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Rwandan Military Leaders Found Not-Guilty of Conspiracy and Genocide Planning

ARUSHA TZ – 18/12: Today’s ICTR judgments in the Military-I trial completely rejected the Prosecution theory of long-term planning and conspiracy to commit genocide by members of the former Rwandan military leadership. All four defendants were found “not guilty” of all counts charging conspiracy to commit genocide, based on the Chambers ruling that their actions *prior* to April 6, 1994 were based on war-time conditions, *not* planning to kill civilians or to carry out a genocide against Tutsi Rwandans.

Gen. Gratién Kabiligi was found not guilty of all remaining charges because of the Prosecution’s failure to prove his command authority over Rwandan troops, and was ordered released immediately.

The three other defendants were convicted of responsibility for particular acts that the Chambers found were committed by members of the Rwandan military. Col. Theoneste Bagesosora and Col. Anatole Nsengiumva were found guilty of war crimes, acts of genocide and crimes against humanity committed by Rwandan troops under their command. Major Aloys Ntabakuze, whose command was limited to the Para-Commando Battalion was held responsible for three incidents out of more than 40 that the Chamber found were not proved. Many of the crimes of which all three were convicted do not appear in the indictments under which they were prosecuted. All three were sentenced to life in prison and have announced plans to appeal.

The ICTR Military-I Oral Judgment specifically referred to evidence presented to the Chamber that civilian killings in Rwanda were triggered by the assassination of the Rwandan President, which was part of the final military assault to seize power by the RPF army of Paul Kagame in 1994. The Judgements follow by less than a week the UN Security Council’s public exposure of the massive *continuing* crimes of Kagame and the RPF in the Congo and the Great Lakes Region since 1996 *and* the Open Letter from the President of Human Rights Watch calling for the ICTR to fulfill its mandate by holding Kagame’s RPF accountable for crimes committed in 1994 in Rwanda, as well.

After the evidence closed in the Military-1 trial closed in June 2007, INTERPOL warrants have been issued for the RPF leadership and Paul Kagame has been named in two European indictments for the assassination of Rwandan President Habyarimana and Burundi President Ntaryamira of Burundi on the night of April 6, 1994. The indictments confirm evidence in the Military-1 record that Kagame and the RPF are responsible for the war crime, and military assault, that touched off the tragic 100 days of war. The indictments also charge Kagame’s RPF with genocide, war crimes and crimes against humanity involving more than 300,000 civilian deaths.

Also after the evidence closed in the Military-1 trial, former ICTR Chief Prosecutor Carla Del Ponte and former ICTR Chief Investigator Prosecutor Michael Hourigan have publicly described the on-going “cover-up” of Kagame’s responsibility for the assassination and the planned RPF assault to take power. Now Ms. Del Ponte’s press aide is being prosecuted for contempt of court at the ICTY FOR her courage in making public the US/UK role in removing Del Ponte from her ICTR post because she insisted on fulfilling her mandate to hold both sides responsible for their crimes in 1994.

To date, the failure of the ICTR Prosecutor to put the full record of crimes committed by the RPF has done a great disservice to the Judicial Chambers of the ICTR and to International Justice. But, most tragically, the juridical impunity created by the ICTR “cover-up” of RPF crimes has been the root cause of the millions of deaths in Rwanda, the Congo and the Great Lakes since the RPF invaded Rwanda with the help of Uganda in 1990.

In light of these disclosures of former ICTR Prosecutors and the December 12, 2008 Security Council Report fixing RPF responsibility for more than 12 years of economic plunder and massive killings in the Congo, which are also confirmed in Security Council Reports in 2001, 2002 and 2003, the ADAD Bureau will present an OPEN LETTER to the ICTR President, the UN Security Council, the UN General Assembly detailing the recent revelations that have called the integrity of the Tribunal into question and the systematic withholding of relevant evidence from the Chambers and requesting that all matters at the ICTR be suspended, pending an independent investigation of the Office of the Prosecutor's failure to abide by Security Council Resolution 955, and manipulation of the ICTR by UN member-states, that is now in the public record.

- 30 -

CONTACT:

ADAD Bureau

Pres. Peter Erlinder [US] (e) peter.erlinder@wmitchell.edu / 078-629-5177

VP. Gershom Otachi Ken](e/f) gershomotachi@yahoo.com / 075-437-8415

Sec. Gen. M. Sahinkuye [Den] (e/f) sahinkuye2002@yahoo.fr /

Tr. Nathalie Leblanc [Can] (e/f) nathalieleblanc@hotmail.com /

Chris Black [Can] (e/f) bar@idirect.com / 075 466-6972

John Philpot [Can] (e/f) jhilpot@videotron.ca / 075-535-2931

Beth Lyons [US] (*ex-officio* IADL rep.)(e/f) bethlyons@aol.com / 075-294-6201