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UK/Rwanda: UK must not become a safe haven for genocide suspects

In a letter to the Attorney General, Lord Goldsmith, Amnesty International's Secretary General, Irene Khan, warned that the UK may become a safe haven to people who have committed genocide. The letter was prompted by the UK authorities' failure to conduct investigations into two men suspected of involvement in the 1994 Rwanda genocide.

The letter to Lord Goldsmith expressed grave concern about the fact that despite its obligations under international law, the UK authorities have so far failed to investigate these allegations against two Rwandan nationals who are currently living in the UK, both of whom are subjects of international arrest warrants issued by the Rwandan government for the crime of genocide.

Instructed by the UN Security Council to complete all trials by the end of 2008, the International Criminal Tribunal for Rwanda (ICTR) has stopped issuing indictments for the crime of genocide and other serious violations of international law. The ICTR is now referring individual cases to national judicial systems and urging governments to prosecute alleged genocide suspects living in their countries.

Writing to Lord Goldsmith, Irene Khan stated:

"In the past decade, Belgium, Canada, France, Germany, Spain and Switzerland have initiated judicial proceedings against alleged Rwandan genocide suspects. The UK authorities have an obligation to assist the ICTR with its request for the prosecution of the[se] alleged suspects."

According to international law, if a person is alleged to be responsible for acts of genocide, crimes against humanity, war crimes or torture and is found on any state's territory, all states – including the UK – must promptly conduct an independent, impartial and thorough investigation with a view to establishing whether there are reasonable grounds for suspecting that person of such crimes.

Irene Khan explained that if the state where the suspect is located does not extradite him or her, and if there is sufficient admissible evidence, it should prosecute that person. If the UK is unable or unwilling to bring to justice those present on its territory against whom there are allegations indicating that they may have committed crimes against humanity or other international crimes, then the UK should extradite them to a state that is able and willing to do so.

The Rwandan authorities and the ICTR are discussing the future transfer of cases back to Rwanda on condition that the death penalty will not be imposed and fair trial standards will be guaranteed. Such discussions may lead to legislation being passed by the Rwandan government in an attempt to enable transfers to take place.

In the letter, in light of Rwanda's past human rights record, Amnesty International expressed serious concern about the Rwandan government's ability to guarantee to genocide suspects the right to a fair trial in accordance with internationally-recognized law and standards, as well as their safety before, during and after their detention. The organization also raised serious concern over the capacity of a judicial system in need of reform, increased resources and extensive training of its legal service personnel. In light of that, Amnesty International opposes the transfer of these suspects to Rwanda.

In the letter, Irene Khan said:

"Amnesty International urges the UK authorities to either prosecute these two individuals in the UK guaranteeing them the right to a fair trial or to extradite them to a third country that would be willing to prosecute them in proceedings fully consistent with the right to a fair trial."