



**Seeking truth and justice
against impunity for
crimes against humanity**

Please allow me to start at the end. Several months ago, on February 24, 2007, the State of Virginia unanimously approved a resolution expressing "*its deep regret for the slavery of Africans and the exploitation of Native Americans*". The resolution was passed on the occasion of the 400th anniversary of the first permanent Anglo-Saxon settlement in the Americas, established in Jamestown, precisely in that State. This marks the first time that the U.S. government apologizes for the slavery of millions of Africans. Reminding us that the Declaration of Independence proclaims that "*all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness,*" this State, which stood out for its role in the struggle of independence against the British government – and for figures like George Washington and Thomas Jefferson – then proceeds to acknowledge that those fundamental rights have been systematically violated throughout the history of Virginia and the U.S. The Spanish State, which officially abolished slavery in 1880, should make a similar acknowledgment regarding the descendants of African and Latin American slaves.

But – what does this have to do with Central Africa today? A great deal - in fact, a lot more than we can imagine. Millions – yes, we use the plural here! – of Rwandans and Congolese have been and continue to be the victims of a new and savage form of slavery and of a systematic and violent extermination. It is a regime of bondage of our times, conducted, however, with more depravity. Our conscience would not allow us today to see slaves in our neighbourhoods or cities. Trading with slaves and bringing them to "our world" is no longer necessary. Rather, it's better – and cheaper – to have slaves working in their own country, without having to relocate them but extracting from their land whatever serves our interests. In order for the *business* to work and keep having a labour force free of charge, all you need are foremen to be well paid and taken care of.

The Eastern part of the Democratic Republic of Congo is one of the planet's wealthiest areas in valuable natural resources, strategic minerals of key importance - coltan, diamonds, copper, cobalt, gold, tin as well as wood, to name just a few. The greed to get a hold of these resources and exploit them illegally is nothing new, for sure. As early as 1879 and following the 1885 Berlin Conference, King Leopold II of Belgium ran Congo exploiting it as a business. Years later, after Congo had declared its independence on June 30, 1960, Congolese Prime Minister Patrice Lumumba also claimed economic independence – further to the political one – for his country. He warned of the danger that foreign powers wanting to seize ownership of the natural resources would pose if they put a puppet to head the country. On January 17, 1961, Lumumba was murdered by the CIA during the tenure of General Eisenhower. In 1965, in a coup backed

by the US and Belgium, Mobutu seized power with the aim of exploiting Zaire and running it as a business venture for his own personal benefit and that of the foreign states and corporations supporting him. In the meantime, most of the population of this extremely rich country was literally living in utter poverty.

However, the fall of the Berlin Wall on November 9, 1989 brought about great change. We cannot go into all the changes here but we can try to understand what this meant for Central Africa and "our world." Despite all the abuse that took place in other parts of the globe, the Cold War established a certain balance and restraint in the USSR and in the U.S. as far as Africa was concerned. Thanks to declassified files of the CIA itself, we have now been able to learn the extent and details of the U.S. intelligence's involvement in the Condor Operation in America's *Cono Sur* ('Southern Cone') and in the military dictatorships of Argentina, Chile, Brazil, Paraguay, Uruguay and Bolivia, which resulted in tens of thousands of people killed, missing and imprisoned. Many regimes received training at the U.S. 'School of the Americas', where techniques of psychological war, military intelligence, torture, interrogation practices and summary executions were taught. Likewise, we also know now of the USSR's watchful guardianship of Cuba and other nations in its orbit. Everyone has heard of the 'missile crisis of October 1962' between the U.S. and the USSR which thrust the world into a potential atomic conflict, as well as of the pact between Kennedy and Khrushchev allowing communism to retain its foothold in Cuba.

In the "New World Order" that emerged after the fall of the Wall, Eastern Zaire's resources continued to be regarded favourably, but from another angle. As we have recently seen in Iraq, and also in Palestine, North American intelligence excels in spotting and fostering internal struggles and using them to its own strategic geopolitical and geo-economic advantage. The strategy devised to take over Zaire was to ignite war through displacement, that is, to turn the area in Central Africa under French-speaking influence into an English-speaking one. This, however, had to be done step by step, in phases. Rwanda was the first one.

When we speak of the Rwandan tragedy we all think of the genocide that took place in 1994. Extremist elements of the Hutu majority organized by the *establishment* massacred hundreds of thousands of innocent victims, largely moderate Tutsi and Hutu. The trigger: the terrorist attack [T.N.:on April 6,1994] that killed Hutu presidents of Rwanda and Burundi, Juvenal Habyarimana and Cyprien Ntaryamira, respectively. According to the current Rwandan government's official count, there were 937,000 victims. This is where the official account of history comes to an end. Little more is mentioned about Rwanda: when we try to understand these events within the large context, we are told that Western minds are simply unable to grasp them, that the matter has to do with tribal struggles. Thus, apart from this official version purporting to be open and crystal-clear, it now turns out that it is better not to go into

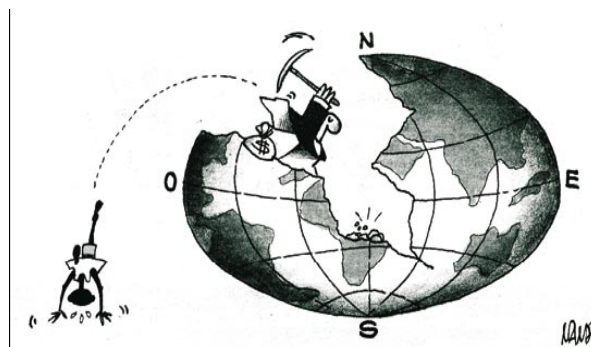
details since we wouldn't be able to understand anything anyway. The fact of the matter, though, is that a hidden story and a concealed truth lurk behind it all.

> Millions of Africans have been and continue to be victims of a ruthless new form of slavery and target of a systematic and violent extermination>

I go back to the fall of the Wall and Rwanda. Hardly a year after the Wall fell, a group of Tutsi military integrated into the secret service of Uganda's "National Resistance Army" – Uganda was a main ally of the U.S. and Great Britain at the time – decided to invade Rwanda from the north, through the Ugandan frontier. The group had come together as the Rwandan Patriotic Front. On October 1, 1990, 2,400 Rwandan Tutsi soldiers, with Uganda's military and logistical backing, invaded the north of the country, and, causing the death of thousands of Hutu victims along their trail, arrived in less than three weeks within 100 km from the Rwandan capital, Kigali. The Major General of this operation, Fred Rwigema, was murdered a few weeks later amidst strange circumstances – apparently because he had stood for seizing power with as few civil casualties as possible. Ugandan president Museveni awarded the command of the squads to a man who would move on to play a key historical role, Paul Kagame. At the time, Kagame had been completing his military training in the U.S. at the *International Military Education and Training* program (where other RPF/RPA officials and Ugandan military had also been trained, a program similar to the one given at the *School of the Americas* in Fort Leavenworth, Kansas, and in Fort Bragg, North Carolina). Through testimonies of key witnesses, we have learned that the Tutsi military had not welcome "Pilate", as Kagame was known, since they didn't believe him to be up to the task, physically or psychologically. On October 22, 1990, Kagame took over military command of the RPF and of the military operation seeking to seize power. In the four years that followed, the RPF staged a series of military raids and terrorist attacks that killed around 40,000 Hutu in northern Rwanda. Thanks to the investigation carried out by French anti-terrorist judge J.L. Bruguière and key witnesses such as former RPF/RPA official Abdul Ruzibiza, we now know that the RPF/RPA's *High Command*, headed by Paul Kagame and James Kabarebe, had organized in advance the ground and air missile attacks on the Hutu presidents of Rwanda and Burundi. Their aim: to wreak widespread havoc in the country in order to seize power more easily. We have also learned that within hours of the attack, eight RPF/RPA squads had already been taking military action heading for the capital. In July 1994, the RPF seized power violently. We have found out through key witnesses such as Rwandan former Foreign Minister Jean Marie Ndagijimana, that U.S. researcher Robert Gersony had written a classified report – to date still under UN embargo

– detailing the death of 30,000 Rwandan Hutu between July and October 1994. Carla del Ponte, at the time Chief Prosecutor for the International Court for Rwanda was dismissed from her position, ostensibly for investigating and putting forth evidence of the crimes committed by the RPF / RPA in 1994, in addition to investigating and convicting the Hutu perpetrators.

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We thus come back again to Zaire. As a result of the events that took place in 1994, more than a million Rwandan Hutu were forced to settle in refugee camps in the Zairean and Rwandan border. Coincidentally, many of these refugee enclaves lie in areas known for their mineral deposits. As early as 1995, Rwanda had contacted "Zairean" Tutsi (called *banyamulenge*) and proceeded to give military training to future squads during that year and early 1996. In 1996, Kagame also met with the Pentagon officials and Administration staff in charge of matters in the area. Backed by US military and logistical aid, Rwandan, Ugandan and Burundi armies invaded Zaire in October 1996, together with *banyamulenge* Tutsi grouped under the AFDL acronym (French for *Alliance of Democratic Forces for the Liberation of Congo-Zaire*). According to documents issued by the UN and other international organizations, more than 300,000 Rwandan Hutu refugees were killed in systematic massacres carried out with heavy and light weaponry. Many were forced to flee and hunted down in the Zairean jungles at the other side of the country, 2000 km away. It's important to mention, among many others, the balanced and courageous testimony given by Rwandan sociologist Beatrice Umutesi, herself a refugee and survivor of these killings, whose account provides a vivid description of the suffering endured by an entire nation (see her book, "Surviving the Slaughter: The Ordeal of a Rwandan Refugee in Zaire.") Infants, children, women, men and old people were savagely killed by firearms, disease, hunger, systematic sexual aggression or a combination of them all, while the UN refugee agency UNHCR abandoned them to their fate, or worse still, forced them into prison or let them be murdered in Rwanda.

According to Wayne Madsen, U.S. researcher and former member of the *National Security Agency*, the American company Brown & Root (a sub-division of Halliburton headed at the time by Dick Cheney) was involved in training RPF forces and providing them with



In front, Josep M^a Sirera (Flors Sirera's brother) and behind we can see Adolfo Pérez-Esquivel (Nobel Peace Laureate 1980), Juan Carrero (Nobel Peace candidate and driving force of this initiative), Spanish congressmen, Xavier Rubio (Town Councillor of Manresa) and the author of the article, together with some forty Rwandan nationals who went to the Audiencia Nacional (Spanish National Court) to file the lawsuit.

logistical support in Zaire. In the meantime, the invasion and the massacres were taking place and the Ugandan military troops were systematically looting coltan – a very coveted mineral given the boom of mobile phones, laptops, satellites, etc. – as well as gold, diamonds, copper and cobalt. In addition, other US-owned mineral companies, such as *American Mineral Fields and Barrick Gold Co.* (where former President Bush Sr. was member of the Board of Directors), were securing exploitation rights. American researcher **Keith Harmon** points out that at times multinational corporations would supply logistical and military material to obtain exploitation rights and mining concessions in key territories, as in the case of the Kilo-Moto gold mines. When the African-American congresswoman **Cynthia McKinney**, follower of Martin Luther King Jr. and Clinton's special envoy to the Africa of the Great Lakes region, went back to the U.S., she disclosed the U.S. Administration's responsibility in the crimes against humanity being committed in Zaire. Later, an expert committee sent by the U.N. Secretary General wrote four conclusive reports detailing the responsibility of the RPA/RPF and of the Ugandan army in the looting of those strategic minerals during the war. The reports also evidenced the responsibility of Western multinational corporations in the illegal exploitation of those resources which served to finance the war and continue the crimes against humanity (the first of these reports, issued by a committee led by African diplomat **Safiatou Ba-N'Daw**, marked a turning-point, even though to date the U.N. retains an embargo on a very classified section of such document). Among these multinational corporations were, to name just a few: *Finmining Ltd, Cogem, Sogem, Cogecom* (Belgium), *Afirmex* (Great Britain), *Finconord* (Pakistan), *Raremet* (India), etc. In the same manner as the U.N., organizations such as Global Witness or IPIS have conducted investigations and provided ancillary evidence on the war looting crimes or on complicity in crimes against humanity. U.N. experts proved that Rwanda, a country which doesn't produce or export

diamonds officially, had indeed exported diamonds and been able to secure, just in sales of coltan, at least US\$ 250 million, an amount considered large enough to finance the RPF/ RPA presence in Zaire and, **subsequently**, in the new Democratic Republic of Congo.

We go back to Zaire. In 1998 the Rwandan and Ugandan armies invaded Zaire, by then already renamed the Democratic Republic of Congo, and occupied the country for the second time. From then on until 2006, they continued their trail of cruelty, committing crimes that caused the death of 4.8 million innocent victims, either directly or indirectly, according to the U.S. organization International Rescue Committee, the U.N. and the European Union. As Moreno Ocampo, chief prosecutor at the International Criminal Court, pointed out, this conflict has resulted in more dead than any other since World War II.

This war that has killed more than seven million of Rwandans and Congolese also claimed the lives of Spanish nationals: two Catalonians, a Basque, an Andalusian and five people from the center of Spain – all of them exceptional human beings – died violently while carrying out their mission of helping the population in need. They were: Joaquim Vallmajó Sala, missionary in Africa, kidnapped, tortured and murdered by the RPF in Byumba (Rwanda) on April 26, 1994; Servando Mayor García, Julio Rodríguez Jorge, Miguel Ángel Isla; Lucio de la Fuente and Fernando de la Fuente, Marian brothers assassinated by the RPF in Bugobe (D.R. of Congo) on October 31, 1996; M^a Flors Sirera Fortuny, Manuel Madrazo Osuna and Luis Valtueña Gallego, members of the NGO Doctors of the World, who were assassinated by the RPF in Ruhengeri (Rwanda) on January 18, 1997; Isidro Uzcudun Pouso, missionary from the diocese of Donosti, Spain, assassinated by the RPF in Mugina (Rwanda) on June 10, 2000.

The relatives of the victims, **Juan Carrero**, who initiated the legal action, Nobel Peace laureate **Adolfo Pérez-Esquivel**, the then U.S. Congresswoman **Cynthia McKinney**, the **City Halls of Figueres, Manresa, Sevilla and Navata** and numerous Spanish and international NGOs for development filed a lawsuit seeking justice based on the principle of universal justice. Since 2005, the lawsuit has been under review by the Audiencia Nacional, Spain's National Court.

We now continue where the article began. The looting and illegal exploitation of the minerals were carried out by an anonymous mass of African slaves under the watchful eyes of Rwandan and Ugandan foremen who took their big share, even though the bulk of the booty left Africa. All along, there was no need to relocate these slaves, since they were exploited *in situ*. In many mines, children continue to work from dawn to dusk in inhuman conditions. Inmates from Rwandan prisons also continue to be exploited, and most of them haven't had any type of trial whatsoever, nor a specific charge (beyond a generic accusation of 'genocide') nor legal counsel to help with

their defense. They are thus “freed” from prison and confined to the mines without any kind of compensation.

This long skein of international crimes and crimes against humanity, of geo-economic and geo-strategic interests has enjoyed total impunity to date. UN experts have repeatedly been demanding the investigation and indictment of the people responsible for the crimes. Since 1998, the then U.N. Secretary General [Kofi Annan] denounced this vicious cycle of human rights violations and revenge fuelled by impunity: “*This cycle has to be brought to an end if lasting peace and stability are to be restored to the region. Those guilty of violations must be brought to book,*” cites a statement by the Security Council.

The U.N. has neither established an *ad hoc* International Court nor expanded the competence of the International Court for Rwanda, nor, for that matter, have the national courts of justice of the Democratic Republic of Congo done anything to investigate these crimes. At present, only the Spanish courts have investigations under way ¹.

¹ Author’s note: Juan Carrero, since 2000 nominated for the Nobel Peace Prize, has been the driving force of an international justice initiative for Central Africa which has yet to unfurl its results. Even though many of us flinched at the images coming out of Rwanda in 1994, Juan Carrero’s interest for the Rwandan people since then has gone well beyond words, while at the same time the UN and the international community – self-servingly – turned their eyes away. Ever since in August 1994 he was one of the founders of *Taula per Rwanda* in Mallorca, travelled to Rwanda and Burundi with the Coordinator of Active Prevention of Conflicts in 1995, or walked from Barcelona to Geneva (UN offices) in early 1996, Juan Carrero has had a hands-on commitment to pinpoint and single out the causes and effects of this tragedy – above and beyond the claims of the official version. Likewise, Carrero has been preoccupied with seeing that the killing and impunity be brought to an end.

As far as I am concerned, in 1996 I contacted *Juristes sans Frontières* (Lawyers Without Frontiers) and offered my services to defend Rwandan nationals who were rotting in prison without trial or attorney. I believed these people were mired in utter misery. At that time Juan Carrero was meeting with Nobel Peace Prize laureate Adolfo Pérez Esquivel, himself a survivor of the Argentine “flights of death.” Backed by many others – among them 19 Nobel laureates - Carrero decided to set on a new peace march from Assisi to Geneva with the purpose of requesting humanitarian intervention in the systematic massacre of hundreds of thousands of Rwandan refugees by Rwandan, Ugandan and Burundian armies in eastern Zaire. Since crimes against humanity continued being perpetrated in Zaire, in early January 1997 Juan Carrero started an indefinite hunger strike to denounce this state of events before the Council of Ministers of the European Union. While this was done, on January 18th 2007, the ninth day of his hunger strike in Brussels, three Spanish members of Doctors of the World were murdered in Rwanda - among them Flors Sirera from Manresa - , in the midst of the systematic massacres of the Rwandan civil population. His strict hunger strike which lasted for 42 days drew great support from Rwandan refugees living in Europe. In

As the Resolution of Virginia at the beginning of this article states, regretting the errors of the past does not undo them, but a spirit of true repentance fosters true reconciliation and healing. The first step is unveiling these concealed truths. Even though it is not enough, it is indeed imperative, so as not to wait another forty years for justice to be done or four hundred years to regret something we were all jointly responsible for.



Jordi Palou-Loverdos²

1998 the tragedy in Central Africa reached unimaginable proportions. Once again, the UN arrived late and inadequately: after gathering evidence for the crimes in situ and acknowledging that the reigning widespread impunity would foster new waves of violent attacks, the Panel of UN Experts which had been sent there asked Kofi Annan to create an international tribunal to investigate these crimes against humanity. No Tribunal was ever set up. When Juan Carrero and I met as jury members of a peace prize, a UN expert report had just been published concerning the looting and illegal exploitation of gold, diamonds, coltan, cobalt and copper by Rwandan (RPA/RPF) and Ugandan armies as well as by Western multinational corporations in the Eastern part of the D.R. of Congo. As mentioned before, this was used to finance the war and continue with the systematic killings of the innocent civil population. In September 2001, impunity continued being widespread. As we pointed out in the beginning, the only intervention until then was the Arusha Court’s [T.N.: Nov. 8, 1994]incomplete and partial review of a tiny number of the crimes committed in Rwanda, and, for that matter – in a biased manner – only of those that took place in 1994.

Relying on our experience in criminal law and human rights, Juan Carrero, Adolfo Pérez-Esquivel, the president of a Rwandan victim organization, and I, we all set out to do a humble and rigorous job that would lay the groundwork for the impunity in this Central African region to come to an end. Our efforts follow the path that Argentine and Chilean victims had undertaken in Spanish courts to apply the principle of universal justice. A complement of these steps has been facilitating an international project of Intra-Rwandan Dialogue which seeks to lay the groundwork to establish a safe and lasting new reality, but above all a democratic and peaceful reality complying with the wish of a huge majority of Rwandans. For more information, please refer to www.veritasrwandaforum.org.

² Attorney-at-law and Conflict Mediator.

Legal representative of the victims and of The International Forum for the Truth and Justice in Africa of the Great Lakes Region. Co-Director of *aequitas* – Center for Mediation and Alternative Conflict Resolution. Member of the *International Criminal Bar*. Attorney authorized to serve at the International Criminal Court (headquartered in The Hague, The Netherlands).