



**STATEMENT BY JUSTICE HASSAN B. JALLOW, CHIEF
PROSECUTOR, ICTR & MICT ON THE COMMEMORATION OF
THE 20TH ANNIVERSARY OF THE RWANDAN GENOCIDE**

Mr. President, ICTR,
Mr. Registrar,
Honourable Minister of Justice of Rwanda,
Your Excellencies Members of the Diplomatic Corps,
Ladies and Gentlemen,

This week, the international community marks the commencement, some twenty years ago, of one of the worst humanitarian disasters of modern times and pay their respects to its victims, survivors and indeed to all the people of Rwanda.

During a period of just a hundred days from 6th April 1994 up to 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 in collaboration with Rwandan and other national jurisdictions, been part of a truly global process of bringing justice to the victims and survivors and ensuring the accountability of 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 and discharged by the tribunal. Several other national jurisdictions – amongst them Canada, USA, France, Germany, Sweden, Norway, Belgium,



Denmark, Holland – have been prosecuting suspected genocidaires and in some instances extraditing or deporting them to Rwanda for trial.

Thus the legal process in the ICTR has amongst others contributed to this global struggle by reaching and bringing to account top level planners and executioners who are often beyond the reach or will of national jurisdictions; by closing the door, through its judicial notice of the genocide, to denial and revisionism and through its transfer of cases to Rwanda given an international judicial approval of the effectiveness and fairness of a legal system which had in 1994 been totally destroyed and took several years to rebuild.

As we commemorate this monumental tragedy of the genocide, 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, come forward and testified at the ICTR and in that way 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 referrals and extradition of genocide cases to Rwanda; 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 conclusion of service 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. The OTP of the ICTR has already made considerable progress in this area with the compilation of Manuals on tracking and arrest, on the investigation and prosecution of sexual violence and the compendium of best practices. Much similar work in other aspects of our work needs to be done and can be undertaken successfully, with the required financial support of states and international organisations. These lessons need, with the support of member states, to be compiled/documentated 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 each of 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. We must build communities of peace and reconciliation based on continuous dialogue. 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.

I thank you for your attention.