

Former Rwandan Genocide Fugitive Arrested in the DRC

Today 9 December 2015 mark another turning point for victims of the Rwandan tragedy as the DRC authorities have arrested Mr. Ntaganzwa who was "indicted by the ICTR for genocide and crimes against humanity for the alleged massacre of thousands of Tutsis at various locations in his locality including at Cyahinda Parish and at Gasasa Hill during the 1994 Rwandan genocide against Tutsis during which moderate Hutus and others who opposed the genocide were killed.¹ He was also alleged to have orchestrated the rape and sexual violence committed against many women, and was one of the six fugitives whose cases were referred to Rwanda by the Prosecutor of the ICTR under Rule 11bis for trial"²

Following his arrest in Kachanga, North Kivu, the Prosecutor of the Mechanism for International Criminal Tribunal Mr. Jallow Hassan has informed the Security Council about the arrest of Mr. Ntaganzwa, he has equally thanked the DRC authorities and urges them to immediately transfer him from Goma where he is being held to Arusha to face trials.³ His arrest was precipitated as a result of a ransom of five million US Dollars bounty, however, eight other fugitives (Felicien Kabuga, Augustin Bizimana, Protais Mpiranya, Fulgence Kayishema, Pheneas Munyarugarama, Aloys Ndimbati, Ryandikayo, and Charles Sikubwabo) are yet to be apprehended to face trials, there is equally a ransom of five million US dollars for any information leading to their capture.⁴

The accused ethnic origin is Hutu. He was a school teacher and football referee and from 1992 – 1994 held the position of secretary general for the National Republican Movement for Democracy and Development for Gisenyi city and equally the president of the Interahamwe militia for the Gisenyi prefecture, Mr. Ntaganzwa has been on the run for 17 years until his arrest; he is allegedly accused of "co-founding and training the Interahamwe group in the

¹ William A. SCHABAS, *The UN International Criminal Tribunals: The former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press, Cambridge 2006, p. 25. (Schabas contend that the Security Council avoid using the term 'genocide' in the Rwandan crisis); Mahmood MAMDANI, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Princeton University Press, Princeton and Oxford 2001, p. 5 – 7.

² Mechanism for International Criminal Tribunal (MICT), <http://www.unmict.org/en/news/rwandan-genocide-fugitive-arrested-drc-1>, [Access date, 10 December 2015].

³ MICT, <http://www.unmict.org/en/news/prosecutor-jallow-addresses-un-security-council-2>, [Access date, 14 December 2015].

⁴ Mechanism for International Criminal Tribunal (MICT), <http://www.unmict.org/en/news/rwandan-genocide-fugitive-arrested-drc-1>, [Access date, 10 December 2015].

Gisenyi region, distributing weapons to them, and exercising authority over them as they operated roadblocks in the city of Gisenyi and slaughtered Tutsis ".⁵

To enforce the rule of law and hold accountable those responsible for inflicting grave harm to the society, the Mechanism of International Criminal Tribunal welcomes the effort of "the Office of the Prosecutor of the Mechanism to work closely with Rwandan authorities, INTERPOL, and the United States Department of State through its Rewards for Justice Program in the location of the remaining fugitives and to secure their arrest. In this regard, the Prosecutor of the Mechanism, Justice Hassan B. Jallow, welcomed today's statements of support from the Security Council and its call for States to cooperate fully with the Mechanism in securing the arrest of the remaining eight fugitives".⁶

Perhaps the most effective strategy for tracking fugitives to face trials is the award of bounty. This was the situation for Saddam in Iraq, Augustin Bizimungu who was sentenced for 30 years⁷ and now for Mr. Ntaganzwa.

⁵ The Guardian, <http://www.theguardian.com/world/2011/may/26/rwandan-genocide-mastermind-captured-drc>, [Access date, 10 December 2015].

⁶ MICT, <http://www.unmict.org/en/news/rwandan-genocide-fugitive-arrested-drc-1>, [Access date, 10 December 2015].

⁷ The Guardian, <http://www.theguardian.com/world/2011/may/17/bizimungu-jailed-for-rwanda-genocide>, [Access date, 13 December 2015]; *Prosecutor v. Augustin Bizimungu*, Case No. ICTR-00-56B-A, Appeals Chamber, Judgment, (30 June 2014), para. 391. (the Prosecution contest the 30 years sentence by stating that "the Trial Chamber abused its discretion and imposed a manifestly inadequate penalty").