



REPUBLIC OF RWANDA

MINISTRY OF FOREIGN AFFAIRS AND COOPERATION

Kigali, 03 AUG 2010
N° 0482/09.01/Cab.Min/2010

Ban Ki-Moon
Secretary-General of the United Nations
Executive Office of the Secretary-General (EOSG)
New York

Re: DRC Mapping Exercise – *Mapping of the most serious human rights and international humanitarian law violations committed in the Democratic Republic of Congo between 1993 and 2003*

Dear Mr. Secretary-General,

Thank you for taking the time to meet with President Kagame and me during the recent Millennium Development Goals (MDG) meeting in Madrid.

At that time, we shared with you our deep concern about a report, entitled DRC Mapping Exercise – Mapping of the Most Serious Human Rights and International Humanitarian Law Violations Committed in the Democratic Republic of Congo Between 1993 and 2003, that the Office of the High Commissioner for Human Rights has circulated for comment.

Having examined the report in detail, we believe it is not only fatally flawed but an embarrassment to the United Nations, an organization which under your leadership strives for honesty, integrity and transparency. The report's allegations – of genocide, war crimes and crimes against humanity – are extremely serious. However, the methodology, sourcing and standard of proof used to arrive at them most certainly are not.

Beyond the document's errors and omissions -- which are too many to enumerate, we believe it is patently absurd for the UN, which deliberately turned its back on the Rwandan people during the 1994 genocide, to accuse the army that stopped the genocide of committing atrocities in the Democratic Republic of Congo. The fact that these allegations are the result of apocryphal and one-sided reporting only adds insult to injury.

Moreover, at a time when the Great Lakes Region is making remarkable progress in establishing peace, security and economic collaboration, the appearance of this "report" under the guise of human rights can only be regarded as a cynical and dangerous attempt to destroy hard won gains.

We, therefore, ask that you help ensure that DRC Mapping Exercise is dismissed.

Sourcing

According to the Office of the High Commissioner for Human Rights, the Mapping Exercise was "expected to be the first and only comprehensive United Nations report documenting major human rights violations committed within the territory of the DRC between 1993 and 2003."

Given the gravity of its mission, the Mapping Team's failure to consult with Rwanda in the course of its investigation is shocking and demonstrates a complete disregard for fundamental fairness. Representatives of the United Nations High Commissioner for Human Rights' office showed up in Kigali in July 2010, delivered a 535-page fait accompli and merely asked for "comment."

Even the greenest of journalists knows to run an allegation by all sides to verify its accuracy. Why such due diligence eluded a team of supposedly seasoned human rights investigators is hard to fathom.

Interestingly enough, the Team found time to meet "with over 200 NGO representatives to present the Mapping Exercise and request their collaboration." Investigators also spent six months in the DRC traveling the country, meeting officials and interviewing witnesses.

We find it puzzling that they could not spare a week to visit Rwanda to test the veracity of allegations concerning the activities of Rwandans.

What is more, the Team's reliance on the work of certain NGOs – with their track record of dubious reporting, confusion about the laws of war and tendency to conflate *lex lata* with *lex ferenda* – further undermines the findings.

While NGOs are entitled to their opinions, their work should not form the basis of genocide or war crimes allegations against Rwanda or any other nation and in any case the UN should not be in the business contracting out its investigative authority to unaccountable actors.

Standard of Proof

By its own admission, the Mapping Team “was not concerned with pursuing in-depth investigations or gathering evidence of sufficient admissibility to stand in court, but rather to ‘gather basic information on incidents uncovered.’”

For this reason, the report notes, “the level of evidence required was naturally lesser [sic] than would be expected in a case brought before a criminal court. It was not a question, therefore, of being satisfied beyond all reasonable doubt that a violation was committed but rather having reasonable suspicion that the incident did occur.”

In other words, UN investigators employed the lowest evidentiary standard to investigate claims – which they transformed into allegations – that Rwanda and other parties committed genocide and war crimes in the DRC.

Rwandans know a thing or two about genocide and war crimes, having lost one million of our countrymen in the course of one hundred days. To accuse Rwanda of comparable crimes without “in-depth investigations or gathering evidence of sufficient admissibility to stand in court” is incredibly irresponsible.

If the UN needs proof of war crimes in Congo, it need look no further than its own peacekeepers (MONUC) who, as you may recall, have (1) engaged in sexual slavery, sexual assault and sex trafficking; (2) traded food for sex; (3) forced sex on civilians, and (4) dabbled in child prostitution and child pornography. Such acts on the part of MONUC are defined as war crimes under Article 8(e)(vi) of the Rome Statute of the International Criminal Court.

Conclusion

The wars in Congo were costly for all concerned. However, in the years since, Rwanda and the DRC – oftentimes in spite of the international community – have worked to build a partnership that is forward looking. Sadly, as evidenced by the Mapping Exercise, some in the UN appear intent on looking the opposite direction.

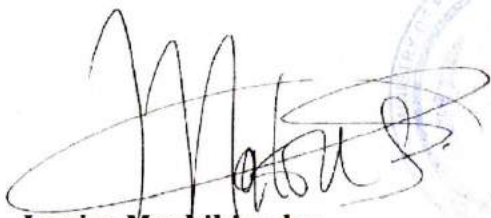
The timing of the report only heightens these suspicions as it is being circulated on the eve of Rwanda’s presidential election and at a time when Congolese officials are calling for MONUC to close up shop.

No country takes allegations of genocide more seriously than Rwanda. Where credible evidence of such conduct exists, Rwanda will pursue it vigorously to ensure that the impunity we have witnessed in other countries has no place in our own.

We reiterate here what we have already told the High Commissioner; namely that attempts to take action on this report – either through its release or leaks to the media – will force us to withdraw from Rwanda’s various commitments to the United Nations, especially in the area of peacekeeping.

We look forward to hearing from you on this important matter.

Yours sincerely,



Louise Mushikiwabo
Minister of Foreign Affairs & Cooperation



Cc:

H.E. the President of the Republic of Rwanda
Kigali

The Right Honourable Prime Minister
Kigali

Hon. Minister of Justice/Attorney General
Kigali

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Geneva