

Rwandan Accused in Genocide Wins Suit for U.N. Pay

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After the killing frenzy in Rwanda a decade ago, a war crimes investigator charged that a United Nations employee delegated to ensure the safety of his colleagues took part in the atrocity. The employee was never prosecuted and continued to hold jobs in the United Nations for years.

Now he has won the right to compensation for pay lost after he was finally dismissed in 2001, a decision that has incensed some United Nations investigators and officials, who say it represents a betrayal of the United Nations' most basic principles.

The failure to prosecute the former employee, Callixte Mbarushimana, they assert, coupled now with the decision to compensate him, calls into question the United Nations' willingness to confront serious wrongdoing within its ranks.

Tony Greig, a criminal defense lawyer now based in New Zealand, said in an interview that as a United Nations war crimes investigator, he had collected evidence against Mr. Mbarushimana for an indictment that was never pursued.

The accusations, drawing on the accounts of 24 witnesses, asserted that Mr. Mbarushimana, a Rwandan Hutu who was assigned to help keep United Nations workers alive during the 1994 genocide in Rwanda, instead directed or took part in the killing of 32 people, including United Nations colleagues, and personally shot two people.

Mr. Greig says he was told by United Nations officials that because Mr. Mbarushimana was not considered one of the planners of the killings, the indictment, prepared by the tribunal's lawyers, was set aside.

Mr. Mbarushimana's lawyer, François Roux, said the tribunal had decided that the accusations were "not sufficiently well founded." On the matter of pay, Mr. Roux said, "It's only right that after all he has been through, my client should at least be indemnified."

Mr. Mbarushimana, who now lives in France, said in a telephone interview that he could not comment.

The judgment by a United Nations personnel board to award the back pay has incensed Mr. Greig and other officials already deeply angered that Mr. Mbarushimana not only has not been prosecuted, but went on to work for the United Nations in Angola and Kosovo.

"Callixte may have been a relatively small fish in the genocide, but what's important is principle, and the standing of the United Nations," said Charles Petrie, who was a senior official with the United Nations Development Program in Rwanda and is now the organization's senior representative in Myanmar. "If he wins his back pay, it would convey the impression that the United Nations is corrupt."

But Mr. Petrie says more than money is at stake. For the sake of its own reputation, the United Nations should squarely confront the case and either declare Mr. Mbarushimana not guilty or prosecute him.

"If we accept the principle that he should not get the money, why are we not reviewing the indictment?" he said. He and others consider the decision to compensate Mr. Mbarushimana now as an indirect exoneration.

Fred Eckhard, the spokesman for Secretary General Kofi Annan, said that under pressure from the Security Council, the chief prosecutor, Carla Del Ponte, decided to pursue only the planners of the genocide, and that Mr. Mbarushimana was left to the local courts. Efforts by the Rwandan government to extradite him were unsuccessful.

Mr. Eckhard said that the United Nations had refused to pay the six months' salary awarded to him by the United Nations Appeals Board and that the matter would soon be examined by the organization's Administrative Tribunal.

Particularly galling to United Nations staff members like Mr. Petrie is the accusation that Mr. Mbarushimana sought out United Nations colleagues as his primary targets. Investigators said he was able to do so, in part, because soon after the killings started, the New York headquarters decided not to intervene and evacuated international staff members. In the vacuum, Mr. Mbarushimana was assigned to deliver money and food supplies to the Rwandan staff members left behind. Instead, dressed in an army uniform and carrying a gun, he handed keys to United Nations vehicles to Rwandan soldiers and allowed other United Nations matériel to be used by them, according to the indictment prepared by the tribunal's lawyers.

About 800,000 Rwandans, mostly of the Tutsi minority, were wiped out in killings orchestrated by the extremist Hutu government from April to June 1994.

When an American United Nations worker, Gregory Alex, returned to Kigali, the capital, in late April 1994 to help set up a small emergency system of food deliveries, Mr. Mbarushimana came to his office and said, "We will eliminate them all," Mr. Alex recalled in a telephone interview from Pennsylvania.

He said he believed that the remark was a reference to a list of United Nations Tutsi staff members that Mr. Mbarushimana, a Hutu, had on a piece of paper in his hand.

Among the accusations against Mr. Mbarushimana was the killing of Florence Ngirumpatse, who had been the director of personnel at the United Nations Development Program's office in Kigali. Twelve other people, mostly Tutsi children, ages 8 to 18, whom Ms. Ngirumpatse was trying to protect from the slaughter, were killed in her house with her, the indictment said.

Mr. Greig said Ms. Del Ponte, the prosecutor, visited Kigali on Sept. 11, 2001, and asked about the Mbarushimana case. "I told her the elements of the case," he said. "She was delighted."

A former London police detective who immigrated to New Zealand and now works as a criminal defense lawyer, Mr. Greig said he was confident of the quality of

the evidence. "I know what evidence is," he said. "I know how to collect it."

But the indictment against Mr. Mbarushimana was dismissed a year after it was drawn up. Soon afterward, Mr. Mbarushimana filed a complaint with the United Nations for wrongful dismissal from his post in Kosovo. His United Nations contract in Kosovo was canceled in 2001 when an article appeared in The Sunday Times in London about his case. He was arrested at the time, held for one month and then released.

Mr. Mbarushimana's complaint to the Appeals Board was for back pay from what he considered unfair termination of his contract.

In a note to the administrator of the United Nations Development Program, Mark Malloch Brown, at the time of the 10th anniversary of the Rwanda killings in April, Mr. Petrie said he tried to bring the case to the attention of his boss, one of the most senior officials in the United Nations hierarchy.

Mr. Petrie wrote that he found "the murder of our colleagues of such gravity that it is difficult to accept that an individual against whom such allegations have been made should be indirectly exonerated through an administrative procedure."

Mr. Petrie said he did not get a response from Mr. Malloch Brown, who said he had discussed Mr. Petrie's note with "his superiors in New York and thought they had gotten back to him verbally."

But Mr. Petrie said he never heard from a more senior official in New York, or from Mr. Malloch Brown. Mr. Petrie said he believed that Mr. Mbarushimana had benefited from a "don't tell me, I don't want to know" form of bureaucratic inertia.

"No one questions the horror of the story, but people say the system is not going to do anything about it," he said.

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