

MICT-13-37-ES.2

20-06-2018

(941 - 939)

941

JN



**Fw: In response to the letter opposing commutation of sentence and early release of ICTR convicts .**

Isabelle Lambert to: Thomas Lay

06/18/2018 10:24

Isabelle Lambert  
Personal Assistant to President Theodor Meron  
International Residual Mechanism for Criminal Tribunals  
Tel. 31(0) 70 512 5334  
lambert.icty@un.org

Received by the Registry  
International Residual Mechanism for Criminal Tribunals  
20/06/2018 11:36

----- Forwarded by Isabelle Lambert/CHAMBERS/MICT on 18/06/2018 10:24 -----

From: Jean Rukika <jeanrukika@gmail.com>  
To: Isabelle Lambert/CHAMBERS/MICT@MICT  
Date: 17/06/2018 12:43  
Subject: In response to the letter opposing commutation of sentence and early release of ICTR convicts .

From: Members of the Political Rwandan Activists Group for Democracy  
To: Mechanism for International Criminal Tribunals  
Judge Theodor Meron, President  
Mr. Olufemi Elias, Registrar  
Address: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org)  
Date: 15 June 2018

Let justice work independently even if the heavens may fall.

We, members of Political Rwandan Activists Group for Democracy, are filing this letter to you in response to the letter opposing commutation of sentence and early release of ICTR convicts filed to you by Members of the International Community on 5 June 2018.

In fact, the impunity manifested towards war crimes and genocide perpetrated by President Paul Kagame of Rwanda and his lieutenants from 1 October 1990 to date has privileged hateful ideologies and delusions of grandeur to grow apace till the incumbent regime in Kigali seeks to interfere with the independence of the international justice.

Those who oppose themselves to the commutation and early release of ICTR convicts in the Cases MICT-13-34-ES (Prosecutor v. Dominique Ntawukulilyayo), MICT-13-37-ES.2 (Prosecutor v. Hassan Ngeze), MICT-14-62-ES.1 (Prosecutor v. Aloys Simba) are exerting murky partisanship. If it is enshrined in the functions of the Mechanism that the President of the Mechanism is responsible for designating the State of enforcement, supervising the enforcement of sentences, and deciding on requests for pardon, commutation of sentence or early release, then it is clear that nobody else should butt in the responsibilities and decisions of the MICT.

The writers of the letter opposing commutation of sentence and early release of ICTR convicts contradict themselves when they recommend the MICT to seek Rwanda and the ICTR's consensus before taking any decisions and conclude that no convict should be released without serving the maximum of their penalty in prison. This shows that consulting Rwanda and the ICTR would result in no convict's release. Besides that, it is written nowhere in the functions of the Mechanism that the MICT will take unanimous decisions in accordance with the wishful

thinking of Rwanda and the ICTR.

So far, the government of Rwanda does not witness good governance within the respect of human rights. The Kagame administration has become a troublemaking engine in central east Africa and always wants to reduce the Hutu majority to nobodies in order to consolidate its iron fist rule. In this context, Rwanda is not rightful enough to be consulted for judicial decisions in the favor of the Hutu ethnic group's citizens whom it has put in the target of extermination. The link here below explains how the current regime in Kigali participated actively in the crimes perpetrated in Rwanda and that there were interferences injected into the decisions of the ICTR by Rwanda.

<https://blogs.mediapart.fr/michel-robardey/blog/050618/le-genocide-rwandais-eu-sa-conference-de-wannsee1>

The group of members of the international community who wrote that letter to the MICT were more guided by sentiment rather than reason. One cannot imagine how they carried out researches on crimes committed in Rwanda and never mentioned the crimes perpetrated by the RPF, and till the present day continue to tell the MICT to consult Rwanda turning a blind eye to a host of publications that broadly describe the atrocious crimes against humanity, war and genocide crimes committed by the RPF as depicted in the book “In Praise of Blood: The Crimes of the Rwandan Patriotic Front” by the investigative Canadian journalist Judi Rever published in April 2018.

Recent new writings show that the association of Tutsi survivors “IBUKA” always tries to fit into the world of President Paul Kagame and the RPF. In virtue of this, they want to fit the MICT into Kagame's world of poisonous ideology motivated by ethnic hatred while it is crystal clear that the current regime in Rwanda was greatly implicated in the crimes of war and genocide that happened in Rwanda. If the UN Security Council established the International Criminal Tribunal for Rwanda (ICTR) to investigate crimes committed during the genocide and some of the members of the international community who signed the letter did researches on the crimes committed on the soils of Rwanda, why their findings didn't expose the crimes of war and genocide committed by Paul Kagame? Why haven't they amassed evidence of atrocities committed by the RPF?

RESOLUTION 955 (1994) adopted by the Security Council at its 3453rd meeting, on 8 November 1994 decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations. Therefore, the ICTR had reconciliation goals on the agenda and had to judge the crimes of both sides: MRND/FAR and RPF/RPA. Then why haven't those researchers found that even the Hutus were massacred whereas it was part of the mission of the ICTR in order to pave the way to bilateral reconciliation between the Hutus and the Tutsis? If they really are not biased researchers, can they demonstrate the figures of 1 million of massacred Tutsis they supply?

Let us consider the case of Gisozi Genocide Memorial which contains 250,000 human skulls. These figures cannot be from the former prefecture of the city of Kigali as the current regime claims. Indeed, the total population of Kigali City was, according to the census of 15 August 1991, 221.806 persons of which 81.4% were Hutu and 17.9% Tutsi. Using a figure of 3.2% growth per annum, the total population of Kigali City was around 240.000 inhabitants in 1994 taken at its maximum, with the Tutsi population being estimated at 50.000 persons at its highest.

This figure does not accord with the 250,000 skulls exposed at the Gisozi Memorial, especially when one reckons that many of the Tutsi in Kigali survived the war. The numbers of skulls is even more incomprehensible when one admits that the city of Kigali has other memorials notably those of Nyanza-Kicukiro and Rebero where other thousands of remains are exposed. This example shows how the RPF regime manipulates the figures of genocide victims on a national level.

It is evident that the writers of the letter in question are Kagame's henchmen inasmuch as they don't point a finger on the crimes of the RPF regime. Seeing that there are lots of facts unexposed by the ICTR researchers which currently are getting revealed on a day to day basis, it becomes clearer that those men are intentioned otherwise towards the ICTR convicts. The fact of stating that the MICT should seek Rwanda's consensus in its judiciary decisions proves that these people fan the crimes of the RPF and that the evidence which they have not shown was not due to the fact that they did not know it but to the fact that they simply wanted to shield Kagame and the RPF from the prosecution.

On account of the aforementioned statements, the petitions of the members of the international community opposing commutation of sentence and early release of ICTR convicts should not be taken into consideration.

Since there is plain evidence that President Paul Kagame and the RPF committed war crimes and genocide, and as it is clear that the ICTR researchers have been partial and influenced by the RPF, the PRA Group submits the following petitions:

- 1) To do justice as provided by the functions of the residual Mechanism;
- 2) To open the investigations and judiciary pursuits over the crimes of war and genocide perpetrated by Maj. Gen. Paul Kagame and the RPF;
- 3) To act independently of any UN member state or individuals' pressure as well as unlawful influence.

Today the international community praises the perpetrator of genocide Paul Kagame while he stained the soils of Rwanda with innocent blood of millions of defenseless civilians. Those souls are still crying for justice and the world should campaign against Kagame's unpunished crimes of war and genocide, disqualify him from any moral authority and discard all thought of his international accolade!

Jean Rukika  
(Sé)

On behalf of the PRA Group for Democracy

C. I. :

His Excellency Guterres Antonio, UN SECRETARY General at New-York UN Headquarters  
First Avenue at 46th Street, New York  
NY 10017,USA



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE  
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/  
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE  
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

|   |   |  |  |
|---|---|--|--|
| <b>To/ À :</b>  | MICT Registry/ Greffe du MPTI   | <input checked="" type="checkbox"/> Arusha/ Arusha   | <input type="checkbox"/> The Hague/ La Haye                    |
| <b>From/ De :</b>   | <input type="checkbox"/> Chambers/ Chambre  | <input type="checkbox"/> Defence/ Défense  | <input type="checkbox"/> Prosecution/ Bureau du Procureur      |
|   |   |  | <input checked="" type="checkbox"/> Other/ Autre : non-parties |
| <b>Case Name/ Affaire :</b>                                 | <b>Prosecutor v. Dominique Ntawukulyayo ; Hassan Ngeze ; Aloys Simba</b>          | <b>Case Number/ Affaire n° :</b>   | <b>MICT-13-34-ES;MICT-13-37-ES.2;MICT-14-62-ES.1</b>           |
| <b>Date Created/ Daté du :</b>                              | <b>17 June 2018</b>   | <b>Date transmitted/ Transmis le :</b>   | <b>20 June 2018</b>  |
|   |   | <b>No. of Pages/ Nombre de pages :</b>   | <b>3</b>   |
| <b>Original Language / Langue de l'original :</b>           | <input checked="" type="checkbox"/> English/ Anglais                              | <input type="checkbox"/> French/ Français  | <input type="checkbox"/> Kinyarwanda                           |
|   |   | <input type="checkbox"/> B/C/S   | <input type="checkbox"/> Other/Autre (specify/préciser) :      |
| <b>Title of Document/ Titre du document :</b>               | <b>E-mail from Members of the Political Rwandan Activists Group for Democracy</b> |  |  |
| <b>Classification Level/ Catégories de classification :</b> | <input checked="" type="checkbox"/> Unclassified/ Non classifié                   | <input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue                                   |  |
|   | <input type="checkbox"/> Confidential/ Confidentiel                               | <input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu                    |  |
|   | <input type="checkbox"/> Strictly Confidential/ Strictement confidentiel          | <input type="checkbox"/> Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu              |  |
|   |   | <input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu                        |  |
|   |   | <input type="checkbox"/> Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/préciser) : |  |
| <b>Document type/ Type de document :</b>                    | <input type="checkbox"/> Motion/ Requête  | <input type="checkbox"/> Submission from parties/ Écritures déposées par des parties                 | <input type="checkbox"/> Indictment/ Acte d'accusation         |
|   | <input type="checkbox"/> Decision/ Décision                                       | <input checked="" type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers    | <input type="checkbox"/> Warrant/ Mandat                       |
|   | <input type="checkbox"/> Order/ Ordonnance  | <input type="checkbox"/> Book of Authorities/ Recueil de sources                                     | <input type="checkbox"/> Notice of Appeal/ Acte d'appel        |
|   | <input type="checkbox"/> Judgement/ Jugement/Arrêt                                | <input type="checkbox"/> Affidavit/ Déclaration sous serment   |  |

**II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

|   |   |   |                                      |   |   |
|---|---|---|--------------------------------------|---|---|
| <input checked="" type="checkbox"/> Translation not required/ La traduction n'est pas requise   |   |   |                                      |   |   |
| <input type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe) |   |   |                                      |   |   |
| <input type="checkbox"/> English/ Anglais   | <input type="checkbox"/> French/ Français | <input type="checkbox"/> Kinyarwanda      | <input type="checkbox"/> B/C/S       | <input type="checkbox"/> Other/Autre (specify/préciser) : |   |
| <input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :  |   |   |                                      |   |   |
| <b>Original/ Original en</b>  | <input type="checkbox"/> English/ Anglais | <input type="checkbox"/> French/ Français | <input type="checkbox"/> Kinyarwanda | <input type="checkbox"/> B/C/S                            | <input type="checkbox"/> Other/Autre (specify/préciser) : |
| <b>Translation/ Traduction en</b>   | <input type="checkbox"/> English/ Anglais | <input type="checkbox"/> French/ Français | <input type="checkbox"/> Kinyarwanda | <input type="checkbox"/> B/C/S                            | <input type="checkbox"/> Other/Autre (specify/préciser) : |
| <input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :  |   |   |                                      |   |   |
| <input type="checkbox"/> English/ Anglais   | <input type="checkbox"/> French/ Français | <input type="checkbox"/> Kinyarwanda      | <input type="checkbox"/> B/C/S       | <input type="checkbox"/> Other/Autre (specify/préciser) : |   |

Send completed transmission sheet to/ Veuillez soumettre cette fiche dûment remplie à :  
[JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) OR/OU [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)

Rev: April 2014/Rév. : Avril 2014