

FOR IMMEDIATE RELEASE - November 9, 1994

FOR FURTHER INFORMATION

Juan Mendez (703) 801-6767
(703) 938-5734
Ken Roth (212) 972-8400 [w]
(212) 678-7044 [h]
Susan Osnos (212) 972-8400 [w]
(203) 622-0472 [h]

Rwandan Genocide To Be In The Dock

The cause to combat genocide was advanced yesterday by the Security Council's decision to establish an international tribunal court to deal with the authors of up to one million deaths in Rwanda. This is an important signal to Rwandans today that the world will help them hold to account those responsible for mass murder.

The decision is a major step toward bringing to justice the people who planned, directed and implemented the program of genocide that was launched by the former government of Rwanda on 7 April and continued until that government was defeated by a rebel army of exiles.

More than half a million Rwandans were killed in cold blood in the space of less than 10 weeks, as the international community withdrew and passively stood by. Most of the victims were singled out because their identity papers labled them as Tutsis -- distinct from the 85% majority of the population identified as Hutu.

Human Rights Watch welcomed the Security Council's stand, particularly in the context of the United Nations 6th Committee deliberations also under way this week on the establishment of a permanent international criminal court.

"The international community should do its utmost to ensure that those who contemplate genocide and other crimes against humanity know they may well end up in the dock before an international criminal tribunal," urged Kenneth Roth, executive director of Human Rights Watch. "The tribunals on Rwanda and the former Yugoslavia are a beginning -- but we should not wait for the next outbreak of genocide to establish a permanent international tribunal as a guarantor of international standards."

Governments now must heed the Security Council's call to contribute funds, equipment, services and expert personnel to expedite the organization and the work

of the Rwanda tribunal. Governments will also bear primary responsibility for acting upon the tribunal's requests for individuals to be detained for prosecution --most of the principal leaders of the former government's military and militia murder squads are now at large in neighboring states to Rwanda or in comfortable sanctuary in Western Europe.

Based on the model of the international tribunal established to deal with the former Yugoslavia, with which it will share an appeals court, the decision to create the Rwandan tribunal was taken without the two years of procrastination that plagued its predecessor. The prosecutor of the tribunal for the former Yugoslavia will also serve as the prosecutor of the tribunal for Rwanda, assisted by a deputy prosecutor and appropriate staff. As a consequence, the prosecutor for the former Yugoslavia, South African jurist Richard Goldstone, who led the commission that cracked the secrets of South Africa's covert police operations, can begin assembling his team. The tribunal will be composed of two trial courts, each with eleven judges; no two of them nationals of the same country.

The seat of the tribunal is yet to be determined, but the resolution and statutes of the tribunal do not rule out holding proceedings within Rwanda. Human Rights Watch supports this, so long as the conditions of security prevail that are required for a fair and impartial hearing, including the protection of witnesses. The statute of the tribunal provides for full due process guarantees in the pre-trial and trial process, and for penalties handed down to be limited to imprisonment.

It is also to be welcomed that the Security Council's resolution stressed the need for international cooperation to strengthen the courts and judicial system of Rwanda, noting in particular the necessity of those courts to deal with large numbers of suspects. The international tribunal and the Rwandan national courts are to have concurrent jurisdiction to prosecute persons charged with serious violations of humanitarian law between 1 January 1994 and 31 December 1994. The international tribunal will, however, have primacy over any national courts of any other state, and may formally request such courts to defer to its competence.

Efforts to apprehend former Rwandan leaders wherever they are will be the next step needed if the international community is to show that genocide will not go unpunished. The statute of the tribunal requires states to comply without delay to requests for assistance by the tribunal, including orders for the identification and location of persons, the taking of testimony and production of evidence, the arrest or detention of persons, and the surrender or transfer of the accused to the custody of the tribunal.

Human Rights Watch/Africa (formerly Africa Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa.

Abdullahi An-Na'im is the executive director; Janet Fleischman is the Washington representative; Karen Sorensen, Alex Vines and Berhane Woldegabriel are research associates; Kimberly Mazyck and Urmi Shah are associates; Bronwen Manby and Alison DesForges are consultants. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.