

German court sets precedent in seeking heavier sentence

By: EUGENE KWIBUKA



Genocide victims being given a descent burrial during a past commemoration.
(T. Kisambira)

Civil society Activists have welcomed a call by a top German court that the former mayor of Muvumba commune, Onesphore Rwabukombe, be sentenced to life in prison for his involvement in killing people during the 1994 Genocide against the Tutsi.

Rwabukombe was sentenced to 14 years in jail by a lower court in the German town of Frankfurt, last year, after he was convicted of overseeing and assisting in the murder of at least 450 Tutsi at Kiziguro church compound in former Murambi commune, now Gatsibo District.

While the court in Frankfurt did not find him guilty of personally killing anyone, Germany's top court, the Federal Court of Justice, on Thursday, said after hearing appeals from both sides that Rwabukombe had

also been actively involved in the killings of innocent people.

The court, known as Bundesgerichtshof, hence referred the case back to the lower Frankfurt court for retrial and indicated that the sentence for someone involved in committing genocide was life imprisonment.

If, Rwabukombe is given life in jail, it will make Genocide survivors contented knowing that justice has been done, said Egide Nkuranga, the vice president of Ibuka, an umbrella of Genocide survivors' associations.

“What we need is justice to be rendered. If the higher court in Germany said that a life sentence was commensurate with Rwabukombe's crimes, for us that is justice being done and it makes us happy. It is good that that court is treating the case with deserved seriousness. It sets an example that can be emulated by other European courts in trying other Genocide cases,” he said.

Nkuranga added that evidence in one case can provide jurisprudence in other cases “so this is very important.”

Rwabukombe, who has lived in Germany since 2002, was a mayor in the former Muvumba Commune in northeastern Rwanda.

At the time of the 1994 Genocide against the Tutsi, in which more than a million Rwandans were killed, he is said to have personally commanded killers who murdered more than 450 men, women and children who had sought refuge at Kiziguro Roman Catholic church.

Witnesses in Rwanda also say that he was involved in the deaths of more than 3,730 people at Kiziguro church on April 11, 1994.

After the killings at the church, survivors say Rwabukombe led a gang of militia to Kabarondo, currently in Kayonza District, where he supervised more killings on April 13, 1994.

Germany's Federal Court of Justice validated evidence from the original three-year trial by the lower court in Frankfurt in which more than 100 witnesses described scenes of slaughter with attackers using machetes, sticks and hatchets and directed in part by Rwabukombe.

The witnesses described him driving militia men to the site of the massacre in his own pick-up truck and ordering the attackers to “get to work”, which meant killing the Tutsis.

The Bundesgerichtshof ruled that “the statements do not only prove the objective offence of being an accessory to genocide but also those of perpetration”.

It added that the sentence for someone involved in trying to wipe out a group of people because of their nationality, race or religion (Genocide) was life imprisonment.

If the latter is handed to Rwabukombe, it will mean that he may spend about 25 years in jail before he can negotiate getting out on the grounds of good behaviour, said Dr Jean Damascene Bizimana, the Executive Secretary of the National Commission for the Fight against Genocide (CNLG).

“Fourteen years in jail wasn’t enough for Rwabukombe, he committed a crime against humanity. “Survivors’ will be happy to hear that he has been given a harsher punishment because it’s what he deserves,” Bizimana said.

Though Rwanda welcomes the idea of having Genocide perpetrators tried in courts abroad, they prefer suspects being extradited to face justice at home.

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