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Italy must immediately arrest Rwandese indicted by the International Criminal Tribunal for Rwanda [ICTR]

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Amnesty International [AI] is making an urgent appeal to Italy to fulfil its international obligations and immediately arrest a Rwandese citizen who has reportedly been indicted by the ICTR to ensure that the accused person does not flee.

According to statements made last week by the Chief Prosecutor of the ICTR, the Italian authorities have refused to fulfill their obligations under international law to implement an international warrant issued by the ICTR for the arrest of a Rwandese national resident in Italy. The individual has reportedly been indicted by the ICTR on charges of genocide and crimes against humanity and the arrest was requested as a preliminary step in his transfer to the ICTR in Arusha, Tanzania.

Although not named publicly by the Tribunal, the individual in question has been widely identified by the international media as a Rwandese Roman Catholic priest, Father Athenase Seromba, alleged to be complicit in the deaths of 2,000 Tutsis crushed to death with bulldozers at the Parish of Nyange in Kibuye on 16 April 1994. Amnesty International does not, however, have confirmation that this identification is correct.

The Italian authorities have indicated that their refusal to cooperate with the ICTR's request is on the grounds that, under Italy's domestic legislation, there is no legal basis to proceed with the arrest and that the Italian government would have to issue an ad hoc decree in order to carry out any such arrest.

Article 2 of UN Security Council Resolution 955 of November 1994, which established the ICTR directs that All States shall cooperate fully with the International Tribunal@ and under Article 28 of the Statute of the ICTR Italy is

obliged to comply without delay with any request from the ICTR for the arrest and surrender into its custody of any person indicted by the Tribunal.

There is no exception under international law whatsoever to this obligation for states that have failed to enact national legislation. Indeed, it is a fundamental rule of international law, as reflected in Article 27 of the Vienna Convention on the Law of Treaties, to which Italy is a party, that "[a] party may not invoke the provisions of its internal law as justification for its failure to perform a treaty." The Republic of Serbia recently recognized this obligation when it surrendered former President Slobodan Milosevic to the International Criminal Tribunal for the former Yugoslavia, even though there was no national or state law expressly authorizing his surrender.

AI urges the Italian government to fulfill its obligations under the UN Charter to implement a Security Council resolution and its other obligations under international law -- including the Genocide Convention, to which it acceded in 1952 -- to ensure that the perpetrators of serious human rights violations are brought to justice.

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