

## **The analysis**

### Genocide(s) in Rwanda and Congo – Spain and its Courts – the UN, the USA and Great Britain

Is all of this interrelated? More than it'd seem at first sight. And - why should this matter concern us at all? It concerns us much more than we think. A few days ago, the international press reported extensively on the leak of a report by the U.N. High Commissioner for Human Rights (UNHCHR) about ten years of sustained violence in the Democratic Republic of Congo (1993-2003). When the report, almost 600 pages long, is released, ostensibly in the next few days, we will see the actual wording of the text after the international flurry that has arisen and the big threats – veiled and explicit – that are being made in all directions by many of the key international players involved, including governments.

The UN says that Rwanda could be to blame for the genocide in the Democratic Republic of Congo.

Based on the analysis of thousands of documents and more than a thousand testimonies gathered by experts, the leaked UN report forcefully exposes the gruesome and systematic nature of the slaughter carried out against the Hutu population, both Rwandan refugees and Congolese civilians. These killings took place primarily during the two wars, from September 1996 to July 1998, and from August 1998 onwards, respectively. According to the report, the massacres were deliberate, claiming the lives of elderly people, children and women in particular, and making no distinction between Rwandan and Congolese Hutu. Besides, none of these deaths could be considered to have been accidental or as collateral damage of war. The evidence gathered shows that the above-mentioned massacres were “well planned and highly organized”, pointing to more than 600 systematic criminal acts that resulted in hundreds of thousands of victims. Just like the resolutions of the Spanish courts, the UN now reveals that, further to being caused by light or heavy weapons, the deaths were the outcome of other forms of committing genocide: the population (Hutu refugees and the Congolese civilian population, whose victims were also mostly Hutu) was deprived of food and victim of forced displacements, sexual abuse, subject to starvation and disease all of which caused their death. Yet if we only take a minute to look beyond the figures (millions, indeed, far surpassing the 800,000 victims which is the official count of the Rwandan genocide) and try to imagine the suffering – at the private, family and collective levels – of each individual victim, we may be able to come closer to the full scale of the horror. Even though that report does not single out the responsibility of individual parties in the pillaging, it does hold the Rwandan army – and its local allies – primarily responsible for it. The report further details the crimes that could have allegedly occurred during the decade covered in the investigation. The facts known about those crimes can constitute crimes against humanity, war crimes, and crimes which could even be considered genocide. Interestingly, what has caused a stir in the

Rwandan government is the mention of genocide, and not the former two crimes which Rwanda hasn't brought up and which are in and of themselves extremely serious international crimes. This is no happenstance: while not omitting to remind of the huge tragedy caused by the Rwandan genocide of 1994, where victims were mostly Tutsi, the international press has made sure to raise again and strongly question the role played by Paul Kagame and his followers in this genocide. It has strongly questioned the version Kagame, and his circle of top associates, give of their role, which claims it was he who stopped the above-mentioned genocide. This account of the facts now comes tumbling down like a house of cards and the UN report is just speeding that collapse. Many people now state the need to look again into what really happened during the 1994 genocide in Rwanda in order to hold the perpetrators of international crimes accountable to justice, irrespective of their ethnic group or political affiliation, as the Statute of the International Criminal Court for Rwanda requires. (This closer scrutiny includes taking a closer look at the classified 1994 report compiled by Robert Gersony, then American envoy of the UNHCR in Rwanda, and which was suppressed by the U.N. itself. Former Rwandan Minister of Defense, among others, mentioned this report in his testimony given during the investigation held by Spanish courts. The report documented some 30,000 murders in a period of merely three months after Kagame seized power by force after the four years of war that followed his invasion of Rwanda from Uganda, and after he "officially stopped the genocide.") Let us point out that two U.N. reports from 2001 and 2002 ([www.veritaswandaforum.org/informes.htm](http://www.veritaswandaforum.org/informes.htm)) already revealed the detailed planning and the high level of organization with which the Rwandan army carried out its crimes, in this case the systematic pillaging of natural resources such as gold, diamonds, coltan, tin and cassiterite, among other precious metals (used to produce mobile phones, computers, consoles as well as intelligent strategic weaponry), carried out together with North American, European, African and Asian multinational companies.

Which court has the jurisdiction to investigate the international crimes committed in the Democratic Republic of Congo?

The leaked UN report ends by asking which court can take over the investigation and prosecution of these crimes. This is a key question that needs to be answered in order to stop the impunity, which has been surrounding these crimes for years, from continuing to feed on the violent conflict as it has been doing to date. However, the idea of conducting an investigation into these crimes in the Democratic Republic of Congo is not new: UN experts started working on this in July 2008, a few months after the Spanish courts issued a Resolution on February 8, 2008 issuing international arrest warrants against 40 top political and military officials of the Rwandan government. The Order charged them of crimes of genocide, crimes against humanity and war crimes, among others, which had allegedly taken place in Rwanda and in the former Zaire, now the Democratic Republic of Congo, approximately between 1990 and 2002. The Order ([www.veritaswandaforum.org/dossier/resol\\_auto\\_esp\\_06022008.pdf](http://www.veritaswandaforum.org/dossier/resol_auto_esp_06022008.pdf))

summarized the findings of a three-year investigation spurred by the lawsuit filed in 2005 by the relatives of 9 Spanish nationals assassinated in both countries in 1994, 1996, 1997 and 2000. Plaintiffs in this lawsuit were also Rwandan and Congolese survivors; Nobel Peace laureate Adolfo Pérez Esquivel; former US congresswoman Cynthia McKinney; the Spanish City Councils of Sevilla, Manresa, Figueres, Navata and Tremp, as well as Spanish and international NGOs grouped under the International Forum mentioned below. Numerous people who survived such massacres in the Democratic Republic of Congo - people who fled almost two thousand kilometers by foot – as well as visual documents obtained on site, such as those by Hubert Sauper, have described the account the UN now discloses in public: systematic attacks on refugee camps; bombings with heavy weaponry; systematic persecutions on roads and in jungles, villages and towns – on many occasions in Kisangani, in particular – and even UNHCR's forced repatriations of refugees who would subsequently be killed or imprisoned, as the Spanish judicial Resolution itself had shown. With the recent leak of the UN report, Paul Kagame and the government of Rwanda have now made the same threat that they made back in 2008, when they were faced with the judicial investigation and the fact that the international arrest warrant (which the town councils themselves, as civil parties, had requested to the UN Secretary-General) could be put into effect: if, despite the Spanish international arrest warrant, Rwandan general Karake Karenzi, one of the 40 officials sought by justice, was not confirmed in the post of second commander of the hybrid UN peacekeeping force in Sudan, Rwanda would withdraw all its peacekeeping forces from this country. After the U.S. Department of State gave US\$20 million to Karake Karenzi and the Rwandan Defense Forces on September 3, 2008, Karenzi was confirmed by the U.N. in the post. A few days ago Rwanda made its threat again: if the army led by Paul Kagame is accused of genocide, Rwanda will withdraw its troops from peacekeeping operations.

Regarding the question as to which court can be in charge, there are people interested in making things appear more complicated than they really are so that, ultimately, nothing gets done. For crimes perpetrated between 1993 and 2003 there are two international courts that have already opened investigations and legal proceedings. The only court worldwide already conducting an investigation into the crimes perpetrated between 1993 and July 1, 2002, is the Spanish court, in accordance with the principle of universal jurisdiction (to cite only one example: one of the 40 international arrest warrants issued by the Spanish court has already resulted in a request for extradition for crimes committed in Rwanda and in the Democratic Republic of Congo during the same period covered by the UN report. The request seeks the extradition of General Kayumba Nyamwasa, Paul Kagame's former right-hand man, who has currently fled to South Africa). Concerning the crimes perpetrated from July 1, 2002 until 2003, the International Criminal Court already has two ongoing legal proceedings. Both courts have jurisdiction over these cases despite having extremely few resources to pursue their task. Spain's Audiencia Nacional [National Court] has only been met by

silence when it duly and formally asked the U.N. to hand over the evidence of these crimes perpetrated against people in 1996 and 1997 or the evidence of the pillaging of valuable mineral resources conducted in these same years or earlier. The international media which had access to the UN report have made public the fact that the UN High Commissioner responsible for the report keeps – separately from the latter - a confidential data bank containing evidence that implicates individual Rwandan and Ugandan military officials in the crimes stated above. The High Commissioner, Ms Navanethem Pillay - coincidentally a South African national - and herself a former judge at the International Criminal Tribunal for Rwanda (ICTR) and at the International Criminal Court (ICC), knows very well the consequences at stake and the scale of the tragedy in Central Africa. She should thus make available to the ICC and the Audiencia Nacional the evidence which implicates specific individuals in those international crimes, in compliance with international law.

### Serious international involvement in the crimes perpetrated in Africa

This whole thing isn't just a matter between Rwandan and Congolese Hutu and Tutsi, nor does it only pertain to Central Africa: it is the violent conflict which has claimed more lives since the Second World War, according to ICC prosecutor Moreno Ocampo. What emerges is a story of violence, war and neo-slavery during the pursuit of geo-economic, geopolitical and geostrategic control of Central Africa after the fall of the Berlin Wall, a story whose installments keep coming to light little by little. In former times Europeans and North Americans used for their own ends an African minority for the latter to exploit and take advantage of its own kin. The patterns of exploitation and slavery used in the 15<sup>th</sup> to 19<sup>th</sup> century (by the world powers at the time such as Spain, France, Portugal, Great Britain, Belgium, Holland, and later the United States) were repeated at the end of 20<sup>th</sup> century and now at the beginning of the 21<sup>st</sup>, albeit with new methods. The only difference is that now – without having to displace slaves from the territory - governments, multinational corporations and power groups are the parties which exploit and manipulate those African 'elites' into massacring their African brothers in exchange for a small piece of power and a small cut of the revenue from the systematic war pillaging. The money that stays back in Africa is a trifle compared to the huge profits that are siphoned off to North America, Europe and their allies under the guise of complex business deals, as the U.N. itself points out in its reports from 2001 and 2002. Instead of bringing hope and support to people of different races worldwide, and to humanity in general, the U.N. has, rather, become a puppet in the hands of governments, multinational corporations and big powers pursuing their own agendas. In this respect, the hidden chapters being unveiled by independent and tenacious investigators now allow us to learn how North American, Canadian and British governmental agencies, together with Big Business, join forces in order to seize control of specific territories, their wealth of natural resources as well as of the local governments. To cite just an example: former U.S. congresswoman McKinney – herself descended from slaves, like the current U.S. First Lady, and

President Clinton's Special Envoy to Central Africa in 1996 – later declared that she found out that the plane which took her to Africa – chartered by senior managers of the multinational company American Mineral Fields – was also boarded by arms dealers. In addition, she had found out that a plan was in place to finance the war intended to remove [President] Mobutu from office in the then Zaire and gain control of the country's mining areas in order to, first, pillage and then exploit the mines. These facts were later confirmed in the U.N. reports from 2001 and 2002. Another fact, also corroborated: while receiving military training in the U.S. in October 1990 (at the U.S. Army Command – linked to the infamous School of the Americas – in the Fort Leavenworth base in Kansas), Paul Kagame was summoned to Uganda to head the revolt aimed at removing the then Rwandan president Habyarimana from office.

### The U.N., Kagame, Rodríguez Zapatero and international politics

The UN report, which minces no words with Rwanda, has been leaked with diplomatic finesse, coincidentally three weeks after – not before – the presidential elections that took place in Rwanda. In these elections Paul Kagame (accused by the Spanish courts of committing international crimes related to those perpetrated in the Democratic Republic of Congo, and, on the other hand, someone who has at his disposal free consulting services from former British Prime Minister Tony Blair, among others) was re-elected president, obtaining some 93% of the votes. Yet these elections, in which opposition candidates have been either put into prison or murdered, have been validated despite strong international reservation expressed by diplomatic circles and international NGOs. The U.N. Secretary-General must no doubt have known of the contents of that report when he went to Madrid in July to attend the U.N. summit he himself had called. The summit, intended as preparatory meeting for the Millenium Goals, was to feature the attendance of the two co-chairmen he himself had –allegedly – chosen: Spanish Prime Minister José Luis Rodríguez Zapatero, head of the country whose courts are investigating precisely those very crimes; and Paul Kagame, the president under investigation and accused by a Spanish court of being the main person responsible for those crimes, including the assassination of 9 Spanish nationals in Rwanda and the Democratic Republic of Congo. Fortunately, Prime Minister Rodríguez Zapatero, paying heed to the request made to him by the nine families of the Spanish victims and a platform of Spanish and international NGOs ([www.bastayadeimpunidadenuanda.org](http://www.bastayadeimpunidadenuanda.org)) as well as to requests coming from embassies from all over the world and the explicit request from senators and seven political groups from Congress (with the exception of the PSOE and the PP), decided last minute not to meet with Kagame. He also changed the location of the meeting to a private hotel. Nevertheless, unless there are last minute changes, co-chairmen Zapatero and Kagame will be present at the official meeting to be held at the U.N. headquarters in New York on September 20, as will U.N. Secretary-General - who is about to release the devastating report. Accomplishing the millennium goals of eradicating hunger and disease worldwide, among other essential

and praiseworthy objectives, would rather require implementing measures which are more effective than a meeting such as this, a shameless and unworthy meeting behind-the-scenes. As Carlos Castresana, prosecutor for causes of universal justice in Argentina and Chile, has pointed out, it may ultimately be necessary to draft a big agreement for Africa along the lines of the 'Marshall Plan'. The U.S., China, Great Britain, France, Germany, India, Canada and Brazil as well other countries, would play a key role in this plan aimed at opening new markets and finding new consumers for these hungry powers and their multinational corporations, while simultaneously benefiting African countries – and us all in the process – in a decisive and lasting way, as well as at least seven generations to come. Yes indeed, the law of the boomerang is unrelenting, and all of this concerns us much more than we are able to imagine.

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