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**OFFICE OF THE GENERAL PROSECUTOR
KIGALI**

Concern : Confidential message from the Client .

To the good attention of Martin Ngoga , General Prosecutor ,

Reference is made for the matter to transmit to you this confidential message.

Yours faithfully .

**Maître Gatera Gashabana
Advocate**

CONFIDENTIAL

MY PERSONAL OPINIONS AND FDU- INKINGI'S POSITION

Further to a private discussion held on April 8, 2011 with Mr. Martin Ngoga, the Prosecutor General, I have come to understand that the present government may have fundamentally misinterpreted the political position of both myself and my party, FDU-Inkingi. Following that 2-hour meeting, I have been thinking deeply about this situation and now appreciate that because of those concerns both the party of which I am chairperson and myself have become involved in a political stand-off with the government.

This stand-off has led to a series of rumors alleging that my party and I are accusing RPF of crimes against the Hutu population and that we are promoting a new Hutu regime. I wish to make it absolutely clear that FDU-Inkingi has no agenda to create any such Hutu regime.

I have therefore decided to make this statement setting out my position on these crucial problems and the way I believe the governance of our country should evolve and develop in a way that assures everybody xxx. I call upon the present government to accept the way of compromise in order that together we can fully give our contribution towards a lasting peace in our country, for all Rwandans.

Direct talks between political stakeholders are necessary. To pave the way to this, all participants in such talks must have all necessary freedoms so that any resolutions are fully respected by everyone, whatever their political affiliations.

After 16 years in exile, I decided to return to my country. I have already spent 16 months in Rwanda. Even though I have spent 7 of these 16 months in Kigali Central Prison I have been observing Rwanda and thinking about Rwanda's problems and the way they can be solved.

1. We need to respect the history of our country.

One of the problems many countries go through is the amalgamations and manipulations of their national histories for political interests. In Rwanda it is the same. Each political party has its own way of interpreting the country's history as if they are referring to different countries. That has got to change. We need to let different and independent experts write our country's history.

We need to accept our national history as it is. Positive aspects of our history will help us continue on the right track while bad legacies will teach us lessons and prompt us to change them. After the monarchal regime, in which power was concentrated in the hands

of some Tutsi families, came the republic. The basis of the republic regime and democracy is the popular revolution of 1959. We criticize how politicians who brought about such a revolution were unable to totally separate ethnic problems and the country's governance. This is why, as one republic replaced another, the people in office changed, but not their governance.

A great deal of literature that I have read, such as the 2006 Senate Report on the understanding of the origin of the genocide ideology, as well as several TV/radio programs I have watched or listened to, clearly indicate that FDU-Inkingi's fundamental project is necessary. The idea aims at putting in place a special independent commission comprising experts in charge of writing Rwanda's history and tackling differences among Rwandans on how our history is interpreted. It is the only heritage we may bequeath to future generations.

2. Let's talk about our ethnicities without fear.

2.1. Our ethnicities are real and rooted in our history.

The Rwandan people comprise three ethnic groups: Twa, Tutsis and Hutus. Nobody should be ashamed about his or her ethnicity, or be disenfranchised or killed because of it. Nobody should be blamed for our ethnic differences. Our ethnic differences should be thought of as the source of our strength instead of the reason for our self-extermination.

The current problem in Rwanda relates to power. It has been noted that many authorities have used their ethnic background instead of privileging ideas on specific programs aimed at the Rwandan people. In the article I published entitled "National Reconciliation As a Requirement for Security and Sustainable Peace in Rwanda and in the Countries of the African Great Lakes" and in my statement on the 45th Anniversary of Rwandan Independence I explained my view that the problem we have in Rwanda is not due to different ethnic groups but to politics.

In Rwanda, because of serious crimes that targeted people from a particular ethnic group, confidence between ethnic groups was shaken. These crimes of genocide and crimes against humanity left the Rwandan people extremely fearful: of being killed because of who you are; of being exterminated; of being wrongly associated with and accused of crimes committed by people of your ethnic background; of revenge; of discrimination etc.

2.2. Fear hinders people's freedom and liberties.

On arriving at Kanombe Airport after 16 year of exile I requested the Rwandan people to stand up and defeat fear. Sixteen months later, I still stress that there is fear in the country among people from all backgrounds and at all levels of society.

Fear among genocide survivors is still present. It has been only 17 years since the genocide. Many of those responsible remain. Many Rwandans feel uncertain that violence will not erupt again. Being represented within the current government is one way for survivors to gain confidence that they will not be exterminated in the future. That is why many believe that any opponent to the present government is to be considered as an enemy of the Tutsis, bent on resuming the genocide.

Current leaders are also quick to accuse any Hutu opponent of the government of harbouring genocide ideology or of fueling ethnic hatred or of promoting a Hutu-power message. I believe that this is the reason the current government has arrived at such false impressions about me and my party FDU-Inkingi. Our political party is strongly attached to and in favour of the constitutional provisions of Article 54 that prohibits political parties to be ethnicity-oriented.

Fear among the Hutus is also at a high level. Such fear is based on the genocide and other crimes against humanity committed in the country. The role some of them played, the nature of the judicial system in charge of prosecuting such crimes, the role of the current regime in prosecuting the crimes against humanity committed against the Hutus. In the newspaper *Imvaho Nshya* No. 1980 published in April 2010, the journalist Ndamage Frank wrote that: "Bernard Ntaganda is a Nazi, Victoire Ingabire is the daughter of a Nazi; they should not have the right to rule the country." During a meeting of the Rwandan Civil Society on December 14, 2010, Tom Ndahiro said: "Accepting Ingabire and FDU-Inkingi in Rwanda is an affront because they are Nazi." This situation in which such hate speech is published in state-owned newspapers, and broadcast on state radio and TV, while the authorities keep their silence contributes to increased fear among the Hutus. To say that because I am a Hutu I am automatically a Nazi and therefore have no rights and no say Many Rwandans who do not support the current government, particularly Hutus, will hear such hate speech, will note that it is tolerated by the authorities, and will decide to keep a low profile to avoid any possibility of experiencing difficulties with the government. Such hatred speeches are comparable to the ones from RTLM and the newspaper *Kangura* prior to the genocide.

On January 28, 2011, when Senator Joseph Kagabo was asked by RFI what he thinks about the alliance between FDU-Inkingi and Gen. Kayumba Nyamwasa's party, RNC-Ihuriro, he answered that it is impossible for a Hutu opponent to have any serious alliance with a Tutsi opponent. Such a statement not only demonstrates this person's misunderstanding of the reconciliation process between ethnic groups but also his fear.

2.3. End the culture of Impunity

Amongst the numerous problems our country is experiencing, one may note that the culture of impunity is endemic. A report from the UN Security Council S/1994/1157, based on the conclusions of the mission of Rene Degni-Segui, who investigated the security problems existing in Rwanda after the genocide against the Tutsi of 1994, stated

that one of the reasons for the unspeakable killings that took place in Rwanda was the culture of impunity.

This culture of impunity contributed a great deal to the targeted killings of Tutsis in 1959, 1961, 1963, 1965, 1966, 1972, 1973, and 1990-1994. Had there been real justice after the massacres of those years we would not have seen continuous killings of Rwandans. If the leaders who were responsible for those killings had been punished there would have not been a repeat simply because of the so called Inyenzi rebellion in the 1960s. No Tutsi should have been killed because of the RPF-Inkotanyi war in 1990-94. No genocide against the Tutsis in 1994 should have occurred.

Different UN reports on the killings that took place in Rwanda especially: S/1994/1125; S/1994/1125; S/1994/1405; S/1998/581 speak of the responsibilities of each side (especially all warring sides) in the genocide and other crimes against humanity in Rwanda. Resolution No. 955 of the UN Security Council establishes the International Criminal Tribunal for Rwanda (ICTR). This tribunal was supposed to try not only those who were responsible of the genocide against the Tutsis on the side of the government of that time, but also those who are responsible for crimes against humanity committed by some soldiers of RPF-Inkotanyi as this is shown in paragraphs 146,-148 of the Report S/1994/1125 and paragraphs 100, 181-186 of the Report S/1994/1405.

The UN Report S/1998/581 and the UN Mapping Report published on October 1, 2010 describe the killings of Hutus in Rwanda and in the DRC. There are other reports that document such killings. Within FDU-Inkingi, we want justice. The mere act of raising these concerns is construed by the current government as amounting to a minimization of the genocide committed against the Tutsis. But our point is that saying this and requesting justice does not mean accusing the present RPF-Inkotanyi government. Our duty is to leave a positive legacy for our future generations; to leave a reconciled country. The way the culture of impunity favoured those who killed the Tutsis in 1959, during the 1960s and the 1970s, encouraged those who committed genocide in 1990-94. In the same way, keeping silent about the killings that targeted the Hutus will inevitably keep hatred alive.

3. The road-map to Democracy

Since my arrival in Rwanda after 16 year of exile, all statements I made on my behalf or on behalf of FDU-Inkingi was construed by the current government as if they were aimed at spreading genocide ideology with the ultimate goal of installing a Hutu regime. Thus the true message of democracy was stifled by fear. This situation showed that we still have a long way to go to achieve national reconciliation and that there cannot be genuine democracy in a climate of fear.

Fear among people will only disappear if the government decides to take strong action to assure the people and do everything possible in order to restore confidence among the

people and openly prosecute those who continue to ignite hatred and ethnic discrimination.

The Rwandan people are hungry for the freedom to express themselves so that they can freely speak about their problems and concerns. They need to freely exercise their political activities within the political organizations of their choosing, able to elect their own leaders.. The Rwandan people should have the right to sit around one table and openly engage in dialogue about their common history, about the tragedies that ravaged their country, about governance, about the pillars that should serve as the framework for a solid state with liberty, freedom, true justice and full respect for human rights.

We advocate for national reconciliation. We believe that genuine national reconciliation can never take place so long as the suffering and plight of any Rwandan who lost his or her loved ones continue to be ignored.

We strongly support the idea that all Rwandans should cross all barriers and talk to each other about the tragedies that ravaged their country. They must be allowed to sit down together and find ways to enact programs aimed at living together peacefully in the same country. The judicial system, at every level, must also be independent and fulfill its duties fairly.

The democracy for which we are advocating is one that is based on ideas that are powerful enough to build a peaceful country with a promising future. It is not a democracy of the strong over the weak, or a democracy based on ethnicity. We want a democracy that honours the needy, the weak, the poor and the disabled.

We want a country that protects the property of every citizen. We want all Rwandans to work together regardless of their ethnic backgrounds. We do not believe in war or violence as a way of solving problems. Our plans are not aimed at hurting the current government or inciting civil disobedience against the current authorities. Our ultimate goals are to educate the Rwandan people to respect each other and choose their leaders based on good programs aimed at developing the country and bring about genuine national reconciliation and lasting peace. We will not teach any form of divisionism. We strongly support forgiveness as a means of setting up a better future for all. We are against violence.

4. My requests to the present RPF-Inkotanyi government

After 16 years in exile I returned home with the aim of advocating for a peaceful regime change so that those in power today and those who may be in power tomorrow might live together peacefully in an environment of mutual respect. I came back with a clear plan of reaching out to others so that we can build a country where every Rwandan is welcome. I came back with open arms of peace, but instead I was handcuffed and imprisoned.

Whatever may happen, this struggle will not be forgotten in the revolution aimed at changing the country's governance that was launched in 2010. Shall I die or live, be detained or freed, what we have achieved will never go back. This movement is even stronger than myself. Remanding me in captivity or silencing my voice can just postpone the revolution, they cannot stop the movement. It is indeed making the situation even worse, setting back what the RPF-Inkotanyi regime has achieved during these past 16 years. It is setting back the confidence that is just taking place and destroying everything that has been built.

Imprisoning opposition politicians helps neither the present generation of Rwandans, nor those of the future. "I am not accompanied by an army". This is a strong value that I deeply cherish. Returning home without any army means that the Rwandan Defense Forces (RDF) and other State security organs are the ones that must assure my safety just as they must protect all Rwandans. Professional leadership and organisation need to be strengthened. Therefore, I would like to take this opportunity to assure soldiers within the Rwandan Defense Forces, who were not aware of this understanding, that it is indeed my position on the problem regarding the Rwandan army.

Sustainable security and development will never take place in our country unless they are based on freedom and liberty for all. Development that has been achieved during these past years cannot be sustained without strong roots of democracy, power sharing, reconciliation, and freedoms. Those who are content with all that has been achieved but who believe that it can replace democracy are quite wrong. We will never achieve true peace without freedoms.

Let us find common ground on how our country should be governed, on a type of democracy that assures everybody and on a fair judicial system that contributes to the reconstruction of our country rather than damages it. Let us come together and create peace. Let us be the indispensable ingredients for reconciliation and peace in mutual respect. Let us together cast out all demons and injustice among Rwandans.

In order for the party FDU-Inkingi that I chair to work with others and build a country that is reconciled with itself, a country of peace and development, I request that the present government agree to the following:

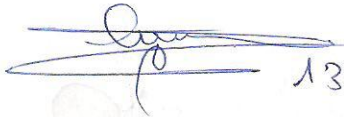
- Set me free, let me recover all of my civil rights, and drop all charges levelled against me;
- Allow the FDU-Inkingi party to be registered and be allowed to freely exercise peaceful political activities in Rwanda;
- Set free all political prisoners;
- Let all parties exercise freely their political activities;

-Let those who have fled the country return home peacefully.

During all the time I spent abroad I had the opportunity to contemplate the world and the Rwandan people. I have come to the conclusion that there are so many things we can achieve if we all work together regardless of our ethnic backgrounds or political affiliations. Should we have peace, we shall have access to everything in this world. The Rwandan people as a whole shall recover their dignity and pride.

May God's light guide us all.

Ms. Victoire Ingabire Umuhoza
FDU-Inkingi Chair


13-5-2011

