



Inkingi Forces Démocratiques Unifiées United Democratic Forces

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Kigali - Rwanda

"Pour un Etat de Droit, la Democratie et l'Egalité de chances"; "For the rule of law, democracy and equal opportunity"

Kigali, 1st November 2011

INGABIRE TRIAL: DEFENSE COUNSEL DENIED CROSS-EXAMINATION RIGHT ON PROSECUTION TERROR EVIDENCE.

On the request of the National prosecution authority the High Court retracted its previous authorisation and denied the defense counsel the right to cross-examine the prosecutor's witnesses on terror charges. The presiding judge ordered the defense team to pre-submit a list of all the questions in order to decide which one could be discussed in open court and allow sufficient time for preparation by "the witnesses". This is another slap in the face of the lawyers who believed that some fairness was possible in this kangaroo trial. "This process is a circus, it's not fair and the international community needs to know the truth", said one foreign analyst based in Kigali.

Since the 27th October 2011, the political prisoner Ingabire exposed the terror charges. All the prosecutor's witnesses in this trial are officially "co-accused pleading guilty". The Rwandan criminal law procedure in its article 59 is clear on this: "Persons against whom the prosecution has evidence to suspect that they were involved in the commission of an offence cannot be heard as witnesses". (LAW N° 13/2004 OF 17/5/2004 RELATING TO THE CODE OF CRIMINAL PROCEDURE, O.G SPECIAL N° OF 30/07/2004). Questioned on this blatant violation or disdain of the law, the national public prosecution authority claims that "those people are criminals just pleading guilty and helping justice to halt a terrorist leader. Their information is used only for investigation and completion of pieces of evidence. They are not witnesses and could not be treated like that". The terms of this blind plea are not clear as all the co-accused don't seem to care about their freedom.

The whole file on the counts of forming an armed group with the aim of destabilising the country, complicity to acts of terrorism and conspiracy against the government by use of war and terrorism are based on arranged statements from the so called co-accused. And now the direct cross-examination procedure is refused. The terror evidence can't be challenged in open court any more. "This is not a common-law system, the defence lawyers can not just ask direct questions to those people. They could just give them to the court that will screen their relevance before giving people enough time to prepare their responses", warned Mr. Bonaventure Ruberwa, one of the pleading prosecutors.

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The prosecutor justified the arrest of the political leader Victoire Ingabire by documents and material seized after the arrest of suspect Vital Uwumuremyi on 13 October 2010. Later on the cases of 3 other ex-soldiers already in military detention were adjoined. The first contradiction is that she was previously questioned on the content of the pieces of evidence before they were officially obtained. The arrest warrant of the key witness Vital Uwumuremyi is posterior to the arrest of the political leader. The material produced in front of the High court is composed by emails, small amount of money transfer forms and interrogations. The prosecution has failed to get any of those documents authenticated. The emails dates are contradicting. For example the headers of a response to one email written by Vital Uwumuremyi show that it was sent before the actual mail it was responding to. Some mails have clearly been written by the same suspect to himself using different pseudonyms and fakes names he confessed are his during the identification process. The name of Madame Victoire Ingabire is not mentioned nowhere on money transfer forms.

The key witness of the prosecution is known as Major Vital Uwumuremyi, ex member of the Forces Armées Rwandaises (ex-FAR), ex- FDLR. He stated himself that he was repatriated early 2009 after he reached the rank of Major. He does not have an ex-FAR identification number (matricule), he does not have any Officer identification number given by the former army simply because until the end of genocide, he was a civilian driver. The information that he was promoted to the rank of Major in Rwanda or in the Democratic Republic of the Congo or in the FDLR rebellion is no where to be confirmed.

If no serious correction, we are absolutely and irrevocably convinced that the continuation on this pace is a validation of flawed proceedings of a kangaroo trial.

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