



Republic of Rwanda
**Permanent Mission of Rwanda
to The United Nations**

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The Permanent Mission of the Republic of Rwanda to the United Nations presents its compliments to the Office of Legal Affairs and has the honor to submit Rwanda's submission pursuant to General Assembly Resolution 79/127 of 4 December 2024, containing information and observations on the scope and application of universal jurisdiction.

The Permanent Mission of the Republic of Rwanda to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs the assurances of its highest consideration.

New York, 25 April 2025

United Nations
Office of Legal Affairs
New York

REPUBLIC OF RWANDA

Submission Pursuant to General Assembly Resolution 79/127 (4 December 2024)

Information and Observations on the Scope and Application of Universal Jurisdiction

-25 April 2025

Introduction

Rwanda welcomes the opportunity presented by operative paragraph 4 of General Assembly resolution 79/127 to submit information and observations on the scope and application of universal jurisdiction. This submission outlines Rwanda's international legal commitments, national legal framework, judicial practice, and principled views on the responsible exercise of universal jurisdiction (UJ).

Rwanda reaffirms its unwavering commitment to the principle of universal jurisdiction as a critical tool in the global fight to end impunity and deliver justice for the most serious international crimes of concern to the international community: genocide, war crimes, and crimes against humanity. At the same time, Rwanda underscores the importance of safeguarding the principle from abuse, including selective enforcement or political manipulation. The Principle of Universal Jurisdiction should not be used to settle political scores.

I. Rwanda's Position on Universal Jurisdiction

Rwanda recognizes that UJ plays a fundamental role as a tool for holding perpetrators of grave international crimes accountable. These international crimes that transcend borders and impact humanity at large have global repercussions and demand an international response. However, Rwanda has consistently underscored core legal and ethical principles that must govern the application of universal jurisdiction:

- 1.** UJ should be restricted only to certain defined crimes: 1. Genocide; 2. Crimes against Humanity; 3. War Crimes; 4. Torture; 5. Slavery; 6. Piracy. The application of UJ to the listed crimes may be extended by a treaty agreed upon by States.
- 2.** There should be no statute of limitation on the prosecution of these crimes;
- 3.** Blanket amnesties for these crimes should be inconsistent with a nation's obligation to hold individuals accountable for these crimes;
- 4.** A state must decline an extradition request based on universal jurisdiction if the individual in question is at risk of facing the death penalty, enduring torture, or being subjected to cruel, degrading, or inhuman punishment or treatment. Additionally, extradition should be

refused if there is a significant likelihood that the individual will face unfair proceedings that violate international due process standards.

- 5.** While private citizens should be able to approach prosecutors to present claims and submit supporting evidence, the authority to decide whether to pursue prosecution should rest solely with the State.
- 6.** Universal jurisdiction cases are most effective when the accused is physically present within the country's territory.
- 7.** The authority to prosecute should primarily reside with the State of territoriality or the State most closely connected to the parties, provided those jurisdictions are both willing and capable of pursuing the case.
- 8.** Impartiality and non-politicization of UJ. Rwanda emphasizes the need for universal jurisdiction to be applied impartially, without political influence. Rwanda is concerned with the selective application of universal jurisdiction, political manipulation erodes the legitimacy and undermines the credibility of international law and endangers international cooperation.
- 9.** Complementarity and respect for national sovereignty. Rwanda endorses the principle of complementarity, as reflected in the Rome Statute, which prioritizes the role, the right and the responsibility of national courts in prosecuting core international crimes. UJ should not substitute or override competent domestic legal systems, particularly when they are willing and able to act.
- 10.** Support for regional mechanisms. Rwanda calls for a greater investment in strengthening regional judicial bodies such as the African Court on Human and Peoples' Rights rather than relying solely on international jurisdictions. This can enhance access to justice and promote regional ownership of accountability processes.
- 11.** Need for international safeguards. Rwanda supports the development of clear and internationally agreed safeguards to guide the exercise of UJ such as due regard for state sovereignty, legal clarity to avoid inaction by the territorial State, procedural fairness with the right to appeal arrest warrants/indictments and respect for fundamental rights.
- 12.** Promotion of legal harmonization. Rwanda recognizes the value of the African Union's model law on universal jurisdiction for international crimes as a valuable instrument to harmonize legal standards and ensure coherence in universal jurisdiction implementation¹.

¹African Union, The Scope and Application of the Principle of Universal Jurisdiction – Submission to the Sixth Committee of the General Assembly, 2016, available at:
https://www.un.org/en/ga/sixth/71/universal_jurisdiction/african_union_e.pdf

II. International treaties supporting the exercise of universal jurisdiction ratified by Rwanda

Rwanda has ratified or acceded to several international instruments that form the basis for the exercise of universal jurisdiction:

- 1.** Convention on the Prevention and Punishment of the Crime of Genocide (1948): ratified on 23 May 1975 and obligates Rwanda to prevent and punish the crime of genocide and its related offenses through national legislation.
- 2.** Geneva Conventions (1949) and Additional Protocols: ratified in 1975 and establishes the obligation to prosecute grave breaches of international humanitarian law irrespective of the location or nationality of the offender.
- 3.** Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968): Acceded in 1975, this Convention ensures imprescriptibility of these crimes.
- 4.** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984): Acceded on 15 December 2008; Optional Protocol acceded on 30 June 2015, obligates Rwanda to prosecute or to extradite alleged torturers under the principle of *aut dedere aut judicare*.
- 5.** Rome Statute of the International Criminal Court (ICC) (1998): Rwanda is not a State Party to the Rome Statute. However, it strongly supports the foundational principle of complementarity, as enshrined in Article 17 of the Statute, which affirms the primacy of national jurisdictions in the prosecution of international crimes. Rwanda has consistently advocated for this principle in multilateral forums and emphasizes that justice is best delivered at the national level when domestic institutions are capable and willing to act. In practice, Rwanda has cooperated with ICC-related processes, particularly in regional investigations, and has contributed to legacy initiatives of the International Criminal Tribunal for Rwanda (ICTR), underscoring its broader commitment to ending impunity and strengthening the international justice system.
- 6.** The Hague Convention on International Cooperation in Investigating and Prosecuting Genocide, Crimes Against Humanity, War Crimes, and Other International Crimes (2024): Signed by Rwanda in February 2024, aiming to enhance international cooperation in criminal matters to combat impunity for core international crimes. This move signifies Rwanda's dedication to global efforts in prosecuting such offenses.

III. Domestic legal instruments upholding universal jurisdiction in Rwanda

Rwanda's domestic legal framework demonstrates its commitment to prosecuting international crimes, including under principles consistent with universal jurisdiction:

- 1.** Law No. 68/2018 of 30/08/2018 determining offences and penalties in general criminalizes and punishes perpetrators of genocide, war crimes, and crimes against humanity (Articles 91 to 106).
- 2.** Extraterritorial Jurisdiction. Rwanda's domestic laws allow for the prosecution of core international crimes committed by its nationals abroad, affirming its adherence to principles of universal jurisdiction as a last resort mechanism.
- 3.** Organic Law No. 31/2007 of 25/07/2007 abolishing the death penalty facilitates the extradition of individuals accused of international crimes to Rwanda by aligning with international human rights standards and addressing concerns from foreign jurisdictions.
- 4.** Law No. 027/2019 of 19/09/2019 relating to the criminal procedure. Ensures due process protections and provides legal safeguards for individuals prosecuted for international crimes.

Historically, Rwanda has demonstrated its adherence to the principle of universal jurisdiction through the following foundational and subsequently amended legal frameworks:

- 5.** Organic Law No. 08/1996 on the Organization of Prosecutions for Offences of Genocide and Crimes Against Humanity establishes jurisdiction and procedures for prosecuting genocide and crimes against humanity committed since 1 October 1990. Incorporates definitions from the Genocide Convention, the Geneva Conventions, and other treaties ratified by Rwanda.
- 6.** Law No. 33 bis/2003 Repressing Genocide, Crimes Against Humanity, and War Crimes clearly defined these crimes in detail, imposed penalties including life imprisonment, and ensured their imprescriptibility.

IV. Judicial Practice & International Cooperation

A. Domestic Prosecution of Core International Crimes

Since 1996, Rwanda has developed a robust domestic framework for trying genocide, crimes against humanity and war-crimes suspects:

- 1.** Organic Law No. 08/1996 establishes specialized chambers in ordinary courts to try offences committed between 1 October 1990 and 31 December 1994, categorizing suspects into four tiers (leaders, direct perpetrators, accomplices, property-offenders) and incorporating definitions from the Genocide and Geneva Conventions.
- 2.** Regular court trials (1996–2000). In the first four years, traditional courts tried 3,343 cases and the backlog projections exceeded 200 years at then-current pace.
- 3.** *Gacaca* Courts (Organic Law No. 40/2000, 2001): to clear the backlog after the 1994 genocide against the Tutsi, Rwanda established community-based “*Gacaca*” Courts. By

closure in June 2012, they had tried approximately 1,958,634 cases². This approach to transitional justice aimed to promote truth-telling, accountability, and reconciliation and, moreover, to speed prosecutions at the cell and sector levels, *Gacaca* judges (“*Inyangamugayo*”) were elected locally and trained in simplified procedures.

B. Cooperation with the ICTR and the ICC

Rwanda has been a primary State co-operator in international criminal proceedings:

- 1.** International Criminal Tribunal for Rwanda (ICTR). On witness and evidence assistance: Rwanda facilitated over 2,200 Rwandan witnesses for participation in ICTR proceedings in Arusha (Tanzania)³. Today, Rwanda continues to enable access to crime sites, evidence collection and witness protection measures under the Tribunal’s Rules of Procedure and Evidence (Statute of the ICTR, Articles 14 & 21). On fugitive apprehension: Rwandan authorities supported ICTR investigations, tracking indictees and securing arrests for transfer to Arusha.
- 2.** International Criminal Court (ICC): Though not a State Party, Rwanda cooperates with ICC investigations of crimes against humanity and war crimes in neighbouring contexts (e.g. sharing evidence, witnesses and expertise) and participates in ICC-mandated legacy mechanisms (IRMCT).

C. Mutual Legal Assistance (MLA) in criminal matters

Rwanda’s 2021 revision of its MLA framework greatly enhanced its ability to assist foreign requests through its Law No. 5/2021 on MLA in criminal matters that designates the Ministry in charge of Foreign Affairs as the central authority (Art. 3), the Ministry in charge of justice, the authority in charge of public prosecution or the authority in charge of investigation as the competent authority to request for MLA (Art. 3), allows video-link testimony (Art. 17), permits admissibility of foreign-obtained documents (Art. 16), or enshrines confidentiality safeguards (Art. 13).

D. Extradition Practice

Rwanda employs extradition both under treaties and via ad hoc requests. The Rwanda National Public Prosecution Authority has pursued over 1,100 genocide suspects across 33 countries. In cases where no bilateral treaty exists, or where extradition is denied, Rwanda invokes the principle of ‘prosecute or extradite’ under Article VI of the Genocide Convention and continues dialogue to address procedural safeguards.

² Ministry of Justice of Rwanda, Transitional Justice: Gacaca Process Summary (2020), available at: https://www.minijust.gov.rw/fileadmin/SPEECHES-2019/20.02.20_TRANSITIONAL_JUSTICE_ppt_for_students.pdf

Together, these practices illustrate Rwanda's dual approach:

1. Primary Domestic Jurisdiction: vigorous domestic prosecutions (including *Gacaca*),
2. International Cooperation: strong support to ICTR/ICC, modern MLA law and active extradition diplomacy, always guided by the principle that universal jurisdiction remains a complement, not a substitute, to national justice.

VI. Conclusion

Rwanda reaffirms its commitment to the principle of universal jurisdiction as an essential mechanism in the fight against impunity and in the strengthening of the international justice system. However, for universal jurisdiction to retain its legitimacy and effectiveness, its application must be governed by good faith, fairness, impartiality, and the observance of due process guarantees. Safeguards are necessary to prevent its politicization, inaction or selective use.

In this regard, Rwanda continues to support regional and international initiatives aimed at developing coherent, transparent, and equitable frameworks that uphold the pursuit of justice while respecting the sovereignty of states and the foundational principles of international law.

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