



STATEMENT

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PROSECUTOR

The Hague, 6 April 2014

Statement by Justice Hassan B. Jallow Chief Prosecutor, ICTR and MICT on the occasion of the 20th anniversary of the Rwandan genocide 6 April 2014

This week, Rwanda and the international community mark the commencement, some twenty years ago, of one of the worst humanitarian tragedies of modern times.

During a period of just a hundred days from 6th April 1994 up to, by some accounts, a million people, non-combatant men and women, young and old were slaughtered because of their Tutsi ethnicity in the course of the Rwandan genocide. With them too, perished courageous members of other ethnic groups who had stood up against the killings, for the protection of the innocent victims.

Since, and as a result of that great tragedy, the International Criminal Tribunal for Rwanda (ICTR) has been in collaboration with the Rwandan legal system and other national jurisdictions, part of a truly global process of ensuring justice for the victims and survivors and accountability for the perpetrators of the genocide.

Indeed in 2006 the Appeals chamber of the ICTR in taking judicial notice of the occurrence of the genocide as a fact of common knowledge requiring no proof held that “there is no reasonable basis for anyone to dispute that during 1994, there was a campaign of mass killing intended to destroy, in whole or at least in very large part, Rwanda’s Tutsi population... That campaign was to a terrible degree successful; although exact numbers may never be known, the great majority of Tutsis were murdered, and many others were raped or otherwise harmed... The fact of the Rwandan genocide is a part of world history, a fact as certain as any other, a classic instance of a “fact of common knowledge”.

Established by the UN Security Council in 1994 to prosecute not all the perpetrators of the Rwandan genocide but only those who played a leading role in its planning and execution, the ICTR has indicted 93 such leaders including former Prime Minister Jean Kambanda, former Cabinet Ministers, Senior military officers, senior administrators, leaders of the then ruling MRND political party, media people, clergy and ordinary civilians notorious for their participation in the killings.

As the ICTR moves towards closure in 2015, it will be recalled that it has, with the cooperation of several member states and international agencies, arrested all but 9 of these indictees. It has now concluded all trials at first instance of those arrested and is focussing on the completion of the appeals by next year. The tribunal has transferred 10 (ten) cases to national jurisdictions, principally Rwanda and France, for trial. Of those prosecuted by the ICTR, 61 have been convicted of the crimes of genocide, crimes against humanity and war crimes. 14 have been acquitted by the tribunal. Several other national jurisdictions – amongst them Canada, USA, France, Germany, Sweden, Norway, Belgium, Denmark, The Netherlands – have been prosecuting suspected genocidaires and in some instances extraditing or deporting them to Rwanda for trial.

As we commemorate that tragedy, we seize the opportunity to pay our deepest respects to the victims and to the survivors of the Rwandan genocide; our gratitude to the thousands of survivors who have, despite numerous challenges, testified at the ICTR and assisted the tribunal with the indispensable material for the execution of its mandate to render justice; our appreciation to the government and people of Rwanda for their support of and collaboration with the tribunal not only in the investigation and prosecution of these serious crimes but also in the reform and capacity building of the Rwandan legal system culminating in the international judicial recognition by the ICTR and hence by other national courts of that system as both fair and efficient; to the member states and to the rest of the international community for their vital support to the tribunal and to the global process of accountability particularly in the tracking and arrest of fugitives, the provision of evidence and the national trial or transfer/extradition of suspected genocidaires.

We must however recognise that much still remains to be done. The nine fugitives who remain at large – including Félicien Kabuga, Protais Mpiranya – former commander of the Presidential Guard, and Augustin

Bizimana, former Minister of Defence – need to be arrested and brought to justice; the three of them before the Residual Mechanism and the remaining six before the Rwandan courts to which their cases have been transferred by the ICTR. This can be done only through the active collaboration of all states to secure the arrest and transfer of these fugitives for trial. Several suspected genocidaires whom the ICTR has not been able to prosecute due to the limitation of its mandate must in accordance with the requirements of international law, be prosecuted by the host countries or extradited to Rwanda to stand trial.

The international obligations to protect the witnesses who have testified at great risk and to attend to their welfare need to be respected. Accused persons, who have been released by the Tribunal – either on acquittal or on conclusion of their sentences, need to be relocated to where they can resume their normal lives. As the ICTR, together with other ad hoc and hybrid tribunals stand on the verge of closure, the lessons that can be drawn from their operations over the past two decades can provide valuable guidance to future efforts in combatting impunity and promoting accountability. These lessons need, with the support of member states, to be compiled and made accessible to both national and international jurisdictions and all others involved in the investigation and prosecution of international crimes.

Our ultimate goal must however be to give concrete realisation to the deep seated yearning for “Never again”. The implementation of effective international and national preventive strategies for the avoidance of mass atrocity must rank as a global priority. The international community needs to live up to its obligation to protect communities in danger of such mass atrocity. Above all we must create within our national communities an environment of good government based on respect for the rule of law, justice, democracy and human rights without discrimination, respecting the equality and equal rights of all persons. Such an environment is the strongest bulwark against the strife and conflict which often is the setting for the great tragedy that the world witnessed in Rwanda in 1994.

Hassan Bubacar Jallow

Chief Prosecutor, ICTR & MICT

Under Secretary-General, United Nations

April 6th, 2014, Kigali, Rwanda

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