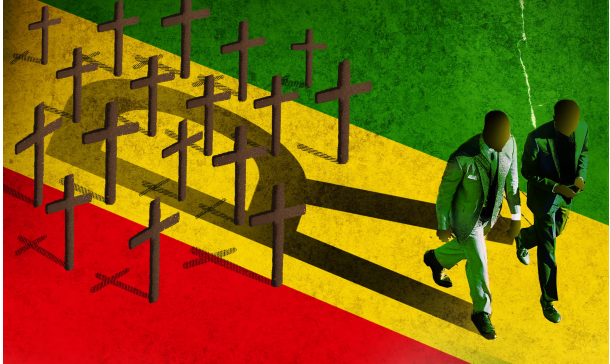


The wanted: Australia asked to ‘prosecute or extradite’ two men accused by Rwanda of involvement in genocide

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A Guardian Australia/ABC Four Corners investigation reveals one of the men – who describes allegations as ‘false’ and ‘smears’ – is living in Brisbane, the other is also believed to be in the country



The wanted: a Guardian/ABC Four Corners investigation reveals Australia has been asked to ‘prosecute of extradite’ two men accused of taking part in Rwanda’s genocide. Illustration: Victoria Hart/Guardian Design

A man accused of involvement in Rwanda’s brutal genocide in 1994 – who is alleged to have participated in mob attacks that killed

members of the Tutsi minority – is living in Australia, having never faced court. Another man also accused of involvement in the genocide is also believed by Rwandan authorities to be in the country.

A year-long Guardian/Four Corners investigation can reveal that the two men, who were found by Rwanda’s transitional justice process to have been involved in deadly mob attacks against civilians during the genocide, are being sought by the Rwandan government for arrest, pending possible extradition.

Froduald Rukeshangabo lives in suburban Brisbane and works as a driving instructor. Celestin Munyaburanga has family in the same city – although it is unclear whether he is in the country and understood he might be living under a different name.

Rukeshangabo has described allegations against him as “false” and part of a “smear campaign”. Others in the Rwandan diaspora say the allegations are politically motivated. Munyaburanga did not respond to request for comment, but a family member says he is innocent. The Guardian/Four Corners does not suggest the two men are guilty, only that



Froduald Rukeshangabo is living in Brisbane.
Photograph: ABC

these serious allegations deserve further investigation by an appropriate authority.

The presence in Australia of at least one man accused of involvement in the genocide has raised questions about the country's screening process and the willingness of authorities to investigate or prosecute alleged international crimes.

The Guardian/Four Corners travelled to Rwanda to speak with survivors and confessed perpetrators who claim they are familiar with allegations made against the two men.

'They had machetes and clubs'

Rwanda's genocide against the Tutsi between April and July of 1994 was one of the most brutal pogroms of the 20th century.

In a planned, state-sponsored campaign of violence to exterminate Rwanda's Tutsi

minority, more than half a million men, women and children were murdered by vigilante mobs and trained militia, made up of members of the Hutu majority.

It is estimated that at least two-thirds of Rwanda's Tutsi were killed, as well as some moderate Hutu: many were hacked to death with machetes or killed with basic weapons. In the aftermath, alleged perpetrators fled all over the world.



Most Tutsi were murdered by Hutu mobs with traditional weapons in the 1994 Rwandan genocide. Photograph: Scott Peterson/Getty Images

In 2017, the Rwandan government issued an indictment and international arrest warrant to Australia, seeking the arrest of Munyaburanga, who was then believed to be living in Canberra. The warrant alleges that Munyaburanga is "suspected to have committed the crime of genocide" under local criminal law and international convention.

The former high school headmaster, according to the allegations in the indictment, established a roadblock at Hanika, in Nyanza

district in Rwanda’s south, where he “with [Hutu militia]... intercepted and killed with traditional weapons, Tutsi civilians”.

The indictment alleges Munyaburanga was complicit in the deaths of 21 named Tutsi – as well as an unknown number more not identified.

Survivors in Hanika alleged to the Guardian/Four Corners that they saw Munyaburanga take their relatives from their homes and say those relatives were later found dead. None of the survivors said they saw Munyaburanga personally kill anyone.

Chaliroti Mutegarugori claimed she saw her 17-year-old brother attacked when a mob came for the Tutsi men and boys of Hanika.

“I saw him [Munyaburanga] with my own eyes taking my brother; he even beat him as he was taking him.

“They had machetes and clubs; there was Munyaburanga with many others ... they started beating [my brother], they struck him on his shoulders and the blood spilled out.

“I was afraid and ran away.”

Four of Mutegarugori’s relatives are listed on the indictment as having been killed by a group of militia that included Munyaburanga, but others she alleged were also killed (including her 17-year-old brother) are not.

Manassé Musabyimana, a confessed and convicted participant in the genocide in Nyanza, alleged to the Guardian/Four Corners that he was recruited by Munyaburanga to man a roadblock where multiple civilians were subsequently killed in mob attacks. He says he himself did not kill anyone but accepts his complicity in the crimes as part of the mob. He said he did not see Munyabu-



Survivors of the genocide in Nyanza, in Rwanda’s south. (Left to right) Marie Golithi Uwisenga, Daphorose Nyirakamegeri, Chaliroti Mutegarugori and Rehema Miukangamije at a family cemetery. Photograph: Amos Roberts

ranga kill anyone.

The indictment lists Musabyimana as part of a group that included Munyaburanga who are alleged to have killed civilians “with traditional weapons” at the roadblock, and travelled to villages “to hunt down and kill Tutsi”.

According to Rwanda’s National Public Prosecution Authority (NPPA), Munyaburanga was found to have committed serious crimes by the country’s gacaca courts – a community-level transitional justice system in which there were neither defence nor prosecution lawyers – in 2008. He was sentenced, in absentia, to life imprisonment. The NPPA alleges he escaped prison during his trial and fled the country.

There is no record of a person under the name of Celestin Munyaburanga ever entering Australia, but the Rwandan government

claims he was in Canberra in 2017 and believes he is still in the country.

Members of Munyaburanga's family live in Brisbane. They are not named in the indictment and are not accused of wrongdoing. A family member told the Guardian/Four Corners that Munyaburanga was innocent, but that they have not spoken to him for many years and do not know where he is, saying only he is "somewhere in Africa".

The Guardian/Four Corners made repeated efforts to find and contact Celestin Munyaburanga but have received no response.

Transitional justice

Froduald Rukeshangabo, now a driving instructor in Brisbane, was tried in absentia and without legal representation in 2007 by the local gacaca community court, and found to have participated in the genocide. He was sentenced to 30 years in prison.

Multiple sources in Rubona (now Kibungo), the sector in Rwanda's east where Rukeshangabo was education inspector, alleged to the Guardian/Four Corners that he attended a meeting on 7 April 1994 – the first day of the genocide – where Hutu men of the area were divided into groups, before fanning out across villages searching for Tutsi.

The secretary of the gacaca court that sentenced Rukeshangabo alleged that multiple witnesses – including around 10 perpetrators and three survivors – gave testimony claiming that Rukeshangabo participated in mob attacks across the sector in which Tutsi were

killed.

The Guardian/Four Corners has obtained two pages of records – detailing Rukeshangabo's sentence and the findings from the gacaca court archives in Kigali. He is accused in these pages of being involved in mob attacks that killed 10 victims.

In November 2007, according to the records, the judging panel of the gacaca court found Rukeshangabo guilty of breaching Rwandan laws on genocide, finding that he was "well-known for murder, dragging corpses and burning them".

Rwanda's gacaca courts were a transitional justice mechanism established to try the vast number of alleged genocidaires overwhelming Rwanda's jails and its national court system. Over a decade, more than 12,000 of the community courts – often held under trees, in marketplaces or public squares – tried more than one million cases.

The courts have faced external criticism over perceived failures in trial procedures, including use of hearsay evidence, lack of legal representation, use of lay judges and potential government interference. Other independent international observers have described testimony provided in gacaca as "robust" and fair form of public accountability, vital to Rwanda's recovery and reconciliation from the genocide.

Australia has ‘an international duty’

Alphonse Hategekimana – who served four years in prison for participating in the genocide – says that on the second day of the genocide, he was part of a mob that he alleges included Rukeshangabo who scoured the district for men they believed to be Tutsi rebel spies.

Frida Umuhoza, a survivor of the 1994 genocide in Rwanda, holding one of her mother’s traditional dresses.

He alleges Rukeshangabo ordered him to beat a Tutsi man named Bizimungu.

“Rukeshangabo told me to beat him, and I beat him. I beat him three times with a stick, and Rukeshangabo said that that was not enough.”

Hategekimana alleges Rukeshangabo then “hit him with the stick and he fell down”. He claims that a different member of the mob then continued to beat Bizimungu to death.

Hategekimana alleged that Rukeshangabo was one of those who led a mob attack that killed two other Tutsi men, a father and son named Deo and Gilbert, on the same day. The deaths of Deo and Gilbert are among those alleged against Rukeshangabo in his gacaca court documents which the Guardian/Four Corners has also obtained. The documents do not mention Rukeshangabo being a leader of the attacks.

In 2009, Rukeshangabo was granted a humanitarian visa by Australia after a referral from the UNHCR, and migrated from east Africa. It is not known on what basis that

visa was granted despite questions put to the home affairs department. He became an Australian citizen in 2014.

Rukeshangabo, whose first name is also spelled Froduard or Frodouard in some documents, told the Guardian/Four Corners he was the victim of “false allegations and smear campaigns”. He did not respond to specific questions about the allegations or to the gacaca court findings, and declined an interview. Others in the Rwandan diaspora say the allegations are politically motivated.

Rwanda experts told the Guardian/Four Corners that extradition is the best response in cases like Rukeshangabo’s and Munyaburanga’s if there is sufficient evidence to suggest a trial is necessary. But they warn, too, that evidence from Rwanda’s gacaca system should be treated with caution, and that some alleged perpetrators who fled the country might be innocent and should have the chance to defend the allegations made against them in court.

The Rwandan government says it wants Munyaburanga and Rukeshangabo extradited to face fresh trials, or to be prosecuted in Australia. The 2017 indictment seeking Munyaburanga’s arrest remains current and Rwanda’s NPPA sent an indictment for Rukeshangabo’s arrest last month. The Guardian/Four Corners have not seen a copy of the indictment despite repeated requests of the Australian government.

The head of Rwanda’s Genocide Fugitive Tracking Unit, John Bosco Siboyintore, told the Guardian/Four Corners that Australia had “an international duty to either prosecute or extradite” the two men.

“We invite the Australian police together with the prosecution to come to Rwanda... that’s where witnesses will be found,” he said.

Australia does not have an extradition treaty with Rwanda and has never extradited anybody there. It has never convicted a person of genocide.

Rwanda’s ongoing efforts to seek justice internationally have also been compromised by its controversial domestic politics.

The Rwandan Patriotic Front rules Rwanda as a de facto one-party state: its control of the country is authoritarian and repressive. President Paul Kagame won 98.79% of the vote in the last presidential election. According to Human Rights Watch his government manipulates elections by arresting or assassinating critics and obstructing opposition parties, and polls are marred by allegations of voter intimidation and electoral fraud. External political dissent is silenced through a vast network of spies and acts of violence.

Kagame’s government has also been accused of politicising the genocide, and allegations of genocide are also weaponised against political opponents and dissidents.

The Guardian/Four Corners has identified two cases where specific allegations of geno-

cide were made against Rwandan nationals overseas, that were found, after foreign investigations, to be unsubstantiated. Those were cases alleged against national-level political figures.

About two-thirds of Rwanda’s Tutsi population were murdered in the 1994 genocide.

Rwanda’s small Australian diaspora is deeply divided. During interviews with community members, some have said that the allegations against Rukeshangabo are politically motivated, or, at least, have been raised by the Rwandan government now as a way to silence dissent.

A spokesperson for the attorney general said the Australian government did not comment on extradition matters until a person was brought before a court, but that “the Australian government is committed to tackling serious international crimes, and takes allegations of genocide very seriously”.

“The Australian federal police works closely with foreign law enforcement agencies, international bodies and mechanisms who prosecute international crimes to ensure perpetrators are held to account.”

A spokesperson for the home affairs minister said: “As is longstanding practice, we do not comment on individual cases.”