

AVICA
Assistance to Victims of Conflicts in Central Africa
Rue Lowasa 23
1390 Grez-Doiceau
Belgium
Mail: avica@avica.org

Brussels, 30.08.2010

His Excellency Mr. Ban Ki-moon
United Nations Secretary-General
1st Avenue, 46th Street
New York, NY 10017 USA

Re: DRC Mapping Exercise

Mr. Secretary General, The association AVICA (Assistance to Victims of Conflicts in Central Africa), has just learned of excerpts from the leaked United Nations (UN) report on the very serious crimes, including genocide, committed by the Rwandan Patriotic Army (RPA) in Democratic Republic of Congo (DRC) against Rwandan refugees and Congolese people, some of which considered of ethnic Hutu.

The French newspaper *Le Monde* (edition of 26.08.2010), and the American blog *The Christian Science Monitor*, argue that the Kigali regime is intensively pressuring you, so that this report be suppressed or at least watered down. This pressure is assumed to be that you remove the word "genocide" from the report. The Rwandan Government has even threatened to withdraw its troops from the UN mission in Sudan if its demands are not met.

The official statement released by the Rwandan government dated 27 August 2010 confirms this information from the press. Indeed, the deliberately aggressive tone used by the Rwandan government betrays its intention to do anything to intimidate and blackmail the United Nations, as it has abused of it since its accession to power in 1994.

Mr. Secretary General,

In October 1994, a consultant from the High Commission for Refugees (UNHCR), the American Robert Gersony, accused the new Rwandan Patriotic Front (RPF) regime to have killed at least 30,000 Hutu since taking power, following a survey conducted during three weeks in eastern Rwanda and during one week in refugee camps in Tanzania.

As soon as the first elements of the draft report were published in the press, the Kigali regime threatened to terminate the operations of the UNAMIR (UN Mission for Assistance in Rwanda), if the report was released. The UN then succumbed to the combined pressure of Kigali and its lobbies and required UNHCR the sealing of this report, while promising a counter investigation. A joint Commission composed of representatives of UNAMIR and the Rwandan Ministry of Internal Affairs sealed the investigation in a day after a visit to Rwamagana. The representative

of the secretary general of the UN, Shaharyar Khan, refused to release this UNHCR report. Since then, the Gersony report has simply disappeared from the UN archives, according to a statement given to defense lawyers at the International Criminal Tribunal for Rwanda (ICTR).

In October 1994, in the wake of the controversy around the "Gersony Report", the Irish Karen Kenny, head of the UN High Commission for Human Rights in Rwanda, resigned from his post. She stated that "in four months without a car, without a budget and, most importantly, without observers to be deployed, she had served as an alibi."

On April 22, 1995, under the eyes of Australian and Zambian peacekeepers from UNAMIR, the RPA massacred internally displaced Hutus in Kibeho. The UN has done nothing so that the guilty are punished. It merely asked the Rwandan government to investigate and sanction, while this government was the prime suspect.

In 1997, the UN Special Rapporteur on a commission in charge of documenting human rights violations in DRC, Chilean Roberto Garreton released a damning report on crimes committed by the RPA against Rwandan Hutu refugees. In this report, the Special Rapporteur on Human Rights in the former Zaire, Roberto Garreton (Chile), the Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye (Senegal), and the expert of the Working Group on Enforced or Involuntary Disappearances, Jonas Foli (Ghana), felt that "the concept of crimes against humanity could be applied to the situation that prevailed in the Democratic Republic of Congo." The report stated that the future UN investigators will determine "whether a genocide was planned and executed" in the former Zaire. The Kigali regime immediately started an intense pressure to suppress the report and block a UN mission responsible to confirm the results of the Garreton mission and requested by President Laurent Kabila. This UN mission decided to leave the DRC given the obstruction of authorities, still hostage of the Kigali regime. The UN contented itself to ask the Rwandans and Congolese governments involved in these crimes to search and punish the perpetrators of these crimes.

Mr. Secretary General,

Faced with this attitude of the UN to maintain the impunity of crimes committed by the Rwandan army led by Paul Kagame, the victims of this tragedy have filed a complaint before the Spanish courts. Thus, Judge Fernando Andreu Meralles, in a new resolution early this year, requested evidence from you gathered by the UN on the crimes of the Rwandan army in Congo. To our knowledge, you have not responded to this request so far. Instead, a group of experts in the November 2009 UN Report, accused a small Spanish organization that had sponsored this judiciary procedure, to be the largest funder of the Congolese conflict.

According to the revelations of *Le Monde*, mentioned above, when you met Paul Kagame in Madrid in July 2010, you were aware of the draft report for serious crimes committed by the army led by Paul Kagame in the DRC, including acts of genocide. We, certainly with much of the international community, have been surprised to see you on a photo posing next to a man that warned public figures no longer hesitate to call him "the greatest criminal head of state still in active service," and you still persisted to impose him as co-chairman of UN Millennium Development Goals Advocacy Group, as representative of the developing countries.

If it could be proved that the UN is about to yield once more to the pressure of the Kigali regime and its sponsors and to stifle or water down this report, the Rwandan people in general and the survivors of the Rwandan and Congolese tragedy in question would hold you accountable since you would have failed in your role as guarantor of peace and respect for human rights for all.

That the Kigali regime threatens to withdraw its troops from Darfur does not seem to be a reason for yield. The presence of troops facing serious suspicion of genocide does also not bode well for a mission that was deployed precisely as a result of acts of genocide which the International Criminal Court has ruled on. It would be an honor for the UN to have its troops deployed with clean criminal records, free of all suspicion.

Mr. Secretary General,

Rwanda is at a crossroads. The Rwandan people have begun to engage seriously in the Highly Inclusive Inter-Rwandan Dialogue - HIIRD (french: Dialogue Inter-Rwandais Hautement Inclusif - DIRHI), the only framework for building a climate of trust between ethnic groups in Rwanda; essential for effective reconciliation, peace, the end of recurrent conflicts in eastern DRC and sustainable development in the Great Lakes region. Not taking this opportunity to send a strong message to the Rwandan authorities to finally respect human rights would be a very bad sign for the credibility of the UN and a disservice to Rwandan people.

In the hope that wisdom will prevail, that the report will be released without any external interference, and that a mechanism will be put in place to ensure that perpetrators do not remain unpunished,

Please accept, Excellency, the assurance of my profound respect.

Elysée Ndayisaba
President of AVICA

CC:

- President Barak Obama, United States of America
- President Herman Van Rompuy, European Union
- Jean Ping, African Union President
- Prime Minister David Cameron, United Kingdom
- Jose Luis Rodriguez Zapatero, Prime Minister of Spain
- Hillary Clinton, U.S. Secretary of State
- Antonio Guterres, UNHCR - A Permanent Security Council Members (all)
- Amnesty International
- Human Rights Watch
- International Crisis