

ICTR transfers last detainee to Rwanda

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The International Criminal Tribunal for Rwanda (ICTR) yesterday transferred to Rwanda Genocide suspect Bernard Munyagishari from its custody in Arusha, Tanzania.



Bernard Munyagishari after being handed over to the Rwandan security at Kigali international airport yesterday. The New Times/John Mbanda

The International Criminal Tribunal for Rwanda (ICTR) yesterday transferred to Rwanda Genocide suspect Bernard Munyagishari from its custody in Arusha, Tanzania.

The former head of the genocidal party MRND in former Gisenyi prefecture, was in pre-trial detention and his transfer is part of the court's completion strategy. He was the last suspect in the custody of the UN-backed court.

Munyagishari's transfer came after he lost a petition for a stay of his transfer from ICTR to Kigali.

He was arrested in May 2011 in DR Congo and charged with conspiracy to commit genocide, genocide, complicity in genocide, as well as murder and rape as crimes against humanity.

A seemingly pensive Munyagishari arrived at the Kigali International Airport aboard a commercial

RwandAir flight from Kilimanjaro, Tanzania, at around 5p.m, under the custody of ICTR officials.

He was then delivered to Rwandan prosecutors, who, in turn, handed him over to designated judicial police officers.

The suspect under tight security, was paraded before journalists for about 30 seconds and later whisked off to the special transit facility at Kigali Central Prison. He joins former Pastor Jean Uwinkindi, who was transferred by the ICTR in April last year but whose trial is yet to start in substance.

"We would like to thank the ICTR generally for the significant vote of confidence it has given to the Rwandan justice system, and for the smooth execution of this transfer. What happens next is following the Rwandan laws, particularly the law on transfer of Genocide suspects from ICTR and other jurisdictions," said the spokesperson of the Rwandan Prosecution, Alain Mukuralinda.

Munyagishari will be under police custody for a maximum of five days before being handed to Prosecution. Prosecution could request for 30 days from the judiciary to prepare his dossier as stipulated by the law. ICTR Spokesperson Roland Amousouga said the transfer process is part of the ICTR completion strategy.

"The opinion of the judges at the ICTR is that Munyagishari will get a fair trial in Rwanda and the court will monitor the case the same way it is doing in the case of Uwinkindi. . . we are confident that the trial process will go smoothly," said Amousouga.

The ICTR approved a prosecution request for Munyagishari's transfer on June 6, 2012 and confirmed it on appeal on May 3 this year.

In a last-ditch appeal filed three days later, Munyag-

gishari asked the Tribunal to stay his transfer until he had received the French versions of the Appeals Court decision and his amended indictment. He also sought information about the setting up of a mechanism to monitor his trial and prison conditions in Rwanda.

But on May 30, ICTR Appeals Court president Theodor Meron noted that the accused received his amended indictment in French on May 10, and was only waiting for the translation of the decision confirming his transfer. Meron then ordered that Munyagishari's transfer be effected not less than three days after he had received the French version of the Appeals Court decision. The suspect's request for information about a monitoring mechanism was rejected.

During the 1994 Genocide against the Tutsi, Munyagishari, 53, was general secretary of the then ruling party, National Republican Movement for Democracy and Development (MRND), in Gisenyi prefecture and president of the Interahamwe militia.

His indictment says due to his rank in both the MRND and the militia, Munyagishari exercised effective control and authority over the Interahamwe militants operating under the Intarumikwa and the Impuzamugambi militia groups, in Gisenyi and its surroundings. He is accused of killings at St Fidele College and the Catholic Church, convent in Nyundo parish in Gisenyi, now Rubavu District. Also, at the beginning of 1994, Munyagishari received a list of Tutsis to be killed in the town of Gisenyi and its surroundings, according to the ICTR charge sheet .

After the assassination of former president Juvenal Habyarimana on April 6, 1994, Munyagishari organised a house-to-house search for Tutsis to be eliminated, the charge sheet says.

In addition, from April 7 to July 17, 1994, he is accused of having supervised roadblocks in Gisenyi, particularly the notorious la cornice roadblock and its surroundings, and ordered the pogrom, the indictment adds.

According to the prosecution, Munyagishari is further alleged to have conspired with then high ranking military commanders, including Colonel Anatole Nsengimana, Augustin Ndirabatware, and Joseph Nzirorera all of whom have been tried by the ICTR. The ICTR has also confirmed five other case transfers to Rwanda, but they all concern suspects who are still on the run. They include, Lieutenant-Colonel Phénéas Munyarugarama, former mayors Charles Sikubwabo, Ladislav Ntaganzwa, Aloys Ndimbati and former judicial police inspector Fulgence Kayishema

Apart from Rwanda, the only other country to which the ICTR has transferred cases is France. Two cases have been transferred there.

These transfers are part of the closure strategy of the ICTR, which must complete its work by December 2014 at the latest, according to the UN Security Council.

The ICTR has already started transferring some of its functions to its eventual successor organ – the Mechanism for International Criminal Tribunals (MICT).