



HRSP NEWSLETTER

U.S. Department of Justice, Criminal Division, Human Rights and Special Prosecutions Section

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RWANDAN REFUGEE CONVICTED OF NATURALIZATION FRAUD SENTENCED TO 15 YEARS IN FEDERAL PRISON

On March 2, 2017, a Cedar Rapids man who actively participated in the Rwandan genocide and then committed naturalization fraud was sentenced to 15 years' imprisonment by United States District Court Judge Linda R. Reade.

In January 2016, Gervais ("Ken") Ngombwa was convicted of one count of unlawfully procuring, or attempting to procure, naturalization or citizenship; one count of procuring citizenship to which he was not entitled; one count of conspiracy to unlawfully procure citizenship; and one count of making a materially false statement to agents of the Department of Homeland Security. The evidence at trial showed Ngombwa knowingly made several material false statements to procure entry into the United States as a refugee from Rwanda in 1998. Notably, Ngombwa falsely claimed to be the brother of Faustin Twagiramungu, a former Prime Minister of Rwanda. Following trial, the count of unlawfully procuring or attempting to procure citizenship was vacated by the court.

During sentencing proceedings, the government presented testimony about Ngombwa's conduct in the 1994 Rwandan genocide, in which hundreds of thousands of people from the Tutsi ethnic group were killed. The evidence showed that Ngombwa was charged and convicted in two Gacaca courts in Rwanda for his involvement in the genocide. He was also named in an indictment brought in 2010 against Jean Uwinkindi by the United Nations International Criminal Tribunal for Rwanda, as a co-participant in a "joint criminal enterprise whose common purpose was the commission of genocide against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support the Tutsi[.]" Uwinkindi was convicted by a Rwandan court and sentenced to life imprisonment in December 2015.

The evidence presented at Ngombwa's sentencing also showed that he is currently under indictment in the Republic of Rwanda. The 2014 Rwandan indictment charges Ngombwa with "genocide" and alleges, in part, that Ngombwa "is individually liable for having, between 7th April 1994 and July 1994 ordered and committed crimes perpetrated with the intent to destroy in whole the Tutsi ethnic group." This indictment alleges Ngombwa drove members of the Interahamwe to the Catholic Church "in order to attack and kill Tutsi who had sought refuge there." Further, it alleges that Ngombwa transported members of the Interahamwe to the Kanzenze communal office to kill Tutsi seeking refuge there. It is also charged that Ngombwa and the Interahamwe militia, armed with guns and traditional weapons, "such as machetes, spears clubs and other traditional tools, attacked the Tutsi who had sought refuge in the premises of priests" at the Catholic Church, and attacked and killed them. The Rwandan indictment also charges Ngombwa with "extermination as a crime against humanity" and "murder as a crime against humanity."

During sentencing proceedings, Department of Homeland Security agents testified that they interviewed multiple witnesses in Rwanda who said they saw Ngombwa commit acts of violence during the Rwandan genocide. For instance, many witnesses stated that Ngombwa drove members of the Interahamwe and the military to locations where they conducted mass killings of Tutsi. According to the witnesses, Ngombwa made derogatory statements concerning the Tutsi; he encouraged others to kill Tutsi; and he personally participated in some of the killings. According to the witnesses, Ngombwa also participated in the theft or looting of property belonging to Tutsi.

In addition, law enforcement agents testified about Ngombwa's alleged involvement in a July 2013 fire at his Cedar Rapids home. Ngombwa is currently charged with arson and insurance fraud in the Iowa District Court for Linn County.

After hearing this evidence, United States District Court Judge Reade found that Ngombwa "actively participated in the genocide," made multiple false statements while being resettled as a refugee, committed perjury and obstructed justice, and intentionally set fire to his home in 2013.

On March 2, 2017, Ngombwa was sentenced to 180 months' imprisonment and 3 years' supervised release. After announcing her sentencing decision, Judge Reade immediately remanded Ngombwa to the custody of the United States Marshals Service. At a later date, he will be processed for removal to Rwanda after the completion of his prison term. Judge Reade has already revoked Ngombwa's United States citizenship.

The case is being prosecuted by Assistant United States Attorneys Richard L. Murphy and Ravi T. Narayan, and was investigated by Homeland Security Investigations.

People with information about former human rights violators in the United States are urged to contact U.S. law enforcement: Human Rights and Special Prosecutions Section at 1-800-813-5863; Immigration and Customs Enforcement, 1-800-347-2423 or online tip form at <http://www.ice.gov/exec/forms/hsi-tips/tips.asp>); and FBI's International Human Rights Unit tips form at <https://tips.fbi.gov>.

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