

Making Europe Safe from Genocide Suspects

Brussels/ London/ Kigali, 7 April 2008

A very large number of the men and women who planned, incited, orchestrated and implemented a policy of massacres in Rwanda in 1994 continue to live freely in Europe, said African Rights and REDRESS on the 14th commemoration of the genocide of the Tutsi minority.

In the last year, 6 genocide suspects were arrested in France, one in Germany and there are ongoing investigations and proceedings in Finland, the United Kingdom, The Netherlands, Norway and Belgium.

The recent developments in France are particularly encouraging: the arrest of Isaac Kamali on 23 June 2007, facilitated by close collaboration between French and US authorities and the international police organization, Interpol, triggered the arrest of individuals who had benefited from impunity in France over the previous thirteen years. Dominique Ntawukuriryayo, accused of leading the massacre of up to 25,000 Tutsi refugees at Kabuye Hill in Gisagara, Butare, over a five day period in April 1994, was arrested on 16 October 2007 at the request of the International Criminal Tribunal for Rwanda (ICTR). French courts decided, on 20 February 2008, to transfer him to the ICTR. Lt.Col. Marcel Bivugabagabo was apprehended on 8 January 2008, followed by the arrest of Claver Kamana in the French Alps on 26 February 2008. Both men are wanted by Rwanda for acts of genocide and the French investigative chamber of the Appeals Court of Chambéry on 2 April 2008 endorsed the request for the extradition of Claver Kamana to Rwanda. Survivors in France had long tried to bring to justice Fr. Wenceslas Munyeshyaka and Laurent Bucyibaruta, both accused of playing a major role in the genocide in Kigali and Gikongoro, respectively. They have been living in France since shortly after the genocide and survivors had filed a complaint against Munyeshyaka as early as 1995. However, it was only on 20 February 2008 that a French court accepted a request from the ICTR to try both suspects before French courts.

Also living in France is Callixte Mbarushimana, a former UN employee who is accused of directing and participating in numerous massacres in Kigali, including of UN personnel. The charges against him have been documented widely, including in a recent report of African Rights entitled *A Welcome Expression of Intent: The Nairobi Communique and the Ex-Far/ Interahamwe*. Mbarushimana is the outspoken Executive Secretary of the Democratic Forces for the Liberation of Rwanda (FDLR), an organization wreaking havoc in eastern Congo and established by the politicians and soldiers at the forefront of the 1994 genocide. Based on a private complaint filed by the Collectif des Parties Civiles pour le Rwanda (CPCR) in February 2008, French authorities opened a preliminary investigation against him on 2 April 2008. The authorities announced that further preliminary investigations have been begun against the widow of the former President

Habyarimana, Agathe Kanziga Habyarimana and Eugène Rwamucyo, in charge of hygiene in Butare.

The arrest of Augustin Ndirakobuca, the Minister of Planning in the interim government, on 17 September 2007, was the first arrest of a Rwandese genocide suspect in Germany. Ndirakobuca, accused by the ICTR of preparing, encouraging and executing the massacres, was one of the 50 founding shareholders of Radio Télévision Libre des Mille Collines (RTLM), which played a critical role in articulating and disseminating anti-Tutsi propaganda, both before and during the mass killings. German authorities are currently preparing the transfer of Ndirakobuca to the ICTR, yet the completion strategy of the ICTR, requiring it to close all first instance trials, such as the trial of Ndirakobuca, by the end of 2008, is currently delaying the transfer procedure from Germany.

With three trials and convictions of a total of 7 perpetrators of genocide so far and the trial of Ephrem Nizeyimana upcoming in late 2008 or early 2009, Belgium is at the forefront of European countries in bringing Rwandese perpetrators to justice. At the same time, a large number of other suspects are currently believed to be living openly in Belgium. Among them is Emmanuel Bagambiki; on 25 February 2004, was acquitted by the ICTR on charges of genocide and crimes against humanity. He was, however, convicted on 10 October 2007 *in absentia* by a Rwandese court of rape and incitement to commit rape. Survivors say that Bagambiki, préfet (governor) of Cyangugu in 1994, is the mastermind of the genocide throughout Cyangugu and is directly implicated, for example, in the systematic massacre of Tutsis in and around the town of Cyangugu. Formal talks between Rwanda and Belgium are being held on the way forward in the case of Bagambiki, which is of particular interest to the large number of survivors in Cyangugu who were highly critical of the way the ICTR handled the case.

Despite the positive steps outlined above, key failings and gaps remain. Survivors interviewed by African Rights in Rwanda expressed their dismay about the slow progress made in Europe when it comes to alleged perpetrators living there.

“The most important contribution we are expecting from the international community”, said one survivor, “is to give us some moral consolation by tracking down the leading génocidaires.”

Despite the calls of the European Union’s *Network of Contact Points on Genocide, Crimes against Humanity and War Crimes* for States to establish specialized units to track and investigate suspects, only Sweden, Norway, Denmark, Belgium and The Netherlands have heeded this advice, with the result that *ad hoc* approaches have been adopted in many countries, there have been delays in following up on complaints submitted by survivors and perpetrators have fallen through the cracks.

“Specialized units handled more than 85% of all serious international crimes cases that were successfully brought to court”, said Carla Ferstman, Director of REDRESS. “We call on governments to ensure that the national authorities

have the necessary resources to fully investigate and prosecute, without delay, suspects of the most serious human rights violations.”

REDRESS and African Rights call on European Governments to:

- Carry out full and prompt investigations into genocide suspects on their territories;
- Prosecute suspects against whom there is credible evidence;
- Implement the rights of survivors of the genocide to be fully informed about the progress and outcome of investigations and prosecutions;
- Strengthen mutual cooperation in the detection of suspects;
- Ensure that the crime of genocide is recognized in national law and capable of being prosecuted;
- Establish specific practical arrangements for the investigation of serious international crimes such as specialized units within immigration, police and prosecution services that will ensure that serious international crimes are consistently investigated .

For additional information, please contact:

Rakiya Omaar (Rwanda) for African Rights: rakiyao@yahoo.com; Tel.: 002508480755
Juergen Schurr (Brussels) for REDRESS: juergen@redress.org; Tel.: 0032 484 931 735