

## INTERNATIONAL JUSTICE

# After the GENOCIDE

*As war crimes investigators gather evidence in Ukraine,  
Michela Wrong looks at how the uncertain fate of eight Rwandan men  
reveals failures in the international justice system*

As I am about to leave a guarded villa in the desert city of Niamey in west Africa, Tharcisse Muvunyi lays a restraining hand on my wrist. A lieutenant colonel in the Rwandan army at the time of the country's genocide, he spent much of his working life in uniform, giving orders. His grey hair is still clipped regulation short, but now he wears a Hawaiian shirt, a badge of the retiree and holidaymaker. Its flamboyance jars with the quiet urgency in his voice.

"Please help," he says. "It's been 22 years—22 years!" He can't quite believe the number himself. "My twin boys were 14 when I left Britain, now they are 36. Please contact my MP when you get back [to London]," he says. It's impossible not

to feel empathy for this desperate man, now 69 years old. But as I promise to relay the message, I wonder what his MP will make of the request.

Muvunyi and his family fled Rwanda for the UK after the genocide in 1994. His daughter Raissa, whom I met in a City of London wine bar in October 2022, regards her father as a hero who protected Rwanda when the Tutsi-dominated Rwandan Patriotic Front (RPF) invaded from Uganda in 1990. "He saved so many lives, defending a country under rebel attack," she told me.

The international justice system took a different view: after the *Sunday Times* exposed Muvunyi's presence in Lewisham in 1998, he was extradited to

face trial at the International Criminal Tribunal for Rwanda (ICTR), charged with overseeing mass slaughter. In 2012, he was granted early release, having served 12 years for inciting people at public gatherings to kill. He has wanted to return to the UK ever since.

Muvunyi was a perpetrator but is now himself a victim of another kind of injustice. He's one of eight men aged between 60 and 84 who are marooned in a lemon-coloured villa in Niamey, the capital of Niger, because neither the United Nations nor any government knows what to do with them.

*Lives lost: photographs of people killed during the 1994 Rwandan genocide*

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The men are all Hutus, once loyal to Juvénal Habyarimana, the president whose assassination triggered the genocide. They all faced charges at the UN court in Tanzania tasked with holding *genocidaires* to account; four were acquitted while Muvunyi and three others have served lengthy prison sentences. After the UN court closed in 2016, Tanzania wanted them gone. The men, terrified of returning to a Rwanda run by the movement they once bitterly contested, and unwelcome in any other country, were stuck.

In November 2021, the UN appeared to have hit upon a solution. Abubacarr Tambadou, the registrar of the UN organisation responsible for winding up the tribunal—the International Residual Mechanism for Criminal Tribunals (IRMCT)—informed the group that Niger had agreed to take them in. They were flown to Niamey the following month with the promise that they could start a new life. But it didn’t work out that way. After a dramatic U-turn by the Niger authorities, who now say they were deliberately misled, the trip proved to be a transfer from one guarded safe house in breezy Arusha to another, in sun-baked Niamey, where temperatures regularly hit 45°C. In the year since, Muvunyi and his housemates have lived under 24-hour police guard, uncertain whether they will be sent to Tanzania or—as they most dread—deported to Rwanda.

What happens to them next matters because, as forensic investigators in Ukraine dig up mass graves, and calls mount in the US, UK and EU for Vladimir Putin and his top army commanders to face trial for war crimes, it seems likely that alleged perpetrators will answer charges either at the International Criminal Court in The Hague, a Ukrainian court or a special court combining international and Ukrainian law. The credibility of the international justice system depends on its ability to not only convict but to be fair towards those who are acquitted, released early or who have completed their prison terms.

The standoff in Niger suggests that the UN’s record on this front is dismal. It has revealed gaps in an international justice system that critics say is structurally biased in favour of prosecution, incapable of dealing with the inevitable byproducts of a genuinely impartial judicial

process. “What we see with these eight elderly Rwandans is that once you’re charged as a war criminal, you’re done, as far as the UN system is concerned,” says Abbe Jolles, Muvunyi’s American lawyer.

Between 500,000 and one million people—mostly members of the Tutsi minority—were murdered in Rwanda in three months between 6th April and 15th July 1994. The violence began after a missile brought down Habyarimana’s jet as it approached the airport in Rwanda’s capital city of Kigali. But tensions between Tutsis and the Hutu majority, of which the president was a part, had been mounting since the RPF, a Tutsi-dominated rebel group, invaded from Uganda in 1990. After Habyarimana’s death, the Rwandan army and Hutu militias blamed the RPF and took revenge on anyone, particularly resident Tutsis, who they thought supported the rebels.

When the genocide ended, the RPF took power and the international community backed the establishment of a court in Tanzania to try those who had masterminded the slaughter.

UN member states hailed the ICTR as a “source of inspiration” around the world, but it was also slow, expensive and unpopular with key groups in Rwanda. By the time it closed, it had tried just 61 individuals at a cost of \$1.3bn; in comparison, Rwanda’s community-based *gacaca* courts doled out rough-and-ready justice to more than 1.2m defendants.

Paul Kagame, a former commander of the RPF who has been president of

## The international justice system is biased in favour of prosecution

Rwanda since 2000 (but has de facto run the country since 1994), accused the tribunal of being soft on perpetrators; to the Hutu majority, the court represented “victor’s justice” because, despite ample evidence that the RPF had committed mass atrocities before, during and after the genocide, not a single member of the former rebel group was prosecuted.

Former ICTR prosecutor Stephen Rapp, based in Washington, says “I’m very proud of the work we did at the tribunal, but we always thought when we’d dealt with the Hutu extremists’ cases we would open a new chapter of RPF prosecutions.” As he admits, “that didn’t happen.” The dismissal of the ICTR’s first prosecutor, Swiss lawyer Carla del Ponte, may provide some clues: she told journalists in 2003 that her departure was engineered by Kagame, who had screamed at her to stop investigating RPF war crimes.

The ICTR’s closure in 2016 presented the UN with another administrative headache. In most jurisdictions, a convict who serves out a prison term is judged to have paid their debt to society and can regain the civil rights enjoyed by the ordinary citizen. Someone acquitted on all charges should, in theory, come out of the process entirely unblemished. Yet the court had no answer to the question of what to do with a group of nine such former defendants. The 1951 Refugee Convention allows states to deny asylum to individuals responsible for war crimes and host nations don’t have to recognise criminal acquittals. “There’s no state in the world that is obliged to grant these men residency,” says Rapp.

It looked like the UN might have solved the problem when Tambadou said Niger would take the men. The country was not an obvious choice—it is one of the poorest in the world and, hemmed in by the Sahara desert, very different from the temperate, terraced green hills of central Africa that the men knew. But the men were told that the Niger government was ready to grant residence permits which would allow them to settle, work and perhaps even visit their families. One of the group, former civil service minister Prosper Mugiraneza says they were given little choice about the move. “They said ‘things are closing up here, you’ll be declared illegal aliens if you stay in Tanzania,’” he says. Another—former foreign minister Jérôme Bicomumpaka—stayed



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*Dismissed: Carla Del Ponte, chief prosecutor at the Rwanda tribunal, came under pressure from Kagame*

behind, on the grounds that he needed to be close to the Nairobi hospital where he was receiving cancer treatment and wanted to join his family in Canada. The other eight boarded flights to Niamey.

Then, abruptly, everything changed. Shortly after the men’s arrival, Valentine Rugwabiza, Rwanda’s ambassador to the UN, complained to the Security Council that Kigali had not been notified of the move: “We hope that Niger will take the necessary steps to ensure that none of them [the eight men] will use its territory to conduct subversive activities that could contribute to insecurity and instability in the Great Lakes region, as we have seen over the past decades”, she wrote. Rwanda and Niger’s foreign ministers spoke. In Kigali, the government made clear it wanted the men back: “All Rwandans, including those acquitted or released by the ICTR, are welcome to return to the country,” a spokeswoman said. There were reports in the African press that the French president, Emmanuel Macron, a key player in African Francophone countries, had held a long phone call with Niger’s president,

Mohamed Bazoum, urging him to take on board Rwandan concerns.

Niger officials say “there was no Macron call”, and the Elysée declined to comment, but the report has a certain logic. Rwanda has positioned itself as “Africa’s policeman”, making itself indispensable to western and African allies by dispatching well-trained troops to regional hotspots. With jihadist extremism destabilising Africa’s northern Sahel region, Niger—which already hosts US, French, German and Italian troops working to counter extremism—might want to remain on good terms with Kigali.

Within three weeks of the men’s arrival, Niger had withdrawn their residence permits and announced that the eight would be expelled for “diplomatic reasons”. The UN intervened, sharply reminding the Niger government that it had signed an international agreement; a UN judge told the Niger authorities to rescind the expulsion order, only to be overruled on appeal. Tanzania made clear it would not take the eight back.

The men have remained in Niamey ever since, unwelcome guests

under 24-hour surveillance, as listlessly marooned as the tramps in Beckett’s *Waiting for Godot* or Mehran Karimi Naseri, the Iranian refugee who spent 18 years stuck in a Paris airport departure lounge and inspired Steven Spielberg’s *The Terminal*. The men are haunted by what happened to Bicomumpaka, the ninth man who remained in Tanzania and died of cancer in May without making it to Canada. Bicomumpaka’s lawyer Philippe Larochelle sounded bitter when we spoke in September: “I’ve just attended my client’s funeral. For years, all he wanted to do was to join his family in Montreal. When he finally made it, it was in a coffin.”

The men’s lawyers regard their clients as being illegally detained, leading them to challenge the credibility of the international courts tasked with distributing justice. “The Rwanda tribunal has failed, totally failed—people need to admit that,” says Moussa Marou, one of two Niger lawyers hired by the men’s families. “Someone should not be in prison all their life even after they have served their term. It calls the whole justice system into question.”

The men’s reluctance to return to Rwanda is understandable. The US rights advocacy group Freedom House has cited Rwanda as one of the world’s most prolific practitioners of “transnational repression”, a systematic campaign to track down, kidnap and assassinate possible rivals and critics of the regime who had fled abroad. “Whoever is against our country will not escape our wrath. The person will face consequences. Whoever he or she is, it is a matter of time,” Kagame declared after the head of external intelligence, a former friend who established an opposition party in exile, was found strangled in a Johannesburg hotel room in 2014.

Sometimes, the tactics adopted have been dramatic. Paul Rusesabagina, the former hotel manager whose life-saving actions during the genocide were depicted in the film *Hotel Rwanda*, became a virulent government critic. In 2020 he was tricked into boarding a jet in Dubai that he believed was headed for Burundi. Instead he landed in Kigali, where he was prosecuted on terrorism charges. The American Bar Association described what followed as a “show trial”.



In other cases Rwanda has exploited its Western allies’ judicial systems, including abusing Interpol’s “Red Notices”, which require law enforcement agencies around the world to arrest suspects that the government perceives as its enemies.

As former members of the Habyarimana regime, the men in Niamey are obvious targets. If the men went free, “they could write memoirs, campaign and give their version of history—which is not the one the RPF has sold the world,” a Rwandan journalist who asks not to be named tells me. Some of the group see their predicament as an expression of the Rwandan government’s hostility towards the ICTR. “The RPF have never accepted the judgements handed down by the court,” says Mugiraneza. “They particularly objected to the acquittals, which undermine the official narrative of what happened in Rwanda, and they reject the principle of early release. When the ICTR used to announce acquittals or early releases, there were demonstrations in the streets of Kigali.”

There’s a whiff of the personal vendetta with some cases. The oldest member of the group, 84-year-old Protais Zigiranyirazo, was Habyarimana’s brother-in-law, governor of Ruhengeri prefecture in northern Rwanda and a high-profile member of the Akazu, a group of rich and powerful Hutus who clustered around the president. “Mr Z’ as Rwandans knew him, was ‘Charismatic, convincing and threatening,’” wrote researcher Andrew Wallis in a book about the Akazu. “Z was not a man to be treated lightly.” The RPF was outraged when an alibi for Mr Z came to light and the ICTR appeals chamber scrapped the 20-year prison sentence originally handed out to him.

There are less conspicuous players, too. André Ntagerura, transport minister at the genocide’s outbreak, is small, balding and softly spoken. He was accused of distributing weapons and encouraging Tutsis to be eliminated, but the prosecution’s witnesses failed to convince. Ntagerura was acquitted on all charges in 2004—a full 18 years ago—but has lived like a convicted criminal ever since.

The men are scared that if they are sent back to Rwanda they might be retried, in defiance of the principle of “double jeopardy”. “My father has always been seen by the RPF as a symbol of the former regime,” says Zigiranyirazo’s »



COURTESY MICHELA WRONG

**In limbo**

From left to right: Innocent Sagahutu, Anatole Nsengiyumva, André Ntagerura, Alphonse Ntezirayo, Prosper Mugiraneza, François-Xavier Nzuwonemeye, Tharcisse Muvunyi, Protais Zigiranyirazo

**Innocent Sagahutu**

Former army commander  
Age: 60  
Arrested in Denmark, charged with genocide and crimes against humanity. Sentenced to 20 years, reduced to 15 on appeal. Released early in 2014

**Anatole Nsengiyumva**

Former army commander  
Age: 72  
Arrested in Cameroon, charged with genocide, crimes against humanity, public incitement. Sentenced to life, reduced to 15 years on appeal. Released in 2011

**André Ntagerura**

Former transport minister  
Age: 72  
Arrested in Cameroon, charged with genocide, crimes against humanity and violations of the Geneva Conventions, acquitted on all charges in 2004

**Alphonse Ntezirayo**

Former police commander and governor  
Age: 75  
Arrested in Burkina Faso, charged with genocide, crimes against humanity and public incitement. Sentenced to 30 years, reduced to 25 years on appeal. Released in 2016

**Prosper Mugiraneza**

Former civil service minister  
Age: 65  
Arrested in Cameroon, charged with conspiracy to commit genocide and public incitement. Sentenced to 30 years, acquitted on all charges on appeal in 2013

**François-Xavier Nzuwonemeye**

Former army commander  
Age: 67  
Arrested in France. Charged with genocide, crimes against humanity and violation of the Geneva Conventions. Sentenced to 20 years, acquitted on all charges on appeal in 2014

**Tharcisse Muvunyi**

Former army commander  
Age: 69  
Arrested in the UK, charged with genocide and public incitement. Sentenced to 25 years, reduced to 15 on appeal. Released early in 2012

**Protais Zigiranyirazo**

Former governor and businessman  
Age: 84  
Arrested in Belgium, charged with genocide and crimes against humanity, sentenced to 20 years, acquitted on all charges in 2009

**Jérôme Bicomumpaka**

Former foreign minister  
Age: 64  
Arrested in Cameroon, charged with genocide, public incitement and crimes against humanity. Acquitted on all charges in 2011. Died in Nairobi in May 2022

son, Antoine Muzika. “They have never accepted the sentence that was handed out, and I don’t doubt that they would want to put him on trial once again.”

It is unlikely any such tribunal would be fair: Rusesabagina, the former hotel manager, was not allowed to choose his lawyers or read his case file; Rwandan intelligence bugged his private conversations with family and counsel. The US deems him “wrongfully detained”.

The eight are not convinced they would even see the inside of a courtroom in a country whose record of extrajudicial killings, deaths in custody, enforced disappearances and torture was denounced by US and UK officials during a UN human rights review in 2021. “Anything is possible,” says Ntagerura. “We know that there are disappearances in Rwanda every day.”

At the peak of their careers these men commanded respect and fear, but their captivity has leached them of decision-making capacities. No one leaves the house without a pressing reason and an escort, no one enters without authorisation. The atmosphere inside is one of monotonous torpor: the large living room is stripped and sterile, bereft of paintings, photographs and books. A TV screen and a Scrabble box are the only visible means of entertainment, a hint of long hours spent idle. In the courtyard, there’s not a single potted plant. “It didn’t seem worth spending money when we might leave at any time. As you can see, we didn’t even get round to buying curtains,” says Mugiraneza.

The men arrived with \$10,000 each from the UN, but since that ran out they’ve relied on transfers from friends and family. Using the air conditioning in the sometimes unbearable heat is expensive, so the men often opt for flip flops and football shorts, only donning trousers and shoes for a group photo.

Several have health issues. Zigiranyirazo was briefly admitted to a local hospital with cardiac problems. “I can see how my father’s condition has deteriorated in the time he’s been there,” says Muzika. “Being stuck in a house 24 hours a day has had a very bad effect. Being sent to Rwanda would probably finish him off.”

Western governments could resolve the Niamey conundrum by allowing the men to

join their families in Europe, the US and Canada, but there is no sign that this is about to happen. The Home Office—which would have the responsibility of reviewing Tharcisse Muvunyi’s case—has not responded to my emails.

The UN has extended the lease on the Niamey safe house for another year, but Niger’s patience appears to be running out. Foreign minister Hassoumi Massaoudou tells me he is “extremely irritated” with what he regarded as the UN’s *politique devoyoux*—“thugtactics”. He says that Niger only agreed to take the eight men—who he referred to as “*des grand criminels*”—because the UN’s International Residual Mechanism for Criminal Tribunals (IRMCT) told him that Kigali knew about and actively wanted this arrangement. “When the UN tells you something, you tend to believe them,” he says.

He now appears to believe Rwanda’s claims that it was not involved in discussions about the men’s relocation. “The UN did it in secret. They deceived us, they deceived the Rwandans, they deceived everyone. We thought this was a serious organisation and we see instead these are thugs,” he says. A representative of the IRMCT told me that its priority was to resolve the situation in the best interests of the eight. Privately, UN officials talk of “an unfortunate misunderstanding” and point out that Rwanda’s position towards acquitted and released ICTR defendants is a matter of record that should not have surprised the Niger authorities.

The suggestion that Rwanda was at all involved in discussions about the men’s destinations raised the eyebrows of Abbe Jolles, Muvunyi’s lawyer: “We’ve

**We thought this was a serious organisation. We see instead these are thugs**

always thought Rwanda was managing the tribunal,” she says. If the UN had in fact consulted Rwanda about the men’s eventual destination, as the UN told the foreign minister, it would make a mockery of the tribunal’s impartiality, she says. “While that’s shocking, it’s not surprising. It’s supposed to be independent, for God’s sake.”

The Niamey case highlights a structural flaw in the justice system. International tribunals are usually established as a reaction to public outcry over acts of horror and are created with inbuilt bias, under pressure to produce prosecutions. Human rights groups tend to view acquittals as signs of the prosecutor’s failure or incompetence, rather than evidence of impartiality. “Too often in international courts... the moral imperative to identify perpetrators takes over, and no more than lip service is paid to the other form of justice, the principle of fairness in the courtroom,” says Richard Gaskins, professor emeritus of legal studies at Brandeis University in the US. “You can see that tension very clearly in the contrast between the treatment of witnesses, who are handled with kid gloves by these tribunals—protected, offered new identities—and the treatment of perpetrators or acquittees who, as we see in Niamey, tend to fall by the wayside.”

Tambadou, who visited the house for the first time in 10 months while I was in Niamey, wrote to the eight men soon after wards to say he had asked the Niger authorities to grant the UN more time while he attempted to identify a new host country. Niger journalists that I spoke to predict a deal will be struck, with the UN offering Niamey a substantial financial sweetener in exchange for allowing the Rwandans to stay put.

But Massaoudou, Niger’s foreign minister, was uncompromising when we spoke. “I’m going to tell the UN we cannot accept criminals of this stature and if the international community won’t shoulder its responsibilities... If they can’t find somewhere else to take these men—and no one wants them—then we will send them [back] to Rwanda.”

He is being careful not to meet the eight, he says, because he does not want to feel any stirrings of empathy. “I have heard that they are old, and ill. I don’t want to feel sorry for them, so I am making sure not to meet them.” ♦