PRESS RELEASE Nº 5/2002

OBSTRUCTION OF JUSTICE BY THE RWANDAN GOVERNMENT SHOULD NOT BE TOLERATED

On Tuesday 23 July 2002, the Chief Prosecutor for the International Criminal Tribunal for Rwanda (ICTR), Ms. Carla Del Ponte, protested to the U.N. Security Council that the Rwandan government has refused to cooperate with her staff into investigations of alleged crimes committed in 1994 by the Rwandan Patriotic Army (RPA). Despite assurance given by President Paul Kagame to her in the past, no concrete assistance has been provided in response to repeated requests regarding these investigations. She said that tensions have been mounting since December 2002, when the court indicted an unnamed member of the Rwandan Patriotic Front (RPF) for committing atrocities during the group's march to power in 1994.

In its reply dated 26 July 2002, the RPF-led government opposed the prosecution of its army soldiers and officers by the ICTR, saying such cases should be tried by its national courts. It argued that Rwandan courts have already brought to justice and sentencing members of the RPA who committed abuses. It said also that its army was holding the country together and attempts to indict its officials would fracture the country further.

However, the Kigali government is trying to create confusion in international community in order to shield from international justice high-ranking officers of the RPA suspected of war crimes and crimes against humanity. Most of RPA members tried and sentenced in Rwandan courts are RPA rank and file soldiers and they have not been tried for war crimes or crimes against humanity. When the UN Security Council created the ICTR, it gave it primacy over the national courts of all States. All other States have transferred to the ICTR detention centre in Arusha, Tanzania, indicted persons found on their territories. The Rwandan State should not be an exception. The transfer to Arusha of all persons indicted by the ICTR inside Rwanda will clean up Rwandan State institutions of suspected war criminals and contribute to true national reconciliation and durable peace.

In fact, apart from accusing the then Rwandan State's authorities of genocide against Tutsis, all reports on which the U.N. Security Council based itself to create the ICTR accuse the two Rwandan belligerents in 1994, i.e. the RPF and the authorities of the Rwandan State at the time, to have both committed crimes against humanity and war crimes during the period from April 6, 1994 to July 15, 1994. Those reports are namely the preliminary report S/1994/1125 of the U.N. Commission of Experts on the 1994 Rwandan genocide, the report S/1994/1157 (annex I and II) of the Special Rapporteur for Rwanda of the UN Commission on Human Rights and the reports S/1994/924 and S/1994/906 of the U.N. Secretary-General. As the current Rwandan government is under the influence of RPF/RPA suspected war criminals, it cannot prosecute them. To contribute to true national reconciliation and durable peace in Rwanda, the UFDR demands the U.N. Security Council and the U.N. Secretary-General, the European Union and the African Union to take all effective measures to enable the ICTR to deliver an equitable justice to the Rwandan people by prosecuting not only suspected war criminals who lost but also those who won the 1990-1994 war.

Done at Montreal on 09 August 2002

Emmanuel Nyemera, Ph.D.
Spokesman and Commissionner for Information and Communication