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CHARLES MUNYANEZA

EVADING JUSTICE IN BRITAIN

Charles Munyaneza, currently living in Britain, was formerly a government official in Rwanda and is accused of participation in the 1994 genocide. *African Rights*' latest report, *Charles Munyaneza: Evading Justice in Britain*, details evidence of his involvement in planning, inciting and implementing the killings in Kinyamakara, in the province of Gikongoro, where he was the local bourgmestre (mayor), and beyond.

Witnesses testify that Munyaneza played a central role in bringing the genocide to the communes of Kinyamakara and Karama in Gikongoro, and to the neighbouring communes of Ruhashya and Rusatira in the province of Butare. Thousands of innocent people died as a direct result of Munyaneza's actions in his capacity as a governmental authority.

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In the course of his numerous speeches in all corners of his commune, Munyaneza exhorted the Hutu people to massacre their Tutsi neighbours and friends, giving the genocide the imprimatur of official policy. He coordinated a series of large-scale massacres at an agricultural research centre known as ISAR/Songa in Rusatira; at the Catholic Parish of Cyanika in commune Karama, and in Ruhashya and Rusatira. He led by example, personally killing people himself. To facilitate the participation of the civilian population in the genocide, Munyaneza organized the distribution of weapons from his commune office and helped to train civilians in the use of firearms. Finally, after a tragically short training period, he involved a large number of civilians in military combat, during which an untold number met their deaths.

Munyaneza obtained refugee status in Britain in 2002 when he was granted Indefinite Leave to Remain. British law, however, provides, in line with international law, that individuals who have committed crimes against humanity do not qualify for refugee protection. *African Rights'* report provides extensive evidence of Munyaneza's commitment to the policy of genocide in Rwanda in 1994. Based on 40 testimonies from the officials and militiamen who worked alongside Munyaneza, from survivors and from local residents, the report details Munyaneza's engagement in acts which meet the standard of genocide and crimes against humanity. *African Rights* calls upon the British government to examine the case of Charles Munyaneza and to ensure that a man responsible for genocide crimes, designated as among the most heinous in the world, does not find sanctuary on British soil. As a first step, Munyaneza's refugee status should be cancelled as it runs contrary to the letter and spirit of international law. Nor should he be allowed to benefit from Britain's secondary category of legal protection—Humanitarian Protection—as British policy bars those who have committed crimes against humanity from this category as well.

Britain has already demonstrated its acceptance of the principle that those accused of major human rights abuses in other countries can be tried in Britain. In July 2005, an Afghan warlord, Faryadi Zardad, was sentenced to 20 years in prison for crimes which took place in Afghanistan during the 1990s.

In addition, we believe that Munyaneza obtained his status as a refugee in Britain by fraudulent means, using the false name of Muneza, instead of his true name. The fact that he resorted to deception in itself entitles the Home Office to withdraw Munyaneza's refugee protection, as well as that of his dependants.

Munyaneza has never faced charges for his actions in the 1994 genocide. Instead, he has lived a peaceful life abroad building a future for his family while the few survivors of his atrocities continue to mourn their loved ones and their broken lives. *African Rights* hopes that *Evading Justice in Britain* will now provide Munyaneza the chance to respond to these charges in a court of law.

Calls for Justice

Because Munyaneza and his associates were so thorough in their preparations, organization and propaganda, there are few survivors left in the areas where they operated. To give meaning to their loss and in recognition of their suffering, survivors have long called for Munyaneza to be brought to justice. In 1994, Drocella Kantetere's family consisted of 9 people; 7 of them died at the Parish of Cyanika. Her family were friendly with Munyaneza and they sought shelter at his home. He forcibly took them to the parish where Tutsis were congregated until they were massacred on 21 April.

The fact that Munyaneza has not been arrested makes a mockery of the gravity of the genocide in our region. He was one of the pillars of the genocide in the communes of Kinyamakara and Karama in Gikongoro, and in Ruhashya and Rusatira in Butare. I hear that he lives somewhere in Europe, in the midst of a community that doesn't know about his involvement in the genocide. He is the one who has everything now. I have no one in my family left. I accuse Munyaneza of forcing me to be so alone, for having to get by in a world that I find empty of meaning.

Claver Munyakyanza has tried to put the genocide out of his mind. After relating a harrowing testimony that took him from Kinyamakara to Butare to Burundi, from one massacre to another led by Munyaneza, Claver admitted that he has been unable to forget him.

I try to blot it all out, but the one thing that keeps coming back to my mind is the face of Charles Munyaneza. I keep seeing that picture of him at the head of all the militiamen of Kinyamakara, Rusatira and Ruhashya.

Vestine Umugwaneza's life was destroyed when she was only 11 years old. Her father and siblings perished in the killings Munyaneza helped to orchestrate at ISAR/Songa, the research institute in Rusatira, and her mother committed suicide shortly afterwards.

I have led a miserable life since the genocide of April 1994. I will never forget what I went through at ISAR because that attack changed my life forever. I was the only survivor from my family. I became an orphan at a very young age. I was only 11. I had to leave school, not because I lacked the means, but because I had trouble remembering things.

Odette Mukandayire's family was also decimated at ISAR. She is clear about her expectations and her priorities.

The most important support we are expecting from the international community is to give us moral consolation by tracking down the leading génocidaires.

Serapion Gatari spoke of what the prosecution of Munyaneza will mean to him and to other survivors.

I pray that it will not take long to try Munyaneza after this report is published. His arrest will give comfort to the families of those who died in Kinyamakara, Ruhashya and Rusatira, as well as to all those in the world who understand the meaning of justice.

For me personally, the arrest of Munyaneza will help me a little to overcome the sadness and grief that I find difficult to endure since the massacres in my commune.

Munyaneza ruined the lives of many Rwandese people, in one way or another. Hundreds of men have spent years in prison, separated from their families, because of their confidence in him, or their fear of him. François Bigirimana acknowledges that he helped Munyaneza implement his policy of massacres.

It would take too long to talk about Munyaneza's commitment to genocide. It was because of the example that he himself set us that people in our region responded massively to the genocide. The fact that Munyaneza was working together with educated people in the area gave us the assurance that the elimination of Tutsis was a foregone conclusion, a legitimate undertaking that had been clearly decided upon by the government.

Jean Nkusi was one of the men who carried out Munyaneza's orders during the genocide.

You cannot talk about the genocide of Tutsis in the communes of Kinyamakara, Ruhashya and Rusatira without placing the major responsibility on Munyaneza's shoulders. He was the main player. He was central to the organization, mobilization and execution. The genocide in our region will be taken more seriously if he is brought to justice. I hear that he is doing well in Europe.

Inciting Genocide

Munyaneza was an early and ardent supporter of the policy of genocide, despite the fact that his mother was a Tutsi. As bourgmestre, Munyaneza worked hard to convince the Hutu population to support the killings, travelling the length and breadth of Kinyamakara in the official van of the commune, with a microphone and loudspeaker, urging the population to massacre Tutsis. He usually wore a military uniform and carried a gun to heighten his sense of engagement in a military onslaught.

Gabriel Nkundabashaka, who fought alongside the interahamwe, is one of the men who was finally convinced by Munyaneza.

We had good relations with our Tutsi neighbours. If Munyaneza had not so insistently drilled it into us that the Tutsi is the enemy of the Hutu, the Tutsis would not have died. I never had a Tutsi as an enemy. But when our local officials passed us Munyaneza's messages saying that the Tutsis were going to liquidate us, I decided that I absolutely had to take an active part in the killings.

Munyaneza spoke to crowds throughout his commune, portraying Tutsis as an enemy to be wiped out, and stating that Tutsis in neighbouring communes were amassing to cross over the Mwogo river in order to murder the Hutus of Kinyamakara. To add urgency to the situation, Munyaneza claimed that officials had been attacked by Tutsi refugees in nearby Ruhashya.

On 13 April, a week after President Juvénal Habyarimana's plane had been shot down—the backdrop to the genocide—Munyaneza called a meeting in which approximately 100 people took part. Ten militiamen had been detained for stealing cows belonging to a Tutsi. Munyaneza had the men released and then slapped them in public. They deserved to be punished, he said, not for looting the cows, but for failing to kill the owners first. Munyaneza took the released detainees along that same afternoon to initiate them in the genocide. Vincent Mugemana, head of the police in Kinyamakara at the time, underlined the consequences of Munyaneza's position.

Munyaneza's reaction towards these prisoners was the trigger that opened the way for all the massacres committed by the population throughout our commune. During the following days, the militia attacked Tutsis everywhere.

Killing By Example

When the killing started in commune Kinyamakara on 13 April, Munyaneza led by example. Claver Munyakayanza was living in Mbogo in Karama.

As they advanced towards the interior of Mbogo, where the current secondary school of Mbogo stands, Munyaneza and the gendarmes fired on a certain Joël Nkurikiyimana, confusing him with the Tutsis.

Jean Nkusi, who accompanied Munyaneza to Mbogo, spoke of another murder by Munyaneza.

When we reached the entrance of the cellule, Munyaneza immediately opened fire on a certain Charles, the younger brother of a teacher by the name of Michel Kundimana, even though he was a Hutu. Kundimana didn't share Munyaneza's ideas. We then stumbled on Seth's sister. Munyaneza also shot her with his gun.

Munyaneza led a group of gendarmes in Rwaniro, Ruhashya. François Bigirimana, who described himself as "inseparable" from Munyaneza during the genocide, accused him of shooting four Tutsis.

Alvera Icyizanye, who lived in sector Muhanga, described how events unfolded, as a result of Munyaneza's sensitization campaign.

At first, Munyaneza ordered the establishment of roadblocks throughout Kinyamakara. Then he held a meeting in Kamwambi with the residents and councillors of sectors Kamweru, Muhanga and Bitare. After that, the killings began. The interahamwe invaded the homes of Tutsis. They cleaned them out and they murdered all the Tutsis.

The Parish of Cyanika, 21 April

Munyaneza played a key role in a huge massacre at the Catholic Parish of Cyanika, located in commune Karama, on 21 April. He mobilized militiamen to kill the thousands of refugees who had congregated there. He encouraged many Tutsis from Kinyamakara to take refuge at the parish of Cyanika, even transporting the Tutsis there personally. Munyaneza did this in full knowledge of plans to massacre the refugees at Cyanika. Finally, he set a trap for the survivors of Cyanika to prevent their escape, by alerting nearby residents to be prepared to kill people fleeing from the massacre.

Désiré Ngezahayo, bourgmestre of Karama in 1994, was recently sentenced to life imprisonment for his contribution to the genocide. He witnessed Munyaneza's preparations for the slaughter to come.

Munyaneza and his youth co-ordinator, Alphonse Gasasira, used a loudspeaker to urge people to bar access to Tutsis running away from massacres. They used the car belonging to Kinyamakara commune to rally people. Munyaneza was aware of everything that was happening in Cyanika.

Drocella Kantetere, cited earlier, was one of the refugees at Cyanika where her parents and five of her siblings died. She knew Munyaneza well as they lived in the same sector, Murera, and her father was a friend of Munyaneza's. Worried about their security, Drocella and her family went to Munyaneza's house. He drove them to Cyanika. Drocella witnessed Munyaneza's continuous visits to the parish.

Munyaneza took no rest in the three days that followed our arrival. He kept bringing refugees to the parish. I saw him myself on many occasions. He made at least three trips a day, always in his military costume and carrying his gun.

Gabriel Nkundabashaka attended a meeting in sector Muhanga to discuss Munyaneza's instructions that survivors from Cyanika must not be allowed to find an escape in Kinyamakara. He and his companions captured about a dozen refugees.

Some were murdered in the forest of Kayisharaza. We killed the others in the Kaviri valley and the last group in a ravine between Rugarama and Rukiriro. We killed them with machetes and threw them in the Mwego river. These were the orders given by Munyaneza who also encouraged the residents of the commercial centre of Nyaruhombo to hunt for Tutsis in the neighbourhood of Cyanika.

Exporting Genocide to Ruhashya and Rusatira

In his determination to carry out the ends of the genocide, Munyaneza did not restrict himself to the borders of his own commune as the example of Cyanika shows. And nor did he confine himself to Gikongoro. He coordinated further attacks in Ruhashya and Rusatira, communes in the neighbouring province of Butare, in pursuit of the Tutsis of Kinyamakara who had fled there, and also to urge the Hutus of these communes to follow his example. Butare, the only region which had a Tutsi governor, was seen as an oasis of calm, and thousands of Tutsis poured into Butare from many parts of the country. The genocide began there officially on 20 April after senior government officials visited Butare to preach genocide.

Pierre-Célestin Mutarambirwa, a farmer from sector Kiyaga in Kinyamakara, gave a detailed account of how he came to be implicated in the genocide at the behest of his bourgmestre. He said that he and about 20 other men were near the commune office when Munyaneza approached them.

My neighbours and I were called over by the bourgmestre. He was in the white Hilux vehicle of the commune and was escorted by two gendarmes. Munyaneza told us to board the vehicles. There were about 20 of us. Even if we didn't know our destination, the objective of our trip didn't need to be stated. Each time that Munyaneza picked up a group of people, one could be sure he was transporting them to go and kill.

When we reached the border between Kinyamakara and Ruhashya, Munyaneza dropped us off at the west bank. He told us: "Go! You know what you must do in Ruhashya!"

Anastasié Nyirabahakwa said that Munyaneza drove the same vehicle to sector Muhanga and carried a microphone to motivate the population to carry the genocide over to the next commune.

I saw Munyaneza with my own eyes. He told us: "Help, help! Come, save the people of Ruhashya." All the inhabitants of our cellule, Rwimpiri, responded to Munyaneza's call—

men, women and even children. They headed for Ruhashya together. On their way back, they all had stories to tell about how they killed the Tutsis of Ruhashya and looted their homes. They spent more than a week in Ruhashya, murdering and looting.

Frida Munganyinka, who eluded the militia in Ruhashya, accused Munyaneza of transporting the people of Kinyamakara over to Ruhashya to facilitate the killings.

Munyaneza sent in expeditions of killers to Ruhashya. He transported them himself in the van of commune Kinyamakara.

The people of Ruhashya initially resisted the invasion of their commune, and fought alongside the Tutsis to force Munyaneza's men to retreat. But Munyaneza was tenacious. He used persuasion, intimidation and outright force to convince the Hutus of Ruhashya that it was time to abandon the Tutsis. He then obtained the necessary guns and grenades to break down the resistance of the refugees, and organized the despatch of gendarmes to lead the advance.

Jean-Damascène Habimana noted that Hutu resistance melted away, once they understood, through the use of the megaphone, that the "objective was to eliminate only Tutsis." He joined Munyaneza at Gashoba where "a veritable massacre unfolded" in the words of another militiaman. Habimana described what happened there.

Everywhere we passed, we noticed corpses. That's how we knew that we had achieved our goal. We found Munyaneza with a large crowd of interahamwe. He was pursuing Tutsis and killing them along the way. Those who didn't have guns and grenades were told to ensure that the wounded died. Ntibagororwa [a policeman] carried grenades. We formed groups. There were more than 100 people in our group, all well-armed with *massues* [clubs studded with nails], spears, machetes and other traditional weapons. Our team stopped the hunt for Tutsis at around 3:00 p.m. But Munyaneza and his gendarmes as well as other interahamwe continued the operation.

Bigirimana cited the collaboration between gendarmes and interahamwe as a key to the scale of the massacres on several hills in Ruhashya which lasted for several days.

The gendarmes encircled the hill. We were a solid militia and we formed an unbreachable wall behind them. We followed the gendarmes who were advancing towards the summit of the hill. Their advance made us confident of the ultimate elimination of the refugees. Our activity was limited to killing off those who tried to get through our wall.

For the few survivors of Gashoba, Munyaneza's role in their suffering dominated their testimonies. Claver Munyakayanza gave a detailed account of how the Tutsis in Gashoba died. It became clear on Friday 22 April that Martin Rudakubana, the bourgmestre of Ruhashya, no longer had the will to challenge Munyaneza. The result was an assault which Claver summed up as "merciless."

Munyaneza was accompanied by police officers armed with guns. We completely lost hope when we saw that, contrary to the past, this time the bourgmestre did nothing to neutralize Munyaneza. We weren't in a position to put up any kind of resistance. Rudakubana and the police officers retreated and left the land free for Munyaneza.

By Saturday 23 April, the local population, sufficiently informed about the changes, distanced themselves from the Tutsis. There were many killers from Gikongoro and they were backed up by the local interahamwe. Many vehicles were used to bring the

interahamwe over from Kinyamakara, including Munyaneza's vehicle. There were civilians, communal police officers and gendarmes.

The vehicles left the interahamwe on the banks of Mwogo river and from there, they came to Gashoba. We had no arms for our defence, apart from stones. The interahamwe were proud to lay into us.

Claver noticed the presence of Munyaneza just before the massacre started on the 23rd. The use of guns and the co-ordination between the interahamwe and the gendarmes, he said, explain the outcome of the battle.

There were many of us, but there were so many, so many of them and they were armed to the teeth. We were no match for people with guns and bolstered by a large group of interahamwe bearing traditional weapons. We couldn't count on the fact that there were a lot of us; the weapons at their disposal allowed them to devastate us, especially the guns and grenades. There was pandemonium as we all tried to find a way out, and many lives were lost. We tumbled down like grasshoppers and the interahamwe killed us without mercy.

Massacre at ISAR/Songa

Among the worst massacres for which Munyaneza bears responsibility is that of ISAR/Songa. More than 8,000 Tutsis gathered at ISAR, a sprawling agricultural research station in Butare. They were under siege for days by militiamen. According to witnesses, Munyaneza brought interahamwe from Kinyamakara armed with traditional weapons and supported by gendarmes with guns to slaughter the refugees.

Joseph Rutagarama lived in commune Nyabisindu in Butare. He left his home in sector Rwesero after his wife, five children, mother, two sisters and five nephews were murdered there. For the first several days, the refugees were able to hold off the interahamwe by throwing stones, and using the hilly terrain of the agricultural station to their advantage.

Before long, however, the interahamwe were joined by well-armed gendarmes, whose presence irrevocably turned the battle against the refugees. The decisive day was 28 April. Joseph recalled the scene.

By this time, we were many thousands, but we were encircled by gendarmes. They shot and shot at us. We tried to resist but we couldn't keep it up because they were armed and we were not. People were being shot and dying everywhere, sending explosions of blood all around. There was complete chaos. All you heard were gunshots, screams and the footsteps of people fleeing.

Josephine Mukandori, a farmer and the mother of five, left her home in Ntongwe, Gitarama, for Butare on 16 April which was still considered safe. But the family was soon caught up in killings in Muyira and Ntyazo. Worried about the prominence of soldiers in the massacres in Ntyazo, the councillor of Ruyenzi in Ntyazo escorted about 500 people to ISAR, where she knew many Tutsis had sought shelter. Josephine described the 28th as "a calamity."

The interahamwe shot and shot. Everywhere, there was a hail of bullets, bullets, bullets. People started dropping dead. We had been advised to lie down, far from each other if we were shot at. So that's what we did. Some of the men bravely continued to fight back with bows and arrows. But once the soldiers arrived, we didn't have a chance. After a while, the

defence collapsed. How could men and boys armed with stones fight their bullets and grenades?

Then the interahamwe came and started macheting and spearing. Whatever the advice about lying down, you just could not sit there waiting to be killed. Some of us tried to run away while all around us people were dying and falling down.

It is estimated that more than 5,000 refugees lost their lives at ISAR/Songa, with many more later being killed as they fled to Burundi.

Preaching Genocide to the Last Day

Even after the genocide was well under way, Munyaneza did not let up in his efforts to motivate the population to continue the massacres. At one meeting on 20 May, he encouraged the crowd to take stock of the Tutsis who were still alive in the area. François Bigirimana was one of the participants.

On 20 May I attended a meeting which Munyaneza called in Kabuga, cellule Kinyata in sector Karama. A large number of people came together in a grove that belonged to the Church. The purpose was to take a census of the Tutsis who were still alive so we could decide what to do about them. There were also people whose identity was contested. They were asked to come forward in order to explain their background.

Also in May, this time in cellule Kabugabo, sector Nyarusange, Munyaneza warned his audience about the dangers of hiding Tutsi children, reminding them that Paul Kagame had slipped away to Uganda when he was very young. The crowd obeyed Munyaneza's call, and began seeking out and killing the children that same day. Séraphine Nyiranjishi, a survivor of the genocide in Gikongoro, recalled Munyaneza's words that day.

The whole cellule showed up for Munyaneza's meeting. He told us: "You must not show favour to these children! Look at Kagame, the head of the *inyenzi*. It was the Hutus who gave him the chance to grow up in Uganda!"

After the meeting, people followed Munyaneza's orders to the letter. Two children were found in the house of Mathieu Rutambuka, the *responsable* of the cellule. Their father, Alphonse, lived in the cellule. Mathieu delivered these children to Munyaneza's militiamen, and they were killed the same day.

Weapons and Military Training for Civilians

After spreading the message of hate and ethnic division to all sectors of his commune, Munyaneza recruited civilians to carry out the work of the genocide. He worked closely with Col. Aloys Simba, a retired military officer from Gikongoro who is currently on trial for genocide before the International Criminal Tribunal for Rwanda in Arusha, Tanzania. Munyaneza distributed firearms to civilians in Kinyamakara, with explicit instructions to use them against Tutsis.

Jean Nkusi underwent military training in sector Kiyaga. He said Col. Simba and Munyaneza visited the commune office on 26 May to hand out weapons.

Col. Simba was in a four-wheel drive filled with guns. They were unloaded in the commune office. I helped with the unloading. Simba was with Munyaneza; they were

escorted by a gendarme. The head of the commune police force was told to teach a select group of militiamen, chosen from all the sectors, how to use the guns.

Munyaneza provided space on the grounds of the commune office for the training. To increase the men's motivation, Munyaneza and Simba saw to it that they were also fed, no small incentive among a largely poor population. Nkusi spoke of the tasks that awaited the newly trained men.

They were used to "cleanse the village", that is to pursue Tutsis who had survived large-scale massacres.

Military exercises took place elsewhere in Kinyamakara with Munyaneza's knowledge, in Bishyimbo valley, between sectors Nyarusange, Muhanga and Bitare. A weeklong training session for civilians took place in May, in preparation for a battle against the rebel Rwandese Patriotic Front for control of Nyanza in Butare. Jean-Damascène Habimana remembers the harried pace with which Munyaneza ferried militiamen to go and fight in Nyanza.

Munyaneza was very active in transporting the interahamwe who were going to fight the *inkotanyi* [RPF] in Nyanza. He made more than 10 trips.

The battle for Nyanza lasted from 20-25 May during which most of the civilians died. Bigirimana, Munyaneza's former right-hand man, concluded:

Munyaneza must respond to the accusation that he involved civilians in military combat.

African Rights calls upon the British government to investigate the case of Charles Munyaneza, and to ensure that a man accused of genocide does not find misplaced legal protection from the British people. The interests of justice demand nothing less.

Please contact African Rights by email if you would like to receive the press release with a photo.