



# REPUBLIC OF RWANDA

*National Commission for the Fight against Genocide  
Commission Nationale de Lutte contre le Génocide  
Komisiyo y'Igihugu yo Kurwanya Jenoside*

**-CNLG-**



**The National Commission for the Fight against Genocide welcomes the decision of some states to punish the perpetrators of the crime of genocide according to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.**

The National Commission for the Fight against Genocide [CNLG] welcomes the decision of some states to punish the crime of genocide under article 1 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and customary international law.

It's against this background that CNLG commends the Paris Assize Court for upholding the sentence of life imprisonment for Genocide to Tito Barahira and Octavien Ngenzi, confirming the first instance verdict of 2016. These two former bourgmestres organized and executed a plan to exterminate Tutsi in Kabarondo. More than 2000 people, women, men, children, elderly refugees in the parish of Kabarondo and its surroundings were mortar-shelled, then cut with machetes, in a single day.

This verdict follows the one which was taken by the Court of Assizes of Bobigny (France) which confirmed the Pascal Simbikangwa's 25 year sentence, after a trial which was held between the 25/10 and the 3/12/2016.

In the same vein, the CNLG welcomes the conviction of Rukeratabaro Theodore by the Swedish courts on 27/06/2018, which found him guilty of genocide in the former commune of Cyimbogo [Cyangugu] and sentenced to life imprisonment.

Defense lawyers in the Rukeratabaro case wrongly claim that bourgmestres had no power and that they were overwhelmed by the scale of the killings.

The CNLG recalls the power of mayors before and during the genocide perpetrated against Tutsi. In fact, the bourgmestres acted as representatives of the President of the Republic in the Commune. They were responsible for the maintenance of public order in their commune and had absolute authority over the Communal Police, as well as the Gendarmes placed at the disposal of the Commune. The bourgmestre exercised in the last resort an authority over the Communal Police and assumed full responsibility for the organization, functioning and control of this body.

[Law of 23/11/1963 on the communal organization]. The role of the bourgmestre was highlighted at length in the conviction of Jean-Paul Akayesu, former bourgmestre of former Taba Commune, convicted of genocide and sentenced to life by the ICTR on 2/9/1998 [ICTR, The Prosecutor against Jean -Paul Akayesu, Case No. ICTR-96-4-5, para. 61-62].



*ilb*

It is in this authority that the former bourgmestres Ngenzi and Barahira who succeeded each other as bourgmestres of the Commune of Kabarondo gave instructions to exterminate the Tutsi of their commune and the population executed their instructions.

The CNLG recognizes that the judgment of Ngenzi and Barahira follows about 22 judgments that have been taken by courts in other countries, such as France, Sweden, Belgium, England, Norway, Canada and Germany.

In addition to these judgments pronounced by foreign jurisdictions, eighteen [18] people were extradited to Rwanda: USA, Canada, Uganda, the Netherlands, ICTR, Norway and Germany.

However, despite this recognition of undeniable progress in international justice, the CNLG deplores certain judicial decisions, constituting a denial of justice.

In this sense, the CNLG regrets and finds very unjust the decision of the Court of Appeal of Paris of 21/6/2018 which confirmed the dismissal for Father Wenceslas Munyeshyaka whose role in the genocide, crimes against the Humanity, rape and other sexual violence has been confirmed by several concordant testimonies of victims of the *Sainte Famille* parish, the Saint Paul Center and its surroundings. The Gacaca courts found him guilty of genocide and other crimes against humanity and sentenced him to life in absentia.

Other Rwandan fugitives [42] live on French soil without being arrested or tried:

Sosthène MUNYEMANA, complaint filed on 18/10/1995; Laurent BUCYIBARUTA, complaint filed on 6/10/2000, 9/5/2017; Laurent SERUBUGA, complaint filed on 6/10/2000, 9/5/2017; Agathe KANZIGA HABYARIMANA, complaint filed on 3/2/2007; Eugène RWAMUCYO, complaint filed on 15/4/2007; Marcel BIVUGABAGABO, complaint filed on 2008; Pierre TEGERA, complaint filed on 7/5/2009, complaint filed in December 2016; Charles TWAGIRA, complaint filed on 30/11/2009; Hyacinthe Rafiki NSENGIYUMVA, complaint filed on 6/1/2012; Claude MUHAYIMANA, complaint filed on 3/6/2013; Félicien BALIGIRA, complaint filed on 22/5/2014, and other cases.

Considering the date of the complaint, the CNLG draws a conclusion that French justice has taken too long to prosecute fugitives suspected of genocide, and the systemic refusal for political reasons to extradite them to Rwanda.

Moreover, the CNLG insists that the 835 arrest warrants issued by the Rwandan justice be taken into consideration and executed, the largest number of which concerns the DRC [254] Uganda [226], Europe, the United States, Australia and New Zealand.

CNLG finally recalls that the arrest and trial of genocide suspects perpetrated against Tutsis constitutes an international obligation for all States under conventional international law and customary international law.

**Dr. BIZIMANA Jean Damascène**

**Executive Secretary**

