



GLOBAL CAMPAIGN FOR
RWANDAN'S HUMAN RIGHTS

10.07.2019



RECOGNITION OF THE CRIME OF GENOCIDE AGAINST HUTU POPULATION

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A. Declaration

We, scholars, experts, researchers, survivors, human rights defenders, advocates for civil liberties and social justice, faith leaders,

following GCRHR's research initiative on the crimes committed by the Rwandan Patriotic Army (RPA) in Rwanda and subsequently in DRC via its Congolese ally, the Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL) rebel group against members of Hutu ethnic group in DR Congo (former Zaïre),

based on our own independent expert assessment of all available reliable information, previous research and facts related to the wholesale massacre of the Hutu in relation to the Convention on the Prevention and Punishment of the Crime of Genocide,

having considered the authoritative definition of the crime of genocide by the 1948 United Nations Genocide Convention which defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a Killing members of the group,**
- b Causing serious bodily or mental harm to members of the group,**
- c Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,**
- d Imposing measures intended to prevent births within the group,**
- e Forcibly transferring children of the group to another group.,**

having carefully and thoroughly examined all the reliable information and facts annexed here within this resolution, on the killings of members of Hutu ethnic group in Rwanda and in the former Zaïre against the above acts mentioned in the authoritative definition of genocide particularly act a, b and c,

noting that, from the available information and facts that the massacres of ethnic Hutu population were carried out on the basis of an almost identical plan, designed to kill as many victims as possible regardless of their gender, age or nationality,

knowing that the UN own assessment of the massacres of the Hutu in the former Zaïre concluded that the killings revealed a number of inculpatory elements that characterized them as a crime of genocide,

noting that after the UN Mapping report, the UN recommended further actions to prevent, investigate, halt and punish the crimes outlined in its own report to fulfil its obligation under the Genocide convention,

we hereby declare and recognise as a CRIME of GENOCIDE, the wholesale killings of hundreds of thousands of Rwandan Hutu population in Rwanda and of Rwandan Hutu refugees, Burundian Hutu refugees and Congolese Hutu citizens in DRC on the basis of their membership to hutu ethnic group and without regard to their age, gender or nationality by the Rwandan Patriotic army and its Congolese ally, the Alliance des forces démocratiques pour la libération du Congo-Zaïre (AFDL) rebel group.

We call upon the international community to fulfil their obligations under the Genocide Convention and act together to bring the perpetrators to justice.

Full Name	Role
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Signatory Organisations:

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2	TERRAM PACIS
3	JAMBO asbl
4	AMAHORIWACU
5	Association ESPOIRE
6	FOUNDATION IBUKABOSE RENGERABOSE

Other signatories

1	Denise Zaneza	Human rights advocate - GCRHR
2	Jean Marie Minani	Human rights advocate – GCRHR
3	Herve Cheuzeville	Author and Radio presenter
4	Rene C Mugenzi	Human rights advocate – GCRHR
5	Faustin Twagiramungu	Former Prime Minister of the Rwandan Republic
6	Patrick Mbeko	Political scientist and specialist of the African Great Lakes region
7	Dr Andre Aimable Dufatanye	Academic and author
8	Dr Emmanuel Ndahayo	Academic, peace activist and author
9	Constance Mutimukeye	Human rights advocate – Rwandans’ Lives Matter
10	Keith Harmon Snow	Investigative journalist, War correspondent and former genocide investigator for UNICEF
11	Eric Migamba	Human rights advocate
12	JMV Ndagijimana	Former Ambassador and foreign minister the Rwandan Republic – Reconciliation advocate – FOUNDATION IBUKABOSE RENGERABOSE
13	Eric Maniriho	Genocide survivor and peace activist
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15	Anneke Verbraeken	Investigative journalist
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17	Peter Mutabaruka	Democracy activist and lawyer - AMAHORIWACU
18	Freddy Usabuwera	Democracy activist – AMAHORIWACU
19	Marie Claire Ingabire	Democracy activist

More signatories can be found here: <http://www.hutugenocide.org/declaration/>

B. Resolution on Hutu Genocide

Crimes committed against Hutus vis-à-vis article 2 of Genocide Convention

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1. BACKGROUND

From October 1990, the Rwandan Patriotic Front (RPF) waged war against the then Rwandan government. From the North of the country southward, civilians fled RPF mass atrocities it carried throughout its seized areas “both during the course of combat [...] and in the more lengthy process of establishing its control throughout the country” (Des Forges, 1999).

After RPF victory in July 1994, two million Rwandans, including armed elements of former government soldiers fled to surrounding countries and the estimated 1.1 million ended up in Zaire, now Democratic Republic of the Congo (DRC).

This population settled in camps, the great majority in Eastern part of Zaire and the next largest number in Tanzania, where they were nourished at the expense of the international community and Human rights organizations like Human Rights Watch and the United Nations High Commissioner for Refugees (UNHCR).



By mid-October 1996, refugee camps in Eastern DRC were home to 527,000 and 718,000 Rwandan Hutu refugees in South-Kivu and North-Kivu respectively. The new Rwandan government repeatedly demanded international intervention to separate the refugees, many of them women and children, from the armed elements, former soldiers (ex-FAR) and militia members.

October 1996 to May 1997, Tutsi troops of the Rwanda-backed Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL) waged war in the country.

Elements of the AFDL and, more so, of the Rwandan Patriotic Army (RPA) systematically shelled numerous camps and committed massacres with light weapons. These early attacks cost the lives of an estimated 6,800-8,000 refugees, and forced the repatriation of 500,000 - 700,000 refugees back to Rwanda. (Ezimet, 2000).



In Rwanda:

Refugees who were returned to Rwanda faced killings in their villages, sharing similar fate with those who remained in the country since October 1990 where “large-scale indiscriminate killings of men, women, children, including the sick and elderly, were consistently reported”, for example in “significant areas of Butare Prefecture, Kibungo Prefecture, and the southern and eastern areas of Kigali Prefecture have been [...] the scene of systematic and sustained killing and persecution of the civilian Hutu populations by the [Rwandan Patriotic Army]. These activities are reported to have begun, [...] immediately following the expulsion from each area of former Government military, militia and surrogate forces”.

On the hills of Rwanda, the RPF massacred Hutus in batches of tens, hundreds and sometimes thousands, “injecting syringes of kerosene into ears. Smothering people with plastic bags. Choking with ropes and cords. Impaling women and girls with tools. Using agafuni—the RPF’s war hammer—to crack skulls and spill brain matter out like porridge. Burying people alive. Shooting women and children in the back. Forcing victims to dig their own graves. The methods are intimate, sadistic.” (Rever, 2018)

2.1 The commission of a listed act

Of the five listed acts included in the definition of the crime of genocide, the focus will be on the following three which can be identified to have been committed on Hutu population: Murder of members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

2.2 Directed against a national, ethnic, racial or religious group

The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) of 1948 protects four exclusive groups: the national, ethnic¹, racial and religious group. The crime of genocide distinguishes itself from other international crimes by protecting a group. It is not the victim in his individual capacity, but as a member of a certain group that determines the crime of genocide. For the perpetrator, the individual victim is “a means to an end: a step further along the path of destroying the group”. The perpetrator believes that his victims have an enhanced value to the physical or biological survival of the group and therefore wants to destroy them. The victim of the crime of genocide is therefore the group itself and not the individual alone; the individual is just an element of the group (LIngaas, 2015).

2.3 Specific intention to destroy the protected group

The victims must belong to a national, ethnic, racial or religious group.

“The specific intention to destroy the protected group, as such, either in whole or in part, is the key element in the crime of genocide, which is often described as a crime of intent, requiring a specific aggravated criminal intent (*dolus specialis*). This second element can be split into three distinct parts: **firstly**, the intention to destroy, **then** in whole or in part, and finally, the group as such. The intention to destroy assumes that the perpetrator knowingly wanted the prohibited acts to cause the destruction, in whole or in part, of the group as such.”

“The intention to destroy a named group, even in part, is sufficient to constitute a crime of genocide provided that it is the group or “*a distinct fraction of the group*” that is targeted and not “*a multitude of isolated individuals belonging to the group*”. Furthermore, the section of the group targeted must be substantial and thus reflect “both the mass nature of the genocide and the concern expressed in the Convention as to the impact that the destruction of the section of the group targeted would have on the survival of the group as a whole.” It is therefore the group itself that is targeted, through the victim” (Prosecutor v. Radislav Krstić, 2004)

3. THE CRIME OF GENOCIDE COMMITTED AGAINST HUTU PEOPLE

Two separate reports by the United Nations, in 1997 and 1998, examined whether or not crimes of genocide had been committed against civilian Hutu population and hutu refugees, concluded that, according to Article 2 of the 1948 Genocide Convention, the crime of genocide has been committed.²

¹ Ethnic groups are composed of individuals who conceive themselves “as being alike by virtue of their common ancestry, real or fictitious, and who are so regarded by others” (Tamotsu & Kwan, 1965). While ethnicity largely depends on self-identification of its members, dominant groups may also assign ethnic labels pejoratively to other groups with the aim of denying them participation in the system (Eriksen, 2010). Ethnicity is a permeable and fluid form of identity, since outsiders are usually able to assimilate into an ethnic group (LIngaas, 2015).

² Report from the joint mission tasked with investigating allegations of massacre and other violations of human rights in eastern Zaire (currently the DRC) from September 1996 (A/51/942), par. 80, and the Report of the Investigative Team of the Secretary General on serious violations of human rights and international humanitarian law in the DRC (S/1998/581), par. 4.

3.1 The acts committed on Hutu people

The systematic attacks in general, and the killings and massacres perpetrated against members of the Hutu ethnic group in Rwanda and in DRC, resulted in a very large number of victims, probably tens of thousands of members of the Hutu ethnic group, all nationalities combined. In the vast majority of cases reported, it was not a question of people killed unintentionally in the course of combat, but people targeted primarily by RPF and its ally AFDL and executed in their hundreds, often with edged weapons. (OHCHR, 2010).

On the hills of Rwanda, the RPF massacred Hutus in batches of tens, hundreds and sometimes thousands, buried them in mass graves, dug up these graves and burned the bodies to disappear all evidence. The crimes committed by the RPF are so horrible that the perpetrators only want to forget them: “Injecting syringes of kerosene into ears. Smothering people with plastic bags. Choking with ropes and cords. Impaling women and girls with tools. Using agafuni—the RPF’s war hammer—to crack skulls and spill brain matter out like porridge. Burying people alive. Shooting women and children in the back. Forcing victims to dig their own graves. The methods are intimate, sadistic.” (Rever, 2018)

[...] RPF soldiers unleashed machine guns and rocket-propelled grenades on Kibeho, a displacement camp housing hundreds of thousands of Hutus, in April 1995—a gruesome attack in which 4,000 Hutus are said to have been killed in front of UN peacekeepers and human rights monitors. (Rever, 2018)

The UN OHCHR Mapping Exercise report on this crime concluded that “The majority of the victims were children, women, elderly people and the sick, who posed no threat to the attacking forces. Numerous serious attacks on the physical or psychological integrity of members of the group were also committed, with a very high number of Hutus shot, raped, burnt or beaten. Very large numbers of victims were forced to flee and travel long distances to escape their pursuers, who were trying to kill them”.

The hunt lasted for months, resulting in the deaths of an unknown number of people subjected to cruel, inhuman and degrading living conditions, without access to food or medication. On several occasions, the humanitarian aid intended for them was deliberately blocked, in particular in Orientale Province, depriving them of assistance essential to their survival.

Therefore, the attacks and killings on Hutu people by RPA and AFDL correspond to the following prohibited acts under the Convention on the Prevention and Punishment of the Crime of Genocide : (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

3.2 Hutu ethnic group as the targeted group

At the time of the incidents, the Hutu population in Rwanda and in Zaire, including refugees from Rwanda and Burundi, constituted an ethnic group within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide (OHCHR, 2010, p. 280).

Several of the massacres in Rwanda as well as in DRC such as those listed by the DRC Mapping Exercise Report of the UN OHCHR were committed regardless of the age or gender of the victims. This is particularly true of the crimes committed in Byumba stadium (1994), Kibeho IDP Camp (1995), Kibumba (October 1996), Mugunga and Osso (November 1996), Hombo and Biriko (December 1996) in the province of North Kivu, Kashusha and Shanje (November 1996) in the province of South Kivu, Tingi-Tingi and Lubutu (March 1997) in Maniema Province, and Boende (April 1997) in Equateur Province, Nyakinama caves (1998), where the vast majority of victims were women and children.

3.2.1 Hutu of all nationalities

Particularly in DRC, “the scale of the crimes committed by the APR against hundreds of thousands of Hutu of all nationalities [Rwandan, Congolese & Burundian] including the Hutu established in the DRC decades confirm that it was all Hutu, as such, who were targeted” (OHCHR, 2010: para 514, p 280). Many Burundian hutu refugees living in South Kivu shared the fate of their Rwandan and Congolese companions. Many were killed when their camps were attacked or while fleeing to the west with Rwandans. Others drowned, when they attempted to cross Lake Tanganyika in search of safety.

The crimes committed against Congolese Hutu civilians aka “Hutu banyarwanda”, in particular in Rutshuru (30 October 1996) and Mugogo (18 November 1996), in North Kivu, DRC, highlight the **specific targeting of the Hutus**, since people who were able to persuade the aggressors that they belonged to another Congolese ethnic group were released just before the massacres:

On 30 October 1996, AFDL/APR units killed at least 350 civilians, most of them Hutu Banyarwanda³, with blows of hammers to the head in Rutshuru town centre, close to the ANP house. In the days leading up to the massacres, the soldiers had appealed to civilians [...] to return home to attend a large public meeting on 30 October. When they returned to the village, the inhabitants of Kiringa were led to Rutshuru town centre and shut away in the ANP house. In the afternoon, the soldiers began to compile a register and asked people of Nande ethnic origin to return home. They then separated the men and women on the grounds that the women had to go and prepare the meal. The women were taken to the Maison de la Poste, where they were executed. The men were bound and led in pairs to a sand quarry several dozen metres from the ANP house. All of them were then executed with blows of hammers. (OHCHR, 2010: para 275, p 121)

On 18 November 1996, AFDL/APR units massacred several hundred Hutu Banyarwanda at the Mugogo market, 31 kilometres from Rutshuru. Upon their arrival, the soldiers announced that they were going to organise a meeting to introduce the new chief of the locality to the people. After asking non-Hutus and the people of Kiwanja to leave, the soldiers opened fire on the crowd. Some of the victims were killed with blows of hammers or pestles to the head. (OHCHR, 2010 : p.121-123)

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:

AFDL/APR/FAB soldiers set up a number of checkpoints on the Ruzizi Plain around the villages of Bwegera, Sange, Luberizi and Kiliba, at the entrance to Uvira town (Kalundu Port), at Makobola II (Fizi territory) and at the Rushima ravine (Uvira territory). At these checkpoints, soldiers reportedly sorted the people they intercepted according to their nationality, under the pretext of preparing for their return to their country of origin. Individuals identified as Rwandan or Burundian Hutus on the basis of their accent, their morphology or their dress were systematically separated from the other intercepted people and killed in the surrounding area (OHCHR, 2010, p. 83).

In Rwanda:

Special Investigation Unit of the ICTR reported cases where RPF separated Hutus from Tutsi and executed them, such as in Runda, Gihara Commune, where in mid-June 1994, "all the companies of the 101th Battalion were gathered. At the Market of Gihara there were about 300 people who had taken refuge. They were mixed, hutu and tutsi. The IO [intelligence officer] of the 101th Battalion gave the order to separate the hutu from the tutsi and to kill the hutus. 25 tutsi who were not killed, had been put on the side. All the other hutu were killed" (Mohamed, et al., 2003)

3.3 Intent to destroy Hutu ethnic group

The main evidence underlying the conclusion that the APR and AFDL forces intended to eliminate all the Hutu was the massacre of all men, women, children, the elderly and the sick from the Hutu communities, and only from these communities:

³ Hutu Congolese who settled in North Kivu on the Congolese territory before 1885 or during the colonial era

In DRC:

"...the incidents' revelation of what appears to be the systematic, methodological and premeditated nature of the attacks listed against the Hutus is also marked" by the Mapping Exercise report. The attacks took place in each locality where Hutu population and refugees were detected by the APR on a very large area of the Congolese territory from East to West and the relentless pursuit of Hutu refugees lasted months. Numerous serious attacks on the physical or mental integrity of members of the Hutu group were also committed with a very high number of Hutus shot, raped, burnt or beaten (OHCHR, 2010, p. 14).

Human Rights Watch and Medecins Sans Frontieres reported several incidents in which killings were carried out almost exclusively with knives, machetes or bayonets to avoid scaring off other refugees ahead on the road and to leave fewer traces of killing.

The extensive use of edged weapons (primarily hammers) and the systematic nature of the massacres of survivors (children, women, the elderly and the sick, undernourished) after the camps had been taken indicate that the numerous deaths cannot be attributed to the hazards of war or to collateral damage (OHCHR, 2010, p.281).

In Rwanda:

RPF forces killed civilians at meetings organized soon after their arrival in the community, a practice which gave rise to the bitter joke that *kwitaba Imana*, meaning to die, had come to mean the same as *kwitaba inama*, to attend a meeting (Des Forges, 1999).

According to Roberto Garretón, UN Special Rapporteur on the situation of human rights in Congo,

"The tactic [consisted] of laying siege to camps before attacking them, [...] summoning the inhabitants of predominantly Hutu towns to meetings in schools or churches, so as to massacre them; issuing appeals over the official radio stations urging all those hiding in the forests to come out for medical care and food aid, so as to murder them; and hampering or opposing humanitarian operations in the camps." (Garretón, 1997; Ezemet, 2000)

This is an RPA hallmark entrapment method to kill larger groups of Hutu people. "They asked people to gather in certain areas, in schools and markets. Those who showed up at these meetings were given cooking equipment, clothes and food. These people were told to spread the word about other meetings. When larger groups of people showed up, the RPA used grenades or guns to kill them." Joseph Matata [Coordinateur du Centre de Lutte contre l'Impunité et l'Injustice au Rwanda (CLIIR)] describes the way the RPF tried to instil trust before going in for the kill: "They caress their victims before they kill them. It's appalling. Not even the Nazis did this." (Rever, 2018)

"The RPF death squads proved that their act was really premeditated, and that they wanted to go through with their dirty work. On their path, the destruction was complete, especially that there were no foreign observers. This was the case in Cimanga, Musenge, Kasese, in the pass between Mushaki and Karuba above Sake, and in the Virunga National Park (PNV). By pursuing refugees over 2000 km from the plain of Uvira to Mbandaka, the RPF has shown that it would not be satisfied with half-crime. It wanted total annihilation." (Musabyimana, 2004)

"Conservative estimates from intelligence sources suggest that as many as 500 Hutus were killed per day by these units, over at least a two-month period during the genocide. Over a mere 60 days, upwards of 420,000 Hutu civilians killed by DMI units in the dozen rear areas seized and controlled by the RPA. Over 90 days, an estimated 630,000 Hutus were killed by DMI units in RPF zones." (Rever, 2018)

3.3.1 Women and Children

In Rwanda:

married women were raped in front of their husbands and at the same time and in the same place as their daughters, adults or minors. Many women have undergone butchering, belly cutting and mutilation of their genitals or breasts. Pregnant women were, more than others, targeted by this cruelty. Objects such as sticks or very sharp metals were pushed into the vagina and pushed through the intestines to the level of the chest, to pierce the body of these women from genitals to the head or neck. RPF executioners inflicted extreme suffering on

their victims by savagely inserting in the genitals objects such as glass pieces, pestles coated with hot peppers, rifle barrels, etc. (Ndahayo & Dufatanye, 2015)

Ndahayo & Dufatanye concluded that women were especially targeted because of their ability to give life and expand the group from which they came. The perpetrators were not unaware that what they were doing was going to have negative effects on reproduction within the group of victims. If the latter did not become directly infertile, the diseases they were infected with, or untreated infections that followed, would render them unfit to procreate.

United Nations Human Rights Office of the High Commissioner's DRC Mapping Exercise Report listed incidents of women who were raped before being killed, e.g. in the course of the refugee massacres at Hombo in December 1996:

"From 9 December 1996, AFDL/APR soldiers shot dead several hundred refugees, including a large number of women and children at the Hombo bridge. Over the course of the following days, they burned alive an unknown number of refugees along the road in the town of Kampala, a few kilometres from Hombo. Many women were raped by the soldiers before they were killed. Before killing them, the soldiers had asked the victims to assemble so they could be repatriated to Rwanda.

Around 9 December, AFDL/APR soldiers intercepted and executed several hundred Rwandan refugees in the vicinity of the village of Chambucha, four kilometres from Hombo. The victims, who included a large number of women and children, were shot dead or killed by blows of hammers and hoes to the head near a bridge over the Lowa River. Before killing them, the AFDL/APR soldiers had promised the refugees that they would repatriate them to Rwanda with the aid of UNHCR. Most of the bodies were then dumped in the Lowa River." (OHCHR, 2010, p.100)



The report noted that women were also tortured and subjected to mutilation, particularly sexual, during these massacres.

Children alongside the adults were killed indiscriminately, sometimes in particularly cruel ways, with blows from hatchets or with their head smashed against a wall or tree trunk. Others were reported burned alive in their homes, along with their families (OHCHR, 2010, p.329).

UN Investigative Team of the Secretary General reported the detention of malnourished children being treated in a hospital, killing of a number of wounded Rwandan Hutu refugees in hospitals by AFDL troops, such as in Luvungi village, South Kivu, and the beating and killing of nurses in those hospitals. (Investigative Team of the Secretary General, 1998) Par. 93

3.3.2 Humanitarian Assistance withheld and used as bait

On a number of occasions, attacking forces made it impossible to get humanitarian aid to starving, exhausted and sick refugees, either by blocking access to them or by relocating them out of the reach of assistance, thus depriving them of resources essential to their survival (OHCHR, 2010). According to Human Rights Watch, when ADFL forces first took control of eastern Zaire, they excluded humanitarian agencies for several weeks, making it impossible for them to deliver needed aid to the refugees who were fleeing the camps (Human Rights Watch, n.d.).

Humanitarian aid agencies have been used repeatedly by the military to either locate refugees or lure them out of the forest in order to eliminate them (Médecins Sans Frontières, 1997).

“When Rwanda had invaded Zaire, I discovered, the RPF used humanitarian organizations, the United Nations and journalists as a means to locate and kill refugees” wrote Judi Rever. “As the war progressed, there was mounting evidence that Rwanda had gained access to satellite equipment that enabled it to intercept the texts, voice and video communication of NGOs, media and other personnel in the field. As soon as aid workers found refugees and got them to stay in one place so they could bring them food and medical care, Rwanda-backed rebels and RPF forces would move in, cordon off the area and attack, or chase the refugees into more remote, denser areas of the jungle in what they called “bait and kill” operations.” (Rever, 2018)

The Investigative Team of the Secretary General described the blockage of humanitarian assistance as systematic in nature and as a crime against humanity.

"The available information strongly suggests that at least the massacres committed by the AFDL and its allies during the period October 1996 to May 1997 and the denial of humanitarian assistance to displaced Rwandan Hutus were systematic practices involving murder and extermination, which constitute crimes against humanity, as defined by the Statutes of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. (Investigative Team of the Secretary General, 1998) Par. 95

3.3.3 Evidence concealed

The massacre of Hutus went on concomitantly with the clean-up of grave sites. According to UN investigations (Garretón, 1997), Human Rights Watch (Campbell, 1997), and Medecins Sans Frontieres (Bradol & Guibert, 1997), the perpetrators of the massacre made concerted efforts to conceal the evidence by cleansing massacre sites, burning corpses and killing or intimidating witnesses.

“I was part of a team that unearthed corpses from mass graves. We worked day and night for a long time to take bodies to other locations to be incinerated. It was about the time when people were calling for an investigation to confirm whether indeed there had been massacres of Hutu refugees in the area. Rwanda of course was denying the allegations and we had to destroy the evidence. We needed to hide the proof.

“Bodies were decomposing. We did this with our own hands, with no protection or gloves. Our superiors were behind us. These commanders hit us from time to time. It’s hard for you to imagine but we had to put corpses on our backs and dump them onto trucks. When we were discouraged, they would beat us and force us to carry on. I became ill afterward” testified Jean-Baptiste, a Tutsi from a killing unit in Kagame’s army, interviewed by Judi Rever (Rever, 2018)

Efforts in eastern, central, and western Congo areas-clean-ups and intimidation have intensified since April 1997, paralleling an increase in allegations of massacres and the arrival in the region on four separate occasions of United Nations investigative teams. Pressure from the international community on the Congolese government to cooperate with the U.N. missions may also have contributed to intensified clean-up and intimidation efforts by the AFDL and its allies (Campbell, 1997).

“In the face of repeated obstructions by the Congolese authorities to the work of United Nations investigators, ASADHO [The African Association for the Defence of Human Rights], in collaboration with the International Center for Human Rights and democratic development], created, in November 1997, an International Non-Governmental Commission. Supported by a dozen NGOs, these two institutions met in Montreal, Canada, from January 25 to February 13, 1998 to analyze details collected on the ground. [...] the verdict of these institutions was without appeal⁴ : “The commission has found that there is reason to qualify as genocidal, the processes inherent to the crime of genocide, the persistence and consistency of the different methods used especially by the AFDL rebels and their allies in the elimination of part of the refugee population” (Musabyimana, 2004)

3.4 Identity of perpetrators

The identities of leading officers and strategists may have been intentionally hidden by the RPF and AFDL in order to protect those responsible for war crimes. Nevertheless, some became known to embassies in Kinshasa,

⁴ CIDPDD et ASADHO, Rapport de la Commission Internationale non-gouvernementale sur les violations massives des Droits humains en République Démocratique du Congo (ex-Zaire) 1996-1997, p.112.

humanitarian organizations, and Congolese, as either strategists or field commanders, or both (Campbell, 1997).

“Testimonies taken in several provinces of Congo as well as in neighbouring states concur that the perpetrators of most killings were from an ethnic Tutsi sub-group of ADFL troops, often described by Congolese as "Rwandan", "Ugandan", "Burundian", or "Banyamulenge." Numerous refugees described how, when overtaken by the ADFL or their allies during their flight, they had recognized and had conversations with members of the RPA who were from their home communes in Rwanda. Congolese villagers described numerous incidents in which refugees and members of the RPA recognized and spoke with one another in areas where massacres took place. Many commanding officers in areas where massacres took place, as well as troops under their command, were members of the RPA. Some stated that they had grown up in Rwanda, having left for studies or other reasons.

Languages spoken by perpetrators similarly indicates their origin as primarily Rwandan, eastern Congolese, or Ugandan. Congolese, foreigners in Congo, and refugees consistently described the perpetrators of massacres in several regions or those blocking humanitarian access to refugees as Kinyarwanda speakers. Many witnesses noted the divisions among the ADFL, claiming that the troops of the ADFL who killed were often from Rwanda, some speaking only Kinyarwanda.

Others witnesses stated that the perpetrators spoke Kiswahili as well as Kinyarwanda, sometimes mixed with French or English. This indicates that some of the troops involved in killings were likely to have come from southern Uganda, as well as eastern Congo and Burundi. Many commanding officers and troops in areas where massacres took place were fluent English, Kinyarwanda, and Kiswahili speakers, characteristic of members of the Rwandan Patriotic Army (RPA) who invaded Rwanda from southern Uganda in 1990.

Certain military among the ADFL and especially the RPA appeared to be particularly motivated to kill refugees. Kinyarwanda and Kiswahili-speaking ADFL or Rwandan troops repeatedly demonstrated throughout the war a specific intent to hunt down and kill civilian refugees as well as armed exiles from Rwanda. Numerous residents of Mbandaka report that, upon the arrival of the ADFL on May 13, 1997, Kinyarwanda-speaking troops immediately asked "where are the refugees?" and proceeded to seek them out and begin killing. Human Rights Watch/FIDH received similar reports from towns between Kisangani and Mbandaka, where the first order of business for the ADFL upon arrival in a village was to eliminate refugees” (Campbell, 1997)

In an interview with Washington Post on 9 July 1997, Rwandan president Paul Kagame (then Defence Minister) recognised that Rwandan troops had played a key role in this ADFL campaign. According to President Paul Kagame, the campaign strategy comprised three elements: a) destroy the refugee camps, b) destroy ex-FAR and Interahamwe [a criminal militia that committed a genocide against Tutsi people in Rwanda in April-July 1994] based in and around the camps and c) overthrow the Mobutu regime (Campbell, 1997).

Following her research into complete history of the Rwandan genocide and the crimes of the Rwandan Patriotic Front (RPF), through unparalleled interviews with RPF defectors, former soldiers and atrocity survivors, supported by documents leaked from a UN court, Judi Rever, a Canadian investigative journalist and author, concluded that President Paul Kagame is "ultimately responsible for the killing of an estimated 200,000 Rwandan Hutu and Congolese Hutu in Zaire/DRC in 1996-97 and countless Hutus who returned to Rwanda from refugee camps between 1995 and 1998" (Rever, 2018). Judi, in her book, compiled a list of "the most notorious criminals of the Rwandan Patriotic Front" made up of 20 high ranking officers.



4. RESOLUTION

The signatories of this declaration hereby conclude that the systematic and widespread attacks on Hutu population in both countries were characterized by a number of inculpatory elements that sufficiently constitute a crime of genocide.

The signatories hereby declare and recognise as a CRIME of GENOCIDE, the wholesale killings of hundreds of thousands of Rwandan Hutu population in Rwanda and of Rwandan Hutu refugees, Burundian Hutu refugees and Congolese Hutu citizens in DRC on the basis of their membership to hutu ethnic group and without regard to their age, gender or nationality by the Rwandan Patriotic army and its Congolese ally, the Alliance des forces démocratiques pour la libération du Congo-Zaïre (AFDL) rebel group.

There exist continuing efforts to conceal and deny crimes committed to members of Hutu ethnic group in Rwanda and in Democratic Republic of the Congo. Despite, this crime of genocide will continue to mark a dark side of 21st century. It is essential that this genocide be integrated in collective history of humankind. Therefore, the signatories call upon the international community to fulfil their obligations under the Genocide Convention and act together to bring the perpetrators to justice.

Relevant international institutions and governments are hereby invited to recognise the Genocide perpetrated against the Hutu as a **historical fact**.

The signatories call upon relevant international institutions and governments:

1. to fulfil their moral obligations and **educate the world** about this crime of genocide using various tools such as awareness raising events, exhibitions and memorial events,
2. to fulfil their international obligations to ensure that genocide **would never happen again**,
3. to take their Responsibility to Protect in order to ensure that survivors of the Genocide against Hutus who are still in unprotected camps in DRC, in Congo Republic and elsewhere where they are at risk of being victims of another similar genocide **are protected**,
4. to fulfil their obligations under the Genocide Convention and act together to create relevant **justice and reconciliation instruments**.

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RWANDAN'S HUMAN RIGHTS**