

Curtains fall on Nyabimata terror trial : how it unfolded

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At quarter past 10 am on Monday morning, two heavily guarded Rwanda Correctional Service vans made their way into the new premises of the Supreme Court in Kacyiru.

On-board were 20 suspects in the highly-publicised terror trial featuring individuals responsible for the death of at least nine lives in southwestern Rwanda.

Only one suspect, Paul Rusesabagina — the founding president of MRCD — was absent. The rest, all clad in the pink uniform reserved for inmates on remand, were immediately ushered into the courtroom in single file format.

The suspects, who include one woman, are linked to FLN terror group that launched attacks on Rwandan territory between 2019 and 2020 in the districts of Nyaruguru, Nyamagabe and Rusizi.

Besides killing civilians and wounding others, many lost their proper-

ty either to looting, or destruction by the same group.

Back in the courtroom, it was a beehive of activity. Besides the suspects, their lawyers and those representing civil parties — mainly those seeking damages — there was also a huge media presence from both local and international press corps.

“Court is in session,” finally the registrar announced. It was a few minutes to 11 am, the scheduled time for the proceedings before he led the three judges into the courtroom. They promptly assumed their seats on the bench.

Antoine Muhima, the presiding judge who also doubles as the president of the High Court Specialised Chamber for International and Cross-Border Crimes, announced that the verdict will be read in parts, starting from giving context to the ruling.

“These attacks affected people in different ways in the areas where

they took place. Some lost lives while others their lives changed (for worse) forever,” begun Justice Beatrice Mukamurenzi.

At least 94 people sued for damages over losses suffered during the attacks by FLN, she continued, stressing the importance of the trial in many ways including for the suspects who also want justice.

She then delved into the case; starting by providing the background of the case and how the suspects are connected, basing on submissions by prosecution, the evidence presented and testimonies by witnesses and suspects themselves.

Long-held ambition

Starting with Rusesabagina, Mukamurenzi said from the evidence presented and by his actions, much of which he admitted, he had for long-held ambitions of removing, through an armed struggle, the Rwandan government.

He contacted several people mainly active militiamen in the region seeking collaboration in launching an armed struggle against Rwanda. One of them was Lt Col Noel Habiyaremye an ex-FDLR officer who testified before court, pinning Rusesabagina.

There is paperwork to the effect that the time he was arrested in December 2009, Habiyaremye

had travelled to Bujumbura (from DR Congo) to receive money sent through Western Union by Rusesabagina, who was at the time based in Belgium.

Eventually, Rusesabagina linked up with ‘Lt Gen’ Wilson Irategeka, also known as Rumangabo, who had just led a splinter group from FDLR and formed his own outfit called CNRD-Ubwiyunge.

They then teamed up with Rusesabagina’s PDR-Ihumure and another called RRM founded by Callixte Nsabimana, who calls himself Sankara, to form the MRCD coalition.

The same coalition then birthed FLN, the militia wing whose operations oscillated between neighbouring countries; DR Congo, Burundi and Uganda.

“Our appreciation is that all these three leaders shared equal responsibility in the atrocities that were committed against civilians on Rwandan territory,” she said.

“Basing on evidence presented indicating their roles and actions, court finds Paul Rusesabagina and Callixte Nsabimana aka Sankara culpable of creation of a terrorist group,” she ruled.

The judges went on to cover all the accused and by the time Justice Muhima brought the gavel down six hours later, all 21 had been convicted, albeit with different prison sentences.

Rusesabagina got the highest, 25

years and according to court, there were no mitigating circumstances in his case partly because he boycotted part of the trial.

Court also awarded damages to the 94 civil parties amounting to over Rwf400 million in total, which Muhima ruled should be paid by all the convicts apart from two; Félicien Nsanzubukire and Anastase Munyaneza, who were arrested before the attacks took place.

Prosecution speaks out

Following the verdict, Faustin Nkusi, the Spokesperson for National Public Prosecution Authority said that much as they appreciate the fact that the court returned guilty verdicts for all accused, he decried the leniency in the sentencing.

“Some were sentenced to 20 years while we had requested life sentence, others were handed five years where we had sought 20, so those are the concerns that we will need to sit down and address,” he commented.

Nkusi said that some charges were also dropped, a decision he does not also welcome.

Among the charges that were dropped on almost all accused was the crime of formation and membership to an armed group, which court ruled that this should be fused into one of being part of a terror group and therefore tackled under the anti-terrorism law.

“There are suspects who had seven, nine or even 14 charges but were only convicted on one,” lamented Nkusi, adding that they will sit and chart the way forward, including on a possibility of appealing.

Moise Nkundabarashi, the lawyer for Sankara, was not available by press time, to be able to speak about the future plans for his clients.

Like has been the case since the trial began eight months ago, the proceedings were livestreamed on the YouTube channel of the Rwandan judiciary.

So the curtains have finally come down on what has arguably been the story of the year for journalists in Rwanda and beyond.

However, we may not be done yet as we could be treated to another showdown in the Court of Appeal, should any of the litigants – defence or prosecution (or both) – decide to appeal.