

Human Rights Watch: RWANDA'S 'UNINVITED SAVIOR'

HUMAN RIGHTS WATCH TOOK MONEY FROM SAUDI BUSINESSMAN AFTER DOCUMENTING HIS COERCIVE LABOR PRACTICES

Alex Emmons

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Human Rights Watch Executive Director Kenneth Roth arrives for a press conference to launch their 2020 World Report at the New York U.N. headquarters on Jan. 14, 2020. Photo: Johannes Eisele/AFP via Getty Images



Patrick Muyaya
@PatrickMuyaya

#RDC : Fructueuse réunion avec une délégation de @hrw conduite par @ida_sawyer @thfessy sur la situation générale des droits de l'homme à l'approche des élections. Notre engagement pour la promotion et la protection des droits de l'homme est d'abord une question de conviction

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ALEXIS BAKUNZIBAKE, REPORTED BY HRW TO HAVE BEEN ABDUCTED BY RWANDAN GOVERNMENT, ONLY TO BE SEEN, DAYS LATER IN EASTERN DRC IN THE COMPANY OF FDLR PRESIDENT.



IKAZE
IWACU



I would like to introduce to you PS Imberakuri VP. He is here with us



EUGENE GASANA, FORMER RWANDAN REPRESENTATIVE AT THE UN, WAS FIRED AFTER RWANDA ACCUSED HIM OF LAUNDERING MONEY FOR CONGOLESE LEADERS.

INTRODUCTION

The title is borrowed from a famous article, written in 1992 by two senior researchers Rakiya Omaar and Alex de Waal, who both left the organization, after realizing its evil agenda.¹

When Human Rights Watch (HRW) set up its African desk, 'Africa Watch' in 1988, it hired an African woman, Lawyer and researcher Rakiya Omaar to run it. But they expected the Somali activist to play a token role, stay in her place, and endorse all American interventions on her continent. But that was underestimating the fearlessness of the Somali women.

Rakiya Omaar was dismissed four years later after she publicly opposed the 1992 American military intervention in Somalia, which ended in the infamous 'black hawk down'. Her colleague Alex de Waal, who shared her views, resigned in solidarity.

Reacting to her dismissal at the time, Susan Osnos, HRW Press Director unashamedly declared: 'Our policy was to call for (military) intervention, but when it was announced, she completely reversed herself without consulting anyone..'

Rakiya replied, 'I think the reason I was sacked was because I was an ungrateful native who argued back.'² The military operation which she opposed was immodestly called "Operation Restore Hope". Has Somalia recovered hope ever since? No it hasn't, and that is the fate HRW would like to see for Rwanda. But again, that is underestimating the fearlessness of Rwandans.

HRW has had a near-obsessive bias against the Rwandan Patriotic Front (RPF) and its leader Paul Kagame for over two decades. We were friends, at first, when they thought we were "grateful, token natives unable to talk back." Its late researcher, Alison Desforges was among the first foreigners to relay the RPF's calls out to the world on the ongoing Genocide against the Tutsi and later testify for the prosecution in the International Criminal Tribunal for Rwanda (ICTR). She even documented it in a book: 'Leave none to tell the story.'

That her organization refuses to use the internationally recognized title of "Genocide Against the Tutsi" in their reports and instead adopts genocide deniers' line of 'ethnic killings', 'Rwandan Genocide', or '1994 genocide' and claiming that it was caused by the shooting down of late president Habyarimana's plane', simply speaks to the length to which Desforges and her colleagues were ready to go, to undermine the Rwandan government, including by perjuring themselves.³

Rwanda's fallout with HRW started when the organization wanted to 'own the narrative' on the genocide against the Tutsi, silencing Rwandan survivors and devising the policies that the RPF was to adopt thereafter. But the RPF is a revolutionary movement. It had no intention of having godmothers then, nor does it now. This is not an isolated HRW phenomenon. Many charitable people we see coming to save us, eventually turn on us whenever we decide to take our lives into our own hands.

The beef with foreign NGOs dates back to the late nineties, when Rwanda decided to close internally displaced camps in Rwanda sending people in their homes, and then proceeded to repatriate

1. <https://www.washingtonpost.com/archive/opinions/1992/12/13/somalias-uninvited-saviors/260d715f-f4e6-4373-9108-f0d66ebaa0c4/>
2. <https://www.independent.co.uk/news/world/somali-lawyer-sacked-for-dissent-1484746.html>
3. The Genocide denial terminology started while she was still alive: <https://www.hrw.org/legacy/backgrounder/africa/rwanda0406/>

millions of Rwandans held hostage in Mugunga camps in Eastern DRC, putting thousands of Western charity workers out of a job. That same year, the RPF-led Government expelled dozens of foreign NGOs whose activities in Rwanda were undermining national rebuilding efforts.

Rwanda completely distanced itself from HRW following the August 2004 massacres of the 'Banyamulenge' in Gatumba, rural Burundi after HRW published a preliminary report blaming the Congolese Tutsi victims of collaborating with the Rwandan Army and therefore bringing death upon themselves. It became apparent that the victims were simple villagers from high plateau of South Kivu, who had nothing to do with any factions, killed for their Tutsi identity. Once they realized that they had been misled by the killers and their accomplices and that the evidence pointed to forces in DRC and Burundi, not Rwanda, they suppressed the final report.⁴

While the Gatumba camp was populated by all ethnicities of Congolese fleeing the war in their country, Burundian authorities had ordered that Tutsi Banyamulenge's tents be separated from their Hutu and other Congolese fellow countrymen. HRW researchers based in Burundi were aware of this fact and did not protest. At night when killers came, they placed men to protect 'their relatives' on one side of the camp, as they entered each Banyamulenge tent and killed everyone in it. At the time, Alison Desforges reportedly said: 'If we condemn the DRC and Burundi for having a hand in the massacres, that would 'embolden Rwanda'. Since then, Rwanda revoked an MoU it had initially signed with HRW and denied entry visas to its people.

From then on, HRW openly picked a side with any Rwandan enemy, defending members of the Democratic Forces for the Liberation of Rwanda (FDLR) made of remnants of perpetrators of genocide against the Tutsi in Rwanda and listed by the United Nations as a terrorist organization, wreaking havoc in the Eastern Democratic Republic of Congo (DRC).⁵

Mourners were shocked when, while reading the eulogy of their late researcher Alison Desforges, HRW representative Kenneth Roth 'cried louder than the bereaved' as Chinua Achebe would say, promising to 'continue her work of holding the Rwandan government to account.' 'We were all left wondering if we had attended an anti-Kagame political rally or a funeral procession.', a well-wisher recalls the bizarre event...

Now that relations are 'cold' between Rwanda and the DRC, HRW's researchers are seen smiling for the camera with officials of the DRC, only weeks after its presidential guards opened fire on unarmed protesters in the city of Goma, killing over 100 unarmed civilians, leaving many more injured, and looting their livestock, in broad daylight.⁶

In their recent report, found on this link ⁷, which triggered this rejoinder, HRW presents FDLR operatives and any anti-Rwanda warlords, as victims of 'Kagame's repression'. This isn't new and while most of the report's content is recycled, its novelty is to stigmatize the diaspora, grouped in the "Rwanda Community Abroad (RCA)" association, as pawns. The report joins a new trend by the UN Group of Experts in DRC, to randomly name newly appointed Rwandan officials. Their declared goal with this, the report confesses, is to thwart the named officials' chances to be appointed in international institutions, where HRW regrets, Rwanda is gaining more prominence.

4. HRW's preliminary findings on the Banyamulenge Massacres in Gatumba: <https://www.hrw.org/legacy/background/africa/burundi/2004/0904/6.htm>

5. The most prominent group is the Democratic Forces for the Liberation of Rwanda, made of remnants of genocide perpetrators, listed by the United Nations as a terrorist organisation. <https://www.un.org/securitycouncil/sanctions/1533/materials/summaries/entity/forces-democratiques-de-liberation-du-rwanda-%28fdlr%29>

6. DRC Government spokesperson is seen with a HRW team, only weeks after the Goma carnage: <https://x.com/PatrickMuyaya/status/1712160756563648849?s=20>

7. <https://www.hrw.org/report/2023/10/10/join-us-or-die/rwandas-extraterritorial-repression>

BACKGROUND

French humorist Pierre Desproges (1939 –1988) once said, *“The enemy is stupid because he believes that the enemy is us, yet the enemy is him!”*

The primordial role of any government is to guarantee the safety of its people and the stability of the state. Other functions, including development and overall poverty alleviation, are anchored in these two vital functions. Safety is fleeting however, in this restive region of Eastern Africa.⁸

The post-1994 Rwandan government led by Paul Kagame started off with a major handicap. It had come to power after putting an end to the genocide against the Tutsi, whose perpetrators were aided by their hitherto allies, namely France and Zaire to flee retribution.⁹ While the bulk of killers stayed in Zaire, the masterminds were airlifted to Paris and resettled across Europe.

The first one to be put on trial in France was Pascal Simbikangwa in 2013, 20 years after the acts.¹⁰ The latest, Kabuga Felicien, believed to be the financier of the genocide, was declared senile – for old age and unfit to stand trial, when France finally cooperated in his arrest during COVID-19, after protecting him for nearly three decades.¹¹

Emboldened by the arrogance of impunity, the Europe-based genocide perpetrators are still at it, infusing divisionism among Rwandans through media and NGOs¹², fomenting and funding terror groups made of their lower ranks, who have found a safe haven just off Rwanda’s border, in Eastern DRC, with a declared goal to “finish the job” of exterminating Tutsi. While the DRC constitutes their recruiting and arming base, HRW and other UN experts offer them the needed geopolitical clout to fundraise in Europe and America. In an impassioned article, Steve Hege, a one-time coordinator of the UN Group of Experts on DRC tried to sanitize the FDLR as a legitimate freedom-fighting movement and fantasized that its return would require international sanctions to compel Rwanda to negotiate with the genocidal outfit.¹³

As a result, Kagame’s government has spent the last 30 years fending off such threats, in its firm path towards unity and reconciliation of the Rwandan people. Seen in this prism, the threat to Rwanda’s stability isn’t internal, but external.

Before the advent of the RPF to power, Rwanda was known as the poorest, or second poorest nation on earth¹⁴, with frequent famines raging across the country, year in and year out. 95% of the population were illiterate subsistence farmers, easily receptive to the government’s slogans warning that Tutsi were coming back to take over their pieces of land.

To transform such a society and lift the people out of poverty, Paul Kagame put his incipient government on a near-military cadence, ensuring strict discipline and accountability. Those who couldn’t hack it decided to flee, leaving behind cases of embezzlement and sexual harassment.

8. Since the end of the cold war to date, there has been civil wars in Rwanda, Burundi then DRC.

9. In the so-called Operation Turquoise France deployed 2500 troops to Rwanda in 1994, to cover the escape of their defeated allies, the Habyarimana regime into former Zaire, after they had just committed the Genocide against the Tutsi.

10. <https://www.france24.com/en/20130402-france-rwanda-genocide-trial-pascal-simbikangwa>

11. <https://www.aljazeera.com/news/2023/6/7/rwanda-genocide-suspect-kabuga-declared-unfit-to-stand-trial#:~:text=The%20UN%20war%20crimes%20court,longer%20capable%20of%20meaningful%20participation.&text=Felicien%20Kabuga%2C%20a%20Rwandan%20genocide,at%20The%20Hague%20have%20ruled.>

12. Jambo ASBL is one of the NGOs made of children of genocide perpetrators based in Belgium: <https://francegenocidetutsi.org/Unmasking-JamboAsblTnT29072023.pdf>

13. <https://www.innercitypress.com/hege/underFDLR.pdf>

14. <https://www.indexmundi.com/facts/rwanda/indicator/NY.GDP.PCAP.KD>

However, since obtaining a visa as an economic migrant is tough in Western countries, they all contact HRW and sell them a story of their political heroism. Indeed in their recent report, the NGO criticized the refugee body UNHCR for having invoked the 'Cessation Clause', declaring that circumstances under which Rwandans had cause to seek international protection were no longer justified. ¹⁵ 'I was begging, I tried to explain to [the police officer] my story. I showed him my story [in the news] and explained why I left my country', a client is quoted in the HRW.

In this paper, I will be demonstrating, with evidence, that while most of the international community has distanced itself from genocide perpetrators and their allies, they all have found in HRW a fanatical spokesperson. However, this rejoinder could not top former American diplomat Richard Johnson's 2013 paper, 'The Travesty of Human Rights Watch on Rwanda', which I recommend readers to consult. ¹⁶

A Recycled report, questionable witnesses, unsubstantiated claims.

'As the founder of Human Rights Watch, its active chairman for 20 years and now founding chairman emeritus, I must do something that I never anticipated: I must publicly join the group's critics. HRW "often relies on witnesses whose stories cannot be verified and who may testify for political advantage' – wrote Robert Bernstein in the New York Times ¹⁷

Meet Alexis Bakunzibake, reported by HRW ¹⁸ to have been 'abducted by armed men in the capital Kigali, blindfolded, and detained overnight in a location he could not identify.' A few days later, Mr. Bakunzibake reappeared in DRC forests in the company of Gaston Rumuli, the president of FDLR.¹⁹ It was not the first time that captured FDLR fighters were found in possession of the telephone numbers of HRW staff, who readily imagined and published stories of 'abduction, torture and disappearance'. It has become a sport, to the extent that HRW reports introduce Rwanda's security services to unheard-of potential terrorists, roaming Western capitals or Congo forests.

Perhaps the most embarrassing blunder committed by HRW thus far is the 'Walking dead' incident, when they publicized a list of people supposedly 'killed by Paul Kagame's army for stealing goats.' ²⁰ A few days later, seven of the good men and women in HRW obituary section, namely Nsanzabera Tharcisse, Majyambere Alphonse, Nyirabavakure Daphrose, Karasankima Jovan, Habyalimana Elias, Nzamwitakuze Donati and Hanyurwabake Emmanuel appeared in a press conference to announce their resurrection; it was a MIRACLE! ²¹

Obviously, these reports aren't designed for local consumption. Theirs isn't a *bona-fide* initiative to improve life in Rwanda, instead, they are published to give material for the US State Departments and the UK foreign office, which repeat them verbatim. European governments and media houses are furnished allegations to pin on Rwanda, in the hope that they can influence foreign policy and ultimately fulfill 'Steve Hege's fantasies', and/or at least obtain a weak government in Rwanda that shall not question or influence fellow Africans to question their reprehensible interventions in our continent. American State Department and UK Foreign Office Country reports plagiarise HRW reports and vice-versa, to the extent that it is unclear who is writing what.

Readers would be interested to know that this comes as no surprise to us since HRW was accused of being an arm of America's State Department by 131 Nobel Prize Laureates, scholars, and renowned

15. <https://www.unhcr.org/news/briefing-notes/ending-refugee-status-rwandans-approaching>

16. <https://travesty-of-hrw-on-rwanda.blogspot.com/>

17. <https://www.nytimes.com/2009/10/20/opinion/20bernstein.html>

18. <https://www.hrw.org/world-report/2013/country-chapters/rwanda>

19. <https://twitter.com/NoelKambanda/status/1218563378383400965>

20. <https://www.hrw.org/report/2017/07/14/all-thieves-must-be-killed/extrajudicial-executions-western-rwanda>

21. <https://www.ktpress.rw/2017/10/victims-hrw-alleges-were-executed-by-rwanda-government-are-alive/>

22. <https://www.colombotelegraph.com/index.php/close-your-revolving-door-to-u-s-government-nobel-peace-laureates-tells-human-rights-watch/>

23. <https://www.latimes.com/archives/la-xpm-2009-feb-01-na-rendition1-story.html>

university lecturers in this strong petition.²² As a result, HRW frequently endorses the CIA's most atrocious crimes, in total violation of international law. For instance: In his capacity as an HRW advocacy director, Malinowski contended²³ in 2009 that 'under limited circumstances' there was 'a legitimate place' for CIA renditions and torture.²⁴

Most names mentioned in their latest report as fresh victims have been published, with one or two exceptions – below –, in their previous reports here²⁵, here²⁶, and here²⁷, and will probably be brought up in their next. The timing too isn't inconspicuous, they usually publish damning reports on the eve of key national events, such as the 30th commemoration of the Genocide against the Tutsi, and the upcoming presidential elections, all scheduled in a few months ahead. HRW has been most unfortunate with this latest report, which is likely to be a flop as the world is preoccupied with the Israel - Palestine conflict.

HRW's consistent mendacity has led the Rwandan government, which had initially signed an MoU of collaboration, with the hope of learning from their human rights expertise, to give up on them. The application for renewal has since fallen on deaf ears, which made them even more desperate, since they can't conduct research in Rwanda, they rely on militias in Congo and their funders in the West, who seem to draw a cynical pleasure in misleading them with fake intel and invented names.

Self-quoting: Since most of the content is rehashed, HRW spends time unashamedly quoting itself. On page 38: "In a 2009 press statement, Human Rights Watch said, 'At least one charge in the indictment failed to conform to known historical facts'"

Use of ostentatious language: "An opposition member said his relative was 'brutally tortured'. One wonders if there are softer forms of torture..."

Facetious allegations: In one case, the kidnappers, who were speaking English rather than Portuguese, told the victim, "We're going to take you to Cabo Delgado. Kagame will be there to welcome you." [P. 196]

Promoting Genocide Ideology: The repeated attacks in their report against Rwandan laws repressing Genocide denial and genocide ideology are all the more revealing, when one notices that HRW's report itself does not use the internationally recognized terminology of the "Genocide perpetrated against the Tutsi", and uses simply: "1994 genocide", "ethnic killings". It goes further to negate the planning aspect of the genocide by implying, on page 7 that "ethnic killings" were triggered by the shooting down of former president Habyarimana's plane and plays down the number of victims by declaring that 500.000 people died. In reality, the census by the government of Rwanda established the number of 1,074,017 Tutsi killed in the genocide. Some victims still will never be known...²⁸

Tutsi survivors and Rwandans in general are familiar with to this brand of genocide denial rhetoric from "international experts" such as HRW. It has been a long journey to have the Genocide perpetrated against the Tutsi adopted internationally, a genocide in which France and Belgium played a complicit role, while the rest of the international community allowed to happen under their

24. <https://www.aclu.org/documents/fact-sheet-extraordinary-rendition>

25. <https://www.hrw.org/report/2023/10/10/join-us-or-die/rwandas-extraterritorial-repression>

26. https://www.infomie.net/IMG/pdf/rwanda0120_web.pdf

27. https://www.hrw.org/sites/default/files/related_material/2014_Rwandansattackedabroad.pdf

28. Gouvernement of Rwanda: "Denombrement des Victimes du Genocide contre les Tutsi" (2004), P. 36 https://cnlg.gov.rw/fileadmin/teplates/Publications/denombrement_des_victimes_du_genocide_perpetre_contre_les_tutsi_avril_2004.pdf

watch, despite many calls for action. This background speaks to the influence exerted by genocide perpetrators and their allies in the West, and the fact that the Rwandan government jealously guards against anyone who might attempt to rob survivors of their hard-earned victory to have it recognized; let me illustrate:

Denying the Genocide as a political tool to absolve the responsibility of the international community, and undermine the RPF and Paul Kagame who stopped it.

"If you call it genocide, then we must do something about it..." - Madeleine Albright, US Ambassador to the UN, April 1994

"In that part of the world, a genocide is nothing special..." - Francois Mitterrand, French President, 1994

*"Rwandan Genocide began in 1994..."*²⁹ - Linda Thomas Greenfield, US Ambassador to the UN, 2022. Mrs. Greenfield who was in Rwanda in 1994, is a self-proclaimed survivor of the Genocide against the Tutsi and has toured universities claiming so. She now struggles to name it properly since she was appointed US Ambassador to the UN...

*"Since 1994 and the Rwandan genocide, Human Rights Watch has been monitoring and assessing the human rights conditions in the country... Rwanda cannot be considered a safe third country to send asylum seekers to."*³⁰ - HRW, Public Letter to UK Home Secretary on Expulsions to Rwanda, June 2022

These quotes illustrate how powerful people are uncomfortable with the nomenclature of "Genocide against the Tutsi", due to the fact that it is the RPF and Paul Kagame who put an end to it. They switch and change the terms depending on their incumbent relationship with Rwanda. That is immoral and outrageous.

After a protracted debate in the United Nations Security Council (UNSC) on whether to term what was taking place in Rwanda as genocide, USA and France first opposed it. France for obvious reasons - as an accomplice, and the US because it grasped the lasting legal and geopolitical repercussions, especially on members of the UNSC who ignored the calls to provide adequate support to the peacekeeping mission in Rwanda at the time.

A resolution was finally adopted on 8 November 1994, recognizing the Genocide against the Tutsi, and establishing an International Criminal Tribunal for Rwanda (ICTR) in UNSC resolution 955³¹. But that is when the problems started.

In a book titled, *'Court of Remorse, Inside the International Criminal Tribunal for Rwanda'*³², author Thierry Cruvellier explains: "As soon as the ICTR was set up, a Flemish lawyer by the name of Luc de Temmerman, a former legal adviser to President Habyarimana, was an early defender of genocide perpetrators at the ICTR in Arusha, notably representing one Georges Nderubumwe Rutaganda the vice-president of the Interahamwe militia, sentenced to life imprisonment for Genocide against

29. <https://www.pbs.org/wnet/firing-line/video/linda-thomas-greenfield-xuevox/>

30. <https://www.hrw.org/news/2022/06/11/public-letter-uk-home-secretary-expulsions-rwanda>

31. <https://unictr.irmct.org/en/documents>

32. <https://uwpress.wisc.edu/books/4589.htm>

the Tutsi.

Mr. De Temmerman was tasked by genocide perpetrators to recruit lawyers from French-speaking countries and convened them in Nairobi: He briefed them: ***“you are going to be hired to defend people accused of committing genocide. Your job is not to defend these individuals’ crimes; yours is to defend the Parmehutu ideology. You must do all that is in your power to negate the occurrence of the genocide against the Tutsi. You must do so in and outside of courtrooms.”*** Most of those defence lawyers are still at it to this day, as it would later be reported by British authors Andrew Wallis in his book: ‘Stepp’d into Blood’³³, and Linda Melvern in her book: ‘Intent to Deceive: Denying the Genocide of the Tutsi.’³⁴

The first defense lawyers to appear in ICTR courtrooms contested the very occurrence of the genocide against the Tutsi by arguing that: ***“Tutsi were not an Ethnic group, since Tutsi and Hutu shared the same language and culture in Rwanda”*** and did not fall into the categories defined in Article 2 of the Genocide Convention³⁵ namely, ***“any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”***, therefore what occurred in Rwanda cannot be defined as genocide.

The prosecution established before the international court the permanent and stable nature of Tutsi in Rwanda; the allocated identity cards with ethnic mention by the genocidal government, the deportation to designated ‘Tutsi settlements’, the 30 years of systemic discrimination based on ethnicity and concluded their *prima facie* nature as a distinct ethnic group.³⁶ On the 16th June 2006, in the Akayezu case³⁷ the ICTR’s Appeals Chamber ruled: ***The existence of Twa, Tutsi and Hutu as protected groups falling under the Genocide Convention”***.

After their first defeat, NGOs and defense lawyers came up with the “double genocide” theory. Indeed defense lawyers at the court had made it a habit to open their submissions with long, eloquent harangues on ‘killings on both sides’ or using vague terminologies of ‘Genocides’, ‘Rwandan Genocide’, ‘1994 Genocide’, ‘Massacres’, and many more confusing terms – much like our HRW here. Exhausted, ICTR judges made a general, definitive ruling: known as “Judicial notice”.

in the Karemera et. al.³⁸, the ICTR found that:

“The following state of affairs existed in Rwanda between 6 April 1994 to 17 July 1994: there were throughout Rwanda widespread or systematic attacks against a civilian population based on Tutsi ethnic identification. During the attacks, some Rwandan citizens killed or caused serious bodily or mental harm to person[s] perceived to be Tutsi. As a result of the attacks, there were a large number of deaths of persons of Tutsi ethnic identity”;

and to conclude: ***“Between 6 April 1994 and 17 July 1994 there was genocide in Rwanda against Tutsi ethnic group.”***

The court then ruled: ***The decision will have an immediate impact on the trial proceedings in the Karemera et. al. case, and will be felt in all of the current and pending trials before the Trial Chambers***

33. <https://www.collectiveinkbooks.com/zer0-books/our-books/steppd-in-blood>

34. <https://www.versobooks.com/en-gb/products/840-intent-to-deceive>

35. Convention on the Prevention and Punishment of the Crime of Genocide Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948.

36. European Journal of International Law, Volume 23, Issue 1, February 2012, Pages 155–173, <https://doi.org/10.1093/ejil/chs002> accessed 23 Mar. 2023.

37. ICTR judgement: “The Prosecutor v. Jean-Paul Akayesu”, 1 June 2001 ICTR-96-4-A

38. Prosecutor v. Édouard Karemera, Mathieu Ndirumutse & Joseph Nzirorera, ICTR-98-44-AR73(C), Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice (16 June 2006) (International Criminal Tribunal for Rwanda, Appeals Chamber). See also UNICTR, Press Release, ICTR/INFO-9-2-481.EN, “ICTR Appeals Chamber takes Judicial Notice of Genocide in Rwanda” (20 June 2006), online: <https://unictr.irmct.org/en/news/ictr-appeals-chamber-takes-judicial-notice-genocide-rwanda>

of the ICTR. Judicial notice of the above matters means that they are to be taken as established beyond any dispute and not requiring any proof.

The judicial notice was then published on the journal of the ICTR in these terms:

“This is one of the most significant rulings of the Tribunal, given the consequences in terms of putting the occurrence of the genocide beyond legal dispute. It can be recalled that until now the Office of the Prosecutor (OTP) has had to in each case lead evidence and prove the occurrence of the genocide. This will no longer be necessary.

In the view of the OTP, the ruling should now silence the ‘rejectionist’ camp which has been disputing the occurrence of genocide. By relieving the OTP of a substantial burden of proof the ruling has the potential to shorten the cases as each will essentially focus on the personal involvement of the accused person in genocide.”

The Judicial Notice was later buttressed with a unanimously adopted United Nations Resolution 2150 of 16 April 2014, adding to the ICTR Judicial Notice of 15 June 2006 & the Akayesu Judgement of 2 September 98; Confirming the ‘Genocide against the Tutsi’³⁹.

These final verdicts, one can safely argue, conferred the designation: “*Genocide against the Tutsi*” a status of “*Peremptory norm*” (Non-derogable), part of “*Customary International Law*”. And which applies “*Erga Omnes*” (Applicable to all). One wonders then why HRW fears to use the term.

Speaking of terminal rulings that HRW should abide by, their report brought back Patrick Karegeya’s death, and accused the government of Rwanda killing him. On that debate too, a South African judge has brought the hammer down!

Immediately after his assassination in a South African hotel, declarations were made in the media by his family, associates, lawyers, and prosecutors in the case, who readily accused the Rwandan Government of being behind his demise, without adducing any proof in court. For five years the case kept coming back, until a South African judge, Magistrate Jeremiah Matopa, tired of the protracted circus, decided to strike the case from the court’s role.⁴⁰ In spite of all that, I bet we haven’t heard the last of it, especially from HRW, the gift that keeps on giving...

Ambulance Chasing

There is an Italian proverb that goes, ‘*la madre dei cretini é sempre incinta*’, which translates as “the mother of fools is always pregnant”. HRW is always fishing for “clients” to paint as victims of Rwanda’s repressions, only to hop from one impostor to another, as they eventually get exposed.

UK-based Rene Mugenzi was once a HRW star, with a personal profile on their website.⁴¹ They frequently published him in reports as a target of Rwandan international spies. They even spiced up with claims that Mugenzi had turned down money offers to stop opposing Kagame. We now know that that was a lie because the star in question ended up serving a 22-month prison sentence in the

39. The United Nations Security Council Unanimously adopted Resolution 2150 (2014), SC/11356, See Press Release: Security Council Calls for Recommitment to Fight against Genocide, online: <https://press.un.org/en/2014/sc11356.doc.htm>, accessed 23 Mar. 2023.

40. <https://mg.co.za/article/2019-01-21-court-strikes-karegeya-case-from-the-roll-in-bombshell-ruling/>

41. <https://www.hrw.org/fr/media/18191>

41. <https://www.dailymail.co.uk/news/article-8873535/Human-rights-activist-jailed-stealing-220-000-Norwich-cathedral-volunteered.html>

UK for stealing 220.000 pounds in a British cathedral.⁴² At his trial, Mugenzi told the judge that fear and stress of Kagame spies made him siphon off churchgoers' tithes. It was entertaining...

The thief's father, Joseph Mugenzi is also imprisoned in the Netherlands, awaiting trial for genocide and crimes against humanity.⁴³ One suspects that this is what HRW refers to, when it claims in the report that "Rwanda manipulates international system to harass political opponents in exile"

If HRW is honest, whenever it calls someone a political activist, it must substantiate their activism. In the case of Paul Rusesabagina, HRW presents him as a victim, but 'forgets' to add that he was sentenced in 2021⁴⁴ to a 25-year prison term for being part of a group responsible for "terrorist" attacks.⁴⁵ Before he was released by a presidential pardon, due to his international fame, Rusesabagina wrote a "hearty" letter admitting his crimes, showing remorse, and committing to never take part in violence again.⁴⁶

On the death of journalist Ntwali John William, reported by HRW as another victim of the Rwandan government, the first thing that hit me when I heard of his untimely demise in a motorbike accident was, *'If he was such a popular journalist, why had I never heard of him before, and why was he on a motorbike at 2:AM? Why couldn't he afford a cab?'* A taxi is 10\$ a ride and everyone in Kigali knows that motorbikes aren't safe at night. Popular Youtubers in Rwanda, especially those who criticize the government, receive remittances from abroad on 'World remit', a money transfer system directly to one's telephone, which evades financial control of the central bank, and indeed other YouTubers have been found with stashes of undeclared cash – he wasn't.

Enters Eugene Gasana. The man presents himself and is indeed presented by HRW's report as a political dissident who fell out with Paul Kagame because he was opposed to his third term in office. We know that is a lie because there is nowhere one can find Gasana taking such a position, the opposite is actually true. In this video at the UN, Mr. Gasana is 'wholeheartedly' defending the same proposed third term and praising President Kagame as the man who saved his life. Poor US Ambassador Samantha Power is bruised in the process.⁴⁷

The former diplomat was fired in 2016 for conspiring with a foreign Head of State to launder money and voting against his country's position. It later emerged that he was a sexual offender. This New York Post article, describes how the 56 year old 'hulking 6-foot-5, 250-pound man allegedly raped a 5-3, 135-pound, 21 year old who interned at the Rwandan Mission to the UN, at two occasion in New York hotels.⁴⁹

'This has always been the case. People who fled Rwanda after committing international crimes are presented to the world as activists and their story taken at face value without holding them accountable and, like by magic, it is the Rwandan government that is placed in the box of the accused, to justify itself against baseless allegations from criminals, backed by opportunistic NGOs...' –Linda Melvern, Author of 'Intent to Deceive: Denying the Genocide of the Tutsi', 2020.

Mrs. Melvern further reveals that since the accession of the RPF and Kagame to power, French intelligence (DGSE) has dispatched fake intelligence to intelligence services across the world to frame the narrative that RPF spies were out targeting dissidents overseas.

43. <https://apnews.com/article/netherlands-kigali-genocides-crime-arrests-62154c77b45ec83f1dcadacd119e496d>

44. <https://www.aljazeera.com/news/2021/9/20/rwanda-court-finds-hotel-rwanda-hero-guilty-in-terrorism-case>

45. <https://www.aljazeera.com/news/2023/3/24/hotel-rwanda-hero-paul-rusesabagina-prison-sentence-commuted>

46. <https://x.com/LarryMadowo/status/1639348432451035136?s=20>

47. <https://www.youtube.com/watch?v=kRVe2mhIF7c>

48. <https://blogs.mediapart.fr/fichedoublon699427/blog/110817/rdc-le-diplomate-qui-recycle-l-argent-detourne-par-joseph-kabila>

49. <https://nypost.com/2019/06/14/woman-hand-licking-former-un-security-council-president-raped-me-twice/amp/>

To live happily, live hidden

There are two Rwandan diasporas in the West. One is made of students and expatriate workers who frequently visit and send remittances to their families back home. Many of them are genocide survivors and all are grouped in the "Rwanda Community Abroad (RCA)".

There is a second diaspora, which hasn't set foot in Rwanda since the advent of the RPF to power in 1994 and sends remittances in DRC forests to support the FDLR, in Burundi forests to support Paul Rusesabagina's now defunct FLN, and Ugandan forests to support Faustin Kayumba's late RNC. The second group is made of relatives of senior genocide perpetrators serving terms in international prisons or hiding with fake identities.

There are also two types of foreign researchers, authors and journalists. Those who are well-established in their careers and had nothing to do with the government that committed the genocide. There is a second type of intellectuals, who are either seeking self-actualization or worked for the Habyarimana regime.

The anti-Rwanda researchers and diaspora are protected by HRW and the like, while the pro-Rwanda ones are frequently bullied and their careers undermined. In compiling this report I spoke to University lecturers who were warned by their faculties to 'stop working for Kagame', or were removed from teaching and research programs due to a paper they may have written, which painted Rwanda in a somewhat positive light. Enthusiastic diaspora who attend Rwandan events overseas and post photos of Paul Kagame on their profiles are brought in for questioning by intelligence services overseas and their applications for citizenship denied. Innocent Rwandans are pushed into dark vans, driven to undocumented locations, and taught 'counter-espionage' methods by European spy firms, etc.

An American professor Michelle Martin who came to Rwanda to testify in Paul Rusesabagina's trial, having worked for his foundation for years and witnessed first-hand his terrorist activities, was harassed by HRW with letters and questioned by the FBI on allegations of being a Rwandan spy. Prof. Martin was particularly targeted because she had documented the connections between Rusesabagina and the FDLR.

While most resist, pay the price, or end up relocating to Rwanda, we have seen foreign sympathizers who chose to stay quiet or researchers who gradually change their line and become critical and disingenuous towards Rwanda, to foster their academic careers.

As I write, Patrick de Saint Exupery, a highly acclaimed author and journalist in France, nephew of Antoine de Saint-Exupery, a literary icon, is being sued by Hubert Vedrine, the foreign minister under Mitterrand who oversaw the genocide and later exfiltrated Rwanda's dignitaries to France. Patrick is being sued for his two books one, 'L'Inabouable'⁵⁰ establishing the role of France - and of Vedrine personally - in the genocide against the Tutsi and another 'La Traversée'.⁵¹

50. <https://arenes.fr/livre/linavouable/>

51. <https://www.babelio.com/livres/Saint-Exupery-La-traversee/1299418>

Accusation-in-Mirror

HRW's report is based on racist propaganda, based on a phenomenon called: 'accusation-in-mirror'. To galvanize the population into killing Tutsi, genocide masterminds ran propaganda on radio and in pamphlets that the RPF was a 'Tutsi movement, coming to exterminate all Hutus'. In reality, it never was. RPF's chairman during the entire war, Col. Alexis Kanyarengwe and the first president thereafter, Pasteur Bizimungu were late president Habyarimana's direct cousins, only deputized by Paul Kagame.

Admittedly, RPF's military wing, the Rwandan Patriotic Army (RPF), was initially made of majority Tutsi, for historical reasons. However, a few months after victory, on 22nd October 1994, thousands of the defeated Habyarimana's soldiers were integrated in the RPA, including 78 senior officers - the most senior being the late Marcel Gatsinzi who ascended to the highest rank of four-star General. Before his death, he was the most senior Rwandan soldier, more senior than even General James Kabarebe. Between 1995 and 1997, over 10,500 ex-FAR officers, and from 1998 to 2002, more than 39,200 ex-FAR members and militia found their place within the RPA ranks. By the time Rwanda invaded Zaire, the ex-FAR contingent within the RDF exceeded the number of original RPA fighters and made the bulk of troops sent into Zaire.

While the entire French establishment is openly supporting Hubert Vedrine in his lawsuit, Rwanda is unable to support Patrick de Sain-Exupery, because that would 'discredit his independence'. This is the dilemma we face. As a result, he is left all alone to fight a very powerful machine made of intelligence services, a hoard of genocide perpetrators and their offspring, and HRW. Today, it is easier for a genocide perpetrator and his relatives to obtain European or American citizenship than it is for a Tutsi genocide survivor - and we have the likes of HRW to thank for that!

Negating Rwanda's agency:

Rwanda scores among the highest in the world in terms of efficiency, transparency and safety. This is only achievable when an elected government has the power and legitimacy to enforce the principles that it stands for and repress vices that it stands against. The Rwandan constitution is categorical on those matters. Rwanda stands against division, corruption, and endangering the safety of its citizens. Any repression of those crimes is perfectly legal because it is done within the ambits of a Rwandan constitution which was popularly promulgated in universal suffrage.

Given Rwanda's bitter history of exile and genocide, the post-genocide government is profoundly against anything that can cause its citizens to be refugees. In fact, it is against refugeehood for all humans. HRW alleging malice in its politics of repatriation seeks to negate Rwanda's agency in pursuing an ethical end.

HRW has also embraced a trend of individually targeting Rwandan officials, with the hope of undermining their legitimacy globally and - to use its own words - preventing them to 'be elected to lead international organizations'. Indeed HRW regrets in its report that *'Rwanda has grown more prominent on the international stage where Rwandan officials lead multilateral institutions, and that*

Rwanda has become one of the largest peacekeeping troop contributors.’ The report concludes by asking “donors to pressure Rwanda.”.

This approach is not new. It falls in the long line of methods used by Western powers and their lobby offshoots to hinder the RPF and Paul Kagame’s capacity to govern. In 2006, a French Judge Jean Louis Bruguière issued arrest warrants over the shooting down of late president Habyarimana’s plane, wrongly claimed to have sparked the Genocide against the Tutsi. He indicted nine of President Kagame’s associates. Two years later, a Spanish judge, Andreu Merelles did the same, this time indicting forty Rwandan officials. This meant that both warrants were running concomitantly within the Schengen countries.

In October 2015, Rwanda’s head of intelligence was arrested in the United Kingdom in enforcement the warrants. Lieutenant General Karenzi Karake was promptly released with apologies, in an embarrassing saga that triggered the Spanish Supreme Court to annul Fernando Andreu Merelles’ indictments and abandon the country’s self-arrogated “International Jurisdiction” altogether.

In one of the cables dated January 26, 2007, whistleblowing website WikiLeaks revealed that judge Jean Louis Bruguiere had consulted ⁵² with then-French President Jacques Chirac and US Ambassador in France before issuing the warrants.

In the leaked cable to the US State Department, the ambassador in Paris, Craig Stapleton summarized Bruiguiere’s sentiments:

“Operational relations between France and the U.S. excellent, Bruguiere said. He confirmed that he had conferred with Government of France (GoF) officials, including President Chirac, on the timing and fallout of his issuance of arrest warrants against top Kagame aides and warned against better U.S. relations with Rwanda. Bruguiere also confirmed rumors that he will likely be leaving the top terrorism court to pursue political ambitions.

Judge Bruguiere also confirmed that the Government France expected violent reactions from Paul Kagame against French interests and people in Rwanda:

Bruguiere confirmed that he had consulted within the GoF on his issuance of arrest warrants in the cases brought against nine of President Kagame’s top aides for the assassination of President Habyarimana and three French aircraft crew. He said he presented his decision to French officials, including President Chirac, as his independent judicial right, but chose to consult with them because he was convinced of the need to coordinate timing with the government. Bruguiere said he was not surprised by Rwanda’s official reaction, and said that the GoF had prepared for what it thought would be a violent response against French nationals. He praised his own decision... He added that he was satisfied that the nine individuals he listed could not leave Rwanda without fear of arrest, but was doubtful the ICTR would take up the case.... He warned that closer U.S. ties with Rwanda would be a mistake.’

52. <https://www.theeastafrican.co.ke/tea/news/east-africa/french-judges-lift-arrest-warrants-against-rwandan-military-officials-1301326>

In 2010, two French judges: Marc Trevidic and Nathalie Poux who replaced Bruguiere lifted the frivolous warrants, following a trip to Rwanda where they conducted ballistic and geostrategic investigations and ruled that RPF soldiers could not have had access to the position from where the missiles were launched. They concluded that the likely culprits are Hutu extremists.

A report by historians recently commissioned by French President Emmanuel Macron (Rapport Duclert), and one of a Washington-based law firm (Muse Report) commissioned by the Rwandan government, have both concluded in the same lines as judges Trevidic and Poux.

As is HRW's habit, claims that Rwanda occupied mineral-rich parts of DRC after killing tens of thousands of refugees resurface in the new report. These allegations are also ubiquitous in UN GoE reports. However, they have been debunked by renowned French Author Patrick de Saint-Exupery, in his book: 'La traversée' (the cross-over). The war reporter journeyed in the footsteps of Hutu refugees across the DRC, interviewing villagers, and found no evidence of the alleged mass murders. He concluded that the theories were lies calculated to blur the lines and deny the genocide against the Tutsi.

Rwanda's Humanitarian action is informed by its history

In its "Nine Point program", the RPF pledged to "**Eliminate all causes of refugee status**, accordingly, while Paul Kagame is credited for ending the genocide and for returning the Tutsi diaspora to Rwanda, less known, is that he also ended the Hutu exodus and returned its community home too. Even killers and their children were returned.

In the annual 'National dialogue' few years ago, Mukiza Willy Maurice, the second son of current FDLR's leader Ntawunguka Pacifique, amazed the audience that he, his elder brother, and younger sister all completed their undergraduate education at the University of Rwanda, then went on to pursue postgraduate degrees in China and in Ghana all under scholarships of the Rwandan government. Here is the link to his speech.⁵³ Their father Ntawunguka had just been appointed by the FDLR, which means his children were benefiting from Rwandan scholarships long before.

In the two governments that preceded the RPF, Tutsi were systematically excluded from education. Hutu from one region would be favored over other Hutu, depending on the region of origin of the president of the time. Readers will know that ethnic identity is no longer mentioned on identity cards in post-genocide Rwanda. Less known is the fact that even the region of origin isn't mentioned. Students submit their national exams with a registration number so that it is impossible to tell their surnames, and this, from primary to university. Scholarships are then distributed based on student scores, with no fear, nor favor.

The experience of exile and of genocide, suffered while the world watched and did nothing, have taught Rwandans two things: To rely on homegrown solutions and to be ready to come to the rescue of fellow Africans whenever they are called upon.

53. https://www.youtube.com/watch?v=C4L_NQeDWtc

You see, during the Genocide against the Tutsi, safe heavens had been formed by UN and other foreign troops on the ground in Rwanda. Tutsi families, alongside foreigners, had found refuge there, as no militiamen dared confront them. Seeing that, Western countries ordered their troops out, and others sent fresh troops in, not to mount guard and protect everyone, but to egotistically evacuate their own citizens – and their pets, and throw the gates open for militiamen to come in and kill the abandoned Tutsi. This is vividly recorded in our psyche and guides every decision Rwandans make.

As a result, wherever they go, RDF create safe havens. In South Sudan for instance, *“On July 8, 2016, intense fighting erupted in Juba, the capital. The July crisis was the latest iteration of a conflict that broke out in December 2013 between President Salva Kiir’s government and military, known as the Sudan People’s Liberation Army (SPLA), and the Sudan People’s Liberation Movement/Army in Opposition (SPLM/A-IO), led by then-First Vice President Riek Machar.*

The Rwandan troops deployed in South Sudan under a United Nations mandate, quickly set-up a safe perimeter in their base to protect – not Rwandans residing in the city of Juba – but all citizens, indiscriminately of their nationalities. East-Africans, other non-Africans and many Sudanese found refuge in this Rwandan safe haven.

Rwandan troops would never go into a conflict zone, evacuate Rwandans and abandon everyone else, they would never do that! They would rather die protecting them, for if they did abandon fellow human beings in danger, they wouldn’t find a place to return to, we would reject them, denounce them as aliens, for it is not African culture, and certainly not Rwandan post-genocide vision!

As a result, this atypical *chutzpah* which characterizes the post-genocide Rwandan army, police and government at large, has created enemies in the circles of those who benefit from African conflicts. Accordingly, HRW does not speak of RDF prowess in Cabo-Delgado Mozambique, or Bangui, Central African Republic, in securing civilians and stabilizing the areas, at the peril of their lives, it has chosen to denounce an ‘increasing prominence of Rwandans in international organizations and peacekeeping missions.

UNICEF, WHO & World Bank. Levels and Trends in Child Malnutrition 2019. Accessed June 4 2020. file:///C:/Users/Isiskab/Downloads/9789240003576-eng.pdf

USAID, Tanzania Nutrition Profile, 2018

National Institute of Statistics of Rwanda, Demographic and Health Survey

Rwanda Demographic and Health Survey 2015; Rwanda Comprehensive Food Security and Vulnerability Analysis 2018

Rwanda Demographic and Health Survey 2020

Rwanda Demographic and Health Survey 2020

World Health Organization Regional Office for Africa, Nutrition in the WHO Africa Region, Brazzaville, 2017; p11

Rwanda Comprehensive Food Security and Vulnerability Analysis 2018

CONCLUSION

When one goes through HRW country pages, one is astonished by how the Rwandan section is by far the worst of all, painting a dystopian picture, more horrific than North Korea, Somalia, Libya, Iraq, or even Afghanistan. While other pages talk about governments, HRW targets the RPF and Paul Kagame specifically.

To appreciate HRW's mission and approach, one must refer to a book, published by one of their own, Alison Desforges: 'Leave none to Tell the Story'. In its fourth chapter, titled: 'Propaganda and Practice', Alison reveals how the genocidal regime conceived its fight against the RPF and Tutsi. The chapter quotes a note by genocide ideologue Leon Mugesera, deported from Canada and currently serving a life sentence in Rwanda.

Mugesera, Desforges writes, admits to borrow these lessons from Goebbels, his Nazi counterpart. *'He advocates using lies, exaggeration, ridicule, and innuendo to attack the opponent. He suggests that moral considerations are irrelevant. Propagandists must aim both to win over the uncommitted and to cause divisions among supporters of the other point of view. They must persuade the public that the adversary stands for war, death, slavery, repression, injustice, and sadistic cruelty.'*

Further, Leon calls his second proposal "Accusation in a mirror," meaning his colleagues should impute to enemies exactly what they and their own party are planning to do. He explains, "In this way, the party which is using terror will accuse the enemy of using terror." With such a tactic, propagandists can persuade listeners and "honest people" that they are being attacked and are justified in taking whatever measures are necessary "for legitimate self-defense." ⁵⁴

HRW is right about one thing. All Rwandans, home and abroad have one mission, to encourage people to come to Rwanda. If they weren't immoral, they would notice that its hospitality has no sinister intent. They are too blind to realize that it isn't only Rwandans that are wooed. Rwanda places billboards in European stadia and on sportsmen's shirts. Rwanda invests a lot of time and resources in that - and at times it sparks controversy - like in the case of receiving refugees from Britain, but Rwandans can't help it, because it is their essence; the meaning of the Kinyarwanda word "URwanda"

Less known is that Rwanda welcomed an Afghanistan all-girls school; and sent planes to Libya to rescue stranded Africans trying to cross the Mediterranean Sea. Today Rwanda is ranked as the sixth safest country on earth for travelers and the second to be a woman. ⁵⁵ And Kigali is second, after Cape Town to host international events.

HRW would see that Rwanda is one of the few countries in the world with a visa-on-entry policy. Only HRW people are precluded from "Visiting Rwanda" due to their insufferable attitude. Otherwise the World Bank and World Economic Forum's 'Global Competitive Index' list Rwanda every year as the country that leads the continent in "brain retention" (attracting and retaining talent). 'attracting the best and brightest around the world', the Index says! ⁵⁶

54. <https://www.hrw.org/reports/1999/rwanda/Geno1-3-10.htm>

55. <https://www.euronews.com/travel/2022/01/24/rwanda-the-6th-safest-country-for-solo-travellers-new-survey-finds#:~:text=Rwanda%20the%206th%20safest%20country%20for%20solo%20travellers%2C%20new%20survey%20finds,-The%20sunsets%20over&text=Safety%20while%20travelling%20on%20your,won't%20have%20to%20worry.>

56. P. 278 <https://www.insead.edu/sites/default/files/assets/dept/fr/gtci/GTCI-2022-report.pdf>

There is a Rwandan saying that goes, “Umwanzi iyo atakwishe aragucyereza”. (An enemy who doesn’t kill you wastes your time). Most of the cases reported by HRW as fresh discoveries, have been extensively eviscerated time and again by other well intentioned researchers, in books and reports, and by the Rwandan government, especially during the “Universal Periodic Reviews” before the Human Rights Council. But like for the rest, these Western institutions fancy themselves above international law, international institutions, above court of law, in short, above Africans. One wonders how long must we put up with this time-wasting. I guess as Bob Marley sings, ‘this all just a part of it and we’ve got to fulfill the book.’ – Redemption song.

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