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PUBLIC STATEMENT

International Criminal Tribunal for Rwanda's request for the surrender of Muvunyi and Ndindiliyimana: a step closer to justice

The recent requests by the International Criminal Tribunal for Rwanda (ICTR) for the surrender of Tharcisse Muvunyi from the UK and Augustin Ndindiliyimana from Belgium are yet another reminder that there can be no hiding place for those alleged to have committed serious human rights violations, Amnesty International said today.*

*Lieutenant-Colonel Tharcisse Muvunyi, a commander in the former Rwandese army in the southern *préfecture* of Butare, was arrested in London on 5 February following the issuing of an international warrant by the ICTR seeking his surrender. He faces charges of genocide and crimes against humanity.*

*Muvunyi's arrest follows the arrest of General Augustin Ndindiliyimana, former Chief of Staff of the *Gendarmerie*, in Belgium on 31 January, again at the request of the ICTR. The ICTR has charged Ndindiliyimana with genocide, complicity in genocide and crimes against humanity.*

Amnesty International welcomes both the UK and Belgian authorities' co-operation with the ICTR and their quick response to the arrest warrants.

Other countries have also recently taken steps towards greater cooperation with the ICTR. In November 1999 former government minister Jean de Dieu Kamuhanda was arrested in France on the request of the ICTR and in January 2000, the Supreme Court in the USA declined to hear a challenge to the surrender of Pastor Elizaphan Ntakirutimana to the ICTR.

Both still remain under arrest though they have not yet been transferred to the ICTR's detention centre in Arusha.

"These arrests reaffirm the principles of international justice and the importance of providing financial, political and moral support to the ICTR and the International Criminal Tribunal for the former Yugoslavia (ICTY)," the organization stressed.

Each of these four countries has enacted legislation permitting the arrest and transfer of individuals accused of these crimes to these tribunals. Sadly however, most countries have still failed to fulfil their obligations under international law to do so. Amnesty International renews its call on all states to enact the necessary legislation.

"The continuing work of the ICTR, the arrest of Augusto Pinochet in London in October 1998 and the recent criminal proceedings brought against the former President of Chad, Hissain Habré, in Senegal, hopefully signal a new determination by states to fulfil their international legal obligations to help secure justice for the victims of human rights violations."

Background

The ICTR, which sits in Arusha, Tanzania, was established in November 1994 to try those accused of perpetrating genocide, crimes against humanity and war crimes in Rwanda in 1994, when as many as one million people were massacred.

To date seven individuals have been sentenced to prison terms by the ICTR.

*It is important to distinguish a state's obligation under international law to **surrender** to an international criminal tribunal a person suspected of a crime under international law from the **extradition** of a person from one state to another. The UN Security Council resolutions establishing the ICTR and ICTY and the Statute of the International Criminal Court place an international obligation on states to arrest and transfer individuals who are sought by these

tribunals for international crimes such as genocide and crimes against humanity. States cannot refuse to comply with such a request. While the existence of domestic legislation for cooperation between a state and the tribunals establishes procedures and provides a clear legal basis for such transfers, states which do not have such legislation have previously transferred suspects to the ICTR.

The extradition of a person sought for crimes committed in another country is dependent largely on the existence of an extradition agreement between the two states, and is done in accordance with domestic extradition laws which establish procedures, including independent judicial scrutiny. A request for extradition may be refused if the state which is requested to hand over the person fears that he or she may suffer human rights violations such as torture or the death penalty, or if the person is being sought for a political offence.

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