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THE CASE OF EMMANUEL KARENZI KARAKE: WHY RWANDA NEEDS ANOTHER AD HOC INTERNATIONAL CRIMINAL TRIBUNAL.

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[Ubutabera](#)

THE ICTR : AN INTERNATIONAL CRIMINAL TRIBUNAL WITH A FLAWED JURISPRUDENCE. « In 1996, the United Nations told the world that they could not find the whereabouts of well over 500,000 Hutu refugees in Congo. The statement was so casual and flippant, it sounded like someone who cannot find their car keys or a piece of earring.



Long before this in 1994, the RPF ravaged the northern part of Rwanda, killing thousands of Hutus on its way, and forced over a million people into internally displaced camps to die of diseases, hunger, and miserable conditions that are prevalent in these types of places. »-Daniel Murinzi.

Before 1994, the idea that individuals controlling the apparatus of a State to commit genocide, crimes against humanity or war crimes was unknown to many African Countries until the establishment of the International Criminal Tribunal For Rwanda. Resolution 955 adopted in 1994 stated that one purpose of the ICTR would be to contribute to national reconciliation and the restoration and maintenance of peace.

Yet, it is in the public domain that the United Nations released a report 3 years suggesting that the Kagame government may be involved in supporting armed groups in eastern DR Congo. So far, the ICTR has been unable to undertake cases involving the RPF Accused, and this has created a sense of impunity among members of the current government like General Karenzi and led to continued instability in the region, as well as contribute to a feeling of persecution among the Hutus.

The ICTR's failure to emphasise on the individual criminal accountability of the accused has been a cause of concern over the years. Many Accused persons have refuted charges highly premised on collective responsibility. Whilst the ICTY managed to indict individuals from all sides in the conflict, and has generally been praised to do so, the ICTR has been accused of applying « victor's justice » as it has never indicted any members of the RPF.

This could be attributed to a number of things:

- Before the establishment of the ICTR by the Security Council, the Rwandan RPF Government voted against the Tribunal objecting, amongst other things, that it would not administer the death penalty. From the onset, the RPF was clear in its resolution. They wanted to erase all their opponents.
- Although, The UN Commission investigating the 1994 alleged genocide concluded that the RPF had committed war crimes during 1994, it has seemingly been impossible for the ICTR to indict RPF members like General Karenzi for a variety of political and legal obstacles. Worse off Rwanda has enacted laws that refrain ordinary Rwandans from challenging the RPF's version of the 1994 alleged genocide.

The cases of Victoire Umuhoza Ingabire, Peter Erlinder and Kizito have served as precedents to compel other Rwandans to discuss the 1994 massacres in such a manner that conforms with the RPF propaganda. The temporal jurisdiction of the ICTR was so restrictive in order for the RPF to evade its jurisdiction and commit further crimes against humanity whenever it was convenient for them. The RPF Government stressed that the Tribunal include crimes committed between the 1/01/1994-31/12/1994.

It has been documented that this mandate was borne out of a compromise. Initially, the Rwandan Government had suggested that the mandate run from 7 April to 15 July 1994 which was objected to by the Security Council. Driven by a sense of guilt, the international community felt pressured to establish an Ad Hoc International tribunal under the most questionable circumstances. The ICTR failed to foresee the danger of continued violence and even renewed genocidal attacks against the Hutus after 1994.

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Spanish investigative judge Andreu Merelles indicted Gen Karake in 2008 for alleged war crimes, along with 39 other current or former high-ranking Rwandan military officials. Paul Kagame is likely to evade the jurisdiction of the Spanish Court due to his shield of 'presidential immunity' which he will maintain at all costs even if it means using unconstitutional means to change to constitution to allow him and his 'ABEGA' minions to cling on to power at the expense of ordinary poor Rwandans.

Karenzi Karake was detained at London's Heathrow Airport on Saturday, in response to a European Arrest Warrant. General Karake is accused by Spain of ordering massacres in the wake of the 1994 Rwanda genocide. All accusations General Karake is facing include:

- Accused of ordering massacres after the 1994 genocide while head of military intelligence,
- Wanted for genocide, crimes against humanity and terrorism,
- Accused of ordering the killing of Spanish aid workers in 1997.
- He is accused of killing ethnic Hutu civilians in both Rwanda and Democratic Republic of Congo, after the Rwandan Patriotic Front (RPF) came to power in 1994. **The 10,000,000 people (mostly Bantu)** who died in the Great Lakes region deserve more than just what a Spanish Court may offer. The international Community should set up an international criminal tribunal to address this crisis which clearly falls in the realm of international law.

Over the years, Rwandans (Tutsi and Hutus) have fled and sought refuge in various parts of the world. This clearly illustrates how the ICTR divided more Rwandans than it ever reconciled. As for the FDLR in the DR Congo jungle, more needs to be done. They too are victims of the RPF propaganda. They have been acting out of necessity and self-defense as no one knows when Paul Kagame may strike. If Rwandan refugees are not safe in

South Africa or Canada (see the untimely death of Patrick Karegeya), what of people who are only a few miles from Kigali?

The focus of the UN should be placed on finding durable solutions for innocent women and children of Rwandan origin who are busy perishing in the jungles of DR Congo without any international assistance. Furthermore, a legal regime must be set up to prosecute the masterminds of the massacres of 10,000,000 people (mostly innocent Bantu women and children) in the Great Lakes region. Vampires, psychopaths and deranged people like General Karenzi should not be offered the decency of exonerating themselves in municipal courts. They must be isolated from the general public in an international facility until called by an impartial international tribunal.

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