

After Kabuga's arrest, which other Genocide fugitives are roaming freely in France?

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Felicien Kabuga, one of the key architects of the 1994 Genocide against the Tutsi in Rwanda, was arrested Saturday, May 16, in France, once again putting the spotlight on the country's link with mass murderers.

Besides Kabuga, France is home to hundreds of other Rwandan Genocide fugitives. Many, sources say, often changed names and locations to shed off links with their murderous past. Others just don't bother as they feel safe in France.

End last year, *Le Poulpe*, an online media publication, based in Rouen, capital of the northern French region of Normandy, put the spotlight on the activities of Rwandan genocide fugitives residing there.

Referring to Rouen as the European capital of the genocidaires, *Le Poulpe* highlighted how, after the 1994 Genocide against the Tutsi in Rwanda, the first people to settle in

the region of Normandy were intellectuals close to the collapsed genocidal regime who were hostile to the new leadership in Kigali.

Le Poulpe detailed how, for the past 20 years, these genocide fugitives gained influence and used asylum seekers hosting structures for their own benefit.

The New Times has poured over previously published lists of known genocide fugitives in France, with most still believed to be there. Some are among the 30 already pursued by French-based rights group, Collectif des parties civiles pour le Rwanda (CPCR).

Agathe Kanziga

Agathe Kanziga, wife of former President Juvenal Habyarimana, is number one among the known Genocide fugitives living in France, despite

an arrest warrant issued by Rwanda. Kanziga and Kabuga have strong ties as, among others, their children tied knots.

Available information indicates that Rwanda's extradition request was rejected by Paris in 2011. There has never been any signs of a trial being set for her in France either. In the past, french authorities denied her a residence permit. But they never expelled her from French territory.

Kanziga was one of the key members of the inner circle (Akazu) that was at the forefront of planning and supervising the 1994 Genocide.

Fr. Wenceslas Munyeshyaka

In 2007, Munyeshyaka, a former parish priest of Kigali's St. Famille church and Bucyibaruta, was arrested twice in France under a warrant from the UN Genocide tribunal. Rwanda issued an arrest warrant. He is charged with, among other crimes, genocide and incitement to commit genocide, extermination, murder and rape.

Munyeshyaka has since after the Genocide lived and worked in France as a parish priest. The former vicar at Kigali's St. Famille Cathedral, is blamed for the killing of more than

200 refugees at the church during the Genocide. He is also accused of rape. Munyeshyaka was in 2006 sentenced in absentia by a Kigali court to life in prison.

Despite the evidence against him, Munyeshyaka has in the past won cases against people that called him a genocidaire in France, and even got money out of it.

Laurent Bucyibaruta

Bucyibaruta was Prefet (Governor) of Gikongoro during the Genocide. He is among the key people who participated in the killing of more than 50,000 Tutsi who had taken refuge in Murambi, 26 years ago.

In 2007, Bucyibaruta was also arrested in France at the request of the UN Genocide tribunal. He is charged with, among other crimes, genocide and incitement to commit genocide, extermination, murder and rape.

In 2009, Kigali dropped the extradition request against him and requested Paris to put him on trial but that never happened.

Callixte Mbarushimana

Mbarushimana is Secretary General of the DR Congo-based FDLR militia which comprises masterminds

1994 Genocide against the Tutsi in Rwanda.

He is a leader of a terrorist group with a genocide ideology. Besides that, in 1994, Mbarushimana is said to have committed genocide and crimes against humanity mainly in Kigali against his colleagues at UNDP.

In 2012, the Appeals chamber of the International Criminal Court (ICC) upheld the court's earlier decision to dismiss charges against Mbarushimana.

At the time, the Hague-based court cleared Mbarushimana of atrocities ICC prosecutors claimed he committed in the DR Congo in 2009.

But Rwanda's prosecution insisted it will not be deterred from seeking his arrest for genocide crimes.

Mbarushimana was taken to the ICC's detention facility, in The Hague, in January 2011. Later, in December, after the pre-trial chamber's decision, he was released and facilitated by the court to return to France.

Col Laurent Serubuga

In February 2014, the French Cour de Cassation ruled that the trio, Claude Muhayimana, Innocent Musabyimana and Laurent Serubuga, suspected of involvement in the 1994 Genocide against the Tutsi, in Rwanda, could not be extradited to

Kigali because genocide had not been legally defined as a crime in 1994.

Serubuga, a former colonel, is now about 84 years old and was Kabuga's generation. He was a deputy chief of staff of the former Genocidal Rwandan army. He was arrested near the northern French city of Cambrai in July 2013 following an international arrest warrant issued by Rwanda.

In September 2013, a lower court in Douai rejected Rwanda's request for his extradition and ordered his immediate release. French-based rights group, Collectif des parties civiles pour le Rwanda (CPCR), maintains that Serubuga was a very important figure during the Genocide. He was part of a group of officers called "The Juvenal Habyarimana comrades of July 5, 1973," who helped overthrow former President Grégoire Kayibanda.

Hyacinthe Rafiki Nsengiyumva

Rwanda and the CPCR have also failed to get former Minister of Public Works, Hyacinthe Nsengiyumva Rafiki, brought to book for genocide.

In January 2013, the French appeal court rejected Kigali's extradition request for Hyacinthe Rafiki Nsengiyumva, a former Rwandan minister

His arrest warrants indicate that Nsengiyumva participated in the killing and coordination of militias in Kigali, Gitarama and later in Gisenyi-Nyundo area.

After the Genocide, he first lived in Kenya and the DR Congo, while his wife and children lived in France and acquired French citizenship. He joined them in December 2008, and was issued a residence permit.

Dr Sosthene Munyemana

Sosthene Munyemana, nicknamed “the butcher of Tumba” for atrocities he was involved in southern Rwanda, also resides in France.

In 2010, he was tried in absentia and sentenced by Gacaca court in Tumba in Huye district to life imprisonment.

Munyemana, gynecologist at the University Teaching Hospital in Butare in 1994, participated in killings at the hospital and in the Tumba suburb.

It was his role in the killings in Tumba that earned him the tag of “the butcher of Tumba”. Munyemana was a member of MDR-Power and a close friend to Jean Kambada, former Prime Minister during in the caretaker government of Rwanda from the start of the Genocide.

Ignace Bagilishema

Ignace Bagilishema who was Bourgmestre (Mayor) of Mabanza Commune during the Genocide is accused of playing a key role in bringing people together to the Gatwaro Stadium where they would be killed.

Bagilishema was acquitted by the UN tribunal and now lives in France and was given citizenship.

Claude Muhayimana

Muhayimana, now a French citizen, is accused of participating in the massacre of the Tutsi in Kibuye town, now Karongi. Muhayimana, previously a driver at a hotel in western Rwanda, is accused of transporting Interahamwe militia to sites where massacres were carried out.

The long-overdue trial of Muhayimana, a Genocide suspect who obtained French nationality, in 2010, is likely to begin in February next year in France, according sources.

According to the National Commission for the Fight against Genocide (CNLG), Muhayimana was one of the leading Interahamwe militia leaders in the city of Kibuye who played a big role, as a driver, while transporting killers. He also killed people.

He allegedly participated in the massacre of the Tutsi in the Saint-

Jean compound in the city of Kibuye and in Gatwaro stadium. It is reported that he collaborated closely with the then prefect of the area, Clément Kayishema.

Muhayimana faces charges of complicity in genocide and crimes against humanity through aiding and assisting such crimes. In 2014, he was arrested in the northern city of Rouen after a year-long investigation triggered by a complaint by the CPR.

Innocent Musabyimana

Musabyimana, 46, alias Ibrahim Niyonsenga, is accused of genocide and crimes against humanity.

Kigali issued an international arrest warrant for his arrest in November 2012. Interpol's red notice says he was born in Giciye, former Gisenyi prefecture, now Rubavu District.

In early 2013, a French Appeals Court in Dijon, a city in eastern France, ruled in favour of Rwanda's extradition request for Genocide suspect Musabyimana. Another court rejected the request in February 2014.

Innocent Bagabo

In 2015, Kigali adopted a 'wait and see attitude' regarding the possible extradition of Innocent Bagabo,

a genocide suspect then held by French authorities.

At the time, French court had approved the suspect's extradition to face justice in Rwanda following a formal request for his extradition by the government.

Bagabo, a 54-year-old former teacher, also has French citizenship. Charges in his indictment include genocide, aiding and abetting genocide, and crimes against humanity.

Lt. Col. Marcel Bivugabago

His extradition was rejected by a court in Toulouse in 2008, the year he was arrested in France in response to a Red Notice issued by Interpol on the request of Rwanda. He had been on a Red Notice since 2002.

Bivugabago was the director of military operations in the former prefectures of Ruhengeri and Gisenyi during the Genocide.

He is accused of counts including genocide, complicity to commit genocide, incitement to commit genocide and creation of a criminal gang. Bivugabago is accused of having masterminded the killings that took place at the Appeals Court of Ruhengeri (now Musanze High Court) and at Nyakinama University campus in the Northern Province.

Isaac Kamali

Like most others, Kamali is now a French citizen. He obtained citizenship there in 2002. But he is wanted by Kigali for participation in the 1994 Genocide, in the prefecture of Gitarama.

He was sentenced to life in prison by a Rwandan court in March 2003. Kamali was arrested in France June 2007, after being sent back from the United States, under the terms of an international arrest warrant issued by Rwanda in October 2004.

In 2008, the Paris Appeals Court rejected his extradition to Rwanda.

Dr Charles Twagira

In February 2018, the National Commission for the Fight against Genocide (CNLG) condemned the recruitment of convicted Genocide fugitive Charles Twagira, by Hopitaux Paul Doumer, a geriatric facility managed by Assistance Publique, Hopitaux de Paris (AP-HP) in Labruyere, France.

The former regional director for health in the current Western Province is one of the Genocide planners in the former Kibuye Prefecture. He arrived in France in 2006 from the DR Congo via Benin. He was briefly arrested in March 2014 after a complaint filed by the Collectif des Par-

ties Civiles pour le Rwanda (CPCR).

He was released on bail by French courts on May 22, 2015. Rwanda issued an international arrest warrant against him on June 9, 2014, which was not followed up by France.

Venuste Nyombayire

In late 2012, the French appeal court rejected the extradition request for Vénuste Nyombayire. He was naturalised as french citizen in December 2004. Rwanda issued an international arrest warrant for him in 2011. The CPCR also sued him in 2012.

His case seems to have ended in April 2018.

Manasse Bigwenzare

In 2012, a French appeals court in Versailles rejected the extradition request for Manasse Bigwenzare, a former judge accused of participation in the 1994 Genocide. Now aged about the same age as Kabuga, Bigwenzare is suspected of planning the Genocide together with the former Bougmestre of Murambi, Jean-Baptiste Gatete. The two allegedly participated in the massacres at Kiziguro Church on April 11, 1994.

Pierre Tegera

In April 2014, a court in Aix-en-Provence, in south of France, declared that it could not order the extradition of Pierre Tegera.

He is accused of killing 349 people during the 1994 Genocide. Tegera, 68, is accused of taking part in massacres of the Tutsi in Kibilira, in northern Rwanda. Six years ago, the former head of an agricultural research station in Rwanda was working as an ambulance driver in the French Riviera city of Nice. He lost his political asylum status in France in 2008. He was arrested in Nice in July 2013, following an international arrest warrant issued by Rwanda.

Some others thought to be in France include : Esperance Karwera Mutwe, Enock Kayondo a.k.a Gakumba Phenius, Jean Chrisostome Kananira a.k.a Habimana Uziel, Louis Marie Grignon de Montfort Twagirayezu, Felicien Barigira, Christophe Gahunde a.k.a Hirana Alphonse, Frodouald Havuga a.k.a Pasteur, and Joseph Habyarimana.

The extensive list also has Jean Paul Micomyiza a.k.a Mico, Robert Mariyamungu, Priest Marcel Hitayezu, Paul Kanyamihigo alias Kamy, Thomas Ntabadahiga, Damascene Munyamasoko, Martin Nduwayezu, Sylvestre Ntamaramiro and Dominique Ntawukuriryayo.

International obligations called erga omnes

France and Rwanda have no extradition treaty. But that should not be excuse for hundreds of such criminals to roam free since experts say France is supposed to adhere to a category of international obligations called erga omnes, to try or extradite Genocide suspects or suspects in other heinous crimes.

International law binds states hosting suspects of international crimes to either try them or extradite them. That duty is called erga omnes.

Erga omnes are obligations owed by states to the international community as a whole, and intended to protect and promote the basic values and common interests of all.

Examples of erga omnes norms include piracy, genocide, slavery, torture, and racial discrimination. The concept was recognised in the International Court of Justice's decision in the Barcelona Traction case (Belgium v Spain) of 1970.

Who has France sentenced ?

In over two decades, the French justice system has only sentenced two genocidaires.

If nothing changes, the long-overdue trial of Claude Muhayimana, a Genocide suspect who obtained French nationality, in 2010, will begin in September this year according to France-based Collectif des parties civiles pour le Rwanda (CPCR) which works to see Genocide suspects living in France brought to book.

His trial, the third such trial in France, is scheduled to run from September 29 to October 23.

Only two trials have so far taken

place in France, including that of Pascal Simbikangwa, a former officer in the presidential guard who was given a 25-year sentence in 2014. He appealed and lost.

In 2016, Octavien Ngenzi and Tito Barahira, two former mayors in eastern Rwanda, were found guilty of genocide and crimes against humanity and given life sentences. Last October, a French court upheld the life sentence imposed on the two.

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