

For immediate release
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INTERNATIONAL DEFENCE COUNSEL CALL ON COUNTRIES
TO RELOCATE PERSONS ACQUITTED AND RELEASED AT
THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Lawyers for a group of Rwandans who were acquitted or released after serving their sentences at the International Criminal Tribunal for Rwanda (“ICTR”) are calling on governments who respect the rule of law to end their clients’ eight-month unlawful detention in Niger by agreeing to relocate them.

Francois-Xavier Nzuwonemeye, 66, Prosper Mugiraneza, 65, Protais Zigiranyirazo, 84, and Andre Ntagerura, 77, were acquitted at the ICTR between 2004 and 2014. Although their wives and children have conventional asylum or are citizens of France, Belgium, Luxembourg, The Netherlands, and Canada, those countries refused to allow the acquitted men to rejoin their families.

Alphonse Nteziryayo, 74, Tharcisse Muvunyi, 69, Anatole Nsengiyumva, 72, and Innocent Sagahutu, 60, were convicted at the ICTR and released after serving their prison sentences. Although their wives and children are citizens of France and Denmark, those countries refused to allow the released men to rejoin their families.

The men were forced to reside in a safe house in Arusha until December 2021 when the successor to the ICTR, the United Nations International Residual Mechanism for Criminal Tribunals (“IRMCT”) negotiated an agreement with the government of Niger to relocate the men there and provide them with residence papers. The IRMCT provided them with one-year’s lodging and a small payment. However, on 23 December 2021, after the government of Rwanda expressed its concern, the government of Niger took away the residence papers from the men, and confined them to their residence in Niamey, the capital of Niger, by posting armed policemen outside their residence. Four days later, the government of Niger served the men with papers saying they would be expelled in seven days for diplomatic reasons.

The government of Niger has delayed the expulsion at the request of the United Nations while the IRMCT found another country in which it could relocate the men. However, it has held the men under house arrest for eight months, despite an order by an IRMCT judge to allow them freedom of movement and return their residency papers.

During that time, IRMCT Registrar Abubacarr Tambadou has contacted more than 30 countries requesting that they relocate some or all of the men. Defence counsel have campaigned at the Security Council and have contacted an additional 12 countries on their clients’ behalf. No country has so far been willing to agree to relocate any of the men.

The situation is becoming dire as the men are running out of funds to pay for food and utilities and cannot sustain themselves while being prevented from leaving their residence. They also suffer from the stress and anxiety of their possible expulsion to Rwanda, where they fear that they would be persecuted, or worse, by the regime against whom they fought during the war and whose poor human rights record is now a concern to governments and human rights organizations.

The defence lawyers have been working *pro bono* after the IRMCT refused to provide legal assistance to the detained men.

Peter Robinson, an American lawyer defending Nzuwonemeye said, “The international community has as much of a duty to respect a judgment of acquittal at the ICTR as it does to prevent genocide denial after a conviction. The failure to restore the rights of an acquitted person is a failure of international justice that must be remedied.”

Kate Gibson, an Australian lawyer defending Mugiraneza, said, “States regularly meet in The Hague and around the world and proclaim their commitment to international justice. Part of that commitment must include giving those acquitted by international courts a meaningful chance at a dignified remainder of their life, together with their families.”

John Philpot, a Canadian lawyer defending Zigiranyirazo, said, “An 84 year old African man, born February 2, 1938, acquitted by the ICTR in 2009 after seven years detention and a long trial, should be freed from house arrest and welcomed in any country of the world.”

Barbara van Straaten, a Dutch lawyer defending Ntagerura, said, “My client, André Ntagerura, has been unanimously acquitted in both instances by the ICTR. Despite this acquittal, my client has been deprived of his liberty for nearly 20 years now. He is an old man, who wants nothing more than to spend his remaining time with his family. It is time that the international community takes its responsibility and puts its promises to international justice and the rule of law into actions.”

Iain Edwards, a British lawyer defending Nteziryayo, said, “The international community, including the UN as an institution, cannot wash its hands of my client or of his long-suffering family. It must recognise that Mr Nteziryayo has served his sentence and should be allowed to live his final years in peace, reunited with his wife and children. I call on all countries that believe in the rule of law to step up and offer a sustainable solution to what risks amounting to an indelible stain on the legacy of the ICTR.”

Jean Flamme, a Belgian lawyer defending Sagahutu, said, “ These indigent and illegally detained people have been refused assistance of lawyers, as the IRMCT has refused any payment of costs or fees out of the legal aid funds for the important and complicated legal work already performed by the undersigned counsel.”

Abbe Jolles, Washington, DC based international human rights litigator, has represented Tharcisse Muvunyi since 2007. “Mr. Muvunyi completed his sentence, in 2012. Once released a person cannot be *arbitrarily* detained. *Arbitrary detention* is forbidden under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. This unlawful *arbitrary detention* puts current and future UN Tribunal funding for all criminal tribunals including, IRMCT at grave risk.”

Allison Turner, a Canadian lawyer representing Anatole Nsengiyumva, said, “The UN principle of *non-refoulement* is at risk of violation even though there are several ways to safely relocate my client today. The UN must adhere to its values and cooperate with us to achieve our common goal of reuniting the men with their families.”

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