

Genocide : Prosecution pokes holes in Ntaganzwa's appeal case

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Ladislas Ntaganzwa, a former Bourgmestre (Mayor) of Nyakizu Commune (now part of Nyaruguru District) who was convicted of committing crimes of Genocide against the Tutsi.

The prosecution has poked holes in Ladislas Ntaganzwa's appeal against the life sentence handed to him by the High Court Chamber for International Crimes (HCCIC) in 2020 for his role in the 1994 Genocide against the Tutsi.

The 60-year-old, a former Mayor (Bourgmestre) of Nyakizu Commune (now part of Nyaruguru District) was found guilty of committing crimes including genocide, as well as

rape and murder as crimes against humanity.

He was also accused of being at the helm of the April 15, 1994 attacks against the Tutsi who had sought refuge at Cyahinda Catholic Parish in Nyakizu Commune, where many lives perished.

During the first instance trial, witnesses pinned him on having gone to Butare and brought with him the Gendermaine (Police-men) to Cyahinda, and ordered them to shoot the Tutsi civilians who were gathered at the Catholic Parish.

The Gendermaine is said to have partnered with the Interahamwe and Burundian refugees in the killing.

After the HCCIC's verdict against him, Ntaganzwa filed an appeal at the Court of Appeal in Kigali, which has been hearing his case since last week.

His appeal plea is based on a number of factors, prominent of which is the claim that the witness' accounts that were used against him during the first instance trial were not legitimate.

For example, among other things, he said the witnesses who testified that they saw him

in the Cyahinda attacks contradicted each other concerning the type of clothes he was dressed in, with some saying he was donned in a military shirt. In contrast, others said he was dressed like a civilian.

However, responding to his claims, Prosecutor Faustin Nkusi said the way Ntaganzwa was dressed on that day was something very trivial that witnesses can forget after twenty years.

However, he noted that what matters is the fact that there is enough evidence that pins Ntaganzwa to having been at the scene, including the fact that Ntaganzwa himself admitted that he was there.

Though Ntaganzwa admitted that he was at the scene together with the Gendermaine that he had brought from Butare, he said he was only there to protect the citizens.

He added that the shooting that happened was only accidentally done by one of the Gendermaine.

Nkusi challenged this, questioning how the mere accidental shooting could have led to the death of the multitudes that perished on the scene.

"Besides, it was not only the Gendermaine who were there during the attack. The Interahamwe and Burundian refugees carrying traditional weapons were there with them, assisting in the killing. Were these also trying to keep the citizens' security?" Nkusi asked.

A witness account cited by Nkusi stated that Ntaganzwa told the Tutsi gathering at the Parish :

"You used your money to buy cows; we used ours to buy guns. Now stand tall and let the cow horns face off with the bullets."

After that statement, bullets were heard all over, and many Tutsis were slain by the Gendermaine, Interahamwe, and Burundian refugees.

Nkusi also told the judges that after the attacks, Ntaganzwa wrote a report and sent it to his top leaders, informing them that they had fought with the "Inkotanyi" in Cyahinda and overwhelmed them.

"If the shooting was merely accidental shooting as he claims, why did it result in killing young children, old men, women?" the prosecutor asked.

Ntaganzwa was arrested in 2015 in the Democratic Republic of Congo and extradited to Rwanda in 2016.

He was one of the nine people indicted by the International Criminal Tribunal for Rwanda (ICTR) but had not yet been arrested by the time the UN court closed shop in 2015.

In 2012, the ICTR, as part of its completion strategy, decided to refer to Rwandan prosecution the case files of six of the nine major suspects who had remained at large.

These included Ladislav Ntaganzwa, Fulgence Kayishema, Charles Sikubwayo, Aloys Ndimbati, Ryandikayo, and Phineas Munyarugarama.

The other three : Felicien Kabuga, Augustin Bizimana, and Protais Mpiranya would be tried by the International Residual Mechanism for Criminal Tribunals (IRMCT).

Kabuga was arrested in France in 2020 and is currently being tried by IRMCT on counts including genocide, complicity in genocide, direct and public incitement to commit genocide, attempt to commit genocide, conspira-

cy to commit genocide, and persecution and extermination – both as crimes against humanity.

For Bizimana, it came to be confirmed that

he died in 2000, and similar news was confirmed for Protais Mpiranya, whom the ICTR confirmed to have died on October 5, 2006, in Harare, Zimbabwe.