

ICTR-01-75-I
23-11-10
(1609-1604)

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2001-75-I

**THE PROSECUTOR
AGAINST
JEAN UWINKINDI**

JUDICIAL RECORDS ARCHIVE

2010 NOV 23 P 5 28

AMENDED INDICTMENT

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

JEAN UWINKINDI

with **GENOCIDE**, pursuant to Article 2 (3) (a) of the Statute of the Tribunal and **EXTERMINATION as a CRIME AGAINST HUMANITY**, pursuant to Article 3 of the Statute of the Tribunal.

1. The said charges are brought pursuant to Article 6 (1) of the Statute of the Tribunal.
2. Unless otherwise stated, the violations of international humanitarian law referred to in this indictment took place in Rwanda between 1 January and 31 July 1994.

THE ACCUSED

3. **Jean UWINKINDI** was born in 1951, in Rutsiro Commune, Kibuye Prefecture, Republic of Rwanda.

During the period covered by this indictment, **Jean UWINKINDI** was Pastor in charge of the Kayenzi Pentecostal Church located in Nyamata *sector*, Kanzenze Commune,

Kigali-Rural Prefecture, Republic of Rwanda. Jean **UWINKINDI** was, at all times relevant to this indictment, also the President of a self-styled 'Security Committee' at Kayenzi Pentecostal Church, which comprised among others, BAPFAKURERA, SEBUTURO, BANGUKA, NIZEYE, KAYINAMURA, GASHARANKWANZI, SEMANYENZI, BIZIMUNGU, RUSATSI, MUHUTU and CLAUDE.

4. Between 1 January and 31 December 1994, citizens native to Rwanda were severally identified according to the following ethnic or racial classifications: Tutsi, Hutu, and Twa.
5. Between 6 April and 17 July 1994, throughout Rwanda, there were widespread or systematic attacks against a civilian population based on Tutsi ethnic or racial identification or political opposition to the MRND. The attacks resulted in a large number of deaths of persons who were identified or perceived to be Tutsi.
6. The general allegations contained in paragraphs 4 and 5 above are incorporated into each of the allegations set forth below.

CHARGES AND CONCISE STATEMENT OF FACTS

Count 1: GENOCIDE

The Prosecutor charges **Jean UWINKINDI** with **GENOCIDE**, *a crime stipulated in Article 2 (3) (a) of the Statute*, in that between the dates 6 April and early May 1994, in Kanzenze Commune, in Kigali-Rural Prefecture, Rwanda, **Jean UWINKINDI** was responsible for killing or causing serious bodily and mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group.

Individual Criminal Responsibility

Pursuant to Article 6(1) of the Statute, **Jean UWINKINDI** is individually responsible for the crime of genocide because he planned, instigated, ordered, committed or otherwise aided and abetted in the preparation or execution of the crime of genocide.

In addition, **Jean UWINKINDI** willfully and knowingly participated in a joint criminal enterprise whose common purpose was the commission of genocide against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support the Tutsi in Kanzenze commune, Kigali-Rural prefecture. To fulfill the joint criminal purpose, the accused acted in concert with others including, Bernard GATANAZI, the Bourgemestre

of Kanzenze Commune, Colonel Pheneas MUNYARUGARAMA, the Commander of the Gako Military Camp, Christophe BIZIMANA, the Director of the primary school in Nyamata, Gratien MWONGERERA, Gervais NGOMBWA, Sylvestre GASHARANKWANZI, NGARUKIYE, Pastor KARERANGABO, BAPFAKURERA a Businessman, Gasana DJUMA Sous Prefet of the Kanazi Sous Prefecture, SEBUTURO, BANGUKA, NIZEYE, KAYINAMURA, SEMANYENZI, BIZIMUNGU, RUSATSI, MUHUTU, NTAGANZWA, MUNYANZIZA, CLAUDE, WACASEMA and Martin BAKUNDINKWANO among other conseillers, gendarmes, the Interahamwe militia, communal policemen, and other Hutu civilians, all such actions in furtherance of the joint criminal enterprise occurring between the period of 6 April 1994 to mid May 1994.

Concise Statement of Facts

7. On or about 6 April 1994, **Jean UWINKINDI** ordered members of his security committee to set up roadblocks, including one in front of the Kayenzi Pentecostal Church. These roadblocks were used to identify and, apprehend Tutsi civilians who were subsequently killed.
8. On or about 7 April 1994, Bernard GATANAZI and **Jean UWINKINDI**, acting in furtherance of the joint criminal enterprise, convened a meeting near Kayenzi Pentecostal Church, at which GATANAZI ordered or instigated the Hutu civilians present to kill all the Tutsis. After the meeting **Jean UWINKINDI** and BAPFAKURERA ordered or instigated the Hutu civilians who had assembled at the church to hunt for and kill all the Tutsis in the woods
9. Between 7 April and mid-May 1994, **Jean UWINKINDI** and members of the joint criminal enterprise attacked Tutsis in their homes in Gatare, Rwankeri, Kayenzi and Byimana cellules neighbouring Kayumba *secteur*. The Tutsis who survived these attacks subsequently fled to various places such as the Kayenzi hill, Kayenzi Pentecostal church, the Cyugaro swamps, Nyamwiza marshes, Ntarama church, Kanzenze communal offices and Nyamata Church.

Rwankeri Cellule

10. On the night of 8 April 1994 armed assailants acting at the instigation of **Jean UWINKINDI** in furtherance of the joint criminal enterprise attacked Tutsis at Rwankeri *cellule* setting their houses on fire. During this attack, Deo NTAGANZWA and Jean Bosco MUNYANZIZA killed Paul KAMANZI, a wealthy Tutsi civilian, by hacking him to death.

Kayenzi Hill

11. On or about 9 April 1994, **Jean UWINKINDI**, SEMANYENZI, KAYINAMURA, RUSATSI, CLAUDE, BANGUKA, MUHUTU and other members of the joint criminal enterprise attacked a group of Tutsi civilians who had sought refuge at Kayenzi hill and killed Sebastien BANDORA. Because of the resistance put up by the Tutsi civilians, Jean UWINKINDI brought gendarmes to reinforce the attackers. The gendarmes shot at the Tutsi civilians killing many of them. Those killed during this attack included MUTIMURA, NDEKEZI, REBURA, Johani NGABO and his sons and MUZEZAYO and his sons.

Cyugaro Swamps

12. On or about 10 April 1994, in the morning, **Jean UWINKINDI** mobilized and transported armed attackers in vehicles belonging to BAPFAKURERA and APOLLO and launched an attack on Tutsi civilians who had hidden in the Cyugaro papyrus swamps. The attackers who included Jean UWINKINDI, Sylvestre GASHARANKWANZI, NIZEYE and MUHUTU killed many Tutsi civilians including the wife of MUKENGA, the wife of SEMABUMBA and one RUZINDANA

Kanzenze Communal Office

13. On or about 10 April 1994, Bernard GATANAZI acting in furtherance of the joint criminal enterprise convened a meeting in the courtyard of the Kanzenze communal offices at which he ordered or instigated those present to kill the Tutsi because the *Inkotanyi* rebels who had attacked Rwanda were Tutsi. In attendance were approximately one thousand people who included **Jean UWINKINDI**, Colonel Munyarugarama and Gasana DJUMA
14. On or about the 12 April 1994 **Jean UWINKINDI** participated in a large scale attack on the Tutsi civilians who had sought refuge at Kanzenze communal offices in which he shot and killed one GASHOMBA. The attackers, who were armed with guns and machetes, numbering approximately one thousand five hundred, included **Jean UWINKINDI** Colonel MUNYARUGARAMA, Bernard GATANAZI, Christophe BIZIMANA, Leonard RWARAKABIJE, NDAGIJE, NTAMBARA, Gratien MWONGERERA, Gervais NGOMBWA, GASHARANKWANZI, KARERANGABO, WACASEMA and Martin BAKUNDINKWANO, soldiers, gendarmes, *interahamwe* and armed civilians. During this attack, which lasted approximately three hours, many Tutsi refugees were

killed including RUKARA, Damascene NDAHIRO, his wife CONSOLATA and NTAMBARA.

Kayenzi Pentecostal Church

15. Between 7 April and early May 1994, many Tutsi civilians who had sought refuge at Kayenzi Pentecostal Church were regularly removed by *interahamwe* acting in furtherance of the joint criminal enterprise and killed behind the Church at a place called "CND". **Jean UWINKINDI** was often present and/or aware of these forcible removals and killings of Tutsi civilian refugees and did nothing to stop the *interahamwe*.
16. On or about 14 April 1994, **Jean UWINKINDI** and SEBUTURO removed about one hundred and thirty Tutsi civilians of Mwogo secteur, brought them to Kayenzi Pentecostal Church and ordered GASHARANKWANZI, SENTWARI and other members of the joint criminal enterprise to kill them. The Tutsi civilians were killed with guns and machetes by SENTWARI, GASHARANKWANZI and other members of the joint criminal enterprise. Amongst the Tutsi civilians killed were MUGOWERA, DAPHROSE and Prisca MUKARWEGO.

Count 2: EXTERMINATION as a CRIME AGAINST HUMANITY

The Prosecutor charges **Jean UWINKINDI** with **EXTERMINATION as a CRIME AGAINST HUMANITY**, *a crime stipulated in Article 3 (b) of the Statute*, in that between 6 April and early May 1994, in the Kanzenze Commune, in Kigali-Rural Prefecture, Rwanda, **Jean UWINKINDI** was responsible for killing persons, or causing persons to be killed, during mass killing events as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

Individual Criminal Responsibility

Pursuant to Article 6(1) of the Statute, the accused Jean UWINKINDI is individually responsible for the crime of extermination as a crime against humanity because he planned, instigated, ordered, committed or otherwise aided and abetted in the preparation or execution of the crime of extermination.

In addition, the accused **Jean UWINKINDI** willfully and knowingly participated in a joint criminal enterprise whose common purpose was the commission of extermination as a crime against humanity against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support the Tutsi in Kanzenze commune, Kigali-Rural prefecture. To fulfill the joint criminal purpose, the accused acted with others including, Bernard

GATANAZI, the Bourgemestre of Kanzenze Commune, Colonel Pheneas MUNYARUGARAMA, the Commander of the Gako Military Camp, Christophe BIZIMANA, the Director of the primary school in Nyamata, Gratien MWONGERERA, Gervais NGOMBWA, Sylvestre GASHARANKWANZI, NGARUKIYE, Pastor KARERANGABO, BAPFAKURERA a Businessman, Gasana DJUMA Sous Prefet of the Kanazi Sous Prefecture, SEBUTURO, BANGUKA, NIZEYE, KAYINAMURA, SEMANYENZI, BIZIMUNGU, RUSATSI, MUHUTU, NTAGANZWA, MUNYANZIZA, CLAUDE, WACASEMA and Martin BAKUNDINKWANO among other conseillers, gendarmes, the *interahamwe* militia, communal policemen, and other Hutu civilians, all such actions in furtherance of the joint criminal enterprise occurring between 6 April 1994 and early May 1994.

Concise Statement of Facts

17. The Prosecutor relies upon the allegations set out above in paragraphs 8 through 16 in support of the charge of extermination as a crime against humanity.

The acts and omissions of Jean UWINKINDI detailed herein are punishable in reference to Articles 22 and 23 of the Statute.

Dated at Arusha, this 23rd day of November, 2010



Hassan Bubacar Jallow
The Prosecutor



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION

(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	☐ Trial Chamber I N. M. Diallo	☒ Trial Chamber II R. N. Kouambo	☐ Trial Chamber III C. K. Hometowu
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From:	☐ Chamber (names)	☐ Defence (names)	☒ Prosecutor's Office RASHID RASHID (names)
			☐ Other: (names)
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

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☐ Normal		☐ Other deadlines: