

Key points for a concept note on the critical need for erection of genocide monuments out of Rwanda

Requesting to erect monument in remembrance of the genocide against The Tutsi.

THE 1994 GENOCIDE AGAINST THE TUTSI IN RWANDA

During the 1994 genocide against Tutsi in Rwanda, more than one million Tutsi including women and children were massacred and as many as 250,000 women were raped, leaving the country's population traumatized and its infrastructure decimated.

WHY THIS REQUEST?

- Recognition of the genocide against Tutsi and fight against denial.
- Offering a place where people can go for remembrance every year. It contributes to healing.
- Those who deny the genocide against Tutsi are humiliating the victims through publications, conferences, and social media (Twitter and YouTube platforms), inflicting pain and suffering on the survivors of the genocide, which in return encourages the genocide deniers and future possible creators and perpetrators of the genocide.
- The genocide is an international crime which must be prevented, punished and remembered for NEVER AGAIN in the World.
- The preservation of memory also requires the preservation of evidence of genocide, and Rwanda collaborates closely with other countries, foundations or associations dedicated to memory, for this purpose;
- Education for peace and tolerance also requires signs, memorial sites that convey a message of the failure of humanity to prevent and stop genocides but also symbol of hope for a bright future. In this sense, many monuments have been erected in remembrance of the genocide against Tutsi:

In France, they are 4 monuments: Chalette-sur-Loing, Cluny, Dieulefit and Bégles. They have been built also in Toulouse and Strasbourg. In Italy, there is a road in Roma City dedicated to the Genocide against Tutsi, and in the same City there is Monument constructed in Roma's garden. In Belgium, Monuments are located in Brussels and Charleroi Cities. Plymouth and London are cities of England where you can find Genocide

Memorial Monuments, whereas in Switzerland Monuments are located in Geneva at the United Nations Headquarter and in Canada, the Monument is at Hamilton headquarters. On the African continent Genocide Monuments are at the East African Community (EAC) headquarters in Arusha City and at the Headquarters of the African Union in Addis Ababa, Ethiopia. The genocide against Tutsi was internationally recognized through UN resolutions and national and international courts decisions:

TO Whom the request should be addressed ?

- Mayor or governor of a municipality

UN Resolutions

- Since April 7, 2004, the UN General Assembly has recognized the atrocities committed in Rwanda as an "International Day of Reflection on the Genocide against Tutsi in Rwanda".
- On April 21, 2020, the UN General Assembly unanimously adopted the Resolution /A/RES/74/273 on the "International Day of Reflection on the 1994 Genocide against Tutsi in Rwanda".
- The Resolution 2150 (2014) adopted by the Security Council on 16 April 2014: condemns without reservation any denial of the genocide against Tutsi; reaffirms its strong opposition to impunity for serious violations of international humanitarian law and human rights law; underscores the importance of taking into account lessons learned from the 1994 Genocide against the Tutsi in Rwanda (...).

THE GENOCIDE AGAINST TUTSI WAS JUDICIALLY RECOGNISED BY THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA WHICH ISSUED SEVERAL LANDMARK JUDGMENTS, INCLUDING:

ICTR judgements

- *A Judicial notice of the Genocide perpetrated against the Tutsi in Rwanda:*
The Appeals Chamber of the ICTR issued, on 16 June 2006, a judicial notice (ICTR-98-44-AR73(C)) concluding that it was a "fact of common knowledge" that "between 6 April and 17 July 1994, there was a Genocide in Rwanda against the Tutsi ethnic group", further recalling that more than a million people were killed during the Genocide. [The Prosecutor v. Edouard Karemera et al. Case No. ICTR-98-44-T].
- In the first judgment by an international court on genocide, a former mayor, *Jean-Paul Akayesu*, was convicted in 1998 of nine counts of genocide and crimes against humanity. The judgment was also the first to conclude that rape and sexual assault constituted acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group. [The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T];

- The conviction of the prime minister during the genocide, *Jean Kambanda*, to life in prison in 1998 was the first time a head of government was convicted for the crime of genocide.
The guilty plea of Jean Kambanda, to all the six counts set forth in the indictment against him. Jean Kambanda admits that there was genocide in Rwanda in 1994 through which a widespread and systematic attack against the civilian population of Tutsi, the purpose of which was to exterminate them.
[The Prosecutor v. Jean Kambanda, Case No. ICTR-97-23-S];
- The Tribunal's "Media Case" in 2003: involved the conviction of three individuals, Ferdinand Nahimana, Jean Bosco Barayagwiza et Hassan Ngeze to have been the mastermind behind a media campaign to sensitize the population and incite them to murder the Tutsi in 1994. This was the first judgment since the conviction of Julius Streicher at Nuremberg after World War II to examine the role of the media in the context of international criminal justice. [The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze, Case No. ICTR-99-52-T];

✓ **Extradition decisions taken by foreign jurisdictions**

The majority of the Genocide fugitives have been tried by national courts or extradited to Rwanda.

Especially Sweden, Norway, Finland and Denmark have been pioneer in punishing those who were suspected to have played a role in the genocide:

FINLAND

- BAZARAMBA François, was convicted to life imprisonment sentence by the district court of Porvoo/Itä-Uusimaa on 11th June 2010, he appealed in the Helsinki High Court in September 2011 and the Appealed court after thoroughly analyzed his appeal by coming to Rwanda and visiting the crime scenes in Maraba, Cyahinda, Rushunguriro in Nyakizu and hearing various witnesses at the Rwanda's Supreme Court, after 30 days hearing witnesses, on 29th March 2012, found him guilty and confirmed Life imprisonment Sentence. He again appealed to the Supreme Court which also upheld the Life imprisonment sentence.

NORWAY

- BUGINGO Sadi, he got tried by OSLO District Court; convicted to twenty-one (21) years imprisonment sentence which is the highest sentence in Norway. He appealed in the year 2014 but the appeal court upheld the lower court's decision of 21 years sentence in jail.

Norway Extradited BANDORA Charles to Rwanda on 10/03/2013, and his case is pending an appeal. He was earlier convicted to 30 years imprisonment sentence which he appealed against.

SWEDEN

- The Stockholm City Court tried and found Mr. MBANENANDE Stanislas guilty and convicted him to life sentence in 2013, but he appealed against the decision. The Appeal was decided in 2014 by the Stockholm Court of Appeal, which upheld the former ruling.
- On 16th May 2016, the Stockholm City Court tried and found Mr. Berinkindi Claver guilty and convicted him to life imprisonment sentence, but he has appealed against the decision in the Stockholm Court of Appeal.

DENMARK

-Denmark has extradited a genocide suspect to Rwanda, according to the authorities in the African nation. Rwandan prosecutors accuse Wenceslas Twagirayezu, 50, of inciting violence during the 1994 genocide. He is alleged to have led a pro-Hutu militia in the north-west of the country that targeted ethnic Tutsis during the 100-day genocide. He has lived in Denmark since 2001 and had been fighting against his extradition through the courts.