

Le Monde

In Niger, the embarrassing fate of seven Rwandans acquitted or released by international justice

Although they have been freed from prosecution by the International Criminal Tribunal for Rwanda, their heavy past makes them undesirable.

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16 June 2023

They are at the centre of a judicial and diplomatic chessboard. Seven Rwandans who appeared before the International Criminal Tribunal for Rwanda (ICTR), a court set up in 1995 by the UN in Arusha (Tanzania) to try those most responsible for the genocide of the Tutsi, are currently living in Niger under threat of deportation. Although they have now been freed from prosecution by the UN justice system, their heavy past makes them undesirable.

Protais Zigiranyirazo (brother of former First Lady Agathe Habyarimana and considered a figure of the extremist Hutu regime), François-Xavier Nzuwonemeye (former commander of an elite unit), Alphonse Nteziryayo (former prefect) and André Ntageruda (Minister of Transport in 1994) were acquitted on appeal by the ICTR. Prosper Mugiraneza (Minister for the Civil Service during the genocide), Anatole Nsengiyumva (former head of military intelligence) and Innocent Sagahutu (former Rwandan army captain) have finished serving their sentences.

Arrested in Denmark in February 2000, he was sentenced to 15 years' imprisonment for "aiding and abetting" the murder of at least two Belgian peacekeepers at the start of the massacres that left almost a million people dead between April and July 1994. After obtaining his early release in 2017, the former captain tried to reach Burundi, but was unable to leave Tanzanian territory due to a lack of official documents. He therefore returned to Arusha, where he lived with other Rwandans in a residence perched on the heights of Themis Hill, a chic district of the city. Some of them lived there for more than ten years.

Housed, fed and laundered, they cost the United Nations €1,200 per person per month. On 25 June 2020, the UN Security Council finally adopted a resolution stating that it was important "to find rapid and lasting solutions to the issue of their resettlement". A commitment to this effect was reached with Niger in November 2021. Article 5 of the agreement stipulated that the Niger authorities should undertake to offer them "permanent resident status without payment and issue them with identity documents within three months of their entry into the country".

Not small fry

In Niamey, the Rwandans, now aged between 61 and 85, were placed under house arrest. Their fate changed once again on 27 December 2021, when an order signed by the Niger Minister of the Interior announced that the former ICTR defendants were to be "definitively expelled from the territory of Niger with a permanent ban on their stay for diplomatic reasons". Although they have no travel documents, they were given one week to leave the country.

"The residual mechanism of the Arusha tribunal did not tell us the truth before their arrival. We were told that Rwanda had agreed to the transfer, but a month later, when the agreement was published, this was not the case. So far, we are waiting for them to find a place to stay, which is not easy. These people are responsible for the genocide, not small fry", explains Hassoumi Massaoudou, the head of Niger's diplomatic service.

The government has not expelled them, but they continue to live in prison because they are under constant police surveillance", says Kadidiatou Hamadou, their lawyer. They live in a large house under siege and are not allowed to leave. These men are elderly and most of them suffer from diabetes and high blood pressure. Last week, Tharcisse Muvunyi [a former lieutenant-colonel in the Rwandan army who was sentenced to 15 years in prison in 2010 and who was part of the group] was found dead in his bathroom. He died far from his family.

Most of their families live in Europe (Belgium, Great Britain and France), but the European Union refuses to take them in. Protais Zigiranyirazo was refused a visa in 2012 on the grounds that he was "a threat to public order".

Fear of reprisals in Rwanda

Finding them a new home has become a real headache. "This situation risks making them stateless, even though Niger has undertaken not to extradite them", worries Kadidiatou Hamadou. The Niger authorities retort that these individuals remain under the responsibility of the International Mechanism, which is responsible for carrying out the residual functions of the ICTR, until a new home can be found for them.

The only country to come forward was... Rwanda. 'There's no point in having been acquitted or having served your sentence if you're then condemned to having nowhere to live,' says Marcel Kabanda, President of Ibuka France, the main association of survivors of the Tutsi genocide. 'This return will be psychologically difficult because of the monstrous crimes they committed there, but it would be the only way for them to rejoin the Rwandan community, to be definitively reborn in history. If they made a clear request, the UN, which failed at the time of the genocide, should facilitate their reintegration. Their situation is a call to return home, to come and participate in the reconstruction of a country they helped to destroy'.

But these former dignitaries fear reprisals at home. Many of those who have been acquitted are afraid of being retried by a Kigali court. 'Rwanda is far from being a model of fundamental freedoms and human rights,' says their counsel. Yet these Rwandans have paid their debt to society.

The Rwandan authorities and the International Mechanism, the UN body responsible for completing the work of the ICTR, did not wish to respond to requests from Le Monde.