Statement by

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Permanent Representative

at the

Security Council Debate on the International Residual Mechanism for Criminal Tribunals (IRMCT)

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Mr. President,

First and foremost, I congratulate you on your Presidency of the Security Council for this month. I assure you of my delegation’s support during your presidency.

I thank Judge Agius and Prosecutor Brammertz for their reports and briefings today. We congratulate Judge Agius, on his recent appointment as the President of the International Residual Mechanism for Criminal Tribunals (IRMCT).

This transition of leadership is an opportune time to reflect on the legacy of the mechanism in the last 7 years. This legacy can be summarized in 4 points;

- 11 genocide convicts were released before the end of their sentences.
- None of the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR) for crimes committed during the Genocide against the Tutsi in Rwanda, have been brought before the court.
- 23 genocide convicts sentenced by the ICTR have appealed their sentences and been either acquitted or seen their sentences significantly reduced after retrial.
- 9 genocide convicts released or acquitted by the court currently live comfortable lives in Arusha at the expense of Member states
with their living allowances and accommodation paid from the Mechanism budget.

That is in summary the appalling legacy of the previous leadership.

Mr. President,

I wish to elaborate on these four points.

**Early release of genocide convicts.**

In his sole discretion, the former president imposed an arbitral set of criteria for early release of genocide convicts upon or soon after serving two-thirds of their sentences.

None of the applications for early release with the exception of three cases in 2018, have never been notified to the Government of Rwanda, to the representatives of genocide survivors, to communities where crimes for which they were convicted were committed or to the witnesses who testified and provided evidence of crimes committed at great personal risk.

The grounds on which early release applications were lodged, considered and approved have also been withheld from the Government of Rwanda, genocide survivors and other relevant stakeholders. In future, we expect meaningful cooperation with the Government of Rwanda, associations of genocide survivors and all relevant stakeholders prior to consideration of applications for early release.
Mr. President,

In all cases of early release but one, decisions were made with no conditions. The only case where conditions were attached, is that of Mr. Aloys Simba a former lieutenant colonel, who organized large scale killings in the south of Rwanda and whose early release was sneaked through by the former president of the Mechanism a week before the end of his tenure as president of the court.

It is also worth noting that genocide convicts granted early release never expressed a shred of remorse for crimes committed during the Genocide against the Tutsi and since their release, several have joined associations denying the genocide and promoting the genocide ideology. And yet they were considered by the mechanism on the basis of reports from prisons where they were serving sentences, stating good behavior such as regularly attending prison mass services or participating to gardening work; none of which you will agree, is relevant to the crimes for which they were convicted.

We expect the President of the MICT to implement in spirit and letter, UN Security Council resolution 2422 (2018) and put in place clear conditions to any early release as a matter of urgency and prerequisite to consideration of new applications for early release. It is only in doing so that we can make it
costly for those released to engage in activities promoting genocide ideology in the future.

**Genocide fugitives still at large.**

Mr. President,

The Office of the Prosecutor noted in his recent report that progress in locating, tracking and arresting the remaining eight indicted fugitives was hampered by the failure of some Member States and other relevant authorities to cooperate with requests. Furthermore, the Prosecutor General of the Republic of Rwanda has sent out over 1000 indictments to 34 countries around the world, requesting for their cooperation in arresting and prosecuting individuals indicted or transfer them to Rwanda to face justice.

We echo the call made by the Office of the Prosecutor to all Member States to adhere to their international legal obligations to provide the assistance needed to locate and apprehend genocide fugitives.

We thank Member States in particular Canada, Democratic Republic of Congo, Denmark, Germany, Malawi, Netherlands, Norway, Sweden and USA, for the transfer to Rwanda or prosecution in their national courts of genocide. We urge all Member States, in particular Members of this Council, to walk the talk of commitment to international law and justice by either prosecuting the individuals indicted and living on their territory or by transferring them to Rwanda to face prosecution.
In particular we call for the arrest or trial of Dr. Vincent Bajinya, Emmanuel Nteziryayo, Charles Munyaneza, Celestine Ugirashebuja and Celestin Mutabaruka, all living freely in the United Kingdom. We also call for the arrest or trial of Mr. Kayishema Fulgence, living in South Africa and for whom the Prosecutor has on several times requested for cooperation without results until now. We welcome France’s recent efforts and encourage them to pursue these efforts until genocide fugitives who took refuge in their country are brought to justice. Long time pending cases including Dr. Munyemana Sosthene, Dr. Rwamucyo Eugene, Dr. Bivugabagabo Marcel, Dr. Twagira Charles deserve full attention of relevant authorities.

_retrials and appeals of genocide sentences by ICTR._

Mr. President,

The Prosecutor reported a worrying trend of systematic retrials and appeals where witnesses have been pressured or corrupted, to change their positions. A case in point is the Turinabo multi-accused contempt case. We commend the office of the Prosecutor in the case of genocide convict Ngitabatware where it has been established that witnesses have been corrupted in contempt of court.

This, however, is not an isolated case. All previous retrials have been subject to similar practices.

_Luxurious living of released genocide convicts._
Nine convicts released or acquitted by the court live very comfortable lives in Arusha at the expense of Member States including Rwanda, as their cost of living and accommodation are paid through Members’ assessed contributions to the tribunal’s budget.

This in itself symbolizes the tragic irony of the international justice system. Some Member States find it difficult to cooperate with the Office of the Prosecutor to bring to book those who committed the most atrocious crimes and yet find it normal that their tax payers’ money is used to offer generous living allowances to those released many years after their acquittal. In some cases, living expenses and allowances have been paid by the ICTR and later on the Mechanism for more than a decade. These continued payments by the Mechanism defeat every logic. Rwanda believes that they are unjustified and should simply be stopped.

**Mr. President,**

In conclusion, the four points outlined above reflect Rwanda’s assessment of the poor performance of the Mechanism in the last eight years and its failure to deliver on its core mission to complete the unfinished judicial work of the ICTR. Rwanda expects an improved performance and meaningful cooperation with the MICT under the leadership of Judge Agius and we are encouraged by his constructive engagement and dialogue with all stakeholders including the Government Rwanda since he took
office six months ago. We also call on Member States hosting genocide fugitives to cooperate more effectively with the Office of the Prosecutor and bring to justice fugitives to account for crimes committed in the 1994 Genocide against the Tutsi in Rwanda.

In today’s Rwanda, genocide survivors and perpetrators live side by side on the same hills, in the same communities, in peaceful coexistence. The delivery of justice in Rwanda has been central to making this possible by fighting the culture of impunity and bringing back communities together to rebuild the social fabric destroyed in 1994.

I thank you for your attention.