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Your Excellency

Memorandum: Visit of President Paul Kagame to the Netherlands

We the undersigned political organisations, civil society organisations and human rights defenders are writing to you to express our grave concern about the visit of President Paul Kagame to The Netherlands. We strongly believe that a warm welcome to President Paul Kagame would be a mockery of the international justice system and would undermine the moral authority of The Netherlands in the world and the values it holds so dearly. He should be coming to The Hague to answer questions from the International Criminal Court and not to get a red carpet reception from the Dutch authorities.

We are very mindful of and highly appreciate the following moral statement that underpins the Dutch Foreign Policy that reads as follows: *“The Netherlands is highly respected for declaring the commitment to accountability for violators of international law and human rights, helping form the foundation of a more equitable, peaceful and stable world, being the only country in the world where promoting international law is enshrined in the constitution and expressing explicit dedication to being the philosophical and physical home to international law, as well as for hosting a variety of international courts and institutions including the International Criminal Court (ICC), the first permanent, treaty based, international criminal court established to end impunity for perpetrators of genocide, crimes against humanity and war crimes”.*

We are very grateful to the Dutch Government for receiving people of different nationalities including Rwandan refugees who came seeking protection from the regimes such as the Rwandan regime that violate international law and human rights. We also like to appreciate the financial contributions of the Dutch Government to the projects that directly benefit the people of Rwanda particularly in the sectors of food security and water management. Your government will know that Rwandan refugees, who are fleeing the regime of Paul Kagame, come from all ethnic groups and social section of the community. We would like to mention in passing that the current Rwandan regime has produced the highest number of refugees of all times from all sections of the community: ethnic groups, creed and political shade.

We highly exalt the decision taken, in pursuance of the commitment to the rule of law , in the famous case of Mr Jorge Zorreguieta, barring him to come to Holland to attend the wedding of his daughter Maxima Zorreguieta, because he had served as the Minister of Agriculture during the regime of former Argentine President Videla, a military dictator who ruled Argentina from 1976 to 1981 and who was responsible for many atrocities against civilians: an estimated 10,000–30,000 people were kidnapped and murdered during his regime. He had even quit the government one year after its fall. The decision was based on the fact that in his position as Minister, he could have known that people were being killed even though he was not found guilty of killing anyone.

We would like to recall that The Hague received the current President of Kenya, Uhuru Kenyatta, not with red carpet reception, but to answer some questions over his alleged role in orchestrating the unrest that left 1,200 people dead and 600,000 displaced.

In the case of President Paul Kagame, we request that the same rules be applied. Here we are faced with a case of the overall commander of an army accused of war crimes, crimes against humanity and potentially crimes of genocide where more than 200,000 Hutus refugees were slaughtered. He is someone with a case against him pending at the International criminal court at The Hague¹. Furthermore, President Paul Kagame is leading a regime that was involved in a war in the Democratic Republic of the Congo that has claimed more than 6 million lives, the biggest loss in human lives since the 2nd world War. He was the high command and supported with impunity a murderous rebel group, the M23. When the Rwandan regime ended the support, following the international pressure and the suspension of aid, the murderous group was defeated. One of the top commanders, General Bosco Ntaganda, took a brave decision to hand himself over to the US embassy in Rwanda for future transfer to The Hague to account for his alleged crimes. However his predecessor in leading the murderous group, General Laurent Nkunda, handed himself over to the Rwandan authorities and is now a State guest, ready to be recycled for future proxy wars.

Sweeping these crimes and human rights violations under the carpet is promoting impunity which is one of the most important factors that led to political violence in Rwanda, as President Paul Kagame acknowledges. President Paul Kagame should be called to account for the loss of lives during the M23 war that he sponsored. Despite interconvertible evidence by UN experts against the Rwandan regime, warm relations with donors have resumed and as Storey observes: *“as with pre-genocide Rwanda, international actors seem willing to strengthen a state ‘that has proved to be a killing machine’ (Oomen, 2005: 907).*² His visit to the Netherlands offers a good opportunity to introduce him to the ICC.

Paul Kagame is also leading a totalitarian regime accused of gross violations of human rights including forced disappearances, torture, extra judicial killings in his country and abroad. Here is a President who calls publicly on his security agents to shoot people in broad day light and warns critics that he can get them eliminated where they are.

We would not like to believe that President Kagame is immune from prosecution because the people being killed or denied their fundamental human rights. The right to security of life, freedom from tyranny are universal and therefore President Kagame should be hosted by International Criminal Court in The Hague and not the Dutch government. We believe that, in order to ensure peace and stability in the region, the international law should be applied without any fear or favour.

President Paul Kagame knows very well the consequences of lack of equity, as he pointed out at the UN General Assembly meeting on the 25th of September 2012. He observed that: *“Rwanda has first-hand experience with how important the rule of law is and more specifically, the implication of its absence or disregard, and unequal application. That absence destroyed our country in the post-independence decades leading up to the Genocide in 1994, followed by unjust treatment in the name of universal jurisdiction, where it*

¹ <http://www.globalresearch.ca/kagames-mass-atrocities-in-rwanda-and-the-congo/5346739>
<http://www.theguardian.com/world/2012/jul/25/rwanda-paul-kagame-war-crimes>;
<http://www.newsweek.com/case-against-rwandas-president-paul-kagame-63167>

² **Andy Storey:** *Structural Violence and the Struggle for State Power in Rwanda: Why ‘Conflict Resolution’ and Other External Interventions Have Made Things Worse Paper for presentation at the PSAI Annual Conference, 8-10 October 2010, Dublin Institute of Technology*

has been very clear that motives veer more towards the political than the legal". That why we request that the decision of the Dutch government be dictated by the legal and not political motivations.

It is important to note that even though Rwandans have to take responsibility in resolving their problems, but it is also true to say that the cycle of political violence has been due to external support to dictatorial and repressive regimes. Such choice to perpetuate the agony of the people ended up in violent change. It is very sad to note that the complacent attitude of the international community to the repressive regime in Rwanda has incrementally, step by step, contributed to a situation that is irreversibly leading to another disaster. We strongly feel that by redeeming the image of a person like Paul Kagame, the Dutch Government is taking a very serious responsibility in any future violent political change in Rwanda.

The alleged crimes and gross violations of human rights in Rwanda committed by Paul Kagame regime are not a figment of imagination by a disgruntled group of people opposed to Kagame. There is evidence provided by independent institutions including the UN, Human Rights Watch, Amnesty International and UNHCR. For ease of reference we would like to mention some examples.

Crimes against humanity, war crimes.

a) During the war that brought RPF to power

The UN Commission of Experts' preliminary and final reports (S/1994/1125 and S/1994/1405) on which basis the Security Council Resolution 955 set up the ICTR point out that: during the war that followed the assassination of President Habyarimana " *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 Individuals from both sides to the armed conflict perpetrated crimes against humanity.*"

A report by UNHCR Team headed by Robert Gersony estimated that from April to August 1994, the Rwandan Patriotic Front Army systematically killed between 25,000 and 45,000 Hutus as it made its way toward Kigali³. According to Human Rights Watch and Amnesty International "*the crimes committed by RPF soldiers were so systematic and widespread and took place over so long a period of time that commanding officers must have been aware of them. RPF soldiers massacred unarmed civilians, many of them women and children, who had assembled for a meeting on their orders. These killings are not just spontaneous anger because in doing so one would excuse the killings carried out by the presidential guard after learning that their President was killed by a Tutsi led rebel movement*"⁴

Articles 6.2 & 6.3 of International Criminal Tribunal for Rwanda (ICTR) statutes clearly the official *position of any accused person, whether as Head of state or government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment*" and of the crime committed by a subordinate if the official knew or had reasons to know about crime and did not "*take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof*".

It is quite tragic that so far, members of one side to the conflict were prosecuted, establishing a victor's justice. Thus the ICTR's one-sided justice stands in sharp contrast to the position taken by the International Criminal

³ http://en.wikipedia.org/wiki/Gersony_Report

⁴ Human Rights Watch: http://www.hrw.org/reports/1999/rwanda/Geno1-3-03.htm#P86_35545.

Tribunal for the Former Yugoslavia and the Special Court for Sierra Leone, which prosecuted all sides to the conflict.

As some eminent academicians and human rights activists pointed in their letter to the UN Secretary General, to President Obama and the British Prime Minister Gordon Brown “ *To insist on the right to justice for all victims, as did the [1994] UN Commission of Experts, is not to deny the genocide, nor does such an insistence equate war crimes with genocide; it simply asserts that all victims, regardless of their affiliation, regardless of the nature of the crime committed against them, and regardless of the affiliation of the perpetrator, must have equal opportunity to seek redress for the wrongs done them*”.

The RPF army killed in April 1995, almost one year in power, more than 4,000 internally displaced people in Kibeho with the UN troops helplessly looking on⁵. A thirty- two-member team of the Australian Medical Corps had counted 4,200 corpses at the camp before being stopped by the Rwandan army.

Crimes against humanity, war crimes and potentially genocide

The UN Mapping Report⁶ has documented evidence to show the Rwanda Army (RPA) under Paul Kagame was involved in war crimes, crimes against humanity and crimes that could be considered as genocide before a Tribunal. For example, the paragraph 513 of the report stated the following:

“At the time of the incidents covered by this report, the Hutu population in Zaire, including refugees from Rwanda, constituted an ethnic group as defined in the Convention on the Prevention and Punishment of the Crime of Genocide. Moreover, as shown previously, the intention to destroy a group in part is sufficient to be classified as a crime of genocide. Finally, the courts have also confirmed that the destruction of a group can be limited to a particular geographical area. It is therefore possible to assert that, even if only a part of the Hutu population in Zaire was targeted and destroyed, it could nonetheless constitute a crime of genocide, if this was the intention of the perpetrators. Finally, several incidents listed also seem to confirm that the numerous attacks were targeted at members of the Hutu ethnic group as such. Although, at certain times, the aggressors said they were looking for the criminals responsible for the genocide committed against the Tutsis in Rwanda in 1994, the majority of the incidents reported indicate that the Hutus were targeted as such, with no discrimination between them. The numerous attacks against the Hutus in Zaire, who were not part of the refugees, seem to confirm that it was all Hutus, as such, who were targeted. The crimes committed in particular in Rutshuru (30 October 1996) and Mugogo (18 November 1996), in North Kivu, highlight the specific targeting of the Hutus, since people who were able to persuade the aggressors that they belonged to another ethnic group were released just before the massacres. The systematic use of barriers by the AFDL/APR/FAB, particularly in South Kivu, enabled them to identify people of Hutu origin by their name or village of origin and thus to eliminate them. Hundreds of people of Hutu origin are thus thought to have been arrested at a barrier erected in November 1996 in Ngwenda, in the Rutshuru territory, and subsequently executed by being beaten with sticks in a place called Kabaraza. In South Kivu, AFDL/APR/FAB soldiers erected numerous barriers on the Ruzizi plain to stop Rwandan and Burundian refugees who had been dispersed after their camps had been dismantled”.

For example, there is evidence from many sources including the UN Mapping report regarding the crimes committed by RPF soldiers against fleeing Hutu refugees under the order of Colonel Jack Nziza⁷. He has been

⁵ Witness to Genocide -- A Personal Account of the 1995 Kibeho Massacre” by Paul Jordan a member of the Australian Defence Force Medical Support Force to UNAMIR <http://www.anzacday.org.au/history/peacekeeping/anecdotes/kibeho.html>

⁶ DRC: Mapping human rights violations 1993-2003: point 517 : https://www.google.fr/?qws_rd=ssl#q=drc+mapping+report+final

nicknamed the “butcher of Kisangani”⁸. He has now been promoted to the rank of General. Reacting to the report, Kenneth Roth, Executive Director of Human Rights Watch commented that: *"These events can no longer be swept under the carpet. If followed by strong regional and international action, this report could make a major contribution to ending the impunity that lies behind the cycle of atrocities in the Great Lakes region of Africa." "Governments around the world remained silent when hundreds of thousands of unarmed civilians were being slaughtered in Congo. They have a responsibility now to ensure that justice is done."*

b) Gross violation of human rights at present

The Kagame regime is now notoriously known for its attack on political opposition, human rights defenders, journalists and all critics of the government in general. The methods used include threats, intimidation, arbitrary arrests and detentions, politically motivated trials, enforced disappearances and extra-judicial killings. Some of the leaders of opposition parties and human rights defenders and journalists critical of the regime have been killed and others are languishing in prison. They include Andre Kagwa Rwisereka (Vice President, Green Party), Journalist Jean Leonard Rugabage, John Rutayisire (Ministry of Finance official), and Major (Rtd) John Sengati, to mention but a few. Prominent Rwandans who have been victims of enforced disappearances include Major Alex Ruzindana, Captain Richard Isoke, Judge Augustine Cyiza and Member of Parliament Dr Leonard Hitimana.

Disappearances.

- In its report of 30 July 2014, the Correctional Service of Rwanda reported that 30,000 convicts of TIG (convicts committed carry community work as part of their sentence) were missing. Nobody can tell where these people are;
- In a statement on June 2, 2014, the former Interior Minister, James Musoni, Minister for Local Administration acknowledged that 16,000 people in Ngororero region were missing. He could not explain where they are;
- Since August 2014 there have been discoveries of dead bodies wrapped in sacks floating in Lake Rweru in Burundi and in other rivers in Rwanda;

Extrajudicial assassination abroad.

Criminal agents of the Government of Rwanda kill or try to kill refugees even beyond the jurisdiction of Rwanda. In 2010, the United Kingdom Metropolitan Police Service took the extra-ordinary step of warning some members of an opposition Rwanda group living in the United Kingdom of an imminent attack against them by agents of the Rwanda government.

Rwandan refugees from all ethnic groups (*Hutus as well as Tutsi*) have been the targets of abortive and successful assassinations, abductions, disappearances in many countries, including the Democratic Republic of Congo, Uganda, Kenya, Zambia, South Africa, Mozambique, Belgium and the United Kingdom. Seth Sendashonga, who resigned as Minister of Interior in August 1995 in protest over massacres of innocent civilians, was assassinated in Nairobi, Kenya in 1998. Theoneste Lizinde, an army Officer and member of Parliament who defected from the RPF was assassinated in Nairobi, Kenya in 1997. General Kayumba Nyamwasa, a former Army Chief, has survived several assassination attempts in South Africa since June 2010. On 26 December 2010, agents of the government of Rwanda killed FDU-Inkingi member Jerome Ndagijimana in Kampala. Charles Ingabire, journalist, was murdered in Kampala, Uganda in December 2011. The trial of the

⁷Litofe Sloj Silika, PhD: Preventing another Genocide in Rwanda and in Eastern Congo; July 6, 2012

⁸<http://africannewsanalysis.blogspot.co.uk/2010/01/kisangani-diary-by-hubert-sauper.html>

case against persons responsible for the assassination attempt against General Kayumba is in its final states and the evidence adduced implicates a considerable number of senior military and intelligence officers of the Rwanda government. Four people were charged in South Africa in September 2014, for assassination attempt on former chief of staff General Kayumba Nyamwasa. The court ruled that those involved in assassination attempts were hired from Rwanda.

On 22 August 2012, Frank Ntwali, a Rwandan refugee living in Johannesburg, was attacked and stabbed nine times by agents of the Government of Rwanda. On 28 September 2013, agents of the Government of Rwanda attempted to kill Emille Rutagengwa, a former officer in Rwanda's Army now living as a refugee in South Africa. In May 2013, Aime Ntabana, who had taken refuge in Uganda, was abducted from Kampala by Rwandan intelligence operatives and has never been traced since that time. In August 2013, Innocent Kalisa, an exiled former member of the Rwandan security forces was reported missing in Uganda. His whereabouts and the circumstances in which he disappeared remain unknown. On 25 October 2013, Lt Joel Mutabazi, a former member of President Kagame's protection force, was abducted by agents of the government of Uganda and handed over to the Government of Rwanda.

The United Kingdom Police foiled an attempt on the lives of two British citizens of Rwandan origin in May 2011, by what the Police revealed to be agents of the Rwandan government.

Encouraging extra-judicial execution

Referring to the death of former chief spy Colonel Patrick Karegeya, who was found strangled in a hotel in South Africa on January 1, 2014, the President of Rwanda was quoted telling a congregation at "a prayer" breakfast that he was not amused by officials who try to defend the government that it was not responsible for Karegeya, adding that they should have been the people to carry out the job of getting rid of him. He vowed that anyone who betrayed the country would suffer the consequences. "*It is a matter of when*", he declared.

Addressing a public rally in Nyabihu in northern province on the 5th of June that year 2014, he ridiculed external condemnation of arbitrary arrests and enforced disappearances i.e. the US State Department and promised that not only would arrests continue but that security agents would not hesitate to shoot in broad day light anyone suspected of threatening state security. Two months later 45 bodies wrapped in plastic sacks after execution discovered in river Rweru on the border with Burundi. Residents and Burundi border officials alleged that they came from Rwanda.

Disempowerment of Rwanda people

We think that the worst that the President of Rwanda has done is to disempower the people to destroy the social capital of the Rwandan community

The regime has succeeded to push the population into blind submission through social engineering, coercion and violence to a level that many Rwandans have lost all sense of self-esteem and that many people seem to believe that no one in a country of 11 million people is good enough to replace General Paul Kagame at the end of his presidential mandate in 2017. It is beyond belief that the regime could even claim that prisoners, even those who are in detention for the last 20 years without charge, wrote enthusiastically a petition demanding the change of the Constitution to allow General Paul Kagame to stand again. This would be tantamount to the psychological condition of Stockholm syndrome. Some of the President's acolytes have declared him to be a "twin brother" to Jesus Christ "heaven sent to save Rwanda. It is in this regard that the Constitution is going to be changed to allow him fulfil his "mission on earth".

You may be aware that soon another session of social engineering into allegiance to President Kagame will be taking place in the Netherlands under the banner of “*Rwanda Day*”. On this occasion all Rwandans living in Europe will be asked to make the annual “pilgrimage” to meet the “saviour of Rwanda” President Kagame in Europe. If the usual rituals are to be observed, almost all the Cabinet will follow him and spend the limited resources to accompany him. Businessmen who want to be kept in good books by the regime will have to follow the President at their own expense. Rwandans who live abroad and want to get the attention of the President and his top aides will rush to the event expecting some favors when they return home. In order to get a big crowd of cheerleaders to provide material for Public Relations firms hired by the government, the Embassies usually provide transport and accommodation for them to attend. All the speeches are about thanking the President. Expensive venues and entertainment will be provided to create a festive atmosphere.

It is the very considered view of our organisations, that there is a moral and strategic imperative on the Dutch Government to help bring justice to all Rwandans and hence promote genuine national reconciliation to allow the dawning of a new era of peaceful change and sustainable development underpinned by democracy and the rule of law. Contributing to the promotion of a leader of a repressive regime accused of gross violation of human rights undermines the moral authority and long-term Netherlands’ economic and political interests in Rwanda and the Great Lakes Region.

While we thank the Dutch Government for its support for the people of Rwanda, we request the government to avoid any form of welcome to their oppressor. The Dutch Justice system should help President Kagame introduce himself to the International Criminal Court at The Hague if he ever sets his foot in the Netherlands.

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