

UNITED NATIONS



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**INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

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**STATEMENT BY THE REPRESENTATIVE OF THE PROSECUTOR BEFORE THE JUDGE  
REVIEWING THE INDICTMENT RELATING TO CASE No. ICTR-96- -I**

Honorable Judge:

My name is Yacob Haile-Mariam. I am a Trial Attorney in the Office of the Prosecutor of the International Criminal Tribunal for Rwanda. Together with my colleague Ms. Brenda Sue Thornton who is a Legal Officer at the Tribunal, we have been instructed by the Prosecutor to represent him in the confirmation hearing of the four accused persons whose names are mentioned in the indictment. With your permission your Honor, I have tendered a letter which confirms our appointment.

As you are aware, pursuant to Article 17(4) of the Statute of the Tribunal and Rule 47 of the Rules of Evidence and Procedure, when the Prosecutor determines that a *prima facie* case exists that an individual has committed a crime within the jurisdiction of the Tribunal, the Prosecutor shall prepare and present to a Judge for review and confirmation an indictment containing the name and particulars of the suspect, a concise statement of the facts, and the crime or crimes for which the accused is charged.

Your Honor, we appear before you today to present to you for review and confirmation an indictment which charges 4 individuals for various crimes. Specifically the indictment charges 4 individuals for an attack that occurred (including follow up attacks) on Tutsi men, women and children who had congregated in the Mugonero Complex. The Mugonero Complex is located in Gishyita commune, Kibuye Prefecture, and consists of several buildings including a church and a hospital. Prior to 16 April 1994, hundreds of Tutsi men, women and children had fled to the Complex seeking protection from attacks that were occurring throughout Kibuye Prefecture. The 4 accused and armed individuals attacked the men, women and children in the Complex on or about April 16. The attack lasted throughout the day and hundreds of men, women and children were killed and numerous injured. The survivors fled to various parts of Kibuye

Prefecture, and in the months following the attack, the 4 accused sought out and killed the survivors and others.

The Prosecutor is charging the 4 individuals involved in the attack pursuant to Article 6(1) for Genocide, Complicity in Genocide, and Crimes Against Humanity. In addition the Prosecutor is charging one of the individuals pursuant to Article 6(3) of the Statute of the Tribunal, due to his position as Burgomaster of Gishyita commune.

Finally, your Honor, the Prosecutor request that upon confirmation two additional items be addressed. First the Prosecutor requests that the warrants of arrest be issued and that indictments be transmitted to the countries in which the accused are suspected of residing for service on the accused. Those countries are the following: Elizaphan Ntakirutimana is believed to be in the United States. Gerard Ntakirutimana is believed to be in the Ivory Coast. Obed Ruzindana is believed to be in Kenya. Charles Sikubwabo is believed to be in Zaire.

Second, pursuant to Rule 53(B), the Prosecutor requests that there be an order of non-disclosure to the public and others for the supporting material for the indictment.

We are available to answer any questions that you may have on the indictment or the supporting material.

Thank you.

*Yvonne Hailé-Mariam*  
*April 17, June 20, 1996*

