent him from attempting to amend the constitution in order to run for a third term
- (iv) Refrain from funding the presidential elections scheduled for 2017 so long as the laws are amended to prevent a transparent, fair and equitable electoral process
- (v) Impose an arm embargo on weapons going to Rwanda because the regime in place uses them against its own people and against neighboring countries.

**Signatories:**

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**Notes:**

1. Massacres and morality. Mass atrocities in an age of Civilian immunity. By Alex J. Belamy. Oxford University Press 2012. Pp 341-343.

2. Report of the investigative team charged with investigating serious violations of human rights and International Humanitarian Law in the Democratic Republic of Congo. S/1998/581, 29 June 1998.
3. Official UN Mapping Exercise – Friends of Congo  
<http://www.friendsofthecongo.org/united-nations-report.html>
4. Human Right Watch. Rwanda: Repression Across Borders: Attacks and Threats Against Rwandan Opponents and Critics Abroad, January 28, 2014.
5. Maina Kiai. Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the Republic of Rwanda, Kigali, 27 January 2014.
6. EU Foreign ministers council conclusion on Great lakes region, July 22, 2014. [http://www.eu-un.europa.eu/articles/en/article\\_15297\\_en.htm](http://www.eu-un.europa.eu/articles/en/article_15297_en.htm), July 29, 2014