

United Nations Human Rights Council

UPR: France

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**IBUKA**

**About IBUKA**

1. IBUKA is a non-governmental organisation founded in Rwanda on 14 December 1995 pursuant to Ministerial Order Number 029/17 of 11/12/2001 Granting Legal Entity to IBUKA Association. Our NGO registration number is 16 of 15/8/2002 and our website is [www.ibuka.org.rw](http://www.ibuka.org.rw)
2. IBUKA brings together the survivors of the Genocide against the Tutsi in Rwanda in 1994, their families, and all those concerned for the memory of the victims and the fate of the survivors. In the Kinyarwanda language, “ibuka” means “remember”.
3. To reinforce our activities on the local level, IBUKA has created chapters not only in Rwanda but in countries throughout the world, including in France.
4. IBUKA France is an association that advocates on behalf of the victims and survivors of the Genocide against the Tutsi, especially those living in France, and also provides survivors with psychological support, healthcare, educational assistance, legal aid and other assistance.
5. IBUKA has five main objectives:
  - a. Commemorate, promote and preserve the memory of the victims of the Genocide against the Tutsi;
  - b. Honour the memory of all those assassinated for opposing the Genocide against the Tutsi;
  - c. Assist and defend the survivors of the Genocide against the Tutsi;
  - d. Support all initiatives aimed to locate and try those responsible for the Genocide against the Tutsi; and

- e. Battle the normalisation, the negationism and the revisionism of the Genocide against the Tutsi.
6. With every passing year, survivors and perpetrators of the Genocide are dying. There is no time to waste in getting to the truth.

#### **IBUKA's relationship with the Collectif des Parties Civiles pour le Rwanda (CPCR)**

7. IBUKA's and CPCR's missions converge in advocating for justice for the victims of the 1994 Genocide against the Tutsi. In this regard, IBUKA regularly collaborates with CPCR on evidence-gathering in Rwanda in support of CPCR's legal activities in France.

#### **Introduction**

8. IBUKA wishes to express its support for CPCR's submission to the United Nations (**UN**) Human Rights Council (**HRC**) on the occasion of France's third Universal Periodic Review (**UPR**) cycle, agreeing that France has failed to comply with its international legal obligations in respect of the Genocide against the Tutsi.
9. IBUKA supports and endorses all of CPCR's points and encourages the HRC and the UN Member States to give the submission due consideration and to take the necessary action to give effect to its recommendations. All UN Member States are obliged to ensure full compliance with their international obligations to punish perpetrators of Genocide and to ensure that victims' rights to the truth are given proper effect. Words of condemnation by States are important, but they are hollow and illusory if given no practical effect.
10. All of the points in CPCR's submission are important, but we would like to emphasise in particular its recommendations (a) and (c).

## **Acknowledge Role and Aid the Search for Truth**

11. We fully endorse without hesitation recommendation (a) of the CPCR submission:  
*“Acknowledge the role of French officials in the Genocide and take steps as appropriate (and in accordance with national and international law)”.*
12. Truth and justice have been central to reconciliation and reconstruction within Rwanda. This is demonstrated in particular by the benefits of the Gacaca process, which has promoted reconciliation and harmony among Rwandans. Every year, IBUKA is at the forefront of commemoration events at key sites – such as Bisesero and Murambi – where France’s role in the Genocide against Tutsi is clear.
13. And yet, despite the mantra of “never again”, the tragedy of the Genocide against the Tutsi continues today. More than 20 years later, many are still suffering physically and/or psychologically. Healing and moving on from some of the most horrific crimes of the twentieth century, including the difficult process of reconciliation, requires that victims know the truth of what happened. Without knowing and having complete and ready access to the truth, victims cannot move on.
14. Victims have been denied unfettered access to the truth because France has refused to confront its past.<sup>i</sup> France was central in providing support to the former Government of Rwanda before the Genocide, and continued to support these allies during and after the Genocide.<sup>ii</sup> France, however, has not only systematically failed to acknowledge its role in the Genocide, it has actively taken steps to ensure that its role is not publicly scrutinised by refusing to declassify or make public the relevant documentation in its possession and by refusing to provide information requested by the Government of Rwanda.
15. The result is that France’s role has never fully been brought to light, leaving the victims still yearning for the truth to which they are entitled. Establishing the truth would doubtless contribute to reconciliation and good relations between the peoples of France and Rwanda and others.

16. For France to acknowledge its role and meaningfully aid the search for truth, it must be open and cooperate actively and effectively with other States. Many criminals fled from Rwanda to different jurisdictions to evade punishment for their parts in the Genocide against the Tutsi. Similarly, evidence relating to the Genocide is not neatly contained in any one State.<sup>iii</sup>
17. This is not only a moral duty. France is under an international legal obligation to provide information to reach the truth (arising under the right to know the truth that is being developed by the HRC<sup>iv</sup> and the European Court of Human Rights<sup>v</sup>).
18. France's failure to aid the search for truth is also in direct conflict with the commitment it made in 2013, pursuant to France's second UPR cycle and in particular France's full acceptance of Armenia's recommendation, to "*continue its efforts to contribute on the prevention of crimes against humanity, particularly genocide, and to the fight against negationism of past historical facts*".<sup>vi</sup> France cannot fight negationsim without first acknowledging its own role and helping to establish the truth.
19. The Government of Rwanda has repeatedly asked the Government of France to provide information regarding suspected génocidaires living in France and to cooperate to expose the truth of what happened during the Genocide against the Tutsi.<sup>vii</sup> Sadly, cooperation by France has not been forthcoming.<sup>viii</sup>
20. On behalf of our members, victims of the 1994 Genocide against the Tutsi, IBUKA calls upon France to reverse its position of non-cooperation – with IBUKA, with the Government of Rwanda and with others – in relation to attempts to secure the truth of the Genocide. France should engage with and assist such efforts internationally, as well as addressing its own failures domestically.
21. Further, we call upon France to respect our members' rights to the truth and to justice. Some French officials, including soldiers and politicians, had a direct role during the preparation and execution of the Genocide against the Tutsi. IBUKA is particularly concerned that France's continued refusal to acknowledge the complicity of these officials

perpetuates the suffering of its members and frustrates their search for justice. Justice delayed is justice denied.

### **Prosecute or Extradite Genocide Suspects**

22. We also endorse without hesitation recommendation (c) of the CPCR submission:  
*“Prosecute all suspected génocidaires living in France”*.
23. Prevention of genocide requires effective prosecution and/or extradition of genocide suspects to States that are willing to prosecute. Unless prosecution is effective, impunity for international crimes will continue to prevail. Without punishment, there is no deterrent.
24. IBUKA has consistently called upon France to investigate and prosecute all perpetrators of the Genocide against the Tutsi, regardless of who the suspects may be. France’s failures to extradite or prosecute genocide suspects in this regard constitute clear breaches of its legal obligations under international humanitarian and human rights law.
25. States all over the world have rightly recognised the collective responsibility to see justice carried out whenever and wherever international crimes have been committed. Canada, Denmark, the Netherlands, Norway, Sweden, the United Kingdom and the United States have all either tried persons suspected of participating in the Genocide or allowed them to be extradited to face trial elsewhere.<sup>ix</sup> France’s failings in this regard, set out in CPCR’s submission, are striking.
26. France has refused to prosecute indicted genocide suspects following transfer from the International Criminal Tribunal for Rwanda and refused to extradite persons suspected of genocide, advancing irrelevant and untenable excuses that to extradite or prosecute would violate international law. As the CPCR submission sets out, these refusals have happened throughout the last UPR period.

27. This failure to extradite or prosecute suspected génocidaires is contrary to France's international legal obligations under customary international law, the Genocide Convention and the European Convention on Human Rights.<sup>x</sup>

28. As set out above, in order to ensure the tragic events of the Genocide against the Tutsi are not repeated in Rwanda or elsewhere, effective prosecution of suspected génocidaires is vital. If the term "never again" is to have any meaning, States' commitment to truth and justice must be absolute; it must be effective and not merely words of condemnation. Practical steps must be taken to ensure that impunity does not continue to prevail. The Rwandan victims of the Genocide against the Tutsi have enforceable rights to the truth and to see those persons responsible for the Genocide brought to justice wherever they reside. International humanitarian and international human rights law imposes a number of positive obligations on States that are not optional and must be applied unequivocally and without exception. France is not taking these international obligations seriously. We therefore call on France to extradite or prosecute those persons suspected of genocide residing in France, as other States have so effectively done.

### **Recommendations**

29. In summary, we fully endorse CPR's recommendations and we make the following specific recommendations:

- a. That France acts in accordance with its obligation to declassify and make publicly available any relevant material in its possession;
- b. That France acts in accordance with its international obligation to extradite suspects to Rwanda;
- c. That France acts in accordance with its obligation to prosecute persons suspected of genocide; and
- d. That France fully cooperates with Rwanda to ensure that those affected by the Genocide against Tutsi are able to realise their aims of truth, reconciliation, and accountability.

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<sup>i</sup> *Juppé appelle Hollande à défendre "l'honneur de la France"*, Le Point Afrique, 19 August 2014, [http://afrique.lepoint.fr/actualites/rwanda-juppe-appelle-hollande-a-defendre-l-honneur-de-la-france-19-08-2014-1857744\\_2365.php](http://afrique.lepoint.fr/actualites/rwanda-juppe-appelle-hollande-a-defendre-l-honneur-de-la-france-19-08-2014-1857744_2365.php).

<sup>ii</sup> *Investigating French Officials' Role in Rwanda Genocide*, Jurist.org, 23 December 2016, <http://www.jurist.org/forum/2016/12/jean-marie-kamatalli-rwanda-genocide.php>.

<sup>iii</sup> *Rwanda Genocide: the fight to bring the perpetrators to justice*, The Guardian, 02 April 2014, <https://www.theguardian.com/world/2014/apr/02/rwanda-genocide-fight-justice>.

<sup>iv</sup> See the Resolution adopted by the General Assembly on 18 December 2013, one of the international instruments from which the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence gets its mandate, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/449/36/PDF/N1344936.pdf?OpenElement> and the international instruments relating to the promotion of truth, justice, reparation and guarantees of non-recurrence from the United Nations Office of the High Commissioner, <http://www.ohchr.org/EN/Issues/TruthJusticeReparation/Pages/InternationalInstruments.aspx>.

<sup>v</sup> The right to know the truth including to be provided with information has been recognised as arising under Articles 3 and 8 of the European Convention on Human Rights, see *Selimovic & Others v. Republika Srpska*, the Human Rights Chamber for Bosnia and Herzegovina, <http://www.hrc.ba/DATABASE/decisions/CH01-8365%20Selimovic%20Admissibility%20and%20Merits%20E.pdf> and see CPR's submission.

<sup>vi</sup> See Report of the Working Group of the UPR: France, dated 21 March 2013 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/124/85/PDF/G1312485.pdf?OpenElement>, recommendation 120.41.

<sup>vii</sup> *Investigating French Officials' Role in Rwanda Genocide*, Jurist.org, 23 December 2016, <http://www.jurist.org/forum/2016/12/jean-marie-kamatalli-rwanda-genocide.php>.

<sup>viii</sup> We refer to CPR's submission, specifically sections B – D.

<sup>ix</sup> *Extradition Hearing for 5 Genocide Suspects Starts in UK Court Today*, The New Times, 28 November 2016, <http://allafrica.com/stories/201611280020.html>.

<sup>x</sup> We refer to CPR's submission, specifically paragraphs 6, 8, 14, 15, 20, 23, 26, and 29.