

REDRESS

Ending Torture. Seeking Justice for Survivors

AFRICAN RIGHTS

Working for Justice

JUSTICE FOR RWANDAN GENOCIDE VICTIMS

[London, 7 July 2011] A Dutch appeals court today sentenced Joseph Mpambara to life imprisonment on war crimes charges committed during Rwanda's 1994 genocide in which 800,000 Tutsis and moderate Hutu were killed.

The Court of Appeals found that Mpambara led a large-scale attack on an Adventist compound in which great numbers of Tutsi civilians, among them many women and children, had sought shelter. Hundreds of refugees were butchered and died as a result.

The Court also established that Mpambara played a major role in halting an ambulance carrying two women and their children who were then beaten with clubs and hacked to death with machetes. He was also found guilty of torturing a Rwandan-German couple and their baby at a checkpoint, when they were trying to escape the extreme violence against Tutsis.

Mpambara had been convicted in March 2009 of torture and sentenced to 20 years imprisonment, but was acquitted on allegations of war crimes. He was the first Rwandan to be condemned in the Netherlands for crimes during the Rwandan genocide. Both the prosecutor and Mpambara appealed that ruling.

The victim who endured hours of torture alongside his wife and baby expressed relief at the sentence: "We are very pleased and satisfied about this life-long sentence. Also the court's reasoning and considerations seem to be very serious and take into account the real facts of the genocide."

The Court considered the facts of the case to be among the most serious crimes judged by a Dutch Criminal Court since the Second World War, and that the sentence for such crimes must send a signal of deterrence.

REDRESS and *African Rights*, two human rights organisations that work to end safe havens for genocide suspects abroad, and have been working closely with survivors in Rwanda and abroad, welcomed the judgment.

Rakiya Omaar, director of African Rights, stated: "The decision of the Dutch court will encourage the many countries around the world, where genocide suspects are currently living, to appreciate that these types of investigations, prosecutions and trials are possible, and that impunity is not an option."

Carla Ferstman, director of REDRESS, said: "This important decision confirms that perpetrators of the worst crimes will be held accountable irrespective of where and when they are found. Justice has prevailed, to the immense relief of survivors."

The organisations also applauded the decision of the court to award compensation for the damage suffered by survivors. Although merely symbolic, it is a gesture which acknowledges that survivors have a right to reparation, including compensation.

Background:

Mpambara, a businessman and engineer in Mugonero, Rwanda, during the 1994 genocide, had been living in the Netherlands since 1998, but his request for asylum was turned down because of his suspected involvement in the massacres. The Dutch authorities arrested him in Amsterdam on August 7, 2006. His first instance trial lasted from October 2008 to March 9 2009.

Mpambara was acquitted of other counts as there was insufficient evidence against him. Also, the Dutch court could not convict him of genocide, as there was no “universal jurisdiction” under Dutch law over Rwanda’s 1994 genocide. This led to debates in the Dutch Parliament and amendments have been introduced, though not yet adopted, which would provide Dutch authorities with the competence to prosecute Rwandan genocide suspects for genocide in the future. This is important as it recognises the severity of the crime.

REDRESS works internationally to promote the legal rights of victims of torture and related international crimes. It advocates for the rights of victims to a remedy, reparations, working with victims around the world as well as lawyers and partner NGOS to promote justice at both national and international levels.

African Rights documents human rights violations, investigates genocide and conflict and promotes dialogue. It brings a strong commitment to participatory research together with experienced advocacy. It works in an integrated manner to document and analyse social and economic as well as civil and political injustices, providing fresh understandings of deep rooted problems.

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