

## Editorial

# The UN court has an opportunity to leave a jurisprudential legacy

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The president of International Residue Mechanism of Criminal Tribunals (MICT) recently ruled to deny a request for early release by Laurent Semanza, a mastermind of the 1994 Genocide against the Tutsi.

The former bourgmestre (equivalent to today's mayor) of Bicumbi, currently in Eastern Province, is serving a 35-year prison sentence, which was affirmed on appeal in 2005.

He made the request from Benin where he is currently incarcerated on the basis that he had served two-thirds of his sentence.

In rendering the decision to deny Semanza's request for early release, the tribunal president, Carmel Agius said that he among other considerations relied on a submission by the Government of Rwanda.

Rwanda had in its submission ci-

ted the gravity of the crimes committed, lack of remorse by the convict and the psychological impact this will have on the survivors of his atrocities as grounds enough to turn down Semanza's early release to ensure that he serves his sentence to completion.

This is the first time in recent history that the tribunal has considered and acted on a submission by Rwanda in regards to granting of early release of Genocide convicts.

In other cases like one of Aloys Simba, they were granted early release by a former president of the tribunal, totally ignoring the position on the matter that was submitted to court by Rwanda.

In the case of several others before him like Genocide ideologue Ferdinand Nahimana and Emmanuel Rukundo among many others, the tribunal never felt the need to consult the

country where the crimes were committed to grant them early release.

They were simply released without consulting Rwanda.

It is important to note that many, if not all, convicts of this tribunal have not shown any kind of remorse for the crimes they committed.

In fact, and past experience shows that once they are released, they immediately join their colleagues in perpetrating denial of the genocide they masterminded.

Already, survivors have been trying to get to terms with acquittals or the lenience in sentences many of these convicts got.

Some of the sentences especially for those at the very top of the organizational structure of the massacre were reduced on appeal.

These include key mastermind Col Theoneste Bagosora, who had been sentenced to life imprisonment but on appeal, his sentence was commuted to 35 years and has already submitted a request for early release.

Others, including several cabinet ministers in the genocidal government, were actually set free, some on appeal others on first instance.

Many survivors of the Genocide will tell you that it is a lost cause. But not all is lost.

If the tribunal failed survivors, at least to a great extent, they have an opportunity to use these final years of its existence to set good jurisprudence that will guide other tribunals of that nature in the future.

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