



MEDIA RELEASE

AEGIS TRUST, JUSTICE, REDRESS

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GOVERNMENTS' GENOCIDE ANNOUNCEMENT: Peers and NGOs say: "Very good news - but it doesn't go far enough"

The Aegis Trust, JUSTICE and REDRESS welcome the government's decision to apply the jurisdiction of UK courts to prosecute genocide, crimes against humanity and war crimes retrospectively back to January 1st 1991. This follows amendments tabled to the Coroners and Justice Bill by Lord Carlile QC, Baroness D'Souza, and Lord Falconer QC. When it comes to ending impunity for mass atrocities, this bold move by the government is as significant as the War Crimes Act 1991 and the International Criminal Court Act 2001. "Until now, it has only been possible to prosecute these crimes in the UK if they were committed after 2001," explains Sally Ireland of JUSTICE. "In practice, this means that four Rwandans resident in the UK and suspected of genocide in 1994, who recently won their High Court appeal against extradition to Rwanda, can now face trial in the United Kingdom. This is a real step forward."

But even after the reforms "there remain serious loopholes in our laws on atrocity crimes," warns Kevin Laue of REDRESS. "Unless the government gets tougher the UK will continue to be a safe haven for those suspected of the most heinous offences." The Aegis Trust, JUSTICE and REDRESS call on the government to replace the unclear residency requirement for prosecution of genocide, war crimes and crimes against humanity with a simple presence test. Suspects who have been 'present' in the UK since the 1990s but not 'resident' include Felicien Kabuga, the alleged financier of the Rwandan genocide and Chucky Taylor, former head of the anti-terrorist unit in Liberia, who was recently convicted in the United States for torture. Border Agency statistics indicate it is likely that there may be other suspects present in the United Kingdom who are being refused residency status but who, rightly, cannot be removed for human rights reasons. Under current law, and even with the Government's proposed changes announced today, these people would still be immune from prosecution in the United Kingdom.

A simple presence test for prosecution - as called for in the amendments tabled by Baroness D'Souza, Lord Carlile QC and Lord Falconer QC to the Coroners and Justice Bill - would bring us into line with other common law countries, including Canada, New Zealand and South Africa and the United States. It would also bring our laws on genocide, war crimes and crimes against humanity into line with our laws on torture, hostage taking and grave breaches of the Geneva Conventions. For these latter three crimes, UK courts do not apply a residency test for prosecution. There is no practical or sensible reason for a jurisdictional difference between these crimes, all of which belong to the same bracket of serious violations of international criminal law. "Why should we be able to prosecute visiting torturers but not génocidaires?" asks Nick Donovan, Head of Campaigns at the Aegis Trust.

Today's announcement is important and demonstrates significant progress in breaking down barriers to prosecution. When it comes to genocide, war crimes and crimes against humanity, however, the Government's position should be unequivocal. It should respond to every credible allegation of the

presence in the United Kingdom of any individual who may have committed these crimes. If these suspects cannot be deported or extradited, they must be prosecuted here. Otherwise the impunity gap remains and the UK government is effectively condoning the presence on UK soil of suspected mass murderers without any prospect of arrest or trial.

ENDS

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