

31.05.07 - MILITARY I - CONVICTING MAJOR NTABAKUZE WOULD BE "AN OFFENCE TO COMMON SENSE"

Arusha, 31 May 2007 (FH) - Convicting Major Aloys Ntabakuze would be "an offence to common sense" said his lawyer at the end of his closing arguments on Thursday at the International Criminal Tribunal for Rwanda (ICTR).

Paracommando battalion commander of Kanombe (Kigali) in 1994, the Rwandan officer, 53 years of age, faces charges of genocide, war crimes and crimes against humanity; his is pleading not guilty.

"There is not any credible proof which supports the idea that there was a plan to commit genocide with regard to my client", stated the lawyer of Ntabakuze, American professor Peter Erlinder.

The lawyer, who had started to address the Tribunal the day before, indicated that it was not proven during the trial, that has lasted five years, that the actions carried out by Ntabakuze between April and July 1994 "were reprehensible".

Peter Erlinder reviewed the various sites on which the Prosecutor alleges that Ntabakuze would have taken part in the slaughter of civilians and stressed that there was no indication of his implication.

Ntabakuze is accused of having committed or ordering the massacres of Tutsis at various places in Kigali as well as in a hospital and a nursing school in the center of the country.

The officer is also being held responsible for the crimes attributed to his subordinates; in particular, those of rape.

"To convict a commander for the crimes for which none of his subordinates were accused is an offence to common sense", argued Peter Erlinder.

Like his colleagues who had preceded him in this trial, the American professor invited the judges to take the evidence of the Prosecutor with a grain of salt.

Ntabakuze is being tried with three other officers. They are the Chief of Staff of the Ministry of Defense, Colonel Théoneste Bagosora, the former head for military operations at the Chief of Defense Staff, Brigadier-General Gratien Kabiligi, and the former commander of the military region of Gisenyi (western Rwanda), Lieutenant-Colonel Anatole Nsengiyumva. They also have pled not guilty.

Peter Erlinder insinuated that the witnesses for the prosecution that come from Rwanda are subjected to the control of their government for which the principal leaders should also be, according to him, brought before the ICTR.

There has never been a war in which the two warring factions did not commit crimes, Peter Erlinder underlined, condemning the ICTR for only trying the vanquished.

"These persons are accused of committing crimes committed by the two sides. It is as if the Japanese would have been blamed for Hiroshima ", he stated.

Peter Erlinder was nevertheless pleased with "the emergent history" which, in his opinion, should lead to a new comprehension of the events, referring to the investigation of French judge Jean-Louis Bruguiere and the charges filed in Spain against influential members of the victorious army.

Peter Erlinder reminded the court that he had asked the Chamber to order the Prosecutor to indict current Rwandan President Paul Kagame, as Bruguiere suggests, but that the judges had declared that they did not have jurisdiction on this matter. He added that he has just addressed the same request to the Security Council.

According to Peter Erlinder, there were "~~two genocides~~" in Rwanda between 1990 and 1994, from which one up to now has gone unpunished, would have been committed on Hutus by the Tutsi rebels.

According to Erlinder, the governmental army, to which his client belonged, could not have carried out the war against the rebellion and stopped the massacres which targeted civilians.

The lawyer concluded that the rebels had facilitated the massacres by blocking the initiatives of the cease-fire. The closing arguments will end on Friday.

AT/PB/MM

SOURCE: <http://www.hirondellenews.com/content/view/9537/384>

JURIST Commentary, December 23, 2008:

<http://jurist.law.pitt.edu/forumy/2008/12/rwanda-no-conspiracy-no-genocide.php> and  
<http://cirquemini.me.blogcollective.com/blog/archives/2008/12/23/4033400.html%29>

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robbery in which restraining physical movement would be enough to contain further damage. It is a case of destructive and divisive ideology whose damage does not require physical proximity of the offender."

Ngoga's threats reveal that the real purpose of the criminal charges against Madame Ingabire is to serve notice that any political opposition will not be tolerated in Rwanda. And, that the 2003 "sham elections" as reported by EU election monitors, and other outside human rights observers, will be repeated in 2010, unless the Rwandan government completely changes its policies to permit a functioning democracy.

The three charges against Madame Ingabire include: "association with terrorist groups;" "downplaying genocide;" and, "divisionism" all of which are crimes unique to Rwanda that have been denounced by Human Rights Watch, Amnesty International, the Commonwealth Human Rights Institute and even the U.S. State Department.

The next hearing is scheduled for the week of May 24, when I will appear on Madame Ingabire's behalf to insist on her continued release, return of her computers and property, an end to interference with her Presidential Campaign and the full disclosure of prosecution evidence and witnesses, as a prelude to dismissal of these politically motivated charges on internationally-recognized grounds of free speech, and the absence of due process.

Prof. Erlinder is the U.S. attorney and Lead Defense Counsel at the International Criminal Tribunal for Rwanda, and Director of the International Humanitarian Law Institute; St. Paul, Mn. USA-he's been retained to defend Madame Ingabire.

<http://blackstarnews.com/print.php?a=6539> and  
[www.fdu-rwanda.org/uploads/media/IngabireNEWS\\_Advisory\\_2.pdf](http://www.fdu-rwanda.org/uploads/media/IngabireNEWS_Advisory_2.pdf)

## Africa's Female Mandela? Victoire Ingabiré Umuhoza on Trial

Written by Annie Garrison

Thursday, 20 May 2010 21:03

*Opposition presidential candidate Victoire Ingabire Umuhoza stood before a judge in Kigali, Rwanda, on April 22, after the Kagame government arrested and charged her with "associating with terrorists" and "genocide ideology," a crime unique to Rwanda which includes "divisionism" and "revisionism," meaning politics, and/or attempting to revise the received history of the 1994 Rwanda Genocide.*

Two weeks earlier, on April 7th, speaking at a commemorative ceremony, on the 16th anniversary of the civilian massacres known as the Rwanda Genocide, Rwandan President Paul Kagame referred to Victoire Ingabire Umuhoza as "some lady," an example of "some people" who "just come from nowhere, useless people." He refused to speak her proper name, though she is widely acknowledged as the leading opposition candidate in Rwanda's 2010 presidential election, and many of her supporters now call