



## Call to end European safe havens for Rwandan Perpetrators

### Press Statement

[Brussels, 3 April 2007]

***13 Years after the Rwandan genocide, it is unacceptable that perpetrators continue to live freely in Europe***, said The International Federation for Human Rights (FIDH) and the Redress Trust (REDRESS) on the occasion of their Conference marking the 13<sup>th</sup> Anniversary of the genocide of Tutsis in Rwanda, in which up to 1 million were brutally massacred.

In a list of 93 suspects living abroad issued by the Rwanda Government in May 2006, 37 genocide suspects are said to be present in European countries, including Belgium, Denmark, Finland, France, Germany, Italy, the Netherlands, Norway. **Governments have an obligation to investigate these allegations and where sufficient evidence exists, to bring these persons to justice**, the organisations said. ***Impunity for genocide is unacceptable in the 21<sup>st</sup> century.***

FIDH and REDRESS' meeting brings together survivors' groups, lawyers and human rights organisations to consider the steps taken by certain countries to track and bring to justice perpetrators and to strategise on how best to strengthen these efforts and improve coordination and cooperation amongst European States. The meeting follows on from efforts of these organisations to foster a common approach within the European Union and coincides with the release of their Report: ***Fostering a European Approach to Accountability for Genocide, Crimes Against Humanity, War Crimes and Torture: Extraterritorial Jurisdiction and the European Union.***<sup>1</sup>

There have been some positive moves towards justice in certain countries, such as convictions of Rwandese 'genocidaires' in Belgium and Switzerland, and ongoing investigations and/or prosecutions in Belgium, Denmark, France, the Netherlands, Norway and the United Kingdom. However, the approach of EU Member States has not been consistent, and there are a number of key failings and gaps that must be swiftly addressed, if justice is ever to be served:

- ***Inexcusable delays in following up on allegations.*** Whilst many countries have failed to conduct investigations into the presence of genocide suspects this failing is most evidenced in **France** where not a single prosecution has resulted despite numerous allegations. In particular, despite the opening in **France** of proceedings against **Father Wenceslas Munyeshyaka** on 25 July 1995, the head of the Catholic Parish of Ste. Famille in Kigali, who is said to have been complicit in numerous massacres at that site, there has been a failure by French authorities to arrest the suspect. The European Court of Human Rights condemned France for its inexcusable delays which continue to this day. Allegations have been made against **Callixte Mbarushimana**, a former UN employee, suspected of having directed and participated in numerous killings, including UN personnel. Despite requests to France by the UN itself to initiate proceedings, no investigation has been undertaken yet. **Laurent Bucyibaruta**, former préfet (governor) of Gikongoro, is also said to be present in France.

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<sup>1</sup> The Report is available online here: <http://www.redress.org/publications/Fostering%20an%20EU%20Approach.pdf>.

Despite evidence pointing to his involvement in a massacre of over 50,000 Tutsis on 21 April 1994 at Murambi, a technical school in Gikongoro which is the site of official commemoration activities this year on 7<sup>th</sup> April, he remains at large in France. Information from the organisation African Rights suggests that Bucyibaruta played an instrumental role in devising strategies to accomplish the goals of the genocide in Gikongoro. A series of massacres, in which tens of thousands died occurred within hours of each other on 21 April. At the end, the préfet publicly thanked everyone, and especially the interahamwe from commune Mudasomwa<sup>2</sup> for what one militiaman described as their “sterling performance” in Murambi. As a reward, he told the men from Mudasomwa that he was sending them to the Parish of Cyanika where the second massacre of the day was already underway. On 26 April, Bucyibaruta is said to have called his officials together to review the progress. An official recounts that “Our officials were very happy as they had become convinced that Gikongoro would in fact be regarded as the préfecture that had done the most in the genocide.”

- **Domestic laws in European Countries often do not allow for genocide prosecutions.** Recently, the International Criminal Tribunal for Rwanda refused to transfer **Michel Bagaragaza** to Norway because of the absence of genocide legislation in that country; Gaps in United Kingdom legislation prevent it from prosecuting genocide suspects in the United Kingdom. The Government is currently considering to extradite **Charles Munyaneza, Celestin Ugirashebuja, Emmanuel Nteziryayo** and Dr **Vincent Bajinja (a.k.a. Brown)** to face trials in Rwanda because of these gaps, **despite** a serious backlog of cases currently pending before Rwandan courts. Indeed, Rwandan authorities have actively supported European efforts to hold perpetrators accountable on the basis of universal jurisdiction.
- **Lack of systematic approach in tracking fugitives and following up on complaints.** Despite the calls of the European Union’s *Network of Contact Points on Genocide, Crimes against Humanity and War Crimes* for States to establish specialised units to track and investigate suspects, few countries have heeded this advice, leading to ad hoc approaches and perpetrators falling through the cracks.

The strategies adopted at FIDH and REDRESS’ meeting will be put to EU justice officials who are scheduled to meet to discuss European safe havens for Rwandan genocide suspects in May of this year. **The organisations call on European Governments to:**

- **Carry out full investigations into genocide suspects on their territories;**
- **Prosecute suspects against whom there is credible evidence;**
- **Strengthen mutual cooperation in the detection of suspects;**
- **Ensure that immigration services screen asylum and visa applicants for potential involvement in serious international crimes and provide for cooperation between immigration authorities, investigation and prosecution services to ensure that persons identified through immigration checks will be investigated and prosecuted, instead of deported;**
- **Ensure that the crime of genocide is recognised in national law and provide for civil and criminal universal jurisdiction over genocide and other serious international crimes;**

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<sup>2</sup> The bourgmestre of Mudasomwa, Emmanuel Nteziryayo, was arrested in Britain on 28 December 2006 and is currently in detention

- ***Establish specific practical arrangements for the investigation of serious international crimes such as specialised units within immigration, police and prosecution authorities that will ensure that serious international crimes are investigated on a consistent basis and enable practitioners to develop experience and expertise in the investigation and prosecution of these crimes.***

## **Background**

In 1994, up to a million people were killed in Rwanda in less than 100 days. The genocide is renowned not only for the wanton slaughter of innocent civilians, but the barbarity of the killing methods which included machete massacres, widescale rape and sexual mutilation, torture and dismemberment. The genocide left both physical and emotional scars on its survivors and their efforts to obtain redress for their suffering have been largely ineffectual. Although the massacres have ended, the legacy of the genocide continues, and the search for justice has been long and arduous. Not only did the genocide decimate a population and cause about two million Rwandans to flee, it also completely destroyed the infrastructure of the country and left the justice system in tatters.

Thirteen years after the genocide, few perpetrators have been brought to justice. The Rwandan Government established specialised national chambers to try genocide suspects though the sheer number of defendants and poor legal infrastructure has virtualised paralysed the justice system causing insurmountable delays. The Government later instituted a transitional community-based system based on customary practices, to resolve the cases of lower level defendants, though those accused of bearing the greatest responsibility still languish in prison awaiting justice. An International Criminal Tribunal for Rwanda (ICTR) was established by the UN Security Council, which to date has judged about 30 persons with a further 25 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 International Criminal Tribunal for Rwanda means that the Tribunal is no longer accepting new referrals (in fact, it is actively seeking to refer part of its existing caseload).

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Link to FIDH and REDRESS' new report:

<http://www.redress.org/publications/Fostering%20an%20EU%20Approach.pdf>