



**REPUBLIC OF RWANDA
NATIONAL PUBLIC PROSECUTION AUTHORITY
ORGANE NATIONAL DE POURSUITE JUDICIAIRE
UBUSHINJACYAHA BUKURU**



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GFTU ACTIVITIES AND SO FAR WORK DONE

INTRODUCTION

The Genocide Fugitives Tracking Unit (GFTU) is a Specialized Unit within the National Public Prosecution Authority (NPPA), it was established by the Government of Rwanda through a cabinet decision of 14th November 2007.

The unit was tasked to investigate and pursue cases of fugitives involved in genocide, crimes against humanity and war crimes committed in Rwanda in 1994 against the Tutsi. This genocide committed against Tutsi left over a million dead, while tens of thousands of genocide suspects fled Rwanda and sought refuge in various countries on different continents.

GFTU has since its inception in 2007 and as of 4th April 2018 issued indictments and international arrest warrants for (911) nine hundred eleven individuals living in 33 countries worldwide. In response, there has been groundbreaking domestic prosecutions, deportations and landmark judgments, as well as numerous *rogatory commissions* which have visited Rwanda to conduct their own investigations.

The majority of these genocide fugitives are the educated masterminds of the most heinous crimes as most of the foot soldiers were unable to flee since they had no means to flee or no had no contacts abroad and decided to stay behind and these make a large number of those who were either tried under classical courts or Gacaca courts in Rwanda.

GFTU Mandate and Activities

The core mandate of the GFTU is to:

- ✓ Carry out thorough investigations in order to build strong indictments which motivate and enable foreign governments to either initiate domestic prosecutions or extradition to Rwanda or deportation proceedings;
- ✓ Identify genocide fugitives wherever they are and alert foreign governments to their presence on their soil;
- ✓ Assist foreign prosecutors, judges and investigators during their investigative missions in Rwanda (*Commission Rogatoire*);
- ✓ Establish close working relations with a wide range of institutions, organizations and groups in different countries to raise awareness about the presence of genocide suspects in different regions of the world.

Notable Successes

International acceptance that Rwandan courts can adjudicate cases of genocide suspects in a fair and impartial manner was a milestone and major breakthrough for GFTU. The GFTU's efforts have been instrumental in the following decisions, among many others:

- ✓ **Transferred cases from ICTR**
 - (i) **The Prosecutor Vs. UWINKINDI Jean Case N° ICTR 2001-75-R11bis** was arrested on 30th June 2010, in Uganda and transferred to Arusha -Tanzania and his referral judgment decision was passed on 28th June 2011 by the Trial Chamber II of the International Criminal Tribunal for Rwanda (ICTR). He was transferred to Rwanda by ICTR on 19th April 2012, he got tried at the High Court Chamber for International Crimes (HCCIC) and sentenced on 30th December 2015 to life imprisonment and has appealed against his sentence at the Supreme Court;
 - (ii) **The Prosecutor Vs. MUNYAGISHARI Bernard Case N° ICTR 2005-89-R11bis**. He was arrested on 25th May 2011, in the Democratic Republic of Congo and transferred to the ICTR from where he was transferred to Rwanda on 24th July 2013. His referral judgment decision was passed on 6th June 2012 by the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR), **he has**

also been convicted by the HCCIC to life sentence and also appealed to the Supreme Court;

- (iii) The Prosecutor Vs. Ladislav NTAGANZWA, Case N° ICTR 01-96-9-R11bis a judgment decision passed on 8th May 2012 by the Trial Chamber III of the International Criminal Tribunal for Rwanda(ICTR); He was apprehended in Kiyeye-Nyanzare, Eastern DRC on 8th December 2015, transferred to Rwanda on 20th March 2016. He is currently on trial at the HCICC.

✓ **Suspects on the run whose cases were transferred by the ICTR to the Rwandan Jurisdiction for trial**

- (iv) The Prosecutor Vs. Fulgence KAYISHEMA, Case N° ICTR 01-67-R11bis a judgment decision passed on 22nd February 2012 by the Trial Chamber II of the International Criminal Tribunal for Rwanda(ICTR), he is still at large and wanted fugitive;

- (v) The Prosecutor Vs. Charles SIKUBWABO, Case N° ICTR 01-95-ID-R11bis a judgment decision passed on 26th March 2012 by the Trial Chamber II of the International Criminal Tribunal for Rwanda(ICTR), he is still at large and wanted fugitive;

- (vi) The Prosecutor Vs. RYANDIKAYO, Case N° ICTR-95-1E-R11bis a judgment decision passed on 20th June 2012 by the Trial Chamber of the International Criminal Tribunal for Rwanda(ICTR), he is still at large and wanted fugitive;

- (vii) The Prosecutor Vs. Aloys NDIMBATI, Case N° ICTR 95-9-1F-R11bis a judgment decision passed on 25th June 2012 by the Trial Chamber of the International Criminal Tribunal for Rwanda(ICTR), he is still at large and wanted fugitive;

- (viii) The Prosecutor Vs. Phenius MUNYARUGARAMA, Case N° ICTR - 02-79 R11bis a judgment decision passed on 28th June 2012 by the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR), he is still at large and wanted fugitive.

✓ **Extradition decisions taken by foreign jurisdictions**

- (i) The Prosecutor Vs. BANDORA Charles Extradition Case N° 11-050224ENE-OTIR/01 Pronounced on 11th July 2011 by the Oslo

District Court in Norway; (the fugitive was extradited on 10th March 2013 to Rwanda by Norway). BANDORA Charles who was on trial since 2013, was on 15 May 2015 convicted by the HCICC-High Court for an imprisonment sentence of thirty (30) years, and he has appealed and his appeal is being handled by the Supreme Court;

- (ii) The Prosecutor Vs. AHORUGEZE (SWEDEN), Extradition application case N° 37075/09 a judgment passed on 27th October 2011 by the European Court of Human Right (ECtHR) after the suspect had appealed against the Swedish Extradition decision, which was upheld by the Appeal Chamber of ECtHR on 7th June 2012; it is one of the landmark judgments;
- (iii) The Prosecutor Vs. MBARUSHIMANA Emmanuel a.k.a KUNDA Emmanuel, he was arrested in December 2010 in Denmark and the Danish Supreme Court on 13/11/2013; he was extradited to Rwanda on 3rd July 2014 by Denmark;
- (iv) MUGIMBA Jean Baptiste, extradited by the Netherlands to Rwanda on 12/11/2016, his case is on trial at the HCICC;
- (v) IYAMUREMYE Jean Claude, extradited from the Netherlands to Rwanda on 12/11/2016, his case is on trial at HCICC;
- (vi) TWAGIRAMUNGU Jean, extradited from GERMANY on 18/08/2017 and his case is on trial at the HCICC.

✓ **Deported suspects**

- (i) Enos KAGABA, deported by the United States on 26th April 2005 as he had been tried and convicted by Gacaca Court of Gishyita in Kibuye in his absence. When he returned back, he applied for case revision and his appeal got permitted. Upon his defence he was found guilty and convicted to life in prison;
- (ii) **MUDAHINYUKA Jeam Marie Vianney aka Zuzu**, deported from the United States on 28th January 2011. He was tried in two separate Gacaca Courts, one in Rwezamenyo Gacaca Court and was sentenced to a life imprisonment sentence, and another in Nyakabanda Gacaca Court where he was sentenced to 19 years imprisonment sentence.

He brought a law suit to Nyamirambo Primary Court seeking nullification of the Gacaca decisions;

- (iii) **MUKESHIMANA Marie Claire**, deported from the United States on 27th December 2011, she had been sentenced by Gacaca Court of Mbazi Sector for 19 years imprisonment. She applied for a revision of her case as she was tried in absentia. Her case is seized with Ngoma Primary Court in Huye District;
- (iv) **Leon MUGESERA** was deported from Quebec-Canada on 24th January 2012, although he is a deportee his trial was treated under transfer law arrangement (as an extradition case) because of the agreement made between Rwanda and Canada before his removal from Canada. He was tried at the HCICC, and was on 15th April 2016 convicted to life imprisonment sentence and his appeal is lodged with the Supreme Court;
- (v) **NKUNDABAZUNGU Augustine**, he was deported from Uganda after being arrested in Western-Uganda on 4th August 2010. He has been tried and convicted to life imprisonment sentence by KIZIGURO Gacaca Court in Gatsibo District in Eastern Province;
- (vi) **KWITONDA Jean Pierre a.k.a KAPALATA**, arrested in Uganda and deported to Rwanda in November 2010; he was tried and convicted by Gikondo Gacaca Court to life imprisonment sentence. He has applied for a revision of his cases and this is still pending a decision;
- (vii) **BIRINDABAGABO Jean Paul alias BAGABO Daniel**, got arrested in Uganda and deported to Rwanda on 15/01/2015, he has been tried by NGOMA Intermediate Court on 25th May 2017 which sentenced him to life in prison a decision which he appealed against and his appeal is being heard at the High Court (HCICC);
- (viii) **MUNYANEZA Jean de Dieu alias Mutzig**, he was arrested and deported to Rwanda on 21/03/2015 by the Netherlands, his case is being heard by BUSASAMANA Primary Court in Nyanza District;
- (ix) **SEYOBOKA Jean Claude**, he was deported from Canada on 18/11/2016 he is now on trial at the Military Tribunal since he committed genocide while a soldier;
- (x) **MUNYAKAZI Leopold**, deported from the United States on 28/09/2016, he was tried by MUHANGA Intermediate Court,

sentenced to life in prison and his appeal is being heard by the High Court (HCICC).

✓ **Genocide Fugitives tried in foreign jurisdiction and the outcome**

| N° | NAMES | COUNTRY | SENTENCE RENDERED |
|-----------|---|----------------|---|
| 1 | HIGANIRO Alphonse | BELGIUM | Convicted to 20 years imprisonment sentence in 2001 |
| 2 | Sœur MUKANGANGO Consolate | BELGIUM | Convicted to 15 years imprisonment sentence in 2001 |
| 3 | Sœur MUKABUTERA Julienne (Sœur KIZITO) | BELGIUM | Convicted to 12 years imprisonment sentence in 2001 |
| 4 | NTEZIMANA Vincent | BELGIUM | Convicted to 12 years imprisonment sentence in 2001 |
| 5 | NZABONIMANA Etienne | BELGIUM | Convicted to 12 years imprisonment sentence in 2005 |
| 6 | NDASHYIKIRWA Samuel | BELGIUM | Convicted to 10 years imprisonment sentence in 2005 |
| 7 | NTUYAHAGA Bernard | BELGIUM | Convicted to 20 years imprisonment sentence in 2007 |

| | | | |
|----|---------------------------------|-------------|---|
| 8 | MUNYANEZA Désiré | CANADA | Convicted to life imprisonment sentence in 2009 |
| 9 | NKEZABERA Ephrem (yarapfuye) | BELGIUM | Died in 2009 after he had appealed against an imprisonment sentence of 30 years |
| 10 | BAZARAMBA François | FINLAND | Convicted to life imprisonment sentence in 2012 |
| 11 | BUGINGO Sadi | NORWAY | Convicted to 21 years imprisonment |
| 12 | MUNGWARERE Jacques | CANADA | Acquitted in 2013 |
| 13 | SIMBIKANGWA Pascal | FRANCE | Convicted to 24 years in 2014 but has appealed |
| 14 | MBANENANDE Stanislas | SWEDEN | Convicted to life imprisonment sentence in 2014, case completed. |
| 15 | RWABUKOMBE Onesphore | GERMANY | Convicted to life imprisonment sentence on 29/12/2015, case completed. |
| 16 | NTACYOBATABARA Yvonne | NETHERLANDS | Convicted to 6 years and 8 months in 2013. |
| 17 | Joseph MPAMBARA | NETHERLANDS | Convicted to life imprisonment sentence in 2010, after Appeal. |

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|----|-------------------|--------|--|
| 18 | BERINKINDI Claver | SWEDEN | Convicted to life imprisonment sentence on 15/02/2017, after appeal. |
|----|-------------------|--------|--|

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|----|-----------------------|--------|---|
| 19 | NGENZI Octavien | FRANCE | Convicted to life imprisonment sentence on 06/07/2016 (Pending Appeal decision) |
| 20 | BARAHIRA Tito | FRANCE | Convicted to life imprisonment sentence on 06/07/2016 (Pending Appeal decision) |
| 21 | RUKERATABARO Theodore | SWEDEN | Ongoing at Trial Phase |

✓ **Commission Rogatoire (Foreign Mission teams that visited Rwanda and were facilitated by GFTU)**

| N° | Country | Number of Visits: (More than 10 times (Many) less than 10 times (Few)) |
|----|-------------|---|
| 1 | Netherlands | Many |
| 2 | UK | Many |
| 3 | New Zealand | Few |
| 4 | Norway | Many |
| 5 | Denmark | Many |
| 6 | Canada | Many |
| 7 | Finland | Many |

| | | |
|----|---------|------|
| 8 | Germany | Many |
| 9 | France | Many |
| 10 | Sweden | Many |
| 11 | Belgium | Many |

✓ **Number of Indictments issued by GFTU as per 4th April 2018**

| NO | COUNTRY | NUMBERS |
|----|-------------------------|---------|
| 1 | DRC | 303 |
| 2 | UGANDA | 242 |
| 3 | FRANCE | 42 |
| 4 | MALAWI | 44 |
| 5 | BELGIUM | 39 |
| 6 | KENYA | 30 |
| 7 | TANZANIA | 31 |
| 8 | USA | 23 |
| 9 | NETHERLANDS | 18 |
| 10 | CONGO BRAZAVILLE | 16 |
| 11 | BURUNDI | 14 |
| 12 | CANADA | 14 |
| 13 | MOZAMBIQUE | 12 |
| 14 | ZAMBIA | 12 |
| 15 | CENTRAL AFRICA REPUBLIC | 8 |
| 16 | CAMEROON | 7 |
| 17 | NORWAY | 6 |
| 18 | GERMANY | 6 |
| 19 | UK | 5 |
| 20 | SWEDEN | 5 |
| 21 | ITALY | 4 |
| 22 | GABON | 4 |
| 23 | SOUTH AFRICA | 4 |
| 24 | DENMARK | 3 |

| | | |
|----|----------------------|---|
| 25 | NEW ZEALAND | 3 |
| 26 | IVORY COAST | 3 |
| 27 | ZIMBABWE | 3 |
| 28 | SWAZILAND | 2 |
| 29 | INTERPOL Secretariat | 2 (These cases were handed over to Interpol to facilitate and identify the suspects whereabouts as the host country addresses were unknown) |
| 30 | SWITZERLAND | 2 |
| 31 | FINLAND | 1 |
| 32 | GHANA | 1 |
| 33 | BENIN | 1 |
| 34 | AUSTRALIA | 1 |
| | TOTAL | 911 |

✓ **Challenges encountered by GFTU during their tracking efforts**

Despite all the efforts to hold genocide fugitives accountable, a large number is still pending arrests and as a result they have eluded justice and are moving freely in some capitals of the host countries. Some of the challenges encountered are as follows:

- (i) Lack of political will to either prosecute or extradite by some countries;
- (ii) Lack of adequate information on genocide committed against Tutsi by some host countries and as a result fugitives claim political persecution other than prosecution for the crimes committed and sometimes are believed by host countries;
- (iii) Continuous change of identities, nationalities, and addresses by fugitives to avoid arrest and detection;
- (iv) Change of known addresses in host countries and by the time of operations of arrest they are already gone and it takes time to identify new addresses;
- (v) Impossible to extradite to those fugitives who already acquired host country's citizenship because of the "principle against extraditing own citizens" embedded in some laws of the host countries and at times prosecution is impossible because of lack of legal framework and this lead at times to prosecute under a different definition such as murder, torture, instead of real definition of the crime of genocide.
- (vi) Lies by some fugitives claiming fake death hoping to benefit from it and continue living on false identification;

- (vii) Lack of bilateral treaties between Rwanda and host countries and this has led to some countries claim a lack of legal framework;
- (viii) Some identifiers such as suspect's DNA, Fingerprints and photos which are difficult to get.

✓ **Way forward to the identified challenges**

- (i) Continue tracking efforts and pursuit of genocide fugitives until change is realized and they are brought before justice;
- (ii) Engaging other partners for advocacy through different forums;
- (iii) GoR to initiate Bilateral legal framework to enable extradition as it has been the case with recent developments with treaties signed between Rwanda and Malawi, Rwanda and Zambia, and Rwanda with Ethiopia, once this continues it will narrow the existing legal framework with some host countries that they cannot extradite in the absence of a treaty.
- (iv) Where extradition is impossible to continue advocating for domestic prosecution to avoid impunity.

Done on this day of 5th April 2018

By

John Bosco SIBOYINTORE
National Prosecutor & Head GFTU
(Se)

PHOTOGRAPHS OF SOME OF THE RETURNED FUGITIVES

NORWAY EXTRADITED CHARLES BANDORA ON 10/03/2013





Here Bandora Charles was outside the Courtroom discussing with the prison warden

DENMARK EXTRADITED EMMANUEL MBARUSHIMANA ON 3/7/2014



NETHERLANDS EXTRADITED TWO SUSPECTS ON 12/11/2016





IYAMUREMYE JEAN CLAUDE





MUGIMBA JEAN BAPTISTE

UWINKINDI Jean

UWINKINDI Jean referred to Rwanda on 19/04/2012 by the ICTR





UWINKINDI Jean was tried and found guilty by the High Court and convicted to life imprisonment sentence. He has appealed to the Supreme Court and his appeal is still pending hearing.

MUNYAGISHARI BERNARD

MUNYAGISHARI BERNARD HANDED OVER TO RWANDA BY ICTR ON
24/07/2013





Above MUNYAGISHARI Bernard in Court. He has been convicted with life in prison and he has appealed to the Supreme Court.

**LADISLAS NTAGANZWA HANDED OVER TO RWANDA BY MICT ON
24/07/2013**





USA MADE THE FIRST DEPORTATION IN 2005 OF ENOS KAGABA



MUDAHINYUKA JMV aka ZUZU being removed from a USA Chartered Jet at Kigali International Airport by the USA Special Operations force on 28/JAN 2011



USA DEPORTED Marie Claire MUKESHIMANA on 22 Dec 2011





USA ON 28/09/2016 DEPORTED LEOPOLD MUNYAKAZI

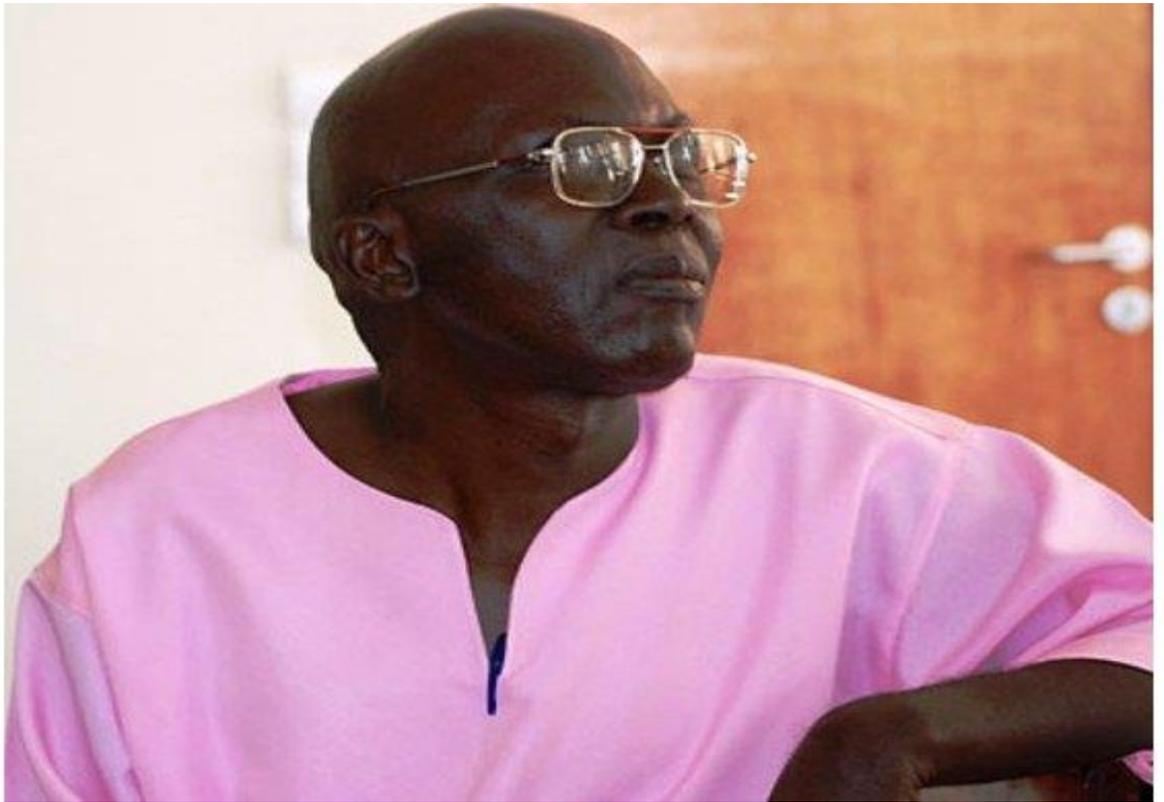




CANADA DEPORTED LEON MUGESERA ON 24/01/2012







CANADA ON 18/11/2016 deported SEYOBOKA Jean Claude





SEYOBOKA Jean Claude deported from Canada on 18/11/2016. He will be tried by the Military Prosecution as he committed the alleged charges when he was a soldier with the rank of 2nd Lt in the FAR.

Jean Paul BIRINDABAGABO is deported by Ugandan Officer on 15/01/2015 and is handing him over to Rwanda National Police at Kigali Int'l Airport







