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The Wider Implications of the Arrest of Callixte Mbarushimana in Paris

Paris, London and Kigali [12 October 2010]

African Rights, the REDRESS Trust and the *Collectif des Parties Civiles pour le Rwanda* (CPCR) welcome the decision of the French Government to arrest Callixte Mbarushimana, the Executive Secretary of the Forces for the Liberation of Rwanda (FDLR), in Paris yesterday, in response to an arrest warrant issued by the International Criminal Court (ICC) on 28 September 2010. Mr Mbarushimana has been charged by the ICC with war crimes and crimes against humanity allegedly committed in the Kivu region in the eastern part of the Democratic Republic of the Congo (DRC). He arrived in France in 2003 and has been living there ever since.

International and regional bodies, including the United Nations Security Council and the African Union, have repeatedly and for many years, singled out the FDLR as a major contributing factor to the violence, insecurity and fear which govern the lives of the people in the Kivus, and as a key component of the instability in the Great Lakes region.

However, there appears to be more to Callixte Mbarushimana than the crimes which have been attributed to him by the ICC with respect to North and South Kivu. Like many other figures at the helm of the FDLR, Callixte Mbarushimana has long faced accusations that he played a central role in organizing and executing the killings of the 1994 genocide in Rwanda. Specifically, Mbarushimana is alleged to have been involved in atrocities committed in Kigali. When the genocide began on 7 April 1994, Mbarushimana was a computer technician with the United Nations Development Programme (UNDP) in Kigali. After the evacuation of most of the foreign staff, Mbarushimana appointed himself as the officer in charge from 10 April until 4 July 1994.

“The failure to act, in a timely manner, on the overwhelming information which linked Mr Mbarushimana to the 1994 genocide in Rwanda gave him the space, time and confidence to defend and strengthen the FDLR”, commented REDRESS, CPCR and African Rights. “

In 2001, the UN conducted its own investigation and linked Mbarushimana with the murder of 32 people, including Tutsi colleagues at the UNDP. Lawyers with the International Criminal Tribunal for Rwanda (ICTR) prepared an indictment on charges of genocide, but the Prosecutor at the time sidelined the case. In 2005, the UNDP asked the French government to initiate proceedings, but little was done. On 5 February 2008, the CPCR submitted a criminal complaint to French authorities, detailing individual acts of genocide Mr Mbarushimana was alleged to have committed. While French investigative judges have visited Rwanda many times in recent months, Mr. Mbarushimana has not featured as one of their priorities. This failure to act allowed him to continue to use his safe haven in Paris for the benefit of the FDLR.

It is necessary and important that Callixte Mbarushimana will now have the opportunity to answer, in a court of law, the charges levelled against him by the ICC regarding war crimes and crimes against humanity in eastern DRC. However, because of the ICC's limited jurisdiction, Mr Mbarushimana will not be held responsible for crimes he is accused of during the 1994 genocide. The failure of French authorities to act promptly therefore comes at a high price: it allowed Mr Mbarushimana to allegedly commit the very crimes he is now charged with by the ICC, and denies justice to survivors of the 1994 genocide.

Approximately 20 complaints against genocide suspects are currently pending before French authorities. The late arrest of Callixte Mbarushimana should, at the very least, serve as a wake-up call for French authorities to follow up on these complaints without further delays.

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