

**INTERNATIONAL RESIDUAL MECHANISM FOR  
CRIMINAL TRIBUNALS**

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**Before: Judge Graciela Gatti Santana, President**

**Registrar: Mr Abubacarr M. Tambadou**

**Date: 20 June 2026**

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| <b>EXTREMELY URGENT</b> |
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**THE PROSECUTOR**

**Versus**

**Elie NDAYAMBAJE**

**Case no. ICTR 96-8, MICT-15-90-ES.1**

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**ELIE NDAYAMBAJE'S APPLICATION FOR EARLY RELEASE  
(Public Filing)**

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**Office of the Prosecutor:**

Mr Serge Brammertz

**Defence Counsel:**

Mr John Philpot

## **I. INTRODUCTION**

1. The Applicant hereby submits before Judge Graciela Gatti Santana this application for the early release of Elie NDAYAMBAJE, on the basis of the Practice Direction on the Procedure for Determining Applications for Pardon, Commission of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY or the Mechanism of 1 July 2024.

## **II. FACTUAL CONTEXT**

2. Elie NDAYAMBAJE was accused of genocide and other crimes against humanity committed in his village in Rwanda. On 28 June 1995, he was arrested in Belgium, the country where his family resides. He was transferred to Arusha, the seat of the International Criminal Tribunal for Rwanda (ICTR). He was tried and, on 14 December 2015, he was sentenced to 47 years' imprisonment by the ICTR Appeals Chamber.
3. Pursuant to the Agreement between the Government of the Republic of Senegal and the United Nations on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda, Elie NDAYAMBAJE is currently serving his sentence in Senegal, where he has been since 6 December 2017.
4. Under this Agreement (Article 3, paragraph 2), detention conditions are governed by Senegalese law and, with regard to provisional release, pardon and commutation of sentence, Senegalese law is applicable to the Tribunal's convicted persons, following prior approval from the Tribunal (*see* Agreement, Article 8, paragraph 1).
5. Based on Senegalese law on early release, on 18 March 2019, Elie NDAYAMBAJE submitted a request for early release to the Senegalese authorities, having served half his sentence, which is to say 23 and a half years. Their response to this request was positive and they referred it to the Mechanism for "prior approval".
6. In his decision of 15 November 2021, "Decision on the applications for early release and commutation of sentence of Élie Ndayambaje", the President of the Mechanism recalled that:

**CONSIDERING** that, although Senegal has indicated that the Senegalese Advisory Committee favourably considered a request by Ndayambaje for “conditional release”, the early release of persons convicted by the ICTR, the ICTY, or the Mechanism falls exclusively within the discretion of the President, pursuant to Article 26 of the Statute and Rules 150 and 151 of the Rules;

**CONSIDERING** that the commutation of sentence of persons convicted by the ICTR, the ICTY, or the Mechanism likewise falls exclusively within the discretion of the President, pursuant to Article 26 of the Statute and Rules 150 and 151 of the Rules;

**CONSIDERING** that, as Ndayambaje will not have served two-thirds of his 47-year sentence until June 2025,<sup>19</sup> he is not yet eligible to be considered for either commutation of sentence or early release by the Mechanism.

7. In his letters of 10 April 2025 and 27 April 2026 sent to the Minister of Justice and *Garde des Sceaux* of the Republic of Senegal, Elie NDAYAMBAJE requested the Minister’s intervention with the Mechanism in order to renew the application for early release, still based on the Minister’s positive opinion, now that two thirds of the sentence have been served.

### III. ELIGIBILITY

8. According to the Practice Direction, “a convicted person serving a sentence under the supervision of the Mechanism will generally be eligible to be considered for early release only upon having served two-thirds of his or her sentence as imposed by the ICTR, the ICTY, or the Mechanism”. Furthermore, the Mechanism’s consistent jurisprudence deems two thirds of a sentence of more than 45 years or a life sentence to have been served after 30 years’ imprisonment.
9. Elie NDAYAMBAJE has therefore been eligible for early release before the Mechanism since 28 June 2025, as stated in the decision of 15 November 2021. Under Senegalese law, he has been eligible since 2019.

### IV. ARGUMENTS

10. The applicant would refer to the Senegalese authorities, based on their positive opinion regarding his previous application, which, in their wisdom, they considered and granted, in keeping with the Republic of Senegal’s Code of Criminal Procedure.

## V. HUMANITARIAN REASONS

11. As a result of his lengthy imprisonment and advanced age, Elie NDAYAMBAJE's health has seriously deteriorated. He suffers from several ailments. He has undergone numerous surgeries and lives with serious neurological problems. This can easily be confirmed by consulting the attending physician. Early release would make adequate medical care in specialised hospital centres much easier than in a prison environment.
12. The situation would be very different in the event of being transferred to Rwanda.
13. The applicant strongly rejects any transfer to Rwanda where it is certain he will be mistreated. He is hated by the Rwandan Patriotic Front regime, as evidenced by the attached article entitled "Epistle from Élie or the Whining of an Unrepentant Genocidaire", by Philibert Muzima, one of the great polemical writers of the Kagame dictatorship.
14. In Rwanda, he will not have access to a neutral assessment of the consequences of his lengthy incarceration or of what he has learned through his incarceration.

## VI. ADDITIONAL INFORMATION

15. The applicant remains available to provide any information at his disposal that the President of the Mechanism may need in order to process this application.

## VII. REQUEST

**FOR ALL THESE REASONS, MAY IT PLEASE YOU, MADAM PRESIDENT, TO:**

- ADMIT THIS APPLICATION**
- GRANT EARLY RELEASE TO ELIE NDAYAMBAJE AFTER AN INVESTIGATION.**

Montreal, 20 June 2026

/signed/

John Philpot, Attorney-at-Law  
**Defence Counsel**

***Epistle from Elie or the Whining of an Unrepentant Genocidaire***  
**By Philibert Muzima**

***A Rwandan genocidaire has written to Pope Francis. His name is Elie Ndayambaje. He was the bourgmestre of Muganza commune, which includes most of the Catholic parish of Mugombwa, in southern Butare. He was sentenced to 47 years in prison for genocide against the Tutsi by the International Criminal Tribunal for Rwanda (ICTR). Having exhausted all legal avenues, he addressed an open letter to Pope Francis. The letter was signed in the prison in Arusha (Tanzania) on Maundy Thursday 2016. In his letter to Pope Francis, the genocidaire does not confess his sins against God's Sixth Commandment. He persists in denying his involvement in the deaths of tens of thousands of Tutsi, including thousands within the Mugombwa parish church itself. Far from repenting and begging for absolution from the Holy Father, he instead accuses his victims of being the architects of their own misfortune and presents himself as a victim of armed attacks! This is the reaction of a survivor of Mugombwa and author of the book "Soaked in Their Blood, Engraved with Their Names" published in France in April 2016 by Izuba.***

***"Prisons will cure many sick minds; they will always be powerless against incorrigible depravity."*<sup>1</sup>**

This is the conclusion to be drawn from the case of Elie Ndayambaje, an unrepentant genocidaire, who, after more than twenty years in prison shows absolutely no trace of any remorse nor even the slightest repentance. This conclusion is inescapable upon reading the open letter that the worst genocidaire from Mugombwa, and possibly the whole Gisagara region, sent to His Holiness Pope Francis, on 24 March 2016. Sitting comfortably in front of his computer in the palatial surroundings of the ICTR Detention Centre in Arusha, Tanzania, he maintains his innocence and wants his hands washed of Tutsi blood by none other than Pope Francis himself.

Ironically, or perhaps by some petty and devilish twist of fate, on the very day when the genocidaire Ndayambaje signed his letter, Pope Francis was washing – not bloodstained hands like those of Ndayambaje – but the feet of migrants seeing a land of peace. It is worth noting that on Maundy Thursday of the preceding year, the same Pontiff had washed the feet of prisoners. Surely, Elie Ndayambaje, a Protestant, must be unaware that on Maundy Thursday, ministers of the Catholic Church, including the Pope, the *primus inter pares*, only wash feet.

***If a prisoner remains unrepentant after twenty years in prison, there is a high risk of reoffending.***

Elie Ndayambaje was arrested on 28 June 1995 in Belgium and transferred to the United Nations Detention Centre in Arusha, Tanzania, on 8 November 1996. On 24 June 2011, he was sentenced to life imprisonment, found guilty by the ICTR of direct and public incitement to commit genocide, genocide, extermination constituting a crime against humanity and attacks on life, outrages against human dignity and other inhumane acts constituting war crimes.

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<sup>1</sup> Van Hoorebeke, Émile; *De la récidive dans ses rapports avec la réforme pénitentiaire*, C. Annoot-Braeckman, 1846, p. 373

In its judgement of 14 December 2015, the Appeals Chamber reduced his sentence from life to 47 years in prison, finding that his right to trial within a reasonable period of time had been violated. He has now spent a total of 20 years in prison in Arusha. The early release of Alphonse Nteziryayo, another genocidaire from Mugombwa, fed Elie Ndayambaje's hope of the possibility of his own early release. It was the day after the ICTR Registrar made public the decision to release Alphonse Nteziryayo that his co-accused took his case to the Pope!

Sentenced on appeal to 47 years' imprisonment, Ndayambaje's case has been heard, and he is well aware that the principle of *res judicata* prohibits challenging a judgement except through the established avenues providing for this. The problem is that he has no other recourse except to divine justice. Consequently, he is mistaken in appealing to the Pope rather than to God himself. He would be better advised to hasten his journey to plead his case before God. That way, he will be dealing with God directly, not with his saints, much less his ministers!

In his "Epistle to the Pope", the genocidaire Elie Ndayambaje speaks of an "unjust conviction... based on a single unreliable witness" and a manoeuvre by the Rwandan authorities, who were supported by the judges. His letter focuses on the form of the matter while turning a deaf ear to its substance: Elie Ndayambaje's involvement in the genocide of the Tutsi in Mugombwa and in the wider Gisagara region.

His guilt was proven, confirmed, and pronounced by the judges of an international criminal tribunal – a competent, independent, and impartial court. His trial was therefore entirely in accordance with Article 10 of the Universal Declaration of Human Rights, which stipulates that: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

But Ndayambaje lies through his teeth. He lies, for example, that at the end of 1992, he resigned from his position as bourgmestre of Muganza to pursue his studies. He notably fails to mention that, under pressure from opposition parties, he was ousted, like other extremist anti-Tutsi bourgmestres such as Juvénal Kajelijeli of Mukingo or Fidèle Rwambuka of Kanzenze, to name just two. Ndayambaje could only wait for the chaos of the genocide and the decapitation of the opposition parties' leaderships to reclaim his position and officially establish himself as the true executioner of Mugombwa, a dirty job he had already been doing since April 1994.

It is wicked to lie to the Pope that the two European clergymen, despite being very close to genocidaires, were threatened with death by the very people they armed, while simultaneously disarming the Tutsi and then herding them into the church where they were massacred. And to think that the Protestant pastor Etienne Uwajyiwabo had taken up residence in the Muganza commune office as a refugee!

Here is the testimony of a survivor regarding the remarks made by Pastor Etienne Uwajyiwabo during the genocide: "I just overheard a conversation between a man named Etienne, a Protestant pastor, and other militiamen. They want to get rid of our Tutsi children. Etienne says that he should not feed the little cockroaches, the little snakes in a Hutu camp, '*sinshaka inzoka mu nkambi y'abahutu*' /I don't want snakes in the Hutu camp/. This did not

surprise me. When I met him, he was taken aback and barely concealed his anger: ‘How is it that you’re alive?’ ‘What are you doing here?’”.<sup>2</sup>

Surely, by mentioning his own pastor’s name, the genocidaire knew full well that Pastor Etienne would not reveal that, having left his Anglican parish a scene of ashes and bloodshed, he had joined his flock, who had taken over and transformed the Muganza commune offices into a headquarters from which it was coordinating activities aimed at massacring the Tutsi, and therefore, by his very presence, conferring upon it a kind of blessing in its genocidal enterprise.

He had thus succeeded in uniting the representative of moral authority, as well as all the Europeans working in the region, to his cause. This is what he had done with the Italian Father Tiziano Pegoraro of the Catholic parish, and even with the Belgians, Brother Stan Constant Goetschalckx and Ms Monique Vermandele. This shows that the close relationship between the Church and the MRND government was not limited to the party’s Central Committee, on which the Archbishop of Kigali had a seat!

When Elie Ndayambaje speaks of his presence in the main town of the neighbouring commune of Kibayi, the criminal carefully avoids mentioning that he was there to lend a hand to his former – and soon-to-be – colleague and accomplice in genocide, bourgmestre Pierre Canisius Kajyambere, in their shared work of ethnic cleansing. Emboldened by the results of the extermination in Muganza commune, Elie successfully exported his expertise to Kibayi, because there too, as everywhere else, no Tutsi was to survive.

It is from there that he was to return, he says, during a lull in the violence! Good heavens! What lull is he talking about? The end of the ethnic cleansing – is that what he calls a lull in the violence? It was thanks to this lull in the violence that he was rewarded by the puppet government of Doctors Kambanda and Sindikubwabo, the self-proclaimed “*Leta y’abatabazi*” /caretaker government/. In reappointing him bourgmestre of Muganza, the puppet government was grateful for the “work” he had accomplished and assigned him on the one hand the role of open-air cemetery manager, since he exercised his new official functions only over the dead bodies of thousands of Tutsi, and on the other hand the role of leader of the devilish Hutu criminals, officially occupying his Pandemonium, the capital of Hell that he had established, as Devil-in-Chief, in the Muganza communal office atop Mount Remera.

He then claims to have hidden and saved Clarisse Kankesha, daughter of Félicien Niyonsaba, and that she is akin to a calling card to demonstrate his humanitarianism! It is common knowledge that many other genocidaires, such as Dr Theodore Sindikubwabo and even Colonel Théoneste Bagosora, were careful to leave one or two Tutsis alive to use them later as exculpatory evidence or simply to ease their consciences. Indeed, the mantra was “leave none to tell the story”. Saving one was therefore an exception that proves the deadly rule.

Even after more than twenty years in prison, Mr Ndayambaje remains impenitent, unrepentant, and without any remorse. He attributes his conviction by the International Criminal Tribunal for Rwanda to his victims, whom he calls a “syndicate of informers”, while at the same time calling his accomplices in the crime as witnesses. And he is astonished that the judges gave no credence to the exculpatory testimonies given by other genocidaires!

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<sup>2</sup> Mukantabana, Adélaïde; *L’Innommable-Agahomamunwa*, L’Harmattan, Paris, 2016, p. 348

He would undoubtedly have preferred the judges to rule that the more than 40,000 deaths in the greater Mugombwa region resulted from a collective suicide pact. That neither he nor other genocidaires were guilty of anything, that they were innocent of the blood spilled in Mugombwa and the surrounding area.

In his lack of repentance, Elie Ndayambaje shows the unmistakable signs of an enormous risk of repeat offending, something that does not plead his side well, even before divine justice. His lack of repentance rather vindicates Émile Van Hoorebeke, who said: “Prisons will cure many sick minds; they will always be powerless against incorrigible depravity”.

### **Everyone Out!**

*Everyone Out* is the title of Yves Thériault’s book, published in 2005 in Quebec by Libre Expression. The book is the product of an investigation into release on parole in Quebec and its dramatic consequences for society. It notably deals with the case of an unrepentant criminal named Mario Bastien. A convicted paedophile, granted temporary release from the Trois-Rivières Detention Centre, he took advantage of the situation to kidnap, sexually assault, and then brutally murder 13-year-old Alexandre Livernoche. This occurred in August 2000.

In the content of this book, it is understandable to be outraged by the provisional releases of those convicted in Arusha, which clearly show no concern for public order or the victims of these criminals, but rather for getting “everyone out” as soon as possible. The fact that the criminals tried and convicted in Arusha are unrepentant genocide deniers who exhibit serious signs of a risk of reoffending is disregarded by the UN Mechanism for International Criminal Tribunals. Its only aim is to empty the prisons, wipe the slate clean, and close the book. The UN Secretary-General must be chuckling to himself as he watches Rwanda relentlessly attack Judge Theodor Meron while he zealously implements the organisation’s policies!

When Mugombwa’s most notorious genocidaire wrote his letter, he had just spent 21 years behind bars, 20 of which preceded his final conviction. In many democratic countries, any criminal who has served two-thirds of their sentence is eligible for parole. The same is true for the UN Mechanism for International Criminal Tribunals, which, for example, released another Mugombwa genocidaire, Colonel Alphonse Nteziryayo, after only 17 years of the 25-year sentence he was supposed to serve.

If the UN Mechanism for International Criminal Tribunals, which took over from the International Criminal Tribunal for Rwanda, continues to extend its leniency to genocidaires convicted in Arusha, following the overly lenient sentences handed down by the ICTR, then Ndayambaje could very soon be eligible for provisional release.

If the life sentence in Elie Ndayambaje’s case had been upheld on appeal, he would have been behind bars for at least 25 years from the date of his sentencing. Normally, if an offender is sentenced to life imprisonment, their eligibility date is set by the court at the time of sentencing.

In cases of first-degree murder, the offender must automatically serve at least 25 years before being eligible for parole. The count begins on the day the sentence is pronounced; the years already served before conviction are not taken into account. The clock is reset, and the criminal is locked up for at least the next twenty-five years. With his sentence commuted

from life imprisonment to just 47 years, Elie Ndayambaje regained hope of one day being free.

Since the Tribunal did not specify the minimum number of years to be served before eligibility, the two-thirds rule will apply, and, even worse for his victims, this will be retroactive to his arrival at the United Nations Detention Centre in Arusha, Tanzania. Of the 47 years he should have been imprisoned, he will therefore serve a maximum of 31.

It seems to me, then, that this is what is in store for the man born on 8 March 1958, who, in his sixties, will be able to walk as a free man, the crime of genocide that claimed the lives of more than 40,000 Tutsis in the greater Mugombwa region no longer weighing on him.

***What cause is he then pleading with the Pope?***

He may be eligible for release, but the problem of a host country will inevitably arise later. Many acquitted defendants or genocidaires who have served their sentences still struggle to find asylum. They do not want to return to live peacefully in Rwanda like anyone who is no longer charged with genocide – the principle of double jeopardy – for the former, or like any criminal who has served their sentence and finished paying their debt to society, for the latter.

They prefer to live in a no man's land, even though they are not stateless. "Sitting at his desk in a secure house in a quiet neighbourhood of Arusha (northern Tanzania), Prosper Mugiraneza looks at family photos from before his arrest in Cameroon in 1999", reported AFP in a report titled "Rwandan Genocide: ICTR Acquitted Adrift in Arusha," published in late 2014. The same report emphasises that about ten former detainees, acquitted or having served their sentences, have nowhere to go, as none of them want to return to Rwanda.

"Nine of the 11 Rwandans forced to live together in this large villa in Arusha, protected by an outer wall topped with electrified wires, want to get to Europe, where their families live. Two would like to go to Canada." Added to these are Alphonse Nteziryayo, released in December 2015, as well as Father Emmanuel Rukundo and Ferdinand Nahimana, released in December 2016.

Whether acquitted or released, everyone wants to go and live the good life in the West. For the former detainees, life in the West boils down to one thing: eternal parasites, since they will never be able to work to earn a living, and the UN Mechanism for International Criminal Tribunals helps them in their idleness. No effort is made to persuade them, let alone force them, to return to Rwanda, even if it means demanding guarantees of security from the Rwandan state and the right to be free from prosecution for the same offences for which they have either served their sentences or been acquitted by the ICTR.

In December 2014, the Registrar of the ICTR, Bongani Majola, was categorical: "None of them are supposed to remain in Tanzania. And there is no question of returning to Rwanda: they no longer have family there and fear for their safety". After handing them derisory sentences that they do not even serve in full, the United Nations renders them stateless. The UN is unable either to find host countries to grant them refugee status or to return them to their countries of citizenship. It therefore helps them prolong their stay in Arusha, lavishly paid for by member states. To add cynicism to hypocrisy, Mr Majola chimes in: "In a national system, when you are tried and found not guilty, society takes you back", before adding that

“international criminal justice, supposedly better [...], continues to deprive them of their rights since they cannot live freely”.

He does not say how international criminal justice “continues to deprive them of their rights since they cannot live freely”. Nor does he say whether the UN has made any effort to help them return to Rwanda, which has not refused to take them in. In Rwanda, at least, they could cultivate their land and rebuild their lives, the very lives they denied to hundreds of thousands of Tutsis in 1994.

But our former prisoners either do not want, or are unable, to work anymore, if we are to believe the offenders from my hill from before the genocide, the hill of Linda, “*Urugo rubi rurutwa na gereza*” meaning that a bad home is worse than prison. One of these offenders was called Ndayisaba, son of Tinyabo. He was our next-door neighbour. He had spent most of his adult life behind bars. Between his two stays in Karubanda prison, he lived in a hovel made entirely of straw.

When he failed to get his hands on a bunch of bananas or something else and therefore had nothing to eat, he would spend the night yelling and insulting us, saying he could kill us and go back to his cell in Karubanda where his daily ration was guaranteed. Among the insults he hurled at us for no reason, one remains forever etched in my memory. He said that ruins are preferable to bad neighbours (*Umuturanyi gito arutwa n’itongo!*). I do not remember if he was still alive and/or in prison in April 1994, but otherwise, he would at least have had our ruins as neighbours.

Life is good in Arusha, isn’t it? Much better than Karubanda prison for my neighbour Ndayisaba. If the West (France, Belgium, or Canada) does not take them in, they prefer to remain stateless, lavishly fed and treated like princes in a no man’s land in their Tanzanian castle.

Elie Ndayambaje, who will be in his sixties when he leaves prison, with a lengthy criminal record, has no chance of earning a living. He will be perpetually dependent on welfare. His native Rwanda, lacking the financial means to offer him the luxuries to which the United Nations has accustomed him, will loudly proclaim that he risks death, torture, or even another trial for the same crimes (*bis in idem*) if he were to return to Rwanda.

But the reality is that, after spending more than twenty years leeching off the very international community he has devastated with the worst crimes against humanity, he does not want to spend the rest of his life languishing in abject poverty in Cyumba, Mugombwa, or even Burundi, should he decide to return to the place where his father, Misake Sizaniro, was born.

Roughly speaking, this is why he is addressing the Pope, the head of the Catholic Church, of which he is not even a member. He is thus beginning a series of letters to raise awareness among the Schengen Area countries, hoping that one day they will open their borders so he can join his family in Belgium.

Through this open letter to the Holy Father, the Mugombwa genocidaire is aiming to portray himself as a kind man, innocent of our blood, and harmless in the future. This is therefore a preamble to signify that he deserves a safe haven in Belgium, where he would live at the expense of the Flemish taxpayer in particular, and the Belgian taxpayer in general.

Knowing full well that his tribulations will not be over upon his provisional release, he deems it wise to start circulating open letters early, aiming first for the highest echelons of society, hoping that even the most humble Pope will extend a hand to the poor but not sinful Elie, that he will swallow the lies and take him at face value!

### **Cowardice and Careerism**

Returning to Elie Ndayambaje's letter and the likely true reasons behind its writing and choice of recipient, one must believe that he has the most cowardly motives for proclaiming his innocence, coupled with abject careerism. When released from prison, the genocidaire Elie Ndayambaje lacks the courage to look his now-adult children straight in the eye and tell them:

- Yes, I massacred thousands of people;
- I killed children who were the same age as you in 1994;
- I massacred mothers like yours, including her colleagues in the *Ababerango* social solidarity association of which she was president;
- I even exterminated girls just like your friends;
- If you grew up in my absence, it is because I was paying for my crimes, and I deeply regret this.

Elie Ndayambaje will not have the courage to tell his children:

- My children, that is not all. Old Nicodème Libanje, your maternal grandfather, was also imprisoned for the same reasons. He too was found guilty of genocide against the Tutsi.

How would he tell his children:

- My dear children: my brothers, your paternal uncles Élysée and Emmanuel, were both involved in the same genocide as me and were both convicted in Rwanda, just like me in Arusha?

He certainly will not tell his children:

- You know, my dear children, my father, Misake Sizaniro, your paternal grandfather, who faced no accusations of genocide, was never troubled and always lived peacefully at home in Cyumba until his death.

How can he tell them this truth when he so desperately wants to lie to them? He wants them to believe that all Hutus are threatened. He wants his children to believe that if he himself spent years in prison, it was not because of what he did, but because of who he is, a Hutu.

Elie is not the kind of man who could look his wife, Agnès Mukaneza, whose mother is Tutsi, straight in the eye and confess:

- Agnès, darling, I really did kill thousands of Tutsi women like your mother, my beautiful wife.

He certainly will not explain to his family why, when upon the arrival of the RPF army, he and his colleague Pierre-Canisius Kajyambere from Kibayi were fleeing Mugombwa towards Burundi, and were stopped and robbed by those they had encouraged to commit genocide. The enraged crowds accused the two local genocidaire leaders of leading them into the massacre of the Tutsi and did not want to let them save their own lives or their families, instead of staying and facing the consequences of their actions together. He will surely have to lie to his children, saying:

- Look, my children, I was also threatened by “the attackers, the uncontrollable groups, or Masima’s gang”, all of whom, however, “worked” for him, because it was he who armed and paid them!

These are the truths that the former bourgmestre of Muganza lacks the courage to tell his children or his beloved wife. So he is killing himself by denying the facts and blaming his time in jail and that of his father-in-law, also a former bourgmestre of Mbazi from 1974 to 1983, on the denunciation of their victims, “on the unions of informers who attacked the former authorities” and “on the new Rwandan authorities who dictated their version of events to them”.

The genocidaire, father and husband lacks the courage and humility to make amends, to stand before his assembled family and, like the prodigal son in Luke 15:21, tell his wife, “Darling, I have sinned against heaven and against you. I am no longer worthy to be called your husband,” and to his children, “I have sinned against heaven and against you. I am no longer worthy to be called your father,” or to quote Job 33:27: “I have sinned and perverted justice, and I have not been punished as I deserved”.

He prefers to address an open letter riddled with lies to the Pope, believing that the same lie will snowball and reach his family, whom he lacks the strength and courage to confront, so overwhelming is the affront and humiliation for the self-absorbed Elie Ndayambaje.

But this is not all. This writing exercise is also intended as a prelude to a future career. He wants to be able to improvise a new career as a lecturer, like some poor little intellectual genocide denier. He is preparing a roadmap to get invited to speak at conferences and even write, like his fellow inmates, Ferdinand Nahimana and other genocidaires of the same ilk, who suddenly became prolific authors from their prison cells.

His letter to the Pope thus outlines his next editorial line, sketches his angle of attack against his victims, and elaborates his denialist argument. It is important to remember that denial constitutes the eighth and final stage of genocide. According to Gregory H. Stanton, president of Genocide Watch, “denial is the eighth stage that always follows a genocide. The perpetrators of genocide dig mass graves, burn bodies, try to conceal evidence, and intimidate witnesses. They deny having committed crimes and often blame the victims for what happened”.<sup>3</sup>

This is precisely the work done by Brother Stan Goetschalckx, who, according to Ndayambaje, “was repeatedly threatened with death by the attackers... He closely followed all these tragic events and oversaw the burial of the victims of the Mugombwa Church massacre”. A perfect example of the denialist process: “Yesterday’s masters, still

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<sup>3</sup> Source: <http://www.genocidewatch.org/genocide/8stagesofgenocide.html>

unchallenged yesterday, fled, destroying, before their departure, the traces of their terrible crime”,<sup>4</sup> writes Murielle Paradelle, a law professor at the University of Ottawa.

### ***Hope for the Perpetrators, Despair for Their Victims***

Last December, Judge Theodor Meron of the UN Mechanism for International Criminal Tribunals decided to grant provisional release to two genocidaires, including a priest, convicted by the ICTR. Their release brought to ten the number of genocidaires released before serving their full sentences. All hopes were pinned on the perpetrators, while despair and a sense of injustice took root in the hearts of the genocide survivors.

The judges who decided on their release argued that they had demonstrated rehabilitation. Yet, far from acknowledging their crimes, they themselves claim to be victims of genocide and continue to attack the Prosecutor and the witnesses, often survivors, whom they accuse of lying. In the introduction to the book he published in 2011 from his prison cell in Mali, Ferdinand Nahimana is unequivocal: “I felt a profound duty to fight for the truth and to directly attack the prosecutor and his lying witnesses...”

He goes on to state that “Alexandre Kimenyi, a professor at Sacramento State University, one of the founders and leaders of the newspaper ‘*Impuruza*’... and several other intellectuals from the Tutsi diaspora called on Tutsi refugees worldwide to rise up as one, to take up arms, to eliminate the Hutu... Issues of this newspaper clearly illustrate this sad reality: the planning of the extermination, in whole or in part, of members of an ethnic group, in this case, the Hutu.” If the signs of rehabilitation involve attacks on witnesses and mirror accusations, then we have seen everything!

“What have we done to deserve such injustice?” That was the reaction of a genocide survivor from Mugombwa when I told him that other perpetrators of the genocide, like Elie Ndayambaje, might be released soon.

“What have we done to God to deserve such injustice?” That is a question that deserves many answers.

End

19 July 2018

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<sup>4</sup> Paradelle, Murielle; *Un silence de pierre et de cendre*; Éditions Petra, 2016; Paris; p. 14.