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Memorandum to the President of the United Nation Security Council
NEW YORK
USA

CC: Members (all)

His Excellency the President,

According to information released by the United Nations Press service, Mr Martin Ngoga, the head of the Rwandan delegation at the just concluded UN Security Council session dedicated to the assessment of the progress achieved by the ICTR, made a number of far reaching proposals. Given the prevailing situation in Rwanda, those proposals are totally unwarranted.

The first demand of the RPF regime relates to sanctions to be imposed against countries alleged not to be fully cooperating with the ICTR. Whereas it is legitimate to worry about any lack of cooperation by UN member countries, it is sheer hypocrisy for such plea to emanate from RPF government. Indeed, how many times did the ICTR complain about blackmail and all other kinds of sabotage from the very RPF government which is now shedding crocodile tears on the fate of ICTR?

RPF did also put undue pressure and blackmail to ICTR, in order to put an end to investigations into alleged war crimes and crimes against humanity committed by RPF own members. The revelation was made by none other than the former chief prosecutor of ICTR, Mrs Carla Del Ponte.

Besides, the cooperation that is at stake should be based on legal basis. While it is in order for member countries to honour warrant of arrest issued by the relevant authorities of ICTR, one should not confuse them with warrant of arrest issue by RPF regime on the basis of wanton lists of so called genocide suspects, which have a hidden political agenda. Indeed, RPF has in the past tried to presents his own lists of suspects as “UN lists”. After motions of protest by defence counsels, former chief prosecutor of ICTR, Mr Richard Goldstone had to come out publicly and disown those lists.

The call by RPF government for UN to compel member countries to cooperate with Rwandan judicial system once the ICTR shall wind up its duties should also be dismissed outright. So should be the plea to transfer all pending cases to Rwanda.

When the United Nations set up the ICTR, it had deemed that no free and fair justice could be conducted under the RPF regime in matters regarding genocide and other related crimes committed in 1994.

This would have amounted to giving to RPF a dual status of judge and suspect, as the UN Rapporteur had clearly indicated in his report that war crimes and crimes against humanity were committed by both sides, i.e., the former Rwandan government side and the RPF rebellion side now running the government..

To give a blank check to the regime by compelling countries to succumb to RPF government diktats would be a denial of justice, as anything has fundamentally changed since RPF took over of power.

Indeed, many human rights organizations, as well as Lawyers Without Borders which has scrutinised the work of the Gacaca tribunals, continue to denounce the loopholes of the judicial system in Rwanda. All point out the interference of the army and other security system in judicial affairs. In these conditions, compelling countries to cooperate with RPF justice without any counter balance measures would be giving a green light to its policy of harassment to any real or potential political opponent, by adding him on genocide suspect lists.

It is also surprising to note that a regime, which has all along justified the maintaining of hundred of thousands of people in illegal detention by the lack of means is today asking for the transfer in Rwanda of more cases. The abolition of the death sentence put forward by the regime is just a diversion tactic, as long as other fundamental denials of justice are not addressed. Detention conditions under the regime amount themselves death sentence.

The last demand of the RPF government is to hand over the ICTR archives to Rwanda. It may be indeed part of her legacy, but the consequences of such a decision should not be overlooked.

RPF has for along tried to spy on ICTR activities. The brain behind this dirty task was none other than Martin Ngoga, current chief prosecutor of Rwanda, who was at a time Rwanda representative in Arusha. He is now trying to be given legally what he failed to get in a clandestine manner.

UDF stress that people, some of whom living in Rwanda, risked their lives and gave testimony in camera in Arusha, under the promise that their identity will never be disclosed to RPF. Handing over ICTR archives to RPF will be a betrayal for those people as they will be ultimately subjected to reprisals.

Besides, ICTR archives contain information about RPF war crimes and crimes against humanity. Releasing that information to RPF will simply jeopardise any hope of prosecuting criminals within RPF.

UDF is of the view that all the light be shed on the Rwandan genocide and that all culprits be brought to justice. But it is unacceptable to any justice minded people to give to one of the suspect, RPF, a status of super power, by compelling democratic states to execute his own politically motivated warrants of arrests.

If all of a sudden, RPF believes in the values of international judicial cooperation, it has first to honour warrants of arrests issued against his own members by democratic states. It has also to stop forthwith interfering in ICTR matters and allow it to freely investigate RPF own deeds during the war, as per its mandate.

As for cases which will be pending at the closure of ICTR, UDF believes that they should be handed over to other international jurisdictions, such as the International Criminal Tribunal.

This the only way forward for reconciling Rwandan people in its diversity with the justice and with itself. This was by the way one of the ultimate goals of ICTR, to bring about reconciliation in the war thorn Rwanda.

Madame Victoire INGABIRE UMUHOZA
Chairperson of UDF