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Rwanda: Belgian court judgment is a great step in the fight against impunity

Amnesty International welcomed the judgment late last night of the Brussels Court of Assizes which convicted four Rwandese nationals of war crimes committed in Rwanda in 1994.

The judgment, by a civilian jury, found three of the four accused guilty of all charges and a fourth guilty of some and not-guilty of others. The trial and conviction of the accused is the latest step in the use of universal jurisdiction over the past decade as an essential tool in the struggle against impunity in the case of states where the crimes occurred, which are unable or unwilling to bring those responsible to justice.

"All states should ensure prompt, thorough and independent investigations, wherever allegations of crimes under international law are made. If such an investigation shows that there is sufficient evidence for prosecution, then states should prosecute suspects, in accordance with international law," the organization said. It allows the national courts of any state to try people accused of such crimes, regardless of the nationality of the alleged perpetrators or victims and regardless of where the crimes were committed.

Since the establishment of the International Criminal Tribunal for the former Yugoslavia in 1993 and the International Criminal Tribunal for Rwanda in 1994, national prosecutors and investigating judges in more than a dozen countries, including Austria, Belgium, Denmark, France, Germany, Mexico, the Netherlands, Senegal, Spain, Switzerland, the United Kingdom and the United States have opened investigations or prosecutions based on universal jurisdiction or have arrested persons at the request of states conducting such investigations.

An Amnesty International study now being completed indicates that approximately 120 states have legislation providing for universal jurisdiction over war crimes or other crimes under international law, such as crimes against humanity, genocide and torture. However, in many states such legislation needs to be strengthened.

In Belgium, the law is under attack by the government, which is seeking to weaken it. The day before the judgment in the Rwanda case, the Foreign Minister called for it to be revised in a way which would seriously limit its effectiveness. Amnesty International is calling for Belgium not to weaken its universal jurisdiction legislation in any way.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>