

## **Rwanda: ICTR Speaks Out On Genocide Cases in France**

BY EDWIN MUSONI

All Africa

20 FEBRUARY 2013

The Registrar of the International Criminal Tribunal for Rwanda (ICTR) has said that structural concerns are the reason France has delayed to try cases of Wenceslas Munyeshyaka and Laurent Bucyibaruta which were referred to Paris under the tribunal's completion strategy in 2007.

Christopher Bongani Majola was addressing a news briefing after meeting with the Justice Minister, Tharcisse Karugarama, yesterday.

He outlined a series of reasons as to why the two cases referred to France have not been tried up to date.

"The issue of the two cases transferred to France remain of grave concern to the entire tribunal. The cases have been delayed for quite a long time but the ICTR has not just sat down and done nothing. We have sent delegations to France to express our concerns that the investigations are moving slowly and that they are not reaching the trial stage," said Majola.

Majola's remarks come weeks after Rwanda's Prosecutor General Martin Ngoga expressed concern over the delays.

Majola added, however, that they had got assurance late last year that one of the cases was ready for trial.

"We were made to understand that in their system, the investigative part and the collection of evidence takes much longer than the trial," he said.

Rwanda has for long accused Paris of offering a safe haven to Genocide suspects and to date France is yet to make a significant attempt to sentence or extradite any suspect.

According to Majola, the matter is now in the hands of the International Residual Mechanism established to take over from the ICTR as part of the latter's completion strategy.

"My understanding is that the top management of the Mechanism is doing its best to solve this problem. They have visited France already and had discussions with the relevant officials of the French government with the view to get a faster resolution of these cases," he said.

Father Munyeshyaka is accused of genocide and acts that constitute crimes against humanity.

His case has dragged on in France since a judicial investigation was opened in 1995, that even Paris was condemned for its slowness by the European Court of Human Rights in 2004.

### **Considerations**

Bucyibaruta was indicted in 2000 following a complaint filed against him and three other Rwandans residing in France.

The former prefect of Gikongoro was freed in 2000, and his case - as did Munyeshaka's - came before a Paris court, after a decision by a superior court to group the Rwandan cases together "in the interest of administering justice well."

Prosecutor General Ngoga has questioned why the ICTR imposed monitors for the one suspect transferred to Rwanda last year and not for France.

Genocide suspect Jean Uwinkindi was transferred to Kigali in April last year under the condition that his case would be monitored.

On this, Majola explained that when the cases were transferred to France in 2007, the rules under which cases could be referred to national jurisdictions were different; they did not provide for imposition of monitors.

On reports of Genocide convicts incarcerated in Mali living a lavish life and running businesses, Majola said the concerns raised by Rwanda were put in consideration by the Residual Mechanism.

The convicts, including former Prime Minister of the genocidal regime, Jean Kambanda, are said to be running businesses in Mali's capital Bamako and believed to have special helpers who are not part of the prison arrangement working for them in their cells.

On his part Minister Karugarama said, "We raised the issue with the ICTR and the Mechanism and were told they investigating the matter because we raised the alarm, it is hoped that if those excesses were taking place, they would be addressed. There were also fears that due to the Mali turmoil, the convicts could use it as an opportunity to escape."

Copyright All Africa 2013