

France To Prosecute Two Rwandan Genocide Suspects

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Today, in a historic decision, a French court accepted a request of the International Criminal Tribunal for Rwanda (ICTR) to try **Wenceslas Munyeshyaka** and **Laurent Bucyibaruta** before French courts for their alleged participation in the Rwandan genocide in 1994.

Munyeshyaka was a priest in charge of the St Famille parish in Kigali during the genocide in which countless victims who sought refuge there were brutally massacred. He is also alleged to have participated personally in killings and rapes. Bucyibaruta was governor of Gikongoro province during the genocide. He is said to have used his position and authority to 'direct and incite' genocide and publicly ordered the killings of Tutsis. He also allegedly ordered the setting up of roadblocks, where Tutsi women and girls were repeatedly raped by soldiers. Both men have been living in France since the genocide.

This decision to proceed with the cases makes France the first country to prosecute cases referred from the ICTR. The ICTR is under pressure to complete all trials by the end of 2008 under the terms of its Completion Strategy.

"14 years after the genocide of the Tutsi in Rwanda, I would like to let Wenceslas Munyeshyaka know that he will face justice for what he did to my cousin, Christophe Safari, killed at the parish of St Famille in 1994. I am confident that the responsible jury composed of French citizens will understand the truth," said Yvonne MUTIMURA, survivor of the genocide of the Tutsi in Rwanda.

African Rights and REDRESS, two human rights organisations committed to ending impunity for serious international crimes including genocide, crimes against humanity, war crimes and torture, welcome the decision of the French court, which comes after survivors of the genocide have been trying to obtain justice before French courts for almost thirteen years. Survivors submitted a complaint against Father Wenceslas Munyeshyaka

"We call on the French government 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", Carla Ferstman, Director of REDRESS, said.

as early as July 1995. Yet until today, French authorities had failed to proceed with the case, despite a ruling of the European Court of Human Rights in 2004, which condemned France for the inexcusable delays in the proceedings.

France introduced legislation in 1994 to provide its national courts with universal jurisdiction. This legislation was specifically designed so as to enable French courts to investigate and prosecute individuals involved in the 1994 genocide. Yet, it is only over the past year that there has seen increased willingness to put that legislation into practice. Several suspects were arrested by French police in cooperation with Interpol, including **Isaac Kamali** on 23 June 2007 and **Marcel Bivugabagabo** on 8 January 2008, both wanted by Rwanda for acts of genocide. **Dominique Ntawukuriryayo** was arrested on 16 October 2007 at the request of the ICTR and the French courts today decided to transfer him to the ICTR. He is alleged to be responsible for the killing of up to 25,000 Tutsi refugees at Kabuye Hill near Gisagara over a five day period in April 1994.

"This is a very positive step" commented Rakiya Omaar, Director of African Rights, "and we hope that enhanced cooperation between France and Rwanda will include a strategy on how to work together to bring genocide suspects in France to justice".

Other suspects currently living in France include **Callixte Mbarushimana**, a former UN employee who is suspected of directing and participating in numerous massacres in the capital Kigali, including of UN personnel. Despite requests to France by

the UN itself to initiate proceedings, no investigation has yet been undertaken against Mbarushimana. African Rights and REDRESS, who are currently supporting national authorities and survivors in their efforts to prosecute genocide suspects living in Europe., urge French authorities to follow up the UN request for investigating the serious and consistent allegations against Callixte Mbarushimana. They also encouraged France to invest more resources into ensuring full investigations into the allegations that have been made against other genocide suspects living in France.

Background

An International Criminal Tribunal for Rwanda (ICTR) was established by the UN Security Council in November 1994 and to date has judged about 32 persons with a further 30 cases in progress. In the past, several suspects found within European borders were transferred to the ICTR for trial, though this is now no longer possible. The well-publicised completion strategy of the ICTR means that the Tribunal is no longer accepting new referrals. Only suspects already indicted by the ICTR can be tried before the Tribunal and the completion strategy requires their trials to be completed by the end of this year. All appeal procedures need to be completed by the end of 2010. The Prosecutor of the Tribunal is currently actively seeking to transfer some of the current caseload to third countries, including Rwanda, to comply with the terms of the completion strategy. Previous attempts to transfer a case to The Netherlands and to Norway failed due to a lack of universal jurisdiction over the offence of genocide. Suspects who are not indicted by the ICTR and who are found in third countries will have to be prosecuted by these countries' authorities or be extradited to ensure that genocide suspects do not benefit from impunity.

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For further information, please contact:

Rakiya Omaar, Kigali, for African Rights: rakiya@afrights.org / 00250 08480755
Carla Ferstman, London, for REDRESS: carla@redress.org / 0044 20 7793 1777
Jürgen Schurr, Brussels, for REDRESS: juergen@redress.org / 0032 484 931 735