

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 47/014/2007 (Public)
News Service No: 205

Embargo Date: 2 November 2007 00:01 GMT

Rwanda: Genocide suspects must not be transferred until fair trial conditions met

Amnesty International today urged governments worldwide not to transfer people suspected of crimes during the 1994 genocide to Rwanda for trial.

The organization released a memorandum outlining the criteria national governments and the International Criminal Tribunal for Rwanda (ICTR) should apply when considering transferring people to Rwanda for trial.

Despite improvements in the Rwandan justice system in recent years, serious concerns remain about its ability to investigate and prosecute crimes related to the 1994 genocide fairly and impartially, in accordance with international standards of justice.

"The various national governments where suspects reside should immediately start proceedings in their own courts applying universal jurisdiction laws to investigate and, where there is sufficient admissible evidence, prosecute the horrific crimes committed during the genocide -- on behalf of both the Rwandan people and the international community," said Erwin van der Borght, Director of Amnesty International's Africa Programme. "Where universal jurisdiction laws allowing for prosecutions do not exist, they should be enacted immediately."

Amnesty International also urged the ICTR not to transfer any of its cases to Rwanda until the Rwandan government can demonstrate that it can and will conduct trials fairly and impartially -- and that all victims and witnesses will be protected.

In recent months, the Rwandan government has issued formal and informal requests to several governments -- including the UK, the Netherlands, Canada, France and Finland -- for the extradition of several individuals accused of genocide, war crimes and crimes against humanity in Rwanda during the 1994 genocide. In June 2007, the Prosecutor of the ICTR filed a request to transfer its first case to the Rwandan courts.

"We recognize the importance of Rwandan national courts taking responsibility for investigating and prosecuting persons accused of the heinous crimes that were committed in Rwanda during the genocide," said Erwin van der Borght. "However, there is still a lot of work to be done to ensure that the rights of both the accused and the victims will be fully respected and protected by these courts."

In its memorandum, Amnesty International urged the ICTR and government not to transfer cases to Rwanda until it has been demonstrated that:

- the national justice system operates impartiality by investigating and prosecuting crimes by persons from all sides;
- all national trials are conducted in accordance with international fair trial standards;
- all trials of those transferred to Rwanda will be observed by independent experts with complete access to all parties and files;
- persons transferred for trial to Rwanda will not be at risk of torture or other cruel, inhuman or degrading treatment or punishment;
- all victims and witnesses will receive effective support and protection from threats, intimidation and attack.

"We fully support the development of the national justice system in Rwanda -- but until we are satisfied that all the criteria necessary for fair and impartial trials are met, we urge the ICTR and national governments to refuse to transfer any cases to Rwanda," said van der Borght.

"The ICTR should inform the UN Security Council that they need more time and resources to complete their caseload, instead of seeking to transfer cases to a system where there is a risk of torture and unfair trial."

Consistent reports that fair trials guarantees are not being applied in the *gacaca* process, a community-based system of tribunals established in Rwanda to try people suspected of crimes during the 1994 genocide, undermines the whole legal system and raises concerns about the importance that will be attached to these rights by other sectors of the justice system.

**To see a copy of the memorandum *Rwanda: Courts must comply with international standards for justice with detailed recommendations*, please go to:
<http://web.amnesty.org/library/index/engaf470132007>**

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