



Rwanda – Researched and compiled by the Refugee Documentation Centre of Ireland on 30 September 2015

Information on the 12 individuals listed in the letter dated 10 December 2003 addressed to the President of the UN Security Council by the Permanent Representative of Rwanda at the UN (S/2003/1164) (available at http://repository.un.org/bitstream/handle/11176/27250/S_2003_1164-EN.pdf?sequence=3&isAllowed=y) namely:-

- 1. Col. Aloys Ntiwiragaba, alias Omar, based in the Sudan.**
- 2. Col. Mudacumura (Commander of FOCA).**
- 3. Ndayambaje Aimable, alias Limbana (commanded the Bwindi operation).**
- 4. Nizeyimana Wenceslas (Major), based in Kampala.**
- 5. Hakizabera Christopher (Brussels).**
- 6. Nshimiyimana Alexis (Vienna).**
- 7. Kanyamibwa Felicien (United States of America).**
- 8. Higiroy Jean Marie Vianney (United States of America).**
- 9. Mujiyambere.**
- 10. Hakizimana Appollinaire.**
- 11. Mungu Seraphin.**
- 12. Gaston Iyamuremye.**

In particular, whether any of them or of their family members have suffered any human rights abuses in Rwanda or outside Rwanda at the hands of the Rwandese authorities.

A report published by the US Congressional Service, in a section titled “Human Rights Conditions”, refers to five FDLR leaders as follows:

“In March 2009, the United States imposed a travel ban and asset freeze on five FDLR leaders: Sylvestre Mudacumura, Callixte Mbarushimana, Pacifique Ntawunguka, Leopold Mujiyambere, and Stanislas Nzeyimana. The FDLR is a group led by former Rwandan military officers and militia leaders who are accused of being the masterminds of the 1994 Rwandan genocide. The United Nations imposed similar measures against four of the five FDLR members.” (US Congressional Service (8 October 2010) *Rwanda: Background and Current Developments*, p.5)

A Human Rights Watch report, in a section titled “FDLR Responsibility” (sub-section headed “Gen. Sylvester Mudacumura”), states:

“Gen. Sylvester Mudacumura has been the military commander of FDLR forces in eastern Congo since 2003. According to former FDLR combatants interviewed by Human Rights Watch and others, General Mudacumura has clear and immediate command responsibility over FDLR forces. ‘It is

Mudacumura who gives all the overall instructions and commands, and others follow his orders... No operation could ever be done without his consent,' one former FDLR combatant told Human Rights Watch. In another case, a senior FDLR deserter from the Reserve Brigade told UN officials that Lt. Col. Félicien Nzabanita, commander of the Reserve Brigade, which conducted several of the larger attacks on civilians during Umoja Wetu and Kimia II, 'never made any decisions unless they were coming from Mudacumura.'" (Human Rights Watch (13 December 2009) *"You Will Be Punished": Attacks on Civilians in Eastern Congo*, p.81)

An article from Rwandan newspaper The New Times states:

"Kigali estimates the strength of FDLR to be some 3,500-3,800 fighters. The militia is accused of sustaining a campaign of looting, killing, raping and committing other abuses with impunity against Congolese civilians, especially in the volatile North and South Kivu provinces. Its leader, Sylvestre Mudacumura, is wanted for human rights abuses." (The New Times (25 September 2015) Videos: FDLR at heart of fresh talks between Rwanda and DRC)

An Agence France Presse report states:

"Sylvestre Mudacumura, against whom the ICC issued an arrest warrant on Friday, is the hard-nosed military boss of Rwanda's main Hutu rebel group and the leader of its most radical wing. Based in the remote, lawless regions of eastern Democratic Republic of Congo, his Democratic Forces for the Liberation of Rwanda (FDLR) has been a thorn in the side of President Paul Kagame for close to two decades. The International Criminal Court on Friday issued an arrest warrant against the 58-year-old Mudacumura over crimes he allegedly committed in the DR Congo's provinces of Sud-Kivu and Nord-Kivu in 2009-2010. He is accused of 'nine counts of war crimes, consisting of attacking civilians, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging and outrages against personal dignity.'" (Agence France Presse (13 July 2013) Sylvestre Mudacumura, wanted Rwandan Hutu rebel supremo)

A Human Rights Watch report states:

"In 2012, the ICC issued an arrest warrant for the military leader of the FDLR, Gen. Sylvestre Mudacumura, believed to be in eastern Congo, but who continues to evade justice. The guilty verdict underscores the need to arrest the FDLR military commander, whose troops continue to commit horrific abuses in eastern Congo, Human Rights Watch said. Congolese authorities, together with United Nations peacekeeping forces, should urgently implement the ICC arrest warrant and ensure that Mudacumura also faces justice." (Human Rights Watch (28 September 2015) Democratic Republic of Congo: German Court Convicts Two Rwandan Rebel Leaders)

A report by Rakiya Omaar, a consultant to the Rwanda Demobilisation and Reintegration Commission, which is published on the France Rwanda Genocide website, refers to General Sylvestre Mudacumura as follows:

"With respect to the more significant FDLR, (which has a force of about 6,500 in eastern DRC), most of its military and civilian leaders were cited as political

extremists committed to military struggle who were doing all they could to discourage and disrupt repatriation. These men include the head of the FOCA, the FDLR's armed wing, General Sylvestre Mudacumura, alias Mupenzi Bernard." (Rakiya Omaar (10 December 2008) *The Leadership Of Rwandan Armed Groups Abroad With A Focus On The FDLR And RUD/URUNANA*, p15)

This report quotes a former FDLR member as saying:

"They use their subordinates to run their business in minerals, animals and other merchandise. They do everything they can to stop them from leaving in order not to lose their services. An example is Mudacumura; he lives like a king because everyone has to bring him something." (ibid, p.19)

In a section titled "Who Are the Military Leaders?" this report states:

"Virtually every man in the refugee camps in the DRC, who had been a soldier in Rwanda, joined the new military structure of the ex-FAR, with the aim of recapturing power in Rwanda, including the FDLR and RUD commanders of today who had been in the FAR in 1994. For example, General Sylvestre Mudacumura, alias Mupenzi Bernard, the commander of FOCA, was the deputy commander of a battalion in the 21st brigade in Mugunga camp." (ibid, p.32)

This report contains a profile of General Sylvestre Mudacumura which, Under the heading "Current Position in FDLR/FOCA", states:

"Overall commander of FOCA and president of FOCA's high command, he is based in Masisi." (ibid, p.102)

Under the heading "Position / Rank Held in 1994" this profile states:

"He was commander of the 31st battalion (Rutare battalion), which had its base in Rutare and was part of the operational sector of Byumba. After the fall of Byumba to the RPF, he is thought to have fought on Mont Jali before fleeing via Gisenyi" (ibid, p.102)

Under the heading "Activities After Leaving Rwanda in July 1994 to the Present" this profile states:

"Together with his family and two younger sisters, Mudacumura settled in Mugunga camp near Goma. With the military reorganization of the ex-FAR, he was appointed G4 (logistics) of military headquarters based in Lac Vert, near Lake Kivu. He was responsible, above all, for buying weapons, ammunition and other military equipment. He was also a member of the committee in charge of the state properties that had been taken from Rwanda (money, vehicles, documents etc). Mudacumura is one of the officers who helped to create the Rally for the Return of the Refugees and of Democracy (RDR) set up in Mugunga camp." (ibid, p.103)

This section of the profile also states:

“He subsequently left for Bangui in the Central African Republic (CAR) where he worked as a security guard in a supermarket. He was also a member of the committee set up by the Rwandese refugee community. He was detained in the CAR on suspicion of involvement in a coup plot and is said to have been released after intervention by officials from the DRC. He left in March 1999 for the DRC to join forces with Ntiwirigabo, Renzaho and other ex-FAR who were fighting on the side of President Kabila in the war that began in August 1998. He joined the FDLR from the outset and in February 2000, he moved to Pweto and became chief of staff of the new FDLR-ALIR2 structure. After the fall of Pweto in July 2000, Mudacumura was evacuated to safety in Kabongo, and his troops fled to Kamina. He later joined them in Kamina. ALIR2 was restructured and Mudacumura retained the post of chief of staff. In February 2003, Mudacumura and ALIR2, as a whole, arrived in the Kivus to link up with their ALIR colleagues in the east. Mudacumura was chosen as commander of the FDLR/FOCA after General Paul Rwarakabije returned voluntarily to Rwanda in November 2003.” (ibid, p104)

In this report a profile of Wenceslas Nizeyimana states:

“A close ally at the time says that he’s afraid of being implicated in the death of the Belgian UN soldiers killed in camp Kigali where he was based then.” (ibid, pp.174-175)

Under the heading “Activities After Leaving Rwanda in July 1994 to the Present” this profile states:

“In July 1994, Nizeyimana went to live in Mugunga camp in North Kivu, and was immediately hired by the French NGO, Médecins du Monde. In late 1996, he made his way to the interior of the DRC, though not as a fighter. In 1997, he went to Congo-Brazzaville and lived in Lilanga refugee camp, but he did not join the other ex-FAR who fought to return the former president, Sassou Nguesso, to power. In 1999, he crossed over into the DRC to lend a hand to President Laurent Kabila, and was immediately appointed as the head of Mboka Battalion, which fought in the Equateur region, especially in Bokungu and Ikela. In 2001 his battalion was ordered to Kitona where they were confined for a year. They were then sent to Kamina where they linked up with other Rwandese battalions of ALIR 2. Still under the command of Nizeyimana, the battalion changed its name to Diondo.” (ibid, p.175)

This section of the profile also states:

“Nizeyimana was subsequently named as a liaison officer based in Kampala, to liaise with both Murwanashyaka and the FDLR in North Kivu. He left North Kivu for Kampala in March 2004, with the rank of a major. While in Kampala, he earned a reputation for his political and diplomatic skills. He was later arrested in Uganda and went back to eastern Congo. Although previously close to Mudacumura, after the rupture between Mudacumura and Musare, Nizeyimana joined forces with Musare.” (ibid, p.176)

A section of this report titled “Summaries on Other Individuals” states:

“On 31 March 2005 the FDLR signed an agreement in Rome, facilitated by the St. Egidio Community, in which they agreed to lay down their arms. Until then, the FDLR had a clear structure in Belgium. Its members included Gilbert

Nyatanyi, the spokesperson for the FDLR in Belgium; Anastaste Munyandekwe, the FDLR commissioner for information and overall spokesman based in Belgium; Joseph Ngirabanzi, a former FAR officer who works as a civilian in the police force in Brussels, and Christophe Hakizabera.” (ibid, p.192)

A section of this report titled “Who Are the Civilian Leaders?” states:

“The president of RUD, Jean Marie-Vianney Higiro and its executive secretary, Félicien Kanyamibwa, both live in the United States, and are US citizens.” (ibid, p.33)

Under the heading “Précis of Involvement / Suspected Involvement in the Genocide” a profile of Félicien Kanyamibwa states:

“Kanyamibwa was living in the US during the genocide.” (ibid, p.217)

Under the heading “Whereabouts and Current Position in RUD” a profile of Dr. Jean Marie-Vianney Higiro states:

“President of RUD/URUNANA, Higiro is based in Massachusetts, USA, where he is a professor in the Department of Communications at Western New England College in Springfield.” (ibid, p.216)

Under the heading “Position / Rank Held in 1994” a profile of Colonel Léopold Mujambere states:

“Mujambere was part of the advance party that travelled to Arusha, Tanzania, ahead of President Habyarimana’s visit to Arusha on 6 April 1994. His claim that he never returned to Rwanda merits investigation.” (ibid, p.145)

Under the heading “Position / Rank Held in 1994” a profile of Brigadier-General Appolinaire Hakizimana states:

“national gendarmerie as commander of the 53rd battalion in Byumba OPS. But after April, he was brought back to Kigali to work as the G2 (military intelligence) at the headquarters of the national gendarmerie.” (ibid, p.65)

See also section headed “Activities After Leaving Rwanda in July 1994 to the Present” which states:

“He lived in Mugunga camp in Goma, and became the S2 in the 3rd brigade of the second division. He was the G2 of ALIR. From 1998 until 2002, he was the deputy chief of staff of ALIR in Masisi. He then became the deputy commissioner for defence and security of the FDLR from 2002-2005 when he was appointed the commissioner for defence and security.” (ibid, p.66)

In the section titled “Summaries on Other Individuals” this report refers to an individual named Séraphin Bizimungu as follows:

“The major referred to above is Séraphin Bizimungu, a FOCA officer who was in favour of the accord signed in Rome. In June 2005, he broke ranks with his colleagues in eastern Congo over their opposition to the agreement. He,

together with two other officers, established what they called the Military Command for Change, CMC-FOCA. The others, who were also expelled in August 2005, built on Bizimungu's initiative to announce their adherence to FDLR-CMC, intended as the political arm of CMC-FOCA. A few months later, Bizimungu returned to Rwanda and his two fellow-officers in the DRC left for Zambia." (ibid, p.192)

A profile of Brigadier-General Gaston Iyamuremye, under the heading "Current Position in FDLR/FOCA" states:

"Iyamuremye is the 2nd Vice President of the FDLR, and is based in Kibua, Masisi." (ibid, p.63)

The number of the individuals listed in the December 2003 letter are mentioned in various report.

A report from the Rwanda News Agency states:

"A senior official with the Rwandan militias in DR Congo - who Rwanda says is among the 'hardliners wing', is under investigation by the US Department of Homeland Security, RNA can exclusively reveal. Dr. Félicien Kanyamibwa – living in the State of New Jersey and working with pharmaceutical company, Hoffman-La-Roche based in Nutley, stands accused of having links with the Democratic Forces for the Liberation of Rwanda – FDLR." (Rwanda News Agency (12 December 2008) *US government investigating FDLR official*)

An article from The New Times states:

"Kigali accuses Ugandan government officials for collaborating with anti-Rwanda elements staying in Uganda, including senior leaders of the Forces for the Democratic Liberation of Rwanda (FDLR) rebels. Rwanda identifies some of the dissidents using Ugandan passports as the detained FLDR leader Dr Ignace Murwanashyaka, and Maj. Protais Mpiranyi alias James Kakure, a former Commander of the Presidential Guard Brigade under late Juvenal Habyarimana's government. Others include Col. Aloys Ntiwiragaba alias Omar Bar, Christophe Hakizabera and Rafiki Nsengiyumva a.k.a John Muhindo." (The New times (26 April 2006) *Rwanda: Uganda 'Deepens' Probe Into Dissidents' Passport Saga*)

An article from The Economist states:

"On one side is 'The Sun of the Great Lakes', a thrice-weekly programme in Kinyarwanda, Rwanda's lingua franca, independently produced but transmitted, via short wave, by an independent station using Austria's state radio facilities. The host at Radio Sun, as it is known, is Alexis Nshimiyimana, a Hutu who also happens to be a former spokesman for the Forces for the Democratic Liberation of Rwanda (FDLR), the political wing of the rebels in Congo." (The Economist (29 March 2003) *The war of the airwaves*)

An Agence France Presse report states:

"A radical splinter group of Rwanda's main Hutu rebel organization in the Democratic Republic of Congo on Tuesday denied allegations it was behind a

massacre in the eastern DRC late last month. The Rally of Democratic Forces for the Liberation of Rwanda (R-FDLR) said it had no fighters in the DRC and could not have been responsible for the brutal slaying of at least 12 people on March 29 reported by UN officials on Monday. 'We have no troops in Congo, our troops are in Rwanda,' the group's secretary general Felicien Kanyamibwa said by phone from the US state of New Jersey." (Agence France Presse (26 April 2005) *Rwandan Hutu rebel splinter group denies DRC massacre allegations*)

A report from the US States News Service states:

"Today, March 3, the UN Security Council Sanctions Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (DRC) designated four leaders of the Democratic Forces for the Liberation of Rwanda (FDLR). Those designated by the Committee are subject to an asset freeze and travel ban. The individuals designated include: Callixte Mbarushimana, Stanslas Nzeyimana, Pacifique Ntawunguka, and Leopold Mujyambere." (States News Service (3 March 2009) *United States and United Nations Sanctions on Top Leaders of Democratic Forces for Liberation of Rwanda*)

An Agence France Presse report states:

"A Rwandan court on Thursday sentenced a former rebel leader, Seraphin Bizimungu, to life for his role in the country's 1994 genocide which claimed some 800,000 lives, his family said. A traditional 'gacaca' court in the country's east passed the sentence, the toughest since the death penalty was scrapped in 2007, they said, speaking over the telephone. The court upheld an earlier life sentence passed on December 18. Bizimungu, a self-styled general and a former commander of the Democratic Forces for the Liberation of Rwanda (FDLR) rebel group, was found guilty of being responsible for the massacre of Tutsis in the eastern region of Nyagatare. At the time he was a junior officer in the army. He joined the FDLR rebel outfit in June 2005 and tried to become its leader. He returned to Rwanda from exile in December 2005 and was inducted into the army again." (Agence France Presse (29 January 2009) *Rwandan court sentences ex-rebel to life for genocide*)

A report from the Rwandan news agency KT Press, in a paragraph headed "Kill Tutsis everywhere", states:

"FDLR ideologue Dr. Félicien Kanyamibwa, lives in the State of New Jersey and working with a pharmaceutical company, Hoffman-La-Roche based in Nutley. His counterpart Dr. Jean Marie Vianney Higiroy is a professor in the Department of Communications in Western New England College in Springfield, Massachusetts. They lead an affiliate of the genocide militia." (KT Press (23 July 2015) *Tracing Rwanda's Most Dangerous Criminals Roaming Freely*)

In a paragraph headed "Nordists or Sudists" this report states:

"According to correspondence within the UN Security Council, Dr. Félicien Kanyamibwa is Number 7 on a list of 12 individuals described as the FDLR 'hardliners'. All men, the political guardians of the group are common faces. EU governments know them, but choose to look away. Christopher

Hakizabera lives quietly in Brussels and so does Alexis Nshimiyimana in Vienna.” (ibid)

See also paragraph headed “The World Bank supports” which states:

“Jean Marie Vianney Habumuremyi 40, escaped from the FDLR in 2001. From Rwf 300,000 (\$400) startup fund provided by the government, he is worth more than Rwf150m some ten years later.” (ibid)

Information on the treatment of the twelve individuals or their family members by the Rwandan authorities was not found among sources available to the Research and Information Unit.

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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