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UN Court Set for Landmark Genocide Trial of Famed Rwandan Singer

By Agence France-Presse

ARUSHA, Tanzania — A landmark trial that could expand the limits of war crimes culpability is set to open at a UN court this week when a singer accused in Rwanda's 1994 genocide takes the stand in his defense.

In one of the first cases of an entertainer being charged with mass murder for his creative endeavors, Simon Bikindi is to appear before the International Criminal Tribunal for Rwanda (ICTR) on Monday, officials said.

A renowned traditional composer and musician who founded Rwanda's "Irindiro Ballet" and took the tiny central African nation by storm in the 1980s and early 1990s, Bikindi faces six counts of genocide and related charges.

The 52-year-old Hutu stands accused of inciting fellow majority Hutus to kill minority Tutsis and moderate members of their own tribe through song lyrics prosecutors maintain were provocation to slaughter.

But Bikindi vehemently denies the charges and his lawyers claim the trial is a blatant violation of his human rights and a denial of his artistic liberty, freedom of thought, expression and speech.

The ICTR has in the past tried and convicted media personalities and at least one journalist on genocide charges, but Bikindi's trial will be its first of a creative artist, according to court officials.

Born in 1954 in northern Rwanda not far from the hometown of former Rwandan president Juvenal Habyarimana, whose April 6, 1994, assassination sparked the genocide, Bikindi rose to fame as a champion of traditional culture.

As a senior official in the Ministry of Youth and Sports in the 1980s, he started the Irindiro Ballet, which thrilled audiences throughout the region with its blend of tribal singing and dancing.

But before and during the genocide, in which some 800,000 Tutsis and moderate Hutus were massacred by Hutu extremists, prosecutors say Bikindi penned a series of offending popular tunes.

"Between 1990 and 1994, Simon Bikindi composed, sang, recorded or distributed musical works extolling Hutu solidarity and accusing Tutsis of enslaving Hutus," the ICTR indictment says.

"These songs were then used to incite Hutus to identify and kill Tutsis," the indictment says, noting Bikindi's fame and status in Rwanda in 1990 when a Tutsi rebellion sprang up against the then-Hutu-led government.

At the time, Bikindi enjoyed almost legendary status in Rwanda and his songs could be heard in buses, bars, restaurants and offices, while wealthy families often hired his band to entertain at weddings and other occasions.

Yet prosecutors claim he used his music as tool of war and point to one in Particular—"Njyewe nanga Abahutu," Kinyarwanda for "I hate the Hutus"—that they say targeted Hutus who joined the Tutsi rebellion and, by extension, Tutsis themselves.

"I hate these Hutus, these un-Hutus who gave up their identities, dear comrades," the lyrics say. "I hate these Hutus, these Hutus who walk blindly like imbeciles. These naive Hutus who join a war without knowing its cause.

"I hate these Hutus who can be led to kill and who, I swear to you, kill Hutus," they say. "Dear comrades, if I hate them it is for the better."

Bikindi has pleaded not guilty to six charges of genocide or complicity in genocide, conspiracy to commit genocide, direct and public incitement to commit genocide and crimes against humanity, including murder and persecution.

To his Kenyan lawyer, Wilfred Nderitu, the indictment is a serious assault on fundamental values and cut to the heart of arguments over basic freedoms.

"Bikindi's songs are innocent," he says. "To accuse him is to deny him his right of expression."

However, prosecutors maintain the message of the songs are "clear to any Rwandan: It is a call on the Hutus to mobilise against the Tutsis."

Arrested in the Netherlands in 2001, Bikindi lost a court fight against his extradition to the Arusha-based ICTR where he was arraigned a year later and has been in custody since.

Formed in late 1994, the ICTR, based in Tanzania's northern town of Arusha, has thus far convicted 25 suspects and acquitted three.