

UNITED NATIONS



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NATIONS UNIES

ICTR-95-1-T
ICTR-96-10-T
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INTERNATIONAL TRIBUNAL FOR RWANDA

TRIBUNAL INTERNATIONAL POUR LE RWANDA

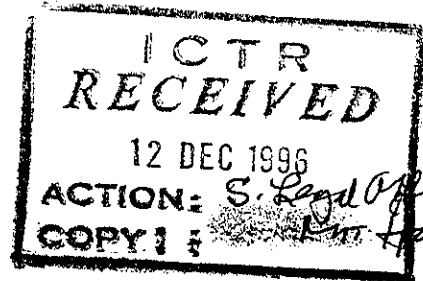
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Bureau du Procureur

December 9, 1996



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12/12

VIA UN POUCH

Ms. Prisca Nyambe
Senior Legal Advisor
ICTR
Arusha, Tanzania

RE: The Prosecutor of the Tribunal v. Obed Ruzindana
Case No. ICTR 95-1-T & ICTR 96-10-T

Dear Prisca:

Enclosed please find an exact copy of redacted materials we sent to Maître Pascal Besnier on 9 December 1996 to be officially filed with the Registry. Please be aware that we will also be sending redacted witness statements to M. Besnier in the near future and will be filing a copy with the Registry as well.

Should you have any questions or desire additional information, please do not hesitate to contact me in Kigali. I thank you for your attention this matter.

Sincerely,

Tony Tate
Case Manager Kibuye Team

Enclosures
TT

KIBUYE INDICTMENT - SUMMARY OF SUPPORTING DOCUMENTATION

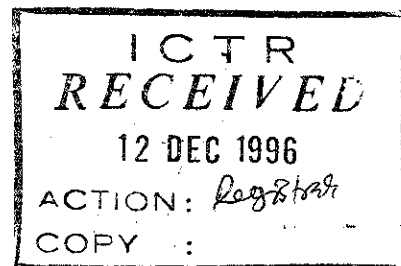
Key:

Centered, Underlined and Bold Heading = Section of Indictment.

Underlined and Bold Paragraph = Paragraph number corresponding to
number in indictment.

Bold = facts alleged within that paragraph.

Italics = Proof of fact alleged within that paragraph. (Where this
proof is a quote from a witness statement, the quote begins with a
letter identifying the witness statement, and a number identifying the
page on which the quote appears).



Indictment

THE MASSACRE SITES

PARAGRAPH 2:

The Republic of Rwanda is divided into eleven Prefectures. These eleven Prefectures are further divided into communes. The Prefecture of Kibuye consists of nine communes. The massacres which form the basis of the charges in this indictment occurred in the Prefecture of Kibuye, in Gitesi, Gishyita and Gisovu communes.

Maps of Rwanda and Kibuye.

PARAGRAPH 3:

The first massacre site addressed in this indictment, the Catholic Church and Home St. Jean complex, is located in Kibuye town, in Gitesi Commune, on a promitory which is surrounded on three sides by Lake Kivu. A road runs past the entrance to the Catholic Church and Home St. Jean complex. The Catholic Church is visible from the road. The Home St. Jean is behind the Church and is not visible from the road.

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African Rights, Rwanda Death, Despair and Defiance, August, 1995, page 416.
The parish sits on a beautiful hilltop and enjoys a spectacular view of the lake and mountains of both Rwanda and Zaire. One of the main massacres in Kibuye was at the Parish of Kibuye itself, in the commune of Gitesi.

The Home St. Jean is part of the complex of the parish of Kibuye and was attacked on the same day, 17 April.

PARAGRAPH 4:

The second massacre site addressed in this indictment, the Stadium, is located near the main traffic circle in Kibuye town, Gitesi Commune. The town's main road runs past the Stadium. Immediately behind the Stadium is a high hill.

African Rights, Rwanda Death, Despair and Defiance, August, 1995, page 424.
One of the major massacres was in the Gatwaro Stadium.

PARAGRAPH 5:

The third massacre site addressed in this indictment, the Church in Mubuga, is located in Gishyita Commune. Gishyita Commune is located in the southern part of Kibuye Prefecture. The Church in Mubuga is located approximately 20 kilometers from Kibuye town.

PARAGRAPH 6:

The fourth massacre site addressed in this indictment is the area of Bisesero. The area of Bisesero extends through two communes in the Prefecture of Kibuye: Gishyita and Gisovu. Bisesero is an area of high, rolling hills located in the southern portion of Kibuye Prefecture. The hills are very large, and are often separated by deep valleys.

African Rights, Rwanda Death, Despair and Defiance, August, 1995, pages 660, 662.
In the south and west of Rwanda, people could not take refuge in the swamps, and instead, those who did not vainly seek safety in parishes took to the hills.

The region of Bisesero....in the commune of Gisovu in Kibuye....Gishyita in Kibuye....

BACKGROUND

PARAGRAPH 7:

The structure of the executive branch, and the authority of the members therein, is set forth in the laws of Rwanda. In the Prefecture, the Prefect is the highest local representative of the government, and is the trustee of the State Authority.

CONFIDENTIAL DOCUMENT - COURT ORDER PROHIBITING DISCLOSURE TO PUBLIC OR OTHERS

The Prefect has control over the government and its agencies throughout the Prefecture.

[Rwandan Laws] 11 Mars 1975 - Decret-Loi no. 10/75 [Organization and function of the Prefecture], art. 3.

PARAGRAPH 8:

In each-commune within a prefecture there exists the council of the commune, which is lead by the Bourgemestre of that commune. The Bourgemestre of each commune is nominated by the Minister of the Interior and appointed by the President. As representative of the executive power, the Bourgemestre is subject to the hierarchical authority of the Prefect, but, subject to this authority, the Bourgemestre is in charge of governmental functions within his commune.

[Rwandan Laws] 23 Novembre 1963 - Loi. [Communal Organization], articles 1, 2, 38, 59.

PARAGRAPH 9:

The Prefect is responsible for maintaining the peace, public order, and security of persons and goods within the prefecture. In fulfilling his duty to maintain peace, the Prefect can demand assistance from the army and from the Gendarmerie Nationale.

[Rwandan Laws] 23 Janvier 1974 - Decret-Loi. [Creation of the Gendarmerie], article 8-2.

The Bourgemestre also has authority over those members of the Gendarmerie National stationed in his commune.

[Rwandan Laws] 23 Janvier 1974 - Decret-Loi. [Creation of the Gendarmerie], article 104.

PARAGRAPH 10:

The Gendarmerie Nationale is an armed force established to maintain the public order and execute the laws. It is lead by the Minister of Defense, but can exercise its function of safeguarding the public order at the request of the competent national authority, which is the Prefect.

[Rwandan Laws] 23 Janvier 1974 - Decret-Loi. [Creation of the Gendarmerie], articles 2, 3, 4, 24, and 47.

The Gendarmerie Nationale has an affirmative duty to report to the Prefect information which has a bearing on the public order,

[Rwandan Laws] 23 Janvier 1974 - Decret-Loi. [Creation of the Gendarmerie], articles 37 and 40.

as well as a duty to assist any person who, being in danger, requests its assistance.

[Rwandan Laws] 23 Janvier 1974 - Decret-Loi. [Creation of the Gendarmerie], articles 29, 30, 31, and 32..

From January - July of 1994, they were approximately 200 gendarmes in the Prefecture of Kibuye.

J -15: In Kibuye, there was a gendarmerie unit that was called Groupement de Kibuye. There were about 200 to 250 gendarmes.

PARAGRAPH 11:

Members of the executive branch also have control over the communal police. Each commune has Police Communale, who are engaged by the Bourgemestre of that commune. Normally the Bourgemestre has exclusive authority over the members of the Police Communale. In case of public calamities, however, the Prefect can claim the policemen of the Police Communale and place them under his direct control.

[Rwandan Laws] 23 Novembre 1963 - Loi. [Communal Organization], articles 103, 104.

PARAGRAPH 12:

The Interahamwe, an unofficial paramilitary group composed almost exclusively of extremist Hutus, had significant involvement in the events charged in this indictment. The National Revolutionary Movement for Development (MRND) party, the ruling party in Rwanda during all times relevant to this indictment, created the Interahamwe as a military training organization for MRND youth and based the Interahamwe's leadership on the MRND's own structure, with leaders at the national, prefectoral, and communal levels. There was no official link between the Interahamwe and the Rwandan military, but members of the Army and Presidential Guard trained, guided and supported the Interahamwe. Occasionally, members of the Army or Presidential Guard participated in Interahamwe activities.

African Rights, Rwanda Death, Despair and Defiance, August, 1995, pages 53 - 58.

PARAGRAPH 13:

On 6 April 1994, the airplane carrying then-president of Rwanda Juvenal Habyarimana was shot down during its approach into Kigali airport in Rwanda. Almost immediately, the massacre of civilians began throughout Rwanda. During that time individuals seeking Tutsis were able to focus their activities on specific locations because Tutsis, who believed themselves to be in danger, often fled in large numbers to perceived safe areas, such as churches and communal buildings. This practice, which was widely known, was based on the fact that in

the past Tutsis who had sought refuge in such places had not been attacked. Thus, during the period of time relevant to this indictment, groups of people seeking refuge in the same area were most likely predominately Tutsis.

UN Document E/Cn.4/1995/7, 28 June 1994, Report on the situation of human rights in Rwanda submitted by Mr. R. Degi-Segui, Special Rapporteur - page 5, 17: The death of President Juvenal Habyarimana [on 6 April 1994] was the spark to the powder keg which set off the massacre of civilians. The next day, fighting resumed between the Government forces and the FPR [Rwandan Patriotic Front].

H complement 3: We went to the church because during previous time of trouble, we tutsis were safe in churches. We thought we would be safe again.

W - 4: We followed the urgings of the Mabanza Bourgemestre to go to the church and stadium in Kibuye. We thought that protection would be better in a large group and at points of sanctuary - as in 1959.

CC - 1: Tutsi people from here and neighboring communes began to congregate in churches and in the stadium to be safe because in 1959 people who had been in those places survived.

PARAGRAPH 14:

Also, during the times relevant to this indictment, the Rwandan government required all Rwandans to carry, at all times, identity cards that designated the bearer's status as Hutu, Tutsi, Twa or "naturalized". Individuals seeking Tutsis could identify their targets simply by requiring individuals to show their identification card.

B (complement) - 3: ...There had been roadblocks since April. They were permanent and were kept by the population in turns. They were organized by bourgemestres and counselors. The aim was to stop people, to search vehicles. Tutsis were killed on the spot (identity cards were requested).

II (complement) - 2 to 3: The refugees in the stadium were Hutu and Tutsi. The girls [survivors from the stadium] told me that before the massacre identity cards were checked and the Hutus and Tutsis were separated. The Hutu left and were only killed if they stayed with the Tutsis.

African Rights, Rwanda Death, Despair and Defiance, August, 1995, pages 6, 47.

GENERAL ALLEGATIONS

PARAGRAPH 15:

All acts or omissions by the accused set forth in this indictment occurred during the period of 1 January 1994 to 31 December 1994.

Statements supporting charges below.

PARAGRAPH 16:

In each paragraph charging genocide, a crime recognized by Article 2 of the Tribunal Statute, the alleged acts or omissions were committed with intent to destroy, in whole or in part, an ethnical or racial group.

There is both direct and circumstantial evidence that each of the accused acted with the intent to destroy in whole or part, members of the Tutsi ethnical or racial group. Delineated below is first general evidence of the fact that the massacres that occurred in Kibuye were committed with the intent to destroy in whole or part Tutsis. After this, evidence that each of the eight Accused acted with the requisite intent is delineated.

I. General evidence of intent to destroy, in whole or part, Tutsis in Kibuye Prefecture.

The events in Kibuye prefecture alone demonstrate that the killings in Kibuye were undertaken with the intent to destroy, in whole or part, Tutsis in Kibuye. According to the publication *Death, Despair and Defiance* Kibuye used to have the highest population of Tutsis of any prefecture, with a pre-April 1994 population of approximately 252,000 Tutsis. After July 1994, there were only 7,000 - 8,000 Tutsis left alive. (*African Rights, Rwanda Death, Despair and Defiance*, August, 1995, page 394).

The Strategy of the killings consisted of directing Tutsis to areas of supposed safety, and then sending gendarmes, military, Interahamwe and others to kill them. The four massacres sites with which this indictment is concerned are examples of places where Tutsis were told to congregate for security reasons and were subsequently killed. The fact that at each of these 4 massacre sites the people were predominately members of the Tutsi ethnical or racial group provides evidence of the fact that the intent was to destroy the Tutsis as such. In addition, the following excerpts from witness statements provide general evidence of the fact that the killings in Kibuye prefecture were committed with the intent to destroy, in whole or part, Tutsis.

B (complement) - 3: ...There had been roadblocks since April. They were permanent and were kept by the population in turns. They were organized by bourgemestres and counselors. The aim was to stop people, to search vehicles. Tutsis were killed on the spot (identity cards were requested).

H (complement) - 1, 2: From December 93, certain persons - Hutus - were bragging about military training they were receiving. I heard these hutus talking about the training - while they were drinking and frequently drunk. These Hutus would come to bars-to drink after training. Sometimes they - the Hutus - para military would provoke fight with Tutsis in bars....

We went to the Church [in Mubuga] because during previous times of trouble, we tutsis were safe in churches....Interahamwe and civilians sang songs of the extermination of Tutsis.

J - 4, 14: [What happened at the meeting on 13 April 1994?]

I was told by.....that it was at this reunion that the decision to kill all of the Tutsis in the Stadium was made..... also told me other minor details of the meeting, but what I vividly remember is the decision to kill the Tutsis gathered in the Stadium.

Everybody understood that the aim was to exterminate the Tutsis and anybody who threatened the security of the Prefecture. The end result was that all the Tutsis in the area were killed.

II. Evidence of the intent of each of the eight accused.

Evidence of intent of **Clement Kayishema**. (Charged for the massacres at the Catholic Church and Home St. Jean Complex, the Stadium, the Church at Mubuga, and the area of Bisesero).

The actions of **Clement Kayishema**, which are documented in the supporting documentation with respect to each massacre site, combined with the following excerpts from witness statements, evidence that **Clement Kayishema** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for Clement Kayishema deleted

Evidence of the intent of **Ignace Bagilishema** (Charged for the massacres at the Home St. Jean Complex and at the Stadium).

The actions of **Ignace Bagilishema**, which are documented in the section of the supporting documentation dealing with the massacres at the Home St. Jean Complex and the stadium, combined with the following excerpts from witness testimony, evidence that **Ignace Bagilishema** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for charges related to Bagilishema deleted.

Evidence of the intent of **Charles Sikubwabo** (Charged for the massacres that occurred at the Church in Mubuga and in the area of Bisesero)

The actions of **Charles Sikubwabo**, which are documented in the section of the supporting documentation dealing with the massacres at the Church in Mubuga and the area of Bisesero, combined with the following excerpts from witness testimony evidence that **Charles Sikubwabo** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for charges related to Sikubwabo deleted.

Evidence of the intent of **Aloys Ndimbati**. (Charged with the massacres at Bisesero).

The actions of **Aloys Ndimbati**, which are documented in the section of the supporting documentation dealing with the massacres at Bisesero, evidence that **Aloys Ndimbati** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for charges related to Ndimbati deleted.

Evidence of the intent of **Ryandikayo** (Charged with the massacre at the Church in Mubuga).

The actions of **Ryandikayo**, which are documented in the section of the supporting documentation dealing with the massacre at the Church in Mubuga, combined with the following excerpts from witness testimony, evidence that **Ryandikayo** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for charges related to Ryandikayo deleted.

Evidence of the intent of **Obed Ruzindana** (Charged for massacres at Bisesero).

The actions of **Obed Ruzindana**, which are documented in the section of the supporting documentation dealing with the massacres at Bisesero, combined with the following excerpts from witness testimony evidence that **Obed Ruzindana** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

II - 2: During this time I saw Kayishema's car passing through the communes. I also saw the bourgemestre of Gishyita Sikubwabo and RUZINDA [Ruzindana] at a checkpoint near my house. They passed by nearly every day and gave instructions to the commune police at the checkpoint at Gataka. I heard SIKUBWABO say to the soldiers to kill all Tutsis and Hutus women married to Tutsis....Every time SIKUBWABO came to the checkpoint he issued instruction to the people there to kill Tutsis and those in interethnic marriages.

II (complement) 4: I know Ruzindana and Sikubwabo were responsible for the checkpoint because when something went wrong at the checkpoint they would beat the people at the checkpoint themselves.

Evidence of the intent of **Muhimana Mika** (Charged for massacres at Bisesero).

The actions of **Muhimana Mika**, which are documented in the section of the supporting documentation dealing with the massacres in the area of Bisesero, combined with the following excerpts from witness testimony, evidence that Muhimana Mika acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for charges related to Muhimana deleted.

Evidence of intent of **Vincent Rutaganira** (Charged for massacre at the Church in Mubuga).

The actions of **Vincent Rutaganira**, which are documented in the section of the supporting documentation dealing with the massacre at the Church in Mubuga, evidence that **Vincent Rutaganira** acted with the intent to destroy in whole or part members of the Tutsi ethnical or racial group.

Support for charges related to Rutaganira deleted.

PARAGRAPH 17:

In each paragraph charging crimes against humanity, crimes recognized by Article 3 of the Tribunal Statute, the alleged acts or omissions were part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

There is both direct and circumstantial evidence of the fact that the crimes against humanity that are alleged in this indictment were in fact part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds in Kibuye.

(a) Witness statements for each of the 4 massacres sites.

The supporting documentation for each of the four massacres sites evidence the fact that the attacks were part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds. Evidence of this contained in the witness statements includes, but is not limited to, several of the accused being reported as saying that all Tutsis had to be killed. The paragraphs of the supporting documentation that evidence the widespread or systematic nature of the attack against a civilian population on political, ethnic or racial grounds are:

- (1) For the Massacre at the Catholic Church and Home St. Jean Complex see paragraphs 36 - 42 and its supporting documentation.
- (2) For the Massacre at the Stadium see paragraphs 43 - 49 and its supporting documentation.
- (3) For the Massacre at the Church at Mubuga see paragraphs 50 - 55 and its supporting documentation.
- (4) For the Massacres at Bisesero see paragraphs 56 - 61 and its supporting documentation.

(b) Additionally, ten massacre sites located in Kibuye Prefecture are documented on pages 394 - 455 of the book Rwanda Death, Despair and Defiance. (African Rights, Rwanda Death, Despair and Defiance, August, 1995). For each of the ten massacre sites, the book documents the fact that men, women and children were targeted because they were members of the Tutsi political, ethnic or racial group. The massacres with which this indictment is concerned are part of this widespread or systematic attack that occurred in the Prefecture of Kibuye.

PARAGRAPH 18:

At all times relevant to this indictment, the victims referred to in this indictment were protected under Article 3 common to the Geneva Conventions and by Additional Protocol II thereto.

Civilian nature of victims as shown by witness statements.

PARAGRAPH 19:

At all times relevant to this indictment, there was an internal armed conflict occurring within Rwanda.

UN Document E/Cn.4/1995/7,28 June 1994, Report on the situation of human rights in Rwanda submitted by Mr. R. Degi-Segui, Special Rapporteur - page 5, 17: The death of President Juvenal Habyarimana [on 6 April 1994] was the spark to the powder keg which set off the massacre of civilians. The next day, fighting resumed between the Government forces and the FPR [Rwandan Patriotic Front].

The United Nations should: Demand that the parties to the conflict put an immediate end to the war....

PARAGRAPH 20:

At all times relevant to this indictment, Clement Kayishema was Prefect of Kibuye and exercised control over the prefecture of Kibuye, including his subordinates in the executive branch and members of the gendarmerie nationale.

Support deleted - concerns a co-defendant.

PARAGRAPH 21:

At all times relevant to this indictment, Aloys Ndimbati was the Bourgemestre of Gisovu Commune, Charles Sikubwabo was the Bourgemestre of Gishyita Commune, and Ignace Bagilishema was the Bourgemestre of Mabanza Commune. Each exercised control over his respective commune, including his subordinates in the executive branch and members of the police communale and gendarmerie nationale.

Support deleted - concerns a co-defendant.

PARAGRAPH 22:

Each of the accused is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 6(1) of the Tribunal Statute. Individual responsibility includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of any of the crimes referred to in Articles 2 to 4 of the Tribunal Statute.

Tribunal Statute Article 6(1).

PARAGRAPH 23:

In addition, Clement Kayishema, Aloys Ndimbati, and Charles Sikubwabo are also or alternatively individually responsible as superiors for the criminal acts of their subordinates in the administration, gendarmerie nationale, and communal police

with respect to each of the crimes charged, pursuant to Article 6(3) of the Tribunal Statute: Superior individual responsibility is the responsibility of a superior for the acts of his subordinate if he knew or had reason to know that his subordinate was about to commit such criminal acts or had done so and failed to take necessary and reasonable measures to prevent such acts, or to punish the perpetrators thereof.

Tribunal Statute Article 6(3)

The Accused

PARAGRAPH 24:

Clement Kayishema was born in 1954 in Bwishyura Sector, Gitesi Commune, Kibuye Prefecture, Rwanda. Kayishema's father was Jean Nayigiziki, and his mother was Catherine Nyiramaronko. He was appointed to the position of Prefect of Kibuye on July 3, 1992, and assumed his responsibilities as Prefect soon after. Clement Kayishema acted as Prefect of Kibuye until his departure to Zaire in July 1994. He is believed to be currently in Bukavu, Zaire.

Support deleted - concerns a co-defendant

PARAGRAPH 25:

Ignace Bagilishema was born in 1955 in Rubengera Sector, Mabanza Commune, Kibuye Prefecture, Rwanda. Bagilishema's father was Louis Ntaganda, and his mother was Kampundu. Ignace Bagilishema was appointed as Bourgemestre of Mabanza Commune on February 8, 1980. Bagilishema acted as Bourgemestre until the end of July 1994. He is believed to be currently in Zambia.

Support deleted - concerns a co-defendant

PARAGRAPH 26:

Charles Sikubwabo is believed to have been born in the early to mid-1940s in Gishyita Sector, Gishyita Commune, Kibuye Prefecture, Rwanda. Sikubwabo's father was Ferdinand Seburikoko. Charles Sikubwabo was appointed as Bourgemestre of Gishyita Commune in 1993. Before this appointment, Sikubwabo was a Chief Adjutant in the Armed Forces of Rwanda. Charles Sikubwabo acted as Bourgemestre until the end of July 1994. He is believed to be currently in Bukavu, Zaire.

Support deleted - concerns a co-defendant

PARAGRAPH 27:

Aloys Ndimbati is believed to have been born in the early to mid-1950s in Gitabura Sector, Gisovu Commune, Kibuye Prefecture, Rwanda. Aloys Ndimbati was appointed as Bourgemestre of Gisovu Commune in 1990. Aloys Ndimbati acted as Bourgemestre until the end of July 1994. He is believed to be currently in Zaire.

Support deleted - concerns a co-defendant

PARAGRAPH 28:

Vincent Rutaganira is believed to have been born in the early 1940s in Mubugā Sector, Gishyita Commune, Kibuye Prefecture, Rwanda. Rutaganira's father was Telesphore Bulimwinyundo, and his mother was Saverine Nyiramakuta. Vincent Rutaganira was elected as Counselor of Mubuga Sector, Gishyita Commune in 1980. Vincent Rutaganira acted as Counselor until the end of July 1994. He is believed to be currently in Bukavu or on Ijwi Island, Zaire.

Support deleted - concerns a co-defendant

PARAGRAPH 29:

Mika Muhimana is believed to have been born around 1950 in Gishyita Sector, Gishyita Commune, Kibuye Prefecture, Rwanda. Muhimana's father was Manasse Ntamakemwa, and his mother was Tamar Mukamugema. Mika Muhimana was elected as Counsellor of Gishyita Sector, Gishyita Commune in 1988. Before his election, Mika Muhimana was a commercial trader. Mika Muhimana acted as Counselor until the end of July 1994. He is believed to be currently somewhere in Zaire.

Support deleted - concerns a co-defendant

PARAGRAPH 30:

Ryandikayo has no first name. He is believed to have been born around 1961 in Musenyi Sector, Gishyita Commune, Kibuye Prefecture, Rwanda. Ryandikayo's father was Rwuma (no first name), and his mother was Nyirabukeye (no first name). Ryandikayo was the manager of a restaurant in Mubuga Sector, Gishyita Commune during the time period in which the crimes alleged in this indictment occurred. He is believed to be currently somewhere in Zaire.

PARAGRAPH 31:

Obed Ruzindana is believed to have been born around 1959 in Gisovu Sector, Gisovu Commune, Kibuye Prefecture, Rwanda. Ruzindana's father was Elie Murakaza. Obed Ruzindana was a commercial trader in Kigali and in Rwamatamu

Commune, Kibuye Prefecture during the time period in which the crimes alleged in this indictment occurred. He is believed to be currently somewhere in Zaire.

African Rights, Rwanda Death, Despair and Defiance, August, 1995, page 669
Obéd Ruzindana, a businessman from Rwamatamu.

CHARGES

THE AGREEMENT TO KILL ALL THE TUTSIS

COUNT 1

PARAGRAPH 32:

Prior to the massacres which form the basis for counts 2 through 25 of this indictment, Clement Kayishema, Ignace Bagilishema, Charles Sikubwabo, Aloys Ndimbati, Vincent Rutaganira, Mike Muhimana, Ryandikayo and Obéd Ruzindana conspired to kill the Tutsis in Kibuye Prefecture.

B - 2: [Did he have, from April to July 1994, frequent contacts with the bourgemestres?] Yes, he [Kayishema] had commandeered vehicles for the meetings. The prefect told the bourgemestres what they had to do. In particular, he asked them to disseminate information.... The sub-prefect from the Birambo sub-prefecture, Anacret Rudakubana has also been very active. I have personally heard Kayishema chatting on the doorstep with this sub-prefect: the latter was saying that it was finished in his sub-prefecture and asked why it was not in the other parts.

O - 1, 2: The Prefect of Kibuye Mr. Clement Kayishema called for a meeting at the 9 April. Present in this meeting was all of the Prefecture's Bourgemestre, except Mr. Furere Abel Bourgemestre of Rwamatamu, who was in Kigali at that time.

The day after (10 April) I saw a lot of Tutsi houses put on fire, and I saw people attacking the houses by throwing stones.

O (complement) 1: I was told by some Tutsi friends who worked at the Prefect's office that the meeting took place there.

BB- 4: Prior to the massacres at the stadium and the church I saw the bourgemestres of other communes in Gitesi. I suspect they were meeting with the prefect. I saw the Gishyita, Gisovu and Kivumu bourgemestres.

H - 5: The Civilians leading the attack on the church were the courier - Ryandikayo....and Rutaganira, Vincent (former counsieller Mubuga).

H (complement) - 5: Most of the time I was pinned against the wall. I saw Sikubwabo through the windows near a tree. He had a rifle on his shoulder. This was before the shooting started.

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S - 3: On Sunday I heard Sikubwabo tell Rutaganira to go to Kibuye Monday and tell the Prefect to send a bulldozer to enable them to bury the dead because of the smell

S (complement) - 1, 3, 5, 6: On the day the shooting started, SIKUBWABO and RUTAGANIRA, Vincent were present. It was Friday...and I could see them at the front door of the church asking for the number of refugees so they could bring relief.... The shooting started very shortly after that - maybe 5 minutes later. SIKUBWABO was among those shooting. He had an R4 rifle.

Rutaganira came to the church twice a day because he lived very close to it. MUHIRWA came sometimes after 10:00 am. SIKUBWABO came every day also.

The conversation between SIKUBWABO and RUTAGANIRA about getting bulldozers from KAYISHEMA took place inside the church.... On Sunday KAYISHEMA also came to the church about 3 times. I heard him discussing the bulldozer with Vincent later the same day. I recognized that Vincent and SIKUBWABO were talking to the Prefect [KAYISHEMA] because they addressed him as "your excellency" and the voice was familiar....

The conversation on Monday between SIKUBWABO and KAYISHEMA took place inside the church. In addition to KAYISHEMA saying he hope there were no survivors and that the work has been done, as I said in my first statement, I heard him say "if you do as well in Bisesero as you did here you will have done well." He was thanking him. I heard SIKUBWABO say he hoped he had carried out the job and finished it.

Y - 2: The next day, the 18th, Sikubwabo, the Counselor Vincent, and Ryandikayo came with one bus of Interahamwe and Military....The Bourgemestre then instructed the Interahamwe/Military group to attack and kill the person outside the church - then the people inside. Sikubwabo and Vincent remained outside with guns while Ryandikayo went inside to kill with machete.

PP - 2: On the morning of the 13th, the church was attacked by military and Interahamwe and traders. There was no protection for the church. There I recognizedRyandikayo....

PP (complement) - 1, 2: I spent the nights of April 12th and 13th at the church in Mubuga. On the morning of the 14th, Thursday, the church was attacked.

I recognized Andre Munyantwari, Ryandikayo and Ndabaqiriye, Charles among the attackers because they were all well known businessmen....I saw Sikubwabo with the counselor Vincent on the day of the shooting after the attack.

H - 3: At Bisesero during the fighting, I saw the leaders Sikubwabo; Mika; Ruzindana, Obeti (Business leader); and Nitegeka, Iagizi (Deputy from Kigali); and Kananira (Former Bourgemestre Assistant).

N - 4: I saw the Bourgemestres of Gishyita (Sindikubwayo) [Sikubwabo] and Gisovu [Ndibatij] coming into the hills of Bisesero to kill people.

P - 4: In June....[s]omebody asked if it was necessary to go on going to Bisesero; he [Kayishema] answered that he would tell them when to stop going there.

S - 3: While I was there [Bisesero] I saw Kayishema twice a week and Sikubwabo about every day. They were with Interahamwe. I saw Kayishema with a rifle. He did not chase people but he supervised. I could not hear him but I could see him gesturing and pointing directions to people. I saw Sikubwabo fighting in the open and shooting at people with other soldiers very often....Kayishema and Sikubwabo brought 3 buses of

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people dressed in white or banana leaves to do the killing....I saw Ruzindana driving people to kill in Bisesero. He drove a white Daihatsu van. Ruzindana was well known in the area.

U - 1 to 2: I saw the Bourgemestre burning the first home and leading the attack in Bisesero. . . . I saw a business man, named Mr. Ruzindana, Obedi, leading the attacks and shooting at the same time at people...

Y - 3: While fighting everyday [at Bisesero] I saw Sikubwabo at the battle site with a gun....Sikubwabo was always with and leading the Interahamwe.

GG - 1 to 2, 3, 4: After 7 April 1994 I saw him [Kayishema] for the first time on the 13 May, when he came in a car, together with 3 other cars to the Bisesero area. Kayishema was in the third car and the cars were filled up with soldiers and Interahamwe. It seemed that Kayishema was the leader. They met the Bourgemestre of Gisovu [Ndimbati] at the same place....They started shooting the people (Tutsis) nearest them, and the people who did not die immediately, were killed by the Interahamwe using their machetes.

HH - 2: I think [the fighting started] around April 10....The people on the bus had guns, cudgels, sharpened bamboo. At first they wore white clothes and it was hard to tell whether it was military or civilian.... I saw RUZINDANA, Mika, SIKUBWABO, the counselor RUTAGINARA Vincent, KARIBANO, and SENANI (a miner) leading the attacks. Mika, SIKUBWABO, KARIBANA and RUZINDANA were all shooting at people. RUZINDANA provided transport. I could see them from the hill.

JJ - 1 to 2: I have not seen the prefect, but I have seen the bourgemestres of Gishyita and Gisovu. The former I saw shooting people with a gun, as did the others who had guns, policemen or military....Otherwise those in possession of machetes were the ones to do the killing. As for the bourgemestre of Gisovu, I saw him driving a light truck loaded with Interahamwe and policemen, also in Bisesero....There have been more than 10 000 dead in Bisesero.

LL - 2,3: Nearly every day I saw the bourgemestre Sikubwabo, Ruzindana and Mika, all armed and fighting....Ruzindana drove my van every day carrying peasants armed with pangas and cudgels.

QQ: I have personally seen the Gisovu bourgemestre, Ndambati, in the car of the commune. He was wearing a hand gun. I have also seen with my own eyes five persons who were organizing the massacres, and who, coming from different locations, met in Bisesero. These people I saw several times during the whole period. They were: Kayishema, prefect of Kibuye; Ruzindana, Obedi, who often was with the prefect; Sikubwabo, Gishyita bourgemestre; Mika, councillor for the Gishyita; Nyakana, councillor for the Twumba sector, Gisovu commune....I think of other people: Rutaganira Vincent, councillor of Mobuga sector / Gishyita commune; Muhirwa, councillor of Musenyi sector / Gishyita commune.

PARAGRAPH 33:

In furtherance of the aims of this conspiracy, between about 9 April 1994 and about 30 June 1994, the above-named individuals murdered and assisted in the murder of Tutsis throughout Kibuye Prefecture. The massacres which form the basis for Counts 2 through 25 of this indictment were a result of this conspiracy.

Only support relating to Obed Ruzindana included.

PARAGRAPH 34:

By these actions, Clement Kayishema, Ignace Bagilishema, Charles Sikubwabo, Aloys Ndimbati Vincent Rutaginira, Mika Muhimana, Ryandikayo and Obed Ruzindana are criminally responsible for:

Count 1: CONSPIRACY TO COMMIT GENOCIDE, a violation of Article 2(3)(b) of the Tribunal Statute.

THE MASSACRE AT THE CATHOLIC CHURCH AND HOME ST. JEAN COMPLEX

COUNTS 2 - 7

SUPPORT FOR PARAGRAPHS RELATING TO COUNTS 2 - 7 DELETED BECAUSE IT RELATES TO OTHER ACCUSED.

PARAGRAPH 35:

By about 17 April 1994, thousands of men, women and children from various locations had sought refuge in the Catholic Church and Home St. Jean complex (the Complex) located in Kibuye town.

These men, women and children were unarmed and were predominantly Tutsis. They were in the Complex seeking protection from attacks on Tutsis which had occurred throughout the Prefecture of Kibuye.

PARAGRAPH 36:

Some of the people who sought refuge in the Complex did so because Ignace Bagilishema ordered them to go there, while others did so because Clement Kayishema ordered them to go there.

When Clement Kayishema and Ignace Bagilishema ordered people to the Complex, both of them knew or had reason to know that an attack on the Complex was going to occur.

PARAGRAPH 37:

After people gathered in the Complex, the Complex was surrounded by persons under Clement Kayishema's control, including members of the gendarmerie nationale. These persons prevented the men women and children within the Complex from leaving the Complex at a time when Clement Kayishema knew or had reason to know that an attack on the Complex was going to occur.

PARAGRAPH 38:

On about 17 April 1994, Clement Kayishema ordered members of the gendarmerie nationale, communal police of Gitesi Commune, Interahamwe and armed civilians to attack the Complex, and personally participated in the attack.

The attackers used guns, grenades, machetes, spears, cudgels and other weapons to kill the people in the Complex.

PARAGRAPH 39:

The attack resulted in thousands of deaths and numerous injuries to the people within the Complex (Attachment A contains a list of some of the individuals killed in the attack). During the two weeks following the attack, the gendarmerie of Kibuye Prefecture, Interahamwe and armed civilians searched for and killed injured survivors of the attack.

PARAGRAPH 40:

Before the attack on the Complex Clement Kayishema did not take measures to prevent an attack, and after the attack Clement Kayishema did not punish the perpetrators.

PARAGRAPH 41:

By these acts and omissions Clement Kayishema and Ignace Bagilishema are criminally responsible for:

- Count 2: GENOCIDE, a violation of Article 2(3)(a) of the Tribunal Statute;
- Count 3: CRIMES AGAINST HUMANITY, a violation of Articles 3(a) (murder) of the Tribunal Statute;
- Count 4: CRIMES AGAINST HUMANITY, a violation of Article 3(b) (extermination) of the Tribunal Statute;

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|----------|---|
| Count 5: | CRIMES AGAINST HUMANITY, a violation of Article 3(i) (other inhumane acts) of the Tribunal Statute; |
| Count 6: | A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS, a violation of Article 4(a) of the Tribunal Statute; and |
| Count 7: | A VIOLATION OF ADDITIONAL PROTOCOL II, a violation of Article 4(a) of the Tribunal Statute. |

THE MASSACRE AT THE STADIUM

COUNTS 8 - 13

Support for paragraphs relating to counts 8 - 13 deleted because it is related to another accused.

PARAGRAPH 42:

By about 18 April 1994, thousands of men, women and children from various locations had sought refuge in the Stadium located in Kibuye town.

These men, women and children were unarmed and were predominantly Tutsis.

They were in the Stadium seeking refuge from attacks on Tutsis which had occurred throughout the Prefecture of Kibuye.

PARAGRAPH 43:

Some of the people who sought refuge in the Stadium did so because Clement Kayishema ordered them to go there, while others did so because Ignace Bagilishema ordered them to go there.

When Clement Kayishema and Ignace Bagilishema ordered people to go to the Stadium, both of them knew or had reason to know that an attack on the Stadium was going to occur.

PARAGRAPH 44:

After people gathered in the Stadium, the Stadium was surrounded by persons under Kayishema's control, including members of the gendarmerie nationale. These persons prevented the men women and children within the Stadium from

leaving the Stadium at a time when Clement Kayishema knew or had reason to know that an attack on the Complex was going to occur.

PARAGRAPH 45:

On or about the 18 April 1994, Clement Kayishema, went to the Stadium and ordered members of the gendarmerie nationale, communal police of Gitesi Commune, Interahamwe and armed civilians to attack the Stadium. Clement Kayishema initiated the attack by firing a gun into the air. In addition Clement Kayishema personally participated in the attack. The attackers used guns, grenades, pangas, machetes, spears, cudgels and other weapons to kill the people in the Stadium. There were survivors of the attack on 18 April 1994. During the night of 18 April 1994 and the morning of 19 April 1994 gendarmes surrounding the Stadium prevented the survivors from leaving. The attack on the Stadium continued on 19 April 1994. Throughout the attacks, men, women and children attempting to flee the attack were killed.

PARAGRAPH 46:

The two days of attacks resulted in thousands of deaths and numerous injuries to the men, women and children within the Stadium (Attachment B contains a list of some of the individuals killed in the attacks).

PARAGRAPH 47:

Before the attacks on the Stadium Clement Kayishema did not take measures to prevent an attack from occurring, and after the attacks Clement Kayishema did not punish the perpetrators.

PARAGRAPH 48:

By these acts and omissions Clement Kayishema and Ignace Bagilishema are criminally responsible for:

- Count 8: GENOCIDE, a violation of Article 2(3)(a) of the Tribunal Statute;
- Count 9: CRIMES AGAINST HUMANITY a violation of Article 3(a)(murder) of the Tribunal Statute;
- Count 10: CRIMES AGAINST HUMANITY, a violation of Article 3(b)(extermination) of the Tribunal Statute;
- Count 11: CRIMES AGAINST HUMANITY, a violation of Article

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- 3(i)(other inhumane acts) of the Tribunal Statute;
- Count 12: A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS, a violation of Article 4(a) of the Tribunal Statute; and
- Count 13: A VIOLATION OF ADDITIONAL PROTOCOL II, a violation of Article 4(a) of the Tribunal Statute.

THE MASSACRE AT THE CHURCH IN MUBUGA

COUNTS 14 - 19

Support for paragraphs relating to counts 14 - 19 deleted because it deals with another accused.

PARAGRAPH 49:

By about 14 April 1994, thousands of men, women and children congregated in the Church in Mubuga, Gishyita Commune.

These men, women and children were predominantly Tutsis.

They were in the church seeking refuge from attacks on Tutsis which had occurred throughout the Prefecture of Kibuye.

PARAGRAPH 50:

After the men, women and children began to congregate in the Church, Clement Kayishema visited the Church on several occasions. On or about 10 April Clement Kayishema brought gendarmes, under his control, to the Church. These gendarmes prevented the men, women and children within the church from leaving.

PARAGRAPH 51:

On or about 14 April 1994, Charles Sikubwabo, Vincent Rutaganira and Ryandikayo directed members of the gendarme nationale, communal police of Gishyita commune, Interahamwe and armed civilians to attack the Church. In addition, each of them personally participated in the attacks. The attackers used guns, grenades, machetes, spears, pangas, cudgels and other weapons to kill the people in the Church. Not all the people could be killed at once, so the attacks

continued for several days. Both before and during these attacks persons under Clement Kayishema and Charles Sikubwabo's control, including members of the gendarmerie nationale and communal police, prevented the men women and children within the Church from leaving.

PARAGRAPH 52:

The attacks resulted in thousands of deaths and numerous injuries to the men, women and children within the church (Attachment C contains a list of some of the victims killed in the attacks).

PARAGRAPH 53:

Before the attacks on the Church in Mubuga neither Clement Kayishema nor Charles Sikubwabo took measures to prevent the attacks, and after the attacks Clement Kayishema and Charles Sikubwabo did not punish the perpetrators.

PARAGRAPH 54:

By these acts and omissions Clement Kayishema, Charles Sikubwabo, Vincent Rutaganira and Ryandikayo are criminally responsible for:

- Count 14 **GENOCIDE, a violation of Article 2(3)(a) of the Tribunal Statute;**
- Count 15: **CRIMES AGAINST HUMANITY, a violation of Articles 3(a) (murder) of the Tribunal Statute;**
- Count 16: **CRIMES AGAINST HUMANITY, a violation of Article 3(b)(extermination) of the Tribunal Statute;**
- Count 17: **CRIMES AGAINST HUMANITY, a violation of Article 3(i) (other inhumane acts) of the Tribunal Statute;**
- Count 18: **A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS, a violation of Article 4(a) of the Tribunal Statute; and**
- Count 19: **A VIOLATION OF ADDITIONAL PROTOCOL II , a violation of Article 4(a) of the Tribunal Statute.**

THE MASSACRES IN THE AREA OF BISESERO

COUNTS 20 - 25

PARAGRAPH 55:

The area of Bisesero spans two communes in Kibuye Prefecture. From about 9 April 1994 through 30 June 1994, thousands of men, women and children sought refuge in the area of Bisesero. These men, women and children were predominantly Tutsis and were seeking refuge from attacks on Tutsis which had occurred throughout the Prefecture of Kibuye.

N - 4: [T]he Tutsis [in Bisesero] made a wall to try and protect the women and children.

Y - 3: I escaped and went to Bisesero where many Tutsis had gathered.

JJ - 1: It was not possible to defend ourselves and we escaped towards Bisesero. We chose this direction because it was known that in this region, made out of two sectors, there were many Tutsi. On the 14th [April] we arrived there. All the escapees met there.

HH - 1, 2: The number of refugees in the hills began to increase. I was in Bisesero until June 12, during the time of fighting....There was no RPA in Bisesero.

LL - 2: We resisted the attack [in Ngoma] for a while with stones. We were not armed....The killing (fighting) in Ngoma lasted from 9h00 to 22h00. We were tired and the survivors went to Bisesero.

PARAGRAPH 56:

The area of Bisesero was regularly attacked, on almost a daily basis, throughout the period of about 9 April 1994 through about 30 June 1994. The attackers used guns, grenades, machetes, spears, pangas, cudgels and other weapons to kill the Tutsis in Bisesero. At various times the men, women and children seeking refuge in Bisesero attempted to defend themselves from these attacks with stones, sticks and other crude weapons.

N - 3, 4: From April 17th to July when the French came to rescue us killing continued [in Bisesero].

[T]he Tutsis [in Bisesero] made a wall to try and protect the women and children.

P - 3, 4: As for the Bisesero region, with 90% Tutsi, where the refugees took shelter, it was attacked from the beginning until the French arrived.

Y - 3: I escaped and went to Bisesero where many Tutsis had gathered. While at Bisesero I helped defend the group. We had only sticks and rocks with which to defend ourselves.

GG - 4: The attacks in Bisesero stopped the 30 June, when the French soldiers arrived.

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HH - 1, 2: *The number of refugees in the hills began to increase. I was in Bisesero until June 12, during the time of fighting....There was no RPA in Bisesero....I think [the fighting started] around April 10.*

JJ - 1 to 2: *The attackers came in daily waves: everyday people came from one or two communes (Gishyita, Rwamatamu, Gitesi, Gisovu). There were soldiers, policemen, Interahamwe and civilians. Each day the composition of these attackers was the same, but with different people....*

PARAGRAPH 57:

At various locations and times throughout April, May and June 1994, and often in concert, Clement Kayishema, Aloys Ndimbati, Obed Ruzindana, Charles Sikubwabo and Mika Muhimana brought to the area of Bisesero members of the gendarme nationale, communal police of Gishyita and Gisovu communes, Interahamwe and armed civilians, and directed them to attack the people seeking refuge there. In addition, at various locations and times, and often in concert, Clement Kayishema, Aloys Ndimbati, Obed Ruzindana, Charles Sikubwabo and Mika Muhimana personally attacked and killed persons seeking refuge in Bisesero.

Only support relating to Ruzindana included.

H - 3: *At Bisesero during the fighting, I saw the leaders Sikubwabo; Mika; Ruzindana, Obedi (Business leader); and Nitegeka, Iagizi (Deputy from Kigali); and Kananira (Former Bourgemestre Assistant). I myself saw these people shooting at Tutsis and killing and wounding them. This was a moving battle. I saw these persons fighting and killing on several occasions.*

S - 3:....*I saw Ruzindana driving people to kill in Bisesero. He drove a white Daihatsu van. Ruzindana was well known in the area.*

U - 1 to 2: *I saw the Bourgemestre burning the first home and leading the attack in Bisesero....I saw a business man, named Mr. Ruzindana, Obedi, leading the attacks and shooting at the same time at people....*

HH - 2: *The people on the bus had guns, cudgels, sharpened bamboo. At first they wore white clothes and it was hard to tell whether it was military or civilian.... I saw RUZINDANA, Mika, SIKUBWABO, the counselor RUTAGINARA Vincent...leading the attacks. Mika, SIKUBWABO, KARIBANA and RUZINDANA were all shooting at people. RUZINDANA provided transport. I could see them from the hill....I think [the fighting started] around April 10.*

LL - 2,3: *Nearly every day I saw the bourgemestre Sikubwabo, Ruzindana and Mika, all armed and fighting....Ruzindana drove my van every day carrying peasants armed with pangas and cudgels.*

QQ: *I have personally seen the Gisovu bourgemestre, Ndambati, in the car of the commune. He was wearing a hand gun. I have also seen with my own eyes five persons who were organizing the massacres, and who, coming from different locations, met in Bisesero. These people I saw several times during the whole period. They were: Kayishema, prefect of Kibuye; Ruzindana, Obedi, who often was with the prefect; Sikubwabo, Gishyita bourgemestre; Mika, councillor for the Gishyita; Nyakana,*

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councillor for the Twumba sector, Gisovu commune....I think of other people: Rutaganira Vincent, councillor of Mobuga sector / Gishyita commune; Muhirwa, councillor of Musenyi sector / Gishyita commune.

PARAGRAPH 58:

The attacks described above resulted in thousands of deaths and numerous injuries to the men, women and children within the area of Bisesero (Attachment D contains a list of some of the individuals killed in the attacks).

JJ - 2: There have been more than 10,000 dead in Bisesero.

PARAGRAPH 59:

Throughout this time, Clement Kayishema, Aloys Ndimbati and Charles Sikubwabo did not take measures to prevent the attacks, and after the attacks Clement Kayishema, Aloys Ndimbati and Charles Sikubwabo did not punish the perpetrators.

Support deleted because it relates to another accused.

Note: The massacres in the area of Bisesero is also discussed in Rwanda Death, Despair and Defiance, at pages 662 - 670 (African Rights, Rwanda Death, Despair and Defiance, August, 1995).

PARAGRAPH 60:

By these acts and omissions Clement Kayishema, Aloys Ndimbati, Obed Ruzindana, Charles Sikubwabo and Mika Muhimana are criminally responsible for:

- Count 20: **GENOCIDE, a violation of Article 2(3)(a) of the Tribunal Statute;**
- Count 21: **CRIMES AGAINST HUMANITY, a violation of Articles 3(a) (murder) of the Tribunal Statute;**
- Count 22: **CRIMES AGAINST HUMANITY, a violation of Article 3(b) (extermination) of the Tribunal Statute;**
- Count 23: **CRIMES AGAINST HUMANITY, a violation of Article 3(i) (other inhumane acts) of the Tribunal Statute;**
- Count 24: **A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS, a violation of Article 4(a) of the Tribunal Statute; and**
- Count 25: **A VIOLATION OF ADDITIONAL PROTOCOL II , a violation of Article 4(a) of the Tribunal Statute.**

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SUPPORTING DOCUMENTATION FOR INDICTMENT FOR THE MASSACRE AT MUGONERO

The support for this indictment consists of summarized excerpts paraphrased from witness statements that were collected from 13 survivors of the massacre. Due to witness protection concerns those statements have been coded. In addition, with respect to each of the accused:

- (1) *Pastor N* is used whenever a witness identifies Elizaphan Ntakirutimana
- (2) *Dr. N* is used whenever a witness identifies Dr. Gerald Ntakirutimana,
- (3) *Ruzindana or Obed Ruzindana* is used whenever a witness identifies Obed Ruzindana
- (4) *Sikubwabo or Charles Sikubwabo* is used whenever a witness identifies Charles Sikubwabo

Paragraph 4.4 During the month of April 1994, a large number of men, women, and children from various places sought shelter from the attacks which were taking place throughout Kibuye prefecture. Many assembled inside Mugonero Complex, which consisted of several buildings, including a church, an infirmary, and a hospital. [hereinafter referred to as "the Complex"]. The majority of these men, women, and children were Tutsi and were unarmed

- (1) (255/K95) Many Tutsis came to take refuge in the hospital.
- (2) (151/H95) During that time people started seeking refuge at the hospital from other communes such as Gishyita, Gisovu, and Rwamatama. They came when their houses were being burnt down. All were Tutsis.
- (3) (310K/95) There were about 5,000 people in the hospital when I got there. I saw only Tutsis.
- (4) (283/K95) On 8 April 1994, I arrived at Mugonero hospital, I was fleeing after my family had been killed. I found 3,000 to 4,000 persons. They were all Tutsis.
- (5) (609/K96) When we saw the attackers, we gathered together the men, women, children, and elderly.

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Paragraph 4.5 Many of those men, women and children who sought refuge in the Complex did so because Elizaphan Ntakirutimana instructed them to go there.

Support related to accused Elizaphan Ntakirutimana deleted.

Paragraph 4.6 After the men, women, and children gathered in the Complex, Gérard Ntakirutimana and others separated Tutsi individuals from the others. Those who were not Tutsi were allowed to leave the Complex

- (1) (606/K95) I heard ---- giving orders to evacuate the sick Hutu people and Hutu workers from the hospital. I could hear ---- saying that the Tutsi could no longer get water and medicine. He gave some roadworkers who worked nearby the hospital an order to go to their rented house inside the hospital area. Among them there were also two Tutsis. These two Tutsi roadworkers were also separated and were ordered to join the other Tutsi group. It was again --- who gave that order.
- (2) (151/H95) Within the hospital, Hutus and Tutsis remained in separate areas.
 (254/K95) On April 16, 1994, in Mugonero, ---- gave orders to evacuate all patients from the ground floor. Hutus were allowed to leave the hospital and the patients suffering from dysentery received some medication and returned home. There remained only Tutsi patients who were assembled in the basement without any care.
 (607/K96) You asked me about the separation of Hutu and Tutsi patients. This happened on the 15th April. ---- and [others] came to the rooms where the patients were lying in beds. They used the files of the patients to separate the Hutu people from the Tutsi people. The Hutu Patients who could walk were sent home.
- (3) (327/K95) When the attack started we had some Hutu and Zairian patient in the hospital. Someone from the attackers came to the hospital and asked if there were such people here and asked them to leave, because they should kill all the Tutsis. These people left and the attack started.
- (4) (701K/96) Before the attack on the hospital Hutus close to ---- left unharmed-- with his large family. Hutu women married to Tutsi left at the explicit request of ----.
- (5) (603/K96) The same day, shortly before the massacres, ---- and [others]asked the Hutus to leave the hospital and they complied. We Tutsis therefore remained.
- (6) (283/K95) I ran towards the hospital. Coming into the hospital, I went first into a corner. I tried to hide under the bed of a sick person. Three hours later ----- came into the room where I was hiding. He was with a group of about 15 farmers who were carrying machetes and guns. ----- told us that all Tutsis, even sick, had to go on one side, and the others, that is Hutus, should go on the other. Some people tried to cheat but the Doctor knew them. He told a woman and a daughter that they were lying. At the end, there were 12 Tutsis. The doctor told them to go outside. The Tutsis followed his instructions. I still stayed under the bed, in the room with the Hutus. When I heard the gunshots, I crawled to a window near a

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door. I sat on my hips and looked through the window. -----and his companions were shooting. I saw ----- shoot himself at least three people.

Paragraph 4.7, 4.8, 4.9 and 4.10

4.7 On or about the morning of 16 April 1994, a convoy, consisting of several vehicles followed by a large number of individuals armed with various weapons went to the complex. Individuals in the convoy included, among others, Elizaphan Ntakirutimana, Gérard Ntakirutimana, Obed Ruzindana, Charles Sikubwabo, members of the National Gendarmerie, communal police, militia, and civilians.

4.8 The individuals in the convoy, including Elizaphan Ntakirutimana, Gérard Ntakirutimana, Obed Ruzindana, and Charles Sikubwabo, participated in an attack on the men, women and children in the Complex which continued throughout the day.

4.9 The attack resulted in hundreds of deaths and a large number of wounded among the men, women, and children who had sought refuge at the Complex.

4.10 During the months following the attack on the Complex, Elizaphan Ntakirutimana, Gérard Ntakirutimana, Obed Ruzindana, and Charles Sikubwabo searched for and attacked Tutsi survivors and others, killing or causing serious bodily or mental harm to them.

Following are paraphrased excerpts from witnesses who survived the massacres which supports the facts alleged about the massacre in general, and the fact alleged that each of the accused participated in the attack.

(1) Accused Elizaphan Ntakirutimana

Support related to accused Elizaphan Ntakirutimana

(2) Accused: Gerard Ntakirutimana

Support related to Accused Gerard Ntakirutimana deleted.

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(3) *Accused: Obed Ruzindana*

(1) (255/K95) It [the attack] was on Saturday. Refugees were attacked, the main leader was *Ruzindana*.

(606/K96) During the attack of the 16th of April early in the morning, *Ruzindana* was the leader of a group of civilians who attacked us with handguns and some grenades.

(2) (607/K96) Also I recognized a businessman called *Ruzindana*. I saw him on one of the cars with soldiers. I saw that he was armed with a rifle. I saw him shooting at people. I saw that people got killed by shots fired by *Ruzindana*.

(3) (253/K95) On the 16th, a great many people arrived. The hospital was completely surrounded...I did not see the doctor, but I saw *Ruzindana*. He was obviously the leader.

(4) (602/K96) He was accompanied by *Ruzindana*. The latter must have been the leader of the attackers, because not only did he bring rifles in his vehicle, but he also set off the attack. Before the start of the assault, he had divided the attackers into three groups. Then I heard him say "begin".

(5) (701/K96) The situation changed in Mugonero following the arrival of *Ruzindana*. I was in...when I saw him pass by with two loads of soldiers. The following day [the 10th] the Tutsis fled the town center and sought refuge at the hospital in Mugonero and we learned that *Ruzindana* had assembled the Interahamwe of the area and had asked them to do their work did not attend this meeting.

(701/K96) *Ruzindana* assembled the interahamwe to whom he distributed weapons -- grenades and guns.

(701/K96) The attacks seemed to be directed by *Ruzindana*, Sikubwabo. *Ruzindana* was the leader. He ordered that no one touch the hospital accountant before the latter had given him the keys to coffer containing money. The accountant was killed by *Ruzindana* and his group as soon as they recuperated the key. I then saw *Ruzindana* discharge a gun, while I was inside the church. He fired in the church in the direction of the pastors located at the altar.

(6) (178/H95) 3 days later Ngoma was attacked. This was on Saturday the 16th. --We resisted the attack. Attackers were led by Sikubwabo, *Ruzindana* and [others] The leaders were armed with rifles and were shooting like the others.

(605/K96) *Ruzindana* was the chief. It was he who led... It is he [*Ruzindana*] who killed my wife and two children.

(7) (609/K96) I saw *Ruzindana* among the attackers. It was he who directed the killers. He even encouraged the destruction of the hospital. I saw him throw tear gas. I also saw him move among the cadaver in the room where I was located. He had a pistol in his hand and was accompanied by [others]. I heard him take an inventory of the cadavers.

(8) (603/K96) Then, *Ruzindana* arrived on 16 April. He immediately began to loot the hospital along with [others].

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(603/K96) As soon as they finished [looting], *Ruzindana* gave the order to attack. It must have been nine o'clock in the morning.

(603/K96) It was *Ruzindana* who transported the soldiers in his vehicle. I saw *Ruzindana* lift his hand and direct the attackers to different places. I was 100 meters from him. He directed the assailants towards us. The assailants fired and we fled. I hid in the ceiling of the last hospital building located nearby the guava trees. There were eight of us hiding in the ceiling. The walls were perforated with little holes, so I could see what was going on in the hospital courtyard. I thus saw *Ruzindana*, ----, ----[others]. I saw them killing.

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(4) *Accused: Charles Sikubwabo*

Support related to accused Charles Sikubwabo deleted.