

Maître Gatera Gashabana and Maître Iain Edwards

The Editor  
The New Times  
Immeuble Aigle Blanc  
Kigali

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cc. letters@newtimes.co.rw  
edwin.musoni@newtimes.co.rw

Kigali, 22 June 2013

Dear Sir,

**Re. Article Entitled “Ingabire Lawyer Accused of Manipulating Witness”, 20 June 2013**

We were disappointed to read Edwin Musoni’s one-sided reporting of the appeal in the case of Victoire Ingabire published in your newspaper on 20 June 2013.

Any criminal case, as much on appeal as at first instance, is adversarial in nature. This means that all parties have an opportunity to present their side of the story. Fair and balanced journalism should try to do the same. Mr Musoni reported in some detail the arguments advanced last Tuesday, 18 June 2013, by the prosecution and by lawyers for Madame Ingabire’s co-accused. These arguments had in fact been preceded by a full day of argument by Madame Ingabire and her defence team. Your newspaper failed to report those arguments. Consequently, your readers have been denied a fair and balanced account of both sides of the story allowing them to make up their own minds about where the truth lies in this case.

A short recap of the history of the matters at issue may be of assistance. The defence witness, testifying under the pseudonym AA for her own protection, had written a letter to the High Court in early April 2012, in her own hand, voluntarily and under no pressure. In that letter she explained that she had personally witnessed a meeting between Vital Uwumuremyi and men later described as being agents of the Rwandan Directorate of Military Intelligence (DMI). During that meeting Uwumuremyi was asked, and agreed, to help fabricate a criminal case against Madame Ingabire. This all happened several months before Madame Ingabire’s return to Rwanda from the Netherlands. Despite her understandable fears about giving evidence for the defence in such a politically sensitive case, AA indicated her willingness to testify about all she witnessed before the Court. And although the High Court received the letter (about which we have unchallenged proof) that letter mysteriously disappeared from the Court’s file. AA was never called by the High Court to give this important testimony.

This is the disturbing background against which we asked the Supreme Court, on appeal, to remedy this error of law and procedure. Happily, the Supreme Court agreed and AA finally gave her evidence earlier this month. She was scared but immensely courageous to do so. She explained to the Court in clear and unambiguous terms what she heard and saw when

Uwumuremyi was paid 300,000 Rwf by agents of the DMI in order to help construct evidence against Madame Ingabire and to recruit others to falsely testify against her. In the face of expert and skilful cross-examination by the prosecution and lawyers for the co-accused, she stuck to her story. She never contradicted herself. Indeed, for the most part, the prosecution sought to undermine her account by suggesting that she had been manipulated by Madame Ingabire's lawyers. This was, of course, completely untrue. This was, of course, denied by AA. There is, of course, no evidence to support these false allegations.

The prosecution and the lawyers for Madame Ingabire's co-accused want their cake and eat it. On the one hand they argue that AA is an untruthful witness, that her account is unworthy of belief. On the other hand, it suits them to accept at face value her inherently improbable statement that she met Maître Gatera in 2010, before he was even retained by Madame Ingabire.

But whether she did or not, AA has never suggested that either of Madame Ingabire's Counsel pressurised her or induced her to give evidence, much less false evidence. She only said that she met with them, something which is entirely permissible in Rwandan law. Indeed, how else are defence lawyers supposed to investigate the truth behind allegations made by the prosecution against the clients? The right of the defence to carry out their own investigations, including meeting potential defence witnesses, has never been challenged by the prosecution and has indeed been recently confirmed by the High Court sitting on the case of Jean Uwinkindi, the pastor transferred last year from the ICTR.

The biased nature of Mr Musoni's reporting is further exposed where he describes Uwumuremyi's denials of AA's assertions as being "with valid proof." The selective reporting of this case by The New Times results in your readership being given only half the picture. We note that the penultimate paragraph of the article mentions that the hearing will resume on Monday with submissions from the defence. We would hope that your paper will be more balanced in its future reporting of this important appeal by fully covering these further defence submissions thereby giving the Rwandan people the opportunity they deserve to understand the whole story.

Yours faithfully,

Maître Gatera Gashabana

Maître Iain Edwards

Counsel for Madame Victoire Ingabire

