

ICTR-01-71-1
01-09-2003
(1212 - 1206)

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA S.Musa

Case No. ICTR-2001-71-I

THE PROSECUTOR
AGAINST
EMMANUEL NDINDABAHIZI

2003 SEP - 1 A 11: 05
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JUDICIAL RECORDS SECTION

AMENDED INDICTMENT

(Pursuant to Trial Chamber I's decision of 1st September 2003)

The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to the authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the "Statute of the Tribunal") charges:

EMMANUEL NDINDABAHIZI

with GENOCIDE; and EXTERMINATION, MURDER as CRIMES AGAINST HUMANITY; offenses stipulated in Articles 2 and 3 of the Statute of the Tribunal, as set forth below:

I. THE ACCUSED:

Emmanuel NDINDABAHIZI was born a citizen of Rwanda in 1950 in Gitesi commune, Kibuye préfecture, Rwanda. **Emmanuel NDINDABAHIZI** was Minister of Finance in the Interim Government of 8 April 1994 from its inception until that government fled Rwanda in mid-July 1994.

II. CHARGES, *including a* CONCISE STATEMENT OF FACTS:

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Count 1: GENOCIDE

The Prosecutor of the International Criminal Tribunal of Rwanda charges **Emmanuel NDINDABAHIZI** with **GENOCIDE**, *a crime stipulated in Article 2(3)(a) of the Statute*, in that on or between the dates of 7 April 1994 and 14 July 1994 in Kibuye *préfecture*, Rwanda, **Emmanuel NDINDABAHIZI** was responsible for killing or causing serious bodily or mental harm to members of the civilian population identified as Tutsi, with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group;

Pursuant to Article 6(1) of the Statute: By virtue of his affirmative acts in planning, instigating, ordering, participating in or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Concise Statement of Facts for Counts 1:

1. From the first week of April 1994 through May and into June 1994, **Emmanuel NDINDABAHIZI** led a campaign of extermination against the civilian population identified as Tutsi in Kibuye *préfecture*. The campaign was concentrated in the region where **Emmanuel NDINDABAHIZI** spent his childhood, and where he had risen through the local and regional political administration to become a Government Minister.
2. During April through June 1994 **Emmanuel NDINDABAHIZI** was active in Gitesi and Gishyita communes and was involved in the campaign against persons identified as Tutsi by perpetrating acts of violence and instigating and ordering others to commit acts of violence.
3. During April, May and June 1994, **Emmanuel NDINDABAHIZI** was present at many of the attacks in Kibuye against civilians identified as Tutsi. On numerous occasions he was present when the attacks were discussed, and he referred to them himself and ordered those involved in the attacks.
4. During April, May and June 1994, **Emmanuel NDINDABAHIZI** distributed weapons to civilian militias to facilitate the killing of persons identified as Tutsi. In particular, **Emmanuel NDINDABAHIZI** personally monitored, visited or supervised several roadblocks to facilitate the distribution of weapons, including machetes and grenades, and participated in organizing convoys of *Interahamwe militia* to reinforce civilian militias at sites of large-scale attacks.
5. During April, May and June 1994 **Emmanuel NDINDABAHIZI** specifically directed persons at roadblocks in Kibuye *préfecture* to kill civilians identified as Tutsi. At times he personally addressed local administrative officials and named particular persons to be killed. The public response to **Emmanuel**

NDINDABAHIZI's pronouncements was usually quite swift. Within days, and sometimes within hours, local residents and civilian militias attacked and killed persons identified as Tutsi, particularly those that were previously individually targeted.

6. On or about 9 April 1994, **Emmanuel NDINDABAHIZI** addressed a crowd that assembled at a roadblock in Gisharu *cellule*. Present at the roadblock were the chief of the local *Interahamwe* militia, Joel NDABUKIYE, and local residents, including a woman known as Tatiane NYIRAMARITETIE, a teacher identified as Tutsi. **Emmanuel NDINDABAHIZI** publicly addressed the crowd and called for the killing of Tutsi, specifically targeting Tatiane NYIRAMARITETIE and directing that her payment of cattle to Joel NDABUKIYE should not spare her life.
7. The following day, Joel NDABUKIYE and his *Interahamwe* militiamen found Tatiane NYIRAMARITETIE in a field near her house and killed her in accordance with the public call from **Emmanuel NDINDABAHIZI**.
8. In early May 1994, **Emmanuel NDINDABAHIZI**, accompanied by a soldier, stopped at a roadblock in Gisharu *cellule*. Present at the roadblock was the chief of the local *Interahamwe*, Joel NDABUKIYE. **Emmanuel NDINDABAHIZI** thanked members of the public who were there for their efforts, but warned that two men known as KAREGEYA and MUKANTABANA were still alive. **Emmanuel NDINDABAHIZI** publicly called for their deaths and stated that Joel NDABUKIYE would be appointed as the new *préfet*, NDABUKIYE's son would be *bourgmestre* and Augustin KARARA would be a new member of parliament if all of the Tutsis in the area were killed.
9. In early May 1994, Joel NDABUKIYE and his son killed KAREGEYA and MUKANTABANA with clubs and *Interahamwe* killed other civilians identified as Tutsi in the *cellule*, as ordered by **Emmanuel NDINDABAHIZI**.
10. During May 1994 at Gitaka Centre in Gasharu *cellule*, in front of Joel NDABUKIYE's house, **Emmanuel NDINDABAHIZI** supervised or participated in activities at a roadblock by directing *Interahamwe* militia and other persons present to kill civilians identified as Tutsi.
11. On or about 20 May 1994, **Emmanuel NDINDABAHIZI** monitored or supervised the activities at a roadblock at or near Gaseke by directing BIGIRIMANA Bicikabaraguza, apparently the chief of the roadblock, and other persons present, including KOMEZA and Gaspard BAVURIKI, to kill civilians identified as Tutsi. **Emmanuel NDINDABAHIZI** distributed a quantity of machetes to approximately twenty men who were present at the roadblock. **Emmanuel NDINDABAHIZI** addressed BIGIRIMANA Bicikabaraguza, stating, in substance, 'Many Tutsi pass by here, why aren't you killing them?'

Immediately following **Emmanuel NDINDABAHIZI**'s departure, the men at the roadblock killed the occupant of a vehicle that approached the roadblock.

12. Towards the end of May 1994, at or near the Nyabahanga Bridge, **Emmanuel NDINDABAHIZI** supervised or participated in a roadblock by directing *Interahamwe* and other persons present to kill civilians identified as Tutsi and by distributing a quantity of machetes to men at the roadblock, including Hasan BYIYINGOMA, and by stating, in substance, '*Are you standing well - Have you killed Tutsi women married to Hutus? ... Go and kill them - They risk to poison you - Take arms.*'
13. In late-May 1994 in Kayenzi *secteur*, at or near Faye, **Emmanuel NDINDABAHIZI** supervised or participated in attacks upon the Tutsi by requiring or directing *Interahamwe* militia and other persons present to kill civilians identified as Tutsi.
14. On or about 10 April 1994 at Karongi Hill, **Emmanuel NDINDABAHIZI** facilitated the killings of civilians identified as Tutsi by transporting soldiers armed with guns and grenades and *Interahamwe* militia armed with machetes and clubs to attack Tutsi refugees, resulting in numerous deaths.
15. Over the course of several days, between 13 and 26 April 1994, at Gitwa Hill, **Emmanuel NDINDABAHIZI** led or participated in a series of attacks on civilians identified as Tutsi by transporting soldiers and *Interahamwe* militia to Gitwa Hill, discharging a firearm or by directing attackers to kill Tutsi refugees with guns, grenades, machetes and clubs. The attacks resulted in numerous deaths.
16. On or about 14 April 1994, at Gitwa Hill, **Emmanuel NDINDABAHIZI** commanded, facilitated or participated in killings of civilians identified as Tutsi by throwing an explosive grenade and by transporting or directing soldiers or *Interahamwe* militia to attack with guns, grenades, machetes and clubs, resulting in numerous deaths.
17. On or about 20 April 1994 at Bisesero Hill in Gishyita *commune*, **Emmanuel NDINDABAHIZI** led or participated in an attack on civilians identified as Tutsi, by transporting or directing soldiers or *Interahamwe* militia for the purpose of killing with guns, grenades, machetes and clubs. This resulted in numerous deaths.
18. On or about 10 June 1994 at Bisesero Hill in Gishyita *commune*, **Emmanuel NDINDABAHIZI** led or participated in an attack on civilians identified as Tutsi by transporting or directing soldiers or *Interahamwe* militia for the purpose of killing with guns, grenades, machetes and clubs. This resulted in numerous deaths.

19. Towards the end of May 1994 **Emmanuel NDINDABAHIZI** was present at a gathering at the home of *bourgmestre* Augustin KARARA in Gitesi *commune*. Among the 10 or so guests were Annonciata MUKANGIRYE, the *bourgmestre*'s wife and communal policeman BARAYATA. While sharing drinks with those present, **Emmanuel NDINDABAHIZI** stated that he had given instructions for the killing of Tutsi, that he had accomplished the extermination of Tutsi civilians in his *cellule*, and further instructed those present that Hutu men married to Tutsi women should also be killed.

Count 2: EXTERMINATION as a CRIME AGAINST HUMANITY:

The Prosecutor of the International Criminal Tribunal of Rwanda charges **Emmanuel NDINDABAHIZI** with **EXTERMINATION as a CRIME AGAINST HUMANITY**, as stipulated in Article 3(b) of the Statute, in that on or between the dates of 7 April 1994 and 14 July 1994 in Kibuye *préfecture*, Rwanda, **Emmanuel NDINDABAHIZI** was responsible for killing persons or causing persons to be killed as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, as follows:

Pursuant to Article 6(1) of the Statute: By virtue of his affirmative acts in planning, instigating, ordering, participating in or otherwise aiding and abetting the planning, preparation or execution of the crime charged;

20. Over the course of several days, between 13 and 26 April 1994, **Emmanuel NDINDABAHIZI** participated in attacks upon civilian Tutsi refugees who had gathered at Gitwa Hill. **Emmanuel NDINDABAHIZI** transported, or facilitated the transportation of, soldiers or *Interahamwe* militia or weapons to Gitwa Hill and led attacks against civilian Tutsi by his own example in discharging a firearm into a group of refugees or by launching an explosive grenade in the direction of a group of refugees or by ordering and directing the attackers to kill the refugees.
21. As a direct consequence of **Emmanuel NDINDABAHIZI**'s participation in the attacks at Gitwa Hill, numerous Tutsi civilians were injured or killed.
22. On or about 20 April 1994 **Emmanuel NDINDABAHIZI** participated in an attack upon civilian Tutsi refugees who had gathered at Bisesero Hill in Gishyita *commune*. Numerous Tutsi civilians were killed during the attacks.
23. On or about 10 June 1994, **Emmanuel NDINDABAHIZI** participated in continued attacks against civilian Tutsi refugees at Bisesero Hill in Gishyita *commune*. Numerous Tutsi civilians were killed during the attacks.
24. **Emmanuel NDINDABAHIZI**'s participation in the attacks at Bisesero Hill in June 1994 included leading a convoy of ONATRACOM buses containing *Interahamwe* militia and a truck containing *gendarmes* and machetes to Bisesero

Hill, distributing weapons, including machetes to *Interahamwe* militia, ordering the *Interahamwe* militia to attack Tutsi and directing that the attackers should kill all the Tutsi, including the babies, and throwing a grenade in the direction of the refugees.

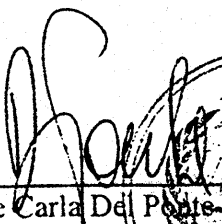
Count 3: MURDER as a CRIME AGAINST HUMANITY:


The Prosecutor of the International Criminal Tribunal of Rwanda charges **Emmanuel NDINDABAHIZI** with **MURDER as a CRIME AGAINST HUMANITY**, as stipulated in Article 3(a) of the Statute, in that on or between the dates of 7 April 1994 and 14 July 1994 in Kibuye *préfecture*, Rwanda, **Emmanuel NDINDABAHIZI** was responsible for killing persons or causing persons to be killed as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, as follows:

Pursuant to Article 6(1) of the Statute: By virtue of his affirmative acts in planning, instigating, ordering, participating in or otherwise aiding and abetting the planning, preparation or execution of the crime charged; *or alternatively*

25. During mid-April 1994, **Emmanuel NDINDABAHIZI** instigated and ordered persons at roadblocks in Kibuye *préfecture* to kill civilians identified as Tutsi, at times individually addressing local administrative officials and naming particular civilians to be killed. The public response to **Emmanuel NDINDABAHIZI**'s pronouncements were usually quite swift; within days, and sometimes within hours, local residents and civilian militias attacked and killed civilians identified as Tutsi, particularly those that were previously individually targeted.
26. On or about 9 April 1994, **Emmanuel NDINDABAHIZI** addressed a crowd that assembled at a roadblock in Gisharu *cellule* and called for the killing of Tutsi, specifically targeting Tatiane NYIRAMARITETIE, a Tutsi civilian. Shortly thereafter, on or about the following day, Joel NDABUKIYE and an *Interahamwe* militiaman killed Tatiane NYIRAMARITETIE. **Emmanuel NDINDABAHIZI**'s public call for the killing included the directive that Tatiane NYIRAMARITETIE's prior payment of cattle to Joel NDABUKIYE should not spare her life.
27. Sometime in early May 1994, **Emmanuel NDINDABAHIZI** publicly called for the deaths of KAREGEYA and MUKANTABANA, civilian Tutsis, and offered rewards of public office to Joel NDABUKIYE and Augustin KARARA if all of the Tutsis in the area were killed. Shortly thereafter, Joel NDABUKIYE and his son killed KAREGEYA and MUKANTABANA with clubs.
28. The killings of Tatiane NYIRAMARITETIE, KAREGEYA and MUKANTABANA in early May 1994 were in direct response to orders from **Emmanuel NDINDABAHIZI**.

At The Hague, this 1st day of September 2003.


Mme Carla Del Ponte
Prosecutor



TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS

(Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

To:	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. Kouambo	<input type="checkbox"/> Trial Chamber III F. Talon	<input type="checkbox"/> Appeals Officer F. Talon /A. N'Gum
From:	<input type="checkbox"/> Chamber (name) <input type="checkbox"/> Defence Mr. Pascal Besnier (name) <input type="checkbox"/> Prosecutor's Office Mr. Charles Adeogun-Phillips (name) <input type="checkbox"/> Other: (name)				
Case Name:	The Prosecutor vs. Emmanuel Ndindabahizi		Case Number: ICTR-2001-71-I		
Date:	Transmitted: 1 SEPTEMBER 2003		Document's date: 1 SEPTEMBER 2003		No. of Pages: 7
Original / Transl.	Document is a(n): <input checked="" type="checkbox"/> ORIGINAL: Fill sections below <input type="checkbox"/> TRANSLATION into <input type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyar. (original was filed on) <input checked="" type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyarwanda				
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PROOF OF SERVICE – ARUSHA
PREUVE DE NOTIFICATION – ARUSHA

Date: 1 September, 2003		Case Name / affaire: The Prosecutor vs EMMANUEL NDINDABAHIZI	
		Case No //l'affaire no: ICTR-2001-71-I	
To: A:	<input type="checkbox"/> TC1	received by / reçu par:	ALO: received by / reçu par
	<input type="checkbox"/> Judge Mose, President	<input checked="" type="checkbox"/> 01-09-03	<input checked="" type="checkbox"/>
	<input type="checkbox"/> Judge K. R. Khan	<input checked="" type="checkbox"/> Received in	<input type="checkbox"/>
	<input type="checkbox"/> Judge S. B. Bossa	<input checked="" type="checkbox"/> Court 11/9/03	<input type="checkbox"/>
	<input type="checkbox"/> E. Nahamya, Co-ordinator		
	<input type="checkbox"/> TC2		
	<input type="checkbox"/> Judge W. H. Sekule		
	<input type="checkbox"/> Judge A. Ramaroson		
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<input type="checkbox"/> Judge L.G. Williams			
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<input type="checkbox"/> DEFENSE:			
<input type="checkbox"/> Accused / Accusé:..... NDINDABAHIZI		complete / remplir "CMS4 FORM"	
<input type="checkbox"/> Lead Counsel / Conseil Principal:..... PASCAL BESNIER		<input type="checkbox"/> by fax complete / remplir "CMS3bis FORM"	
<input type="checkbox"/> In / à Arusha Arusha			
<input type="checkbox"/> Co-Counsel / Conseil Adjoint:..... GUILLAUME MARÇAIS		<input type="checkbox"/> by fax complete / remplir "CMS3bis FORM"	
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AMENDED INDICTMENT (PURSUANT TO TRIAL CHAMBER I's DECISION OF 1 SEPTEMBER 2003)

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01-09-2003

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



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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PREUVE DE NOTIFICATION D'ACTES AUX DETENUS

Upon signature of the detainee, please return this sheet to the originator as proof of service.
Formulaire à être renvoyé à l'expéditeur dûment signé par le détenu.

Date: 1 September, 2003		Case Name / affaire: The Prosecutor vs. E. NDINDABAHIZI	
		Case No / affaire no: ICTR-2001-71-I	
To: A:	Name of detainee / nom du détenu NDINDABAHIZI	TO BE FILLED IN BY THE DETAINEE A COMPLETER PAR LE DETENU I confirm reception of the document(s) listed below. <i>Je confirme réception du/des documents mentionné(s) ci-dessous.</i> Signature:  Date, Time / Heure: 2/9/03 20h	
Via:	Security Officer Commanding Officer, UNDF	Print name / nom  SAIDOU GUINDO	Signature:  Date, Time / Heure: 2/9/03
From: De:	<input type="checkbox"/> JP. Fomété (Chief, Ccms) <input checked="" type="checkbox"/> M. Diallo (TC1) <input type="checkbox"/> R. Kouambo (TC2) <input type="checkbox"/> F. A. Talon (TC3) <input type="checkbox"/> F. A. Talon (Appeals) <input type="checkbox"/> Other / Autre		
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DECISION OF 1 SEPTEMBER 2003

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