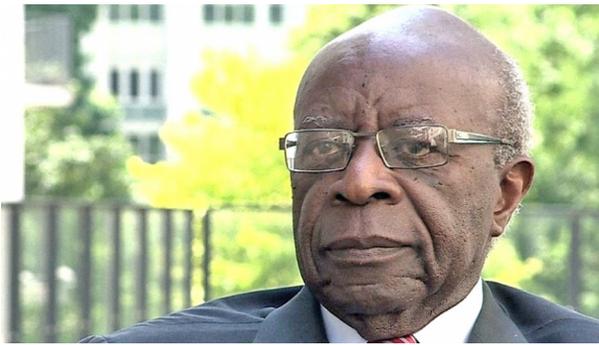


# Prosecute Twagiramungu, Belgium urged

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Faustin Twagiramungu./Courtesy

Belgium-based former Rwandan Prime Minister Faustin Twagiramungu, who openly supports genocidal forces that have, among other atrocities, killed civilians in south-western Rwanda, should be prosecuted instead of being given a safe haven in Europe, experts and observers have said.

Twagiramungu, in a recent video, openly urged Rwandans to join MRCD Ubumwe-FLN, a terrorist network operating in the east of neighbouring DR Congo, to wage war on their country, remarks that have drawn the ire from many.

Genocide scholar and researcher Tom Ndahiro told The New Times that : “He [Twagiramungu] should be prosecuted for his support to terrorism and war. It is against the law and Belgium knows that. According to Article 17 of the European Convention on Human Rights, such a speech is not protected and one can get decisions which are applicable to his utterances.”

Drafted in 1950, the European Convention on Human Rights is an international convention to protect human rights and political freedoms in Europe.

Ndahiro said Belgium is party to the Internatio-

nal Covenant on Civil and Political Rights, and “any propaganda for war shall be prohibited by law.”

Rwanda’s Minister of State in charge of the East African Community, Amb. Olivier Nduhungirehe, said : “It’s not acceptable that a Belgian citizen or resident can sit in Belgium and call for Rwandans to join an armed and terrorist group on foreign soil. He has done this publicly and explicitly.”

The DR Congo government has demonstrated its committed to addressing the insecurity problem in the eastern parts of the country.

Its military has dealt a heavy blow to armed groups opposed to Rwanda, which operate there.

Over the weekend, they also overwhelmed Twagiramungu’s MRCD Ubumwe-FLN, from its bases and killed its top commander Gen Jean Pierre Gaseni.

In September, they killed the former supreme commander of the genocidal militia, FDLR, Sylvestre Mudacumura who evaded capture for over a decade.

Just last month, the Congolese army killed another commander of RUD-Urunana, General Musabyimana Juvenal, alias Jean-Michel Africa.

## ‘Serious investigation’

According to Dr Alphonse Muleefu, a Senior Lecturer in the School of Law at the University of Rwanda, statements of people like Twagiramungu, calling for the support of FLN, MRCD’s military wing, the group responsible for recent attacks targeting civilians in and around Nyungwe Forest, raises at least three legal issues that deserve some serious investigation.

Understanding these issues is very important, he noted, because of the serious nature of the alleged violations the group is responsible for according to

Rwandan laws, but also because of the location of individuals making those statements; Europe.

Muleefu said : “The fact that these individuals are making these statements based in European cities requires us to reflect on its implications in relation to the European Convention on Human Rights (ECHR), especially in as far as the protection of the freedom of expression is concerned.”

“The protection of freedom of expression does not cover statements inciting hatred or violence; it has never been the spirit of human rights instruments in Europe or elsewhere. Different human rights provisions provide for the restriction of the right to freedom of expression in the interest of other values such as public order, moral values and peace.”

Muleefu explained that the protection of freedom of expression is to allow people in a democratic society to express themselves even if their views might be controversial but it does not go as far as supporting violence or hatred.

The legal issues that arise when someone in a foreign country makes a statement calling people to join a violent armed group against another country are threefold, he said.

The position Rwanda has taken is that FLN is a terrorist group, he added, and therefore the first issue to investigate is whether its conduct of targeting civilians fits the description of terrorist organizations according to the laws of countries hosting those individuals making such statements.

“It can be fairly argued that, in this case, this determination might not be very difficult to reach given the fact that FLN has adopted tactics similar to those of FDLR, which is already on the list of terrorist organisations in different countries.”

“If this determination is accurate, then calling for the support of FLN is tantamount to supporting terrorism, which is punishable in different countries. And, as some people have indicated, the case of ROJ TV A/S against Denmark is interesting in this situation.”

Roj TV was a satellite television that promoted activities of PKK broadcasting in the Kurdish language throughout Europe and the Middle East.

The varsity don noted that the Copenhagen City Court after determining that ‘the PKK was on the

list of terrorist organisations in the EU, Canada, the US, Australia and the UK’, and that Roj TV was promoting the views of the PKK, concluded that Roj TV had breached the anti-terrorism laws and its owners were found guilty of "promoting terrorism."

The decision was upheld at all levels of appeal in Denmark and at the European Court of Human Rights.

Second, Muleefu said, it is now possible to link Twangiramungu and others supporting FLN to all the violations of human rights the group is responsible for, as accomplices or accessories to those crimes.

“In this scenario, we can refer ourselves to the case of Ignace Murwanashyaka and Straton Musoni in Germany where, in 2014, the two FDLR leaders were convicted of supporting and being members of a terrorist group abroad and responsible for the group’s serious violations of human rights.”

Third, he said, it is an important legal and diplomatic or political question to put to countries hosting people spreading violent propaganda – in particular Belgium.

It is important to ask, he noted, why such countries do not intervene to regulate political activities of foreigners on their soil, since such intervention would conform to Article 16 of the ECHR, especially when such activities are in contradiction with the international community’s effort to bring peace to DR Congo and Africa’s Great Lakes region, in general.