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## **Leading Rights Groups Urge Security Council to Ensure Management Reforms do not Undermine Rwanda Tribunal**

(New York, August 7, 2003) – As the U.N. Security Council considers changes in the office of the prosecutor of the International Criminal Tribunal for Rwanda (ICTR), human rights groups urged the Council to safeguard the independence of the ICTR and its capacity to render justice fully and impartially.

In an effort to improve the efficiency of the two tribunals, the U.N. Secretary-General has asked the Security Council to divide the post of prosecutor of the ICTR and of the International Criminal Tribunal for Former Yugoslavia (ICTY), and to name a new prosecutor for the ICTR.

The ICTR has been plagued by management problems throughout the institution, including inconsistent leadership and the lack of an effective prosecution strategy in the office of the prosecutor. But in attempting to improve the efficiency of the Prosecutor's office, the Security Council must ensure that changes do not undermine the independence and impartiality of the ICTR, including in prosecuting charges of war crimes and crimes against humanity against members of the Rwandan Patriotic Army (RPA).

The government of Rwanda has vigorously resisted any such prosecutions, making it impossible for the ICTR prosecutor to bring charges against members of the RPA, the armed branch of the Rwandan Patriotic Front in 1994.

## **Background**

The ICTR has thus far prosecuted only persons charged with committing genocide in Rwanda in 1994. Against the backdrop of the genocide, the Rwandan Patriotic Army soldiers also killed thousands of civilians, violating international humanitarian law. By

contrast, the International Criminal Tribunal for the Former Yugoslavia has prosecuted persons from all sides of that conflict.

The U.N. Commission of Experts established by the Security Council in July 1994 concluded that some members of the Rwandan Patriotic Front (RPF) and of its army (the RPA) had "perpetrated serious breaches of international humanitarian law" and "crimes against humanity." When the Security Council established the International Criminal Tribunal for Rwanda on the recommendation of the Commission, it mandated that the ICTR prosecute not just the genocide that had devastated Rwanda but also "other systematic, widespread and flagrant violations of international humanitarian law" (Security Council Resolution 955, 1994), including those committed by members of the RPA.

In addition to the Commission of Experts, the Field Office of the UN High Commissioner for Human Rights, United Nations Assistance Mission for Rwanda (UNAMIR), and United Nations High Commissioner for Refugees, as well as Human Rights Watch, the International Federation of Human Rights Leagues (FIDH), and Amnesty International have all documented these violations of international law.

During her term as Prosecutor, Carla Del Ponte announced investigations against RPA soldiers several times but was forced to suspend them after strong opposition from the current government of Rwanda, in which RPF members play the predominant role. After one such announcement, the Rwandan government imposed restrictions on the travel of witnesses to genocide trials, which are held in Arusha, Tanzania, as a way of bringing pressure on the ICTR. As a result the ICTR had to suspend three trials of persons accused of genocide.

Prosecutor Del Ponte appealed to the Security Council in July 2002 to oblige Rwanda to cooperate with the ICTR, as it must do under chapter VII of the UN Charter. In response the Security Council issued a presidential statement in December 2002 reaffirming its support for the ICTR as "impartial and independent" and reminding Rwanda of its obligations to cooperate with it.

Rwandan authorities, including President Paul Kagame, have admitted that some RPA soldiers killed civilians in violation of international law. As the prospect of ICTR prosecutions became more real, the Rwandan government argued that it had prosecuted or would prosecute these soldiers. In the nine years of the current government, trials of soldiers accused of these crimes have been few and the penalties of those convicted have been light. Only one senior officer, a major, has been tried for massacres committed in 1994. Convicted by court martial in January in 1998 after confessing to having ordered the slaughter of more than thirty civilians, he was sentenced to life in prison, but he successfully appealed his sentence and was freed soon after. By June 1998 five others had been convicted of capital offenses committed in 1994, but four were privates and only one was a corporal and all received light sentences. The corporal, convicted of having killed fifteen civilians, was punished by only two years in prison.

To read the joint letter to Security Council members, go to:  
<http://hrw.org/press/2003/08/rwanda080703ltr.htm>