

Court of Appeal upholds Genocide convict Mugesera's life sentence

James Karuhanga

The New Times, September 25, 2020



Court of Appeal upholds Genocide convict Mugesera's life sentence. Dan Nsengiyumva

The Court of Appeal on Friday, September 25, maintained the life sentence slapped on Genocide convict Léon Mugesera by the High Court four years ago.

Mugesera, 70, was in April 2016 handed a life sentence by the High Court after being found guilty of crimes related to the 1994 Genocide against the Tutsi.

At the time, he was found guilty of incitement to commit genocide, inciting ethnic hatred and persecution as a crime against humanity, among others.

On Friday, the Court of Appeal ruled to maintain the conviction on charges of publicly inciting ethnic hatred and persecution as a crime against humanity.

At the end of the four-hour ruling Mugesera requested for a retrial citing injustice that he said characterised his trial.

According to the law, there can be no further appeal against this ruling by the Court of Appeal.

Among others, Mugesera had appealed against the prior ruling claiming that local courts could not give him a fair trial since he had issues with the government of Rwanda.

The convict, court heard, requested to be returned to Canada for trial. This was rejected as lacking sound legal ground.

Mugesera was deported from Canada in 2012 after the Canadian authorities found out about his role in the 1994 Genocide against the Tutsi, in which over a million people were killed.

Reacting to his request to be taken back to Canada, court ruled that this claim had no basis as Rwandan courts and judges are competent and independent enough to handle the case.

Court ruled that Mugesera, in his submission for appeal, claimed that some of the defence witnesses were not allowed to testify on his behalf.

The Court found the appeal claim baseless since, it heard, during trial four years ago, the convict actually failed to fulfill court requirements including timely handing in of a list and full profiles of his witnesses despite numerous reminders.

More than two decades ago, Mugesera served as the deputy chairperson and special advisor to the former ruling party, MRND, that orchestrated the Genocide in which more than one million Tutsi were massacred in 100 days.

Four years ago, court cleared him of charges related to preparing and planning the Genocide and conspiracy in Genocide since there was no ample evidence.

Mugesera is well known for his hate speech during the Genocide.

Most known is a virulent speech he delivered on November 22, 1992 during a political party meeting in a place called Kabaya (in the former Gisenyi Prefecture in the current Western Province).

In the speech aimed at stirring up killings, he referred to the Tutsi as cockroaches that should be killed

and sent back to Ethiopia through river Nyabarongo, a tributary of the river Nile.

Court on Friday heard that Mugesera appealed against his life sentence claiming that a recording of his virulent speech - which pinned him during trial - was not the original but a fake.

Court found his appeal in this regard baseless as he was not able to provide evidence for his claims.

Court ruled that his claim that the audio was tempered with was baseless as its authenticity was verified by an expert.

jkaruhanga@newtimesrwanda.com