

Genocide Fugitive Tracking Unit

International Technical Advisor on Research, Case Investigations and Advocacy on Genocide Justice (International individual consultant)

Terms of Reference

I. Project Rationale

The Government of Rwanda is committed to ending the culture of impunity which has enabled the masterminds and leading perpetrators of the genocide to evade accountability and justice. The impunity they enjoy creates the dangerous perception of double standards: freedom for those with the education, means and contacts to flee and hide abroad and punishment for the large army of foot soldiers who were, for the most part, encouraged, armed and incited by those living overseas.

On completing its work in June 2012, the National Gacaca Service gave the Genocide Fugitive Tracking Unit (GFTU) a list of 71.658 (seventy-one thousand and six hundred and fifty eight) genocide fugitives convicted *in absentia* whose whereabouts are unknown. Building on the work of Gacaca, the GFTU plans to reinforce its capacity to bring to justice large numbers of Rwandan genocide suspects in foreign countries. To facilitate this task, it is seeking the support of an international consultant, a technical advisor with extensive experience in research, case investigations and advocacy on genocide justice.

II. Background and Objectives

The Genocide Fugitive Tracking Unit (GFTU) was founded in November 2007. Since then, it has been at the forefront of Rwanda's efforts to identify the whereabouts of genocide suspects who have settled abroad, to investigate the allegations against them and to cooperate with national prosecution services and international justice bodies to bring them to justice in their host countries or to facilitate their extradition to Rwanda.

The formal closure of the Gacaca system of justice in June 2012, coupled with the winding down of the International Criminal Tribunal for Rwanda (ICTR), which stopped taking new cases in 2006, offer the GFTU important opportunities to carry forward the critical legacy of Gacaca and of the ICTR. The establishment of the ICTR's successor, the Residual Mechanism, creates new openings for the GFTU to broaden its work.

Another opportunity is the forthcoming invocation of the cessation clause of the 1951 Refugee Convention by the United Nations High Commission for Refugees (UNHCR) with regard to Rwandan refugees. This will terminate the *prime facie*

right of Rwandans to refugee status, including the large number of genocide suspects registered as refugees in the host country.

For a decade, Gacaca tried suspects who were living in Rwanda. But Gacaca jurisdictions throughout the country also passed judgement on thousands living in foreign countries. As noted earlier, the GFTU was recently given a list of 71.658 genocide fugitives convicted by gacaca courts *in absentia*. They include a substantial number of the architects, planners and key organizers of the genocide who left Rwanda *en masse* in July 1994. The list does not reflect the possible whereabouts of these suspects, a brief which was beyond the mandate of Gacaca.

Another category of genocide suspects forms an integral part of the tasks left behind by Gacaca, namely people who were in Rwanda but who fled abroad when they discovered they were being investigated by Gacaca, and who remain outside Rwanda.

Finally, a substantial number of genocide suspects, running into the thousands, were never dealt with by Gacaca, either because the courts preferred to concentrate on people in the country, or because they were aware that the cases of those resident abroad were being handled by the Office of the Prosecutor-General and since 2007, by the GFTU.

In addition to the huge responsibilities inherited from Gacaca, the GFTU is itself dealing with more 1082 active files currently which are not part of the Gacaca process. It is studying each file to identify co-perpetrators who may be living in Rwanda or elsewhere. Of the 602 files which have so far been examined, the names of 41.931 (forty-one thousand nine hundred and thirty-one) co-perpetrators have come to light. When the 1082 have been completed, the final figure of co-perpetrators could well reach 70.000 (seventy thousand).

Nine of the fugitives sought by the ICTR remain at large, despite the passage of time and investment of considerable human and financial resources. The Residual Mechanism has retained the right to try three of the suspects, should they be apprehended. The files of the other six have been transferred to the GFTU.

By making it possible for the GFTU to expand and improve its ties with a wide range of institutions and media outlets in different countries which can uncover the whereabouts of genocide suspects, the technical advisor will help the GFTU to achieve its goal of bringing the maximum number to justice.

The stakeholders of this project include:

- The Ministry of Justice and other Ministries and Commissions in Rwanda, for example the Commission for the Fight Against Genocide and the Rwanda Demobilisation and Reintegration Commission;

- Genocide survivors;
- The Governments and people of host countries where genocide suspects are living;
- National, regional and international refugee organizations;
- The ICTR and the Residual Mechanism established to carry forward its work.
- National and international human rights groups working on Rwanda;
- National, regional and international professional associations, some of whose members may include genocide suspects;
- Academic institutions who may have hired genocide suspects, unwittingly

III. Scope of Work

The technical advisor will provide support to the GFTU through research, investigations, advocacy and outreach. The specific responsibilities will include:

❖ Developing A Network of Regional and International Stakeholder Organizations Engaged With Genocide Justice

The consultant will contribute to the development of a broad-ranging network of organizations, institutions and individuals engaged with genocide justice in the countries where substantial numbers of genocide suspects reside. The goal is to facilitate information gathering, create strong domestic constituencies and informed public opinion, enhance opportunities for action by the GFTU and establish avenues for constructive collaboration and interaction with the GFTU, including through visits to Rwanda to carry out independent research. Its links with these institutions and individuals can assist the GFTU in generating effective action to ensure justice for the genocide.

There will be a particular focus on:

- Investigators and prosecution services, including regional bodies like the Association of African Prosecutors, and similar regional groups elsewhere;
- International, regional and local human rights, justice and refugee NGOs in Africa, Europe and North America;
- Professional associations, such as associations of lawyers, doctors and journalists;
- Universities and academic institutions;
- Organizations of survivors of the genocide in Rwanda and in the Diaspora;
- National and international media outlets.

❖ *Undertaking Research/Investigations to Identify the Individuals of Interest to the GFTU, Their Whereabouts and Background*

The consultant will make a significant contribution to the research, communications and dissemination component of the work of the GFTU by:

- Assisting in the setting up of a comprehensive database;
- Undertaking research which enables the GFTU to identify the individuals of interest, with detailed and precise information about their whereabouts, background and the nature of the allegations concerning their participation in the genocide;
- Helping the GFTU to work with organizations, networks and individuals in Africa, Europe and North America who are trying to build credible and solid dossiers about individuals of concern to the GFTU;
- Strengthening the institutional capacity of the GFTU to act in an effective and timely fashion by facilitating contact with potential witnesses;
- Assisting the GFTU to increase the dissemination of information, with a view to encouraging helpful feedback, and broadening contacts with the media so that relations are productive and mutually beneficial without compromising either side;
- Bringing to the attention of the GFTU opportunities for effective strategic interventions.

IV. Methodology

The appropriate methodology to be used will be suggested by the consultant, but should, at the minimum, specify how research, case investigations and advocacy on genocide justice will be covered adequately.

It should also include a significant element of supporting the GFTU in its investigation mandate for genocide related cases. The proposed methodology should cover the duration of the contract.

V. Expected Outputs and Deliverables

The expected deliverables will include:

- A monthly report detailing work on cases, research activities and contacts with relevant institutions/individuals;

- A bi-monthly report on progress in establishing a comprehensive database which will aim to set up a helpful system of cross-referencing by individuals and geographical location;
- A comprehensive map of all known large-scale massacres which took place during the genocide;
- A final report on the database at the end of the consultancy.

The expected outcomes will include:

- The whereabouts of genocide fugitives will be known;
- As a result, the Prosecutor-General's office will be able to finalise pending investigations or to undertake new investigations;
- The Prosecutor-General's office will be able to send indictments to the relevant countries with the knowledge that the concerned fugitives are indeed in that specific country because their addresses and other details will be presented;
- By being in a position to provide them with precise information about the whereabouts of fugitives, the Prosecutor-General's office will be able to liaise effectively with INTERPOL, making it easier for INTERPOL not only to issue Red Alerts, but to work with the countries where fugitives are living;
- Bringing to justice, either through domestic prosecutions or extradition, genocide suspects living abroad.

VI. Institutional Arrangements

The technical advisor will work directly with the head of the GFTU, who will be responsible for supervising the progress of the work, and will report to the Prosecutor-General. In addition to regular contact, he/she will submit a monthly report to the head of the GFTU, the Prosecutor-General and the Attorney-General, giving details of progress to date regarding all aspects of the responsibilities outlined above;

Early on in the consultancy, the head of the GFTU will provide the consultant with a list of priority cases, specifying the work that the consultant is expected to do with regard to each of them. A timetable will be drawn up to indicate when sufficient information should have been gathered on each of the cases, including

any visits which are deemed necessary and an outline of what follow up there will be;

Following a mission abroad, the consultant will submit a report with details about information gathered, contacts established and advice about opportunities the GFTU can follow up;

Regarding assistance in the setting up of the comprehensive database, the consultant will submit a report every two months and a final report at the end of the consultancy.

VII. Duration of the Work

This consultancy is for 8 months starting 5th January 2013 and it will end on 4th September 2013. 1st January 2013..

VIII. Duty Station

The duty station will be Kigali. However, the nature of the tasks detailed above requires the technical advisor to travel extensively to many countries in Africa, Europe and North America. It is not possible, before the work commences, to list specific countries as the decision about where to invest time and effort will be the outcome of discussions between the consultant and the GFTU.

The consultant will be required to report in person, on a regular basis, to the GFTU, but will not be required to be present at a specific office during work. Given the expectation of frequent travels abroad, it is not possible to specify at this stage when the consultant will need to meet in person with the GFTU. This will become clearer once the work begins.

IX. Qualifications of the Successful Individual Contractor

- University degree in Law;
- At least five years of experience in the field of justice/human rights investigations and advocacy;
- Experience of working with national prosecution services, international, regional and national human rights organizations and justice bodies, and with the international media;
- Experience of working in Rwanda, as well as extensive knowledge of the genocide in Rwanda and of engagement with genocide justice in Rwanda;
- Strong investigative and research ability;

- Excellent proven writing skills;
- Excellent command of the English language. A working knowledge of French would be an advantage.

X Scope of Price proposal and schedule of payments

The consultant will be paid through a monthly lump sum amount which is all costs inclusive.

XI Key Competencies

- Extensive experience in the area of international investigation and penal law;
- Experience in working with the public prosecutor and the judiciary;
- Excellent communication and reporting skills;
- Results driven, ability to work under pressure and to meet required deadlines;
- Cultural and gender sensitivity.

XII Submissions

- *If you have the required qualifications and are interested in this consultancy, please submit:*
 1. Your **P11** form and **Personal CV** with a short statement (not more than 200 words) highlighting why you consider yourself to be the most suitable candidate for this assignment and highlighting past experience from similar projects, as well as the contact details (email and telephone number);
 2. Supporting documents such as copies of diplomas or certificates and other information which demonstrates your qualifications for this specific assignment;
 3. Provide the names and contacts of at least 3 references;
- ***Please note that Submissions by E-mail WILL BE ACCEPTED***

XIII Selection Process

Submissions will be evaluated in consideration of the Evaluation Criteria as stated below (Total of 100 points)::

- a) University degree in relevant field such as law, public investigation (15 points);
- b) At least 10 years of relevant work experience in the area of international penal law and public investigation (15 points);

- c) Excellent written and spoken English, with a working knowledge of French being an added advantage; (10 points);
- d) Sound methodology (25 points)
- e) Experience of working in Rwanda, as well as extensive knowledge of the genocide in Rwanda and of engagement with genocide justice in Rwanda (15 points);
- f) Experience of working with national prosecution services, international, regional and national human rights organizations and justice bodies (10 points)
- g) At least five years of experience in the field of justice/human rights investigations and advocacy (10 points);

1..1 In order to qualify for further consideration the international Individual Consultant must accomplish a minimum score of 70 points (technical qualification). A cumulative analysis will be applied. Candidates who qualify for further consideration may be invited for a personal interview.

2. *The Basis of Award will be to the Individual Consultant who qualifies in both Technical and Financial Evaluation and Personal Interview.*

- ***This Opportunity is open to male and female candidates. Applications from qualified female candidates are encouraged.***

This TOR were approved by: The Permanent Secretary of MINIJUST