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International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O. Box 6016, Arusha, Tanzania

UNITED NATIONS
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INTEROFFICE MEMORANDUM- MEMORANDUM INTERIEUR

To: Matar Diop
A: Deputy Chief CMS, Chief JPU

Date: 16 June 2005

Through: William Egbe
Senior Trial Attorney

Ref:

From: Amina Ibrahim
De: Case Manager *A.S.*

JUDICIAL RECORDS/ARCHIVES
ICTR

2005 JUN 16 P 3: 31

Subject: LAURENT BUCYIBARUTA INDICTMENT
Objet:

Following the confirmation hearing of the indictment of Laurent Bucyibaruta held on 15 June 2005, please find attached the revised indictment in compliance with Judge J.R. Reddy's the modifications.

Best regards.

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**UNITED NATIONS
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

Case No. ICTR-2005-85-I

**THE PROSECUTOR
AGAINST
LAURENT BUCYIBARUTA**

JUDICIAL ARCHIVES
ICTR
2005 JAN 14 P 3/31

INDICTMENT

SS

I. **The Prosecutor of the United Nations International Criminal Tribunal for Rwanda (“The Prosecutor”), pursuant to the authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the “Statute”), charges:**

Laurent BUCYIBARUTA

With:

- Count 1- **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**
- Count 2- **GENOCIDE** or alternatively,
- Count 3- **COMPLICITY IN GENOCIDE**
- Count 4 - **EXTERMINATION as CRIME AGAINST HUMANITY**
- Count 5- **MURDER as a CRIME AGAINST HUMANITY**
- Count 6- **RAPE as a CRIME AGAINST HUMANITY**

II. **THE ACCUSED**

1. **Laurent BUCYIBARUTA** was born in Rwanda in 1944, in Musange *Commune*, Gikongoro *Prefecture*, Rwanda.
2. At times referred to in this indictment, **Laurent BUCYIBARUTA** held the following positions:
 - (a) He was the *Bourgmestre* of Musange *Commune* from 13 October 1973 to 22 November 1974, then *Sous-Préfet*, in Butare and then Gisenyi *Prefectures*;
 - (b) He had also been a Member of Parliament during the single-party era that ended in 1991;
 - (c) About 1985 he was appointed the *Préfet* of Kibungo *Prefecture* and remained in that position until about 1992;
 - (d) Subsequently, he was appointed the *Préfet* of Gikongoro *Prefecture*, from 4 July 1992, a position he held until mid-July 1994;
 - (e) He remained a member of the MRND party after the advent of the multiparty system in Rwanda in 1991.
3. By virtue of his position and authority as the *Préfet* of Gikongoro *Prefecture*, **Laurent BUCYIBARUTA** was the representative of the executive branch of government in the *Prefecture*. In his capacity as the administrator of the *Prefecture* **Laurent BUCYIBARUTA** was responsible for ensuring peace, law, public order and the safety of goods and persons. In the performance of his duties, or in maintaining law and public order, he had the authority to request the intervention of the Army and the National *Gendarmerie*.
4. By virtue of his position and authority as the *Préfet* of Gikongoro *Prefecture* **Laurent BUCYIBARUTA** had authority over all the civil servants and holders of public office in the *Prefecture* including:

All the *Sous-Préfets*;

All the *Bourgmestres* of the *Communes* and all staff of the administrative services of the *Communes*;

All *Conseillers* of Sectors and Chief of *Cellules*;

All the heads of government services who were *ex-officio* members of the *Préfectoral* conference presided over by the *Préfet*;

All the staff in the *Prefecture* administration;

All the civil servants in the *Préfecture*, and

The Coordinator for Civil Defence for Gikongoro and Butare *Prefectures*.

5. By virtue of his position, as head of the *Préfectoral* committee of the *interahamwe*, the youth wing of the MRND party in Gikongoro *Prefecture*, **Laurent BUCYIBARUTA** exercised authority and control over the *Interahamwe* and other members of the MRND political party in Gikongoro *Prefecture*.

III. CHARGES AND CONCISE STATEMENT OF FACTS

6. At all times referred to in this indictment there existed in Rwanda a minority ethnic or racial group known as Tutsis, officially identified as such by the government. The majority of the population was comprised of an ethnic or racial group known as Hutus, also officially identified as such by the government.
7. During the course of 1994, particularly between 6 April 1994 and 17 July 1994, throughout Rwanda, soldiers, *interahamwe* militia and armed civilians targeted and attacked Tutsis on the basis that they were Tutsis, with intent to destroy, in whole or in part, the Tutsi ethnic group as such. Hundreds of thousands of civilian Tutsis were killed.

Count 1: DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE

The Prosecutor charges **Laurent BUCYIBARUTA** with **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(c) of the Statute, in that from 1 January through 17 July 1994, throughout Rwanda, **Laurent BUCYIBARUTA** was responsible for the direct and public incitement of persons to kill or cause serious bodily or mental harm to members of the Tutsi racial or ethnic group with the intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in paragraphs 8 through 21.

CONCISE STATEMENT OF FACTS FOR COUNTS 1

Individual Criminal Responsibility

8. Pursuant to Article 6(1) of the Statute, the accused, **Laurent BUCYIBARUTA**, is individually responsible for the crime of Direct and Public Incitement to Commit Genocide because he committed the act of delivering public speeches that defined the enemy as all members of the Tutsi racial or ethnic group and urged his listeners to attack and kill the Tutsi. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of genocide against the Tutsi racial or ethnic group, and persons identified as Tutsis or presumed to support the Tutsis in Gikongoro *Prefecture*, Rwanda. To fulfill this criminal purpose, the accused acted with **Faustin SEBUHURA, Damien BINIGA, Joseph NTEGEYINTWALI, Frodouard HAVUGA, Aloys SIMBA, Felicien SEMAKWAVU, Emmanuel NTEZIRYAYO, Charles NYIRIDANDI, Silas MUGERANGABO, Celes SEMIGABO, Denys KAMODOKA, Juvenal NDABARINZI, Lt. Col RWAMANYA Augustin, Joachim HATEGEKIMANA, Charles MUNYANEZA**, and others, all such actions being taken either directly or through co-perpetrators, for at least the period of 1 January 1994 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 9 through 21.

9. On a date in March 1993, at a training meeting at CIPEP, Gikongoro town, attended by among others, all *Bourgmestres*, *Conseillers* and *Responsables* of Gikongoro *Prefecture* and **Aloys SIMBA**, **Damien BINIGA** and **Faustin SEBUHURA**, **Laurent BUCYIBARUTA** spoke calling on his audience to proceed to register Tutsis in the *Prefecture* separately from the Hutus. Two Registers were subsequently issued to *Responsables* for the registration of the persons of their *cellules*, one for Hutu and one for Tutsi. By doing so, he committed direct and public incitement to commit genocide.
10. On a day in December 1993, at a public rally in Gikongoro market, attended by among others, **Aloys SIMBA**, **Damien BINIGA** and **Charles MUNYANEZA**, **Laurent BUCYIBARUTA**, spoke urging the persons present to contribute money to buy arms to fight the Tutsi enemy, whom he referred to as the *Inyenzi*. By doing so, he committed direct and public incitement to commit genocide.
11. On a day within the period from late 1993 to early 1994, before the start of the April 1994 killings, at a public meeting in Gikongoro market called by **Aloys SIMBA** to raise funds for supplying the *Interahamwe* with arms for the killing of Tutsis, **Laurent BUCYIBARUTA** spoke urging the population to be prepared to defend themselves against the Tutsi enemy and personally contributed 200,000 FRW as an example for the population to follow. A total amount of about 2.5 million FRW was collected thereafter. By doing so, he committed direct and public incitement to commit genocide.
12. On a day within the period from late 1993 to early 1994, before the start of the April 1994 killings, at a public meeting in front of the shop of **MUJYAMBERE** in Gikongoro Town, **Laurent BUCYIBARUTA** spoke urging the persons present, to be prepared to defend themselves against the Tutsi enemy by contributing money to purchase firearms and ammunition for soldiers, Gendarmes and the *interahamwe*. By doing so, he committed direct and public incitement to commit genocide.
13. On or about 23 March 1994, at a public meeting in Gikongoro market, **Laurent BUCYIBARUTA** spoke, telling the population that the enemy that had to be fought was the Tutsi, and that everyone should be on high alert. By doing so, he committed direct and public incitement to commit genocide.
14. On a day in April 1994, a few days after the death of President HABYARIMANA, **Laurent BUCYIBARUTA** went around in the area of Gikongoro Town in a car, using a megaphone to address the population. **Laurent BUCYIBARUTA** spoke stating that the Tutsis had killed the President so all Tutsis must be looked for and killed. By doing so, he committed direct and public incitement to commit genocide.
15. On or about 9 April 1994, **Laurent BUCYIBARUTA** met with the *Interahamwe* and officials of the *Prefectoral* administration, including **Emmanuel NTEZIRYAYO**, **Denys KAMODOKA** and **Juvenal NDABARINZE**, among others, at Petrorwanda gas station in Gaserenda trading centre. **Laurent BUCYIBARUTA** spoke calling on the *interahamwe* to be deployed to kill Tutsis. By doing so, he committed direct and public incitement to commit genocide.
16. On or about 10 April 1994, at a public meeting held in the Nyamagabe *Communal* Office, attended by Colonel **Aloys SIMBA**, Captain **Faustin SEBUHURA**, *Sous-Préfet* **BINIGA**, *Bourgmestre* of Nyamagabe Commune **SEMAKWAVU**, the representative of the MRND political party, *Conseillers* of Sectors and other officials of the *Prefecture* and the population, **Laurent BUCYIBARUTA** spoke calling for the killing of Tutsis who had gathered in surrounding Schools and Churches in Gikongoro *Prefecture*, such as Kigeme Parish, and CERAI School and Murambi Technical School. By doing so, he committed direct and public incitement to commit genocide.

17. On or about 13 April 1994, **Laurent BUCYIBARUTA** met with the *Interahamwe* and officials of the *Prefectoral* administration of Gikongoro, including *Bourgmestres* and *Conseillers*, in CIPEP, a complex in Gikongoro town, which includes the *Prefecture's* Hall. During that meeting, **Laurent BUCYIBARUTA** spoke urging the *Bourgmestres* and *Conseillers* of Gikongoro to see that no Tutsis in the *Prefecture* are left alive. He stated that he had received orders from Kigali that the Tutsis should be assembled in locations where they would be easily accessible to the authorities at the right time. He added that authorities failing to comply with the order would be dismissed and that any Tutsis refusing to go to the indicated locations would be killed. By doing so, he committed direct and public incitement to commit genocide.
18. On about 13 April 1994, at a public rally at Nyamagabe market, **Laurent BUCYIBARUTA** spoke calling on the Hutu population present to ensure that no Tutsis are allowed to escape but to be sent to Murambi Technical School to be killed. By doing so, he committed direct and public incitement to commit genocide.
19. On or about 15 April 1994, **Laurent BUCYIBARUTA** met with officials of the *Prefectoral* administration, including **Faustin SEBUHURA**, **Denys KAMODOKA** and **Felicien SEMAKWAVU**, and Colonel **Aloys SIMBA**, at PDAG Guest House in Gikongoro town. **Laurent BUCYIBARUTA** spoke urging those present not to allow Tutsis to remain in hiding but to be assembled at specified locations including Murambi Technical School to be killed. By doing so, he committed direct and public incitement to commit genocide.
20. On or about 20 April 1994, **Laurent BUCYIBARUTA** attended a meeting at the Gendarmerie barracks in Gikongoro town. Other officials who attended were **Aloys SIMBA**, **Damien BINIGA**, **Faustin SEBUHURA** and **Charles MUNYANEZA**. At the meeting **Laurent BUCYIBARUTA** spoke calling for the killing of Tutsis at Kaduha Parish and Health Centre, Murambi Technical School and Cyanika Parish. By doing so, he committed direct and public incitement to commit genocide.
21. On or about 22 April 1994, **Laurent BUCYIBARUTA**, accompanied by **SEBUHURA**, **SEMAKWAVU** and **Celes SEMIGABO**, the Prosecutor of Gikongoro, went to Gikongoro Prison and publicly stated that the Tutsis were the enemy urging all Hutus therein to kill all Prisoners of the Tutsi ethnic group. By doing so, he committed direct and public incitement to commit genocide.

Count 2: GENOCIDE

The Prosecutor charges **Laurent BUCYIBARUTA** with **GENOCIDE**, a crime stipulated in Article 2(3)(a) of the Statute, in that from 1 January through 17 July 1994, throughout Rwanda, **Laurent BUCYIBARUTA** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi racial or ethnic group with the intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in paragraphs 22 through 43.

or alternatively,

Count 3: COMPLICITY IN GENOCIDE

The Prosecutor charges **Laurent BUCYIBARUTA** with **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute, in that from 1 January through 17 July 1994, throughout Rwanda, **Laurent BUCYIBARUTA** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi racial or ethnic group with the intent to destroy, in whole or in part, a racial or ethnic group, as such, or with knowledge that other people intended to destroy, in whole or in part, the Tutsi racial or ethnic group, as such, and that his assistance would contribute to the crime of genocide, as outlined in paragraphs 22 through 43.

CONCISE STATEMENT OF FACTS FOR COUNTS 2 AND 3

Individual Criminal Responsibility

22. Pursuant to Article 6(1) of the Statute, the accused, **Laurent BUCYIBARUTA**, is individually responsible for the crimes of Genocide or Complicity in Genocide because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of these crimes. With respect to the commission of those crimes, **Laurent BUCYIBARUTA** ordered those over whom he had effective control as a result of his position and authority described in paragraphs 2 through 5 above, and he instigated and aided and abetted those over whom he did not have effective control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of genocide against the Tutsi racial or ethnic group, and persons identified as Tutsis or presumed to support the Tutsis in Gikongoro *Prefecture*, Rwanda. To fulfill this criminal purpose, the accused acted with **Faustin SEBUHURA**, **Damien BINIGA**, **Joseph NTEGEYINTWALI**, **Frodouard HAVUGA**, **Aloys SIMBA**, **Felicien SEMAKWAVU**, **Emmanuel NTEZIRYAYO**, **Charles NYIRIDANDI**, **Silas MUGERANGABO**, **Celes SEMIGABO**, **Denys KAMODOKA**, **Juvenal NDABARINZI**, **Lt. Col RWAMANYA Augustin**, **Joachim HATEGEKIMANA**, **Charles MUNYANEZA**, and others, all such actions being taken either directly or through co-perpetrators, for at least the period of 1 January 1994 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 23 through 35.

THE MASSACRES:

23. Between 7 April 1994 and 17 July 1994, **Laurent BUCYIBARUTA**, ordered Tutsis and moderate Hutu civilians to assemble at specified locations in Gikongoro *Prefecture*. Believing they would be safe from attacks by the *interahamwe*, the Tutsis and moderate Hutu civilians obeyed these orders. Tutsi inmates in Gikongoro Prison also believed they would be safe. At dates specified below, the Tutsis were massacred. By ordering the Tutsis to be assembled together, **Laurent BUCYIBARUTA** aided and abetted the killing of the Tutsis.

Kibebo parish and health centre, Mubuga *Commune*, Gikongoro- 11 to 15 April 1994;
Murambi Technical School, Nyamagabo *Commune*, Gikongoro- 18 to 21 April 1994;
Cyanika parish, Karama *Commune*, Gikongoro-21 April 1994;
Kaduha parish and health centre, Karambu *Commune*, Gikongoro-21 April 1994;
Gikongoro Prison, Gikongoro – 22 April 1994;
Ecole des Filles de Kibebo, Mubuga *Commune*, Gikongoro-7 May 1994;

Kibebo Parish:

24. From 11 April 1994 to 15 April 1994, Kibebo Parish was repeatedly attacked and the Tutsis therein killed by large groups of *Interahamwe* and armed civilians, supported by soldiers, Gendarmes and Policemen, on the orders and instigation of **Laurent BUCYIBARUTA**. The killings were led by subordinates to **Laurent BUCYIBARUTA**, namely **Damien Biniga**, *Sous-Préfet* of Munini, **Charles NYIRIDANDI**, *Bourgmestre* of Mubuga, **Emmanuel NTEZIRYAYO**, *Bourgmestre* of Mudasomwa, **Felicien SEMAKWAVU**, *Bourgmestre* of Nyamagabe and **Silas MUGERANGABO**, *Bourgmestre* of Rwamiko. **Laurent BUCYIBARUTA** thus ordered and instigated and aided and abetted the killing of Tutsis in Kibebo Parish.

Murambi Technical School:

25. On or about 10 April 1994, **Laurent BUCYIBARUTA** accompanied by **Felicien SEMAKWAVU**, *Bourgmestre* of Nyamagabe *Commune*, used a megaphone to lure Tutsi refugees in hiding, to their deaths in Murambi Technical School. **Laurent BUCYIBARUTA**

stated that he would provide food and security for the refugees at Murambi Technical School. The Tutsis who came out of hiding were killed in Murambi Technical School on 20 and 21 April 1994 by gendarmes, *interahamwe* and *communal* policemen and armed Hutu civilians, co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.

26. On or about 11 April 1994, **Laurent BUCYIBARUTA**, accompanied by **Faustin SEBUHURA** and **Felicien SEMAKWAVU** came to CERAI School, where many refugees had gathered, and ordered and instigated them to go to Murambi Technical School knowing they would be killed there, and personally escorted the refugees to Murambi. These Tutsis were killed in Murambi Technical School on 20 and 21 April 1994 by the *interahamwe* and soldiers, co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.
27. On or about 11 April 1994, **Laurent BUCYIBARUTA**, accompanied by **Faustin SEBUHURA** and **Felicien SEMAKWAVU** came to Kigeme Diocese, where about 100 refugees, mainly Tutsis, had gathered. Following the orders of **Laurent BUCYIBARUTA**, the refugees were escorted to Gikongoro Diocese by Gendarmes, and subsequently moved to Murambi Technical School where they were killed on 20 and 21 April 1994 by the *interahamwe* and soldiers co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.
28. On or about 12 April 1994, **Laurent BUCYIBARUTA**, accompanied by **Faustin SEBUHURA** and **Felicien SEMAKWAVU** came to Gikongoro Diocese, where thousands of refugees, mainly Tutsis had gathered. Following the orders of **Laurent BUCYIBARUTA**, the refugees were escorted to Murambi Technical School by Gendarmes, killed on 20 and 21 April 1994 by the *interahamwe* and soldiers co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.
29. From about 18 April 1994 to 20 April 1994, on the orders and instigation of **Laurent BUCYIBARUTA**, a small group of *Interahamwe* militiamen, supported by soldiers and armed Hutu civilians, co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment, surrounded and repeatedly attacked and killed Tutsi Refugees at Murambi Technical School. Some of the weapons used in these attacks, such as machetes and sickles, were provided by **Laurent BUCYIBARUTA** and **Faustin SEBUHURA**. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.
30. At about 03.00 hours on 21 April 1994, on the orders of **Laurent BUCYIBARUTA**, a major massacre was carried out on Murambi Technical School by a large group of attackers comprising soldiers, Gendarmes, *Interahamwe* and armed civilians, led by **Aloys SIMBA** and **Faustin SEBUHURA**, all co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment. Surrounded by roadblocks to prevent their escape, and weakened by lack of food and water, the Tutsis were killed with heavy guns, arms, grenades, machetes, clubs and other traditional weapons. **Laurent Bucyibaruta** personally shot at the Tutsis with a fire arm. **Laurent BUCYIBARUTA** thus committed the act of killing and also ordered, instigated and aided and abetted these killings.
31. At about 07.00 hours on 21 April 1994, **Laurent BUCYIBARUTA**, accompanied by **Aloys SIMBA** and **Faustin SEBUHURA** examined the massacre site at Murambi Technical School. While **Aloys SIMBA** expressed his satisfaction about the results of the killing campaign, **Laurent BUCYIBARUTA** rewarded those who were active in the killing by

giving them some of the victim's cows, thus aiding and abetting these killings and instigating subsequent killings of Tutsis that occurred in Cyanika and Kaduha Parishes later that day.

Cyanika Parish:

32. In the morning of 21 April 1994, during the attack on Murambi Technical School, **Laurent BUCYIBARUTA** accompanied by his subordinate **Faustin SEBUHURA**, ordered the attackers of Murambi, including Soldiers, Gendarmes, *Interahamwe* and armed civilians to go to Cyanika Parish to kill the Tutsi there. Following **Laurent BUCYIBARUTA**'s orders and instigation, the attackers, using guns, grenades, and traditional weapons, went to Cyanika Parish and massacred thousands of Tutsi civilians. **Laurent BUCYIBARUTA** thus ordered, instigated and aided and abetted these killings.

Kaduha Parish:

33. At about 5.00 hours, on or about 21 April 1994, **Laurent BUCYIBARUTA** ordered and instigated soldiers, Gendarmes, *Interahamwe* and armed civilians to attack Kaduha Parish. As a result, a large group of attackers who were co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment, comprising soldiers, Gendarmes, *Interahamwe* and armed civilians, led by Colonel **SIMBA**, attacked Kaduha Parish using guns, grenades, and traditional weapons, and killed thousands of Tutsi civilians. Colonel **SIMBA**, provided the guns and ammunition used in this attack. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.

Gikongoro Prison:

34. On or about 22 April 1994, **Laurent BUCYIBARUTA**, accompanied by **Faustin SEBUHURA** went to Gikongoro prison and ordered the Chief Warden of the Prison, to produce a list of Tutsi prisoners to be killed. On the orders of **Laurent BUCYIBARUTA**, 250 Tutsi prisoners were killed by Hutu inmates that evening and their bodies loaded in a lorry from MINITRAP and transported to Murambi for burial in mass graves. **Laurent BUCYIBARUTA** thus ordered, instigated and aided and abetted these killings.

Ecole Des Filles De Kibeho:

35. On or about 7 May 1994, **Laurent BUCYIBARUTA** ordered and instigated Gendarmes, *Interahamwe* and Hutu civilians, co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment, to attack *Ecole des Filles de Kibeho*. The attackers used guns, grenades and traditional weapons, resulting in about 90 Pupils, mainly Tutsis, killed. **Laurent BUCYIBARUTA** thus committed, instigated and aided and abetted these killings.

Criminal Responsibility as a Superior

36. Pursuant to Article 6(3) of the Statute, the accused, **Laurent BUCYIBARUTA**, is responsible for the crimes of Genocide or Complicity in Genocide because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included all the *Sous-Préfets*, all the *Bourgmestres* of the *Communes* and all staff of the administrative services of the *Communes*, all *Conseillers* of Sectors and Chiefs of *Cellules*, all the heads of government services who were *ex-officio* members of the *Préfectoral* conference presided over by the *Préfet*, all the staff in the *Préfecture* administration, all the civil servants in the *Préfecture*, members of the armed forces, active and retired, gendarmerie and communal police, members of the *Interahamwe* in Gisenyi

Prefecture. The particulars of the acts of the subordinates are set forth in paragraphs 37 through 43.

37. **Laurent BUCYIBARUTA**, as *Prefet* of Gikongoro *Prefecture* in the period including January 1994 to about 17 July 1994, had authority and control over all civil servants and holders of public office in his *Prefecture* including soldiers, active and retired, *communal* policemen, gendarmes and *interahamwe* militia and was their superior. As such he had effective control over these employees and militia in the sense of having the power to prevent or punish their acts.

Kibeho

38. Between 11 April 1994 and 15 April 1994, Damien **Biniga**, *Sous-Préfet* of Munini, **Charles NYIRIDANDI**, *Bourgmestre* of Mubuga, **Emmanuel NTEZIRYAYO**, *Bourgmestre* of Mudasomwa, **Felicien SEMAKWAVU**, *Bourgmestre* of Nyamagabe and **Silas MUGERANGABO**, *Bourgmestre* of Rwamiko, who were subordinates of **Laurent BUCYIBARUTA**, led repeated attacks on Tutsi civilians in Kibeho Parish, supported by soldiers, gendarmes, policemen and a large groups of *Interahamwe* and armed civilians. As a result thousands of Tutsis were massacred. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Murambi

39. On or about 12 April 1994, **Faustin SEBUHURA**, captain of the Gendarmerie and **Frodouard HAVUGA**, *Sous-Prefet* of Gikongoro, who were subordinates of **Laurent BUCYIBARUTA**, set up roadblocks at Kabeza Trading Centre on the road to Murambi Technical School as well as at the entrance to the Murambi Technical School. At these roadblocks, many Tutsi civilians were killed from 12 April 1994 to 21 April 1994. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof

Cyanika

40. At about 07.00 hours on or about 21 April 1994, a large group of attackers comprising Soldiers, Gendarmes, *Interahamwe*, who were subordinates to **Laurent BUCYIBARUTA**, were joined by armed Hutu civilians in attacks on Tutsis at Cyanika Parish. The attackers used guns, grenades, and traditional weapons, and as a result, thousands of Tutsi civilians were massacred. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Kaduha

41. On or about 20 April 1994, Colonel **SIMBA**, a retired soldier and Coordinator for Civil Defence in Gikongoro and Butare Prefectures, who was a subordinate of **Laurent BUCYIBARUTA**, distributed guns and ammunition to Soldiers. These guns and ammunition were used in the killing of Tutsis in Kaduha Parish the next day. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.
42. At about 5.00 hours, on or about 21 April 1994, a large group of attackers comprising uniformed soldiers, national policemen, gendarmes and *interahamwe*, who were subordinates of **Laurent BUCYIBARUTA**, joined by armed civilians, attacked Kaduha Parish using guns, grenades and traditional weapons. The attack continued until about 17.00 hours, as a result of which thousands of Tutsis were killed. **Laurent BUCYIBARUTA** knew or had reason to

know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Ecoles de filles

43. In the morning on or about 7 May 1994, Gendarmes and *Interahamwe*, who were subordinates to **Laurent BUCYIBARUTA**, were joined by armed Hutu civilians in attacks on Tutsi pupils in the *Ecole des Filles de Kibeho*. As a result, about 90 Tutsi pupils were killed. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Count 4: EXTERMINATION as a CRIME AGAINST HUMANITY

The Prosecutor charges **Laurent BUCYIBARUTA** with **EXTERMINATION as a CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(b) of the Statute, in that from 1 January through 17 July 1994, in Gikongoro *Prefecture*, Rwanda, **Laurent BUCYIBARUTA** was responsible individually and through the acts of his subordinates, for the extermination, as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds, of persons who sought refuge at various locations including Kibeho, Murambi, Cyanika, Kaduha and at roadblocks throughout the *Prefecture*, as outlined in paragraphs 44 through 58.

CONCISE STATEMENT OF FACTS FOR COUNT 4

Individual Criminal Responsibility

44. Pursuant to Article 6(1) of the Statute, the accused, **Laurent BUCYIBARUTA**, 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 planning, preparation or execution of these crimes. With respect to the commission of those crimes, **Laurent BUCYIBARUTA** ordered those over whom he had effective control as a result of his position and authority described in paragraphs 2 through 5 above, and he instigated and aided and abetted those over whom he did not have effective control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of crimes against humanity against the Tutsi racial or ethnic group, and persons identified as Tutsis or presumed to support the Tutsis or to be politically opposed to "Hutu Power" in Gikongoro *Prefecture*, Rwanda on racial, ethnic or political grounds. To fulfill this criminal purpose, the accused acted with **Faustin SEBUHURA, Damien BINIGA, Joseph NTEGEYINTWALI, Frodouard HAVUGA, Aloys SIMBA, Felicien SEMAKWAVU, Emmanuel NTEZIRYAYO, Charles NYIRIDANDI, Silas MUGERANGABO, Celes SEMIGABO, Denys KAMODOKA, Juvenal NDABARINZI, Lt. Col RWAMANYA Augustin, Joachim HATEGEKIMANA, Charles MUNYANEZA**, and others, all such actions being taken either directly or through co-perpetrators, for at least the period of 1 January 1994 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 45 through 50.

Kibeho Parish:

45. Between 11 and 15 April 1994, **Laurent BUCYIBARUTA** ordered and instigated massive killings of Tutsi civilians in Kibeho Parish, by the *interahamwe*, armed civilians, policemen and soldiers, co-perpetrators in the joint criminal enterprise referred to in paragraph 44 of this indictment. Thousands of Tutsis were killed as a result from 11 to 15 April 1994 and by so doing, **Laurent BUCYIBARUTA** committed and aided and abetted their killing.

Murambi Technical School:

46. At about 03.00 hours on 21 April 1994, a major massacre was committed on Tutsis at Murambi Technical School, on the orders of **Laurent BUCYIBARUTA**. A large group of attackers comprising soldiers, Gendarmes, *Interahamwe* and armed civilians, co-perpetrators in the joint criminal enterprise referred to in paragraph 44 of this indictment, encircled and attacked and killed Tutsis in this location with heavy guns, arms, grenades, machetes, clubs and other traditional weapons, resulting in about 40.000 deaths. **Laurent BUCYIBARUTA** committed and aided and abetted these killings.

Cyanika Parish:

47. In the morning of 21 April 1994, during the attack on Murambi Technical School, **Laurent BUCYIBARUTA** ordered and instigated the attackers of Murambi, including Soldiers, Gendarmes, *Interahamwe* and armed civilians to go to Cyanika Parish to attack and kill the Tutsis who had taken refuge there. These attackers were the co-perpetrators in the joint criminal enterprise referred to in paragraph 44 of this indictment. Following **Laurent BUCYIBARUTA's** orders and instigation, the attackers, using guns, grenades, and traditional weapons, went to Cyanika Parish and massacred thousands of Tutsi civilians on 21 April 1994. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.

Kaduha Parish:

48. At about 5.00 hours, on or about 21 April 1994, a major massacre was committed on Tutsis in Kaduha Parish on the orders and instigation of **Laurent BUCYIBARUTA**. A large group of attackers comprising soldiers, Gendarmes, *Interahamwe* and armed civilians led by subordinates of **Laurent BUCYIBARUTA** including **Joachim HATEGEKIMANA** the *Sous Préfet* of Kaduha and Colonel **SIMBA**, Coordinator for Civil Defence for Gikongoro and Butare *Prefectures*, co-perpetrators in the joint criminal enterprise referred to in paragraph 44 of this indictment, attacked Kaduha Parish using guns, grenades, and traditional weapons, causing the deaths of thousands of Tutsi civilians. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.

Gikongoro Prison:

49. In the evening on or about 22 April 1994, following **Laurent BUCYIBARUTA's** orders and instigation, a group of Hutu prisoners, co-perpetrators in the joint criminal enterprise referred to in paragraph 44 of this indictment, armed with traditional weapons they had brought from the Murambi massacre site, attacked and killed all the Tutsi Prisoners in Gikongoro Prison. About 250 Tutsi Prisoners were killed that evening. The following morning, their bodies were loaded in a lorry from MINITRAP and transported to Murambi for burial in mass graves. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.

Ecole Des Filles De Kibeho:

50. On or about 7 May 1994, **Laurent BUCYIBARUTA** ordered and instigated Gendarmes, *Interahamwe* and Hutu civilians, co-perpetrators in the joint criminal enterprise referred to in paragraph 22 of this indictment, to attack *Ecole des Filles de Kibeho*. The attackers used guns, grenades and traditional weapons, resulting in about 90 Pupils, mainly Tutsis, killed. **Laurent BUCYIBARUTA** thus committed, instigated and aided and abetted these killings.

Criminal Responsibility as a Superior

51. Pursuant to Article 6(3) of the Statute, the accused, **Laurent BUCYIBARUTA**, is responsible for the crime of Extermination as a crime against humanity because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included all the *Sous-Préfets*, all the *Bourgmestres* of the *Communes* and all staff of the administrative services of the *Communes*, all *Conseillers* of Sectors and Chiefs of *Cellules*, all the heads of government services who were ex-officio members of the *Préfectoral* conference presided over by the *Préfet*, all the staff in the Prefecture administration, all the civil servants in the *Préfecture*, members of the armed forces, active and retired, gendarmerie and communal police, members of the *Interahamwe*, in Gisenyi Prefecture. The particulars of the acts of the subordinates are set forth in paragraphs 52 through 58.
52. **Laurent BUCYIBARUTA**, as *Prefet* of Gikongoro Prefecture in the period including January 1994 to about 17 July 1994, had authority and control over all civil servants and holders of public office in his Prefecture including Soldiers, active and retired, *Communal* Policemen, Gendarmes and *Interahamwe* militia and was their superior. As such he had effective control over these employees and militia in the sense of having the power to prevent or punish their acts.

Kibeho

53. Between 11 April 1994 and 15 April 1994, Damien **Biniga**, *Sous-Préfet* of Munini, **Charles NYIRIDANDI**, *Bourgmestre* of Mubuga, **Emmanuel NTEZIRYAYO**, *Bourgmestre* of Mudasomwa, **Felicien SEMAKWAVU**, *Bourgmestre* of Nyamagabe and **Silas MUGERANGABO**, *Bourgmestre* of Rwamiko, who were subordinates of **Laurent BUCYIBARUTA**, led repeated attacks on Tutsi civilians in Kibeho Parish, supported by soldiers, gendarmes, policemen and a large groups of *Interahamwe* and armed civilians. As a result thousands of Tutsis were massacred. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Murambi

54. On or about 12 April 1994, **Faustin SEBUHURA**, captain of the Gendarmerie and **Frodouard HAVUGA**, *Sous-Préfet* of Gikongoro, who were subordinates of **Laurent BUCYIBARUTA**, set up roadblocks at Kabeza Trading Centre on the road to Murambi Technical School as well as at the entrance to the Murambi Technical School. At these roadblocks, many Tutsi civilians were killed from 12 April 1994 to 20 April 1994. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Cyanika

55. At about 07.00 hours on or about 21 April 1994, a large group of attackers comprising Soldiers, Gendarmes, *Interahamwe*, who were subordinates to **Laurent BUCYIBARUTA**, were joined by armed Hutu civilians in attacks on Tutsis at Cyanika Parish. The attackers used guns, grenades, and traditional weapons, and as a result, thousands of Tutsi civilians were massacred. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Kaduha

56. On or about 20 April 1994, Colonel **SIMBA**, a retired soldier and Coordinator for Civil Defence in Gikongoro and Butare Prefectures, who was a subordinate of **Laurent BUCYIBARUTA**, distributed guns and ammunition to Soldiers. These guns and ammunition were used in the killing of Tutsis in Kaduha Parish the next day. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.
57. At about 5.00 hours, on or about 21 April 1994, a large group of attackers comprising uniformed soldiers, national policemen, gendarmes and *interahamwe*, who were subordinates of **Laurent BUCYIBARUTA**, joined by armed civilians, attacked Kaduha Parish using guns, grenades and traditional weapons. The attack continued until about 17.00 hours, as a result of which thousands of Tutsis were killed. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Ecoles de filles

58. In the morning on or about 7 May 1994, Gendarmes and *Interahamwe*, who were subordinates to **Laurent BUCYIBARUTA**, were joined by armed Hutu civilians in attacks on Tutsi pupils in the *Ecole des Filles de Kibeho*. As a result, about 90 Tutsi pupils were killed. **Laurent BUCYIBARUTA** knew or had reason to know of the killings and failed or refused to take necessary or reasonable measures to prevent the killings or to punish the perpetrators thereof.

Count 5: MURDER as a CRIME AGAINST HUMANITY

The Prosecutor charges **Laurent BUCYIBARUTA** with **MURDER as a CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(a) of the Statute, in that from 1 January through 17 July 1994, in Gikongoro Prefecture, Rwanda, **Laurent BUCYIBARUTA** is responsible individually and through the acts of his subordinates, for the murder as part of a widespread or systematic attacks against the civilian population, on political, ethnic or racial grounds, of persons within Gikongoro town and Gikongoro prison, as outlined in paragraphs 59 through 61.

CONCISE STATEMENT OF FACTS FOR COUNT 5

Individual Criminal Responsibility

59. Pursuant to Article 6(1) of the Statute, the accused, **Laurent BUCYIBARUTA**, is individually responsible for the crime of **MURDER as a crime against humanity** because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of this crime. With respect to the commission of this crime, **Laurent BUCYIBARUTA** ordered those over whom he had effective control as a result of his position and authority described in paragraphs 2 through 5 above, and he instigated and aided and abetted those over whom he did not have effective control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of crimes against humanity against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support the Tutsis or to be politically opposed to "Hutu Power" in Gikongoro Prefecture, Rwanda, on racial, ethnic or political grounds. To fulfill this criminal purpose, the accused acted with **Faustin SEBUHURA**, **Damien BINIGA**, **Joseph NTEGEYINTWALI**, **Frodouard HAVUGA**, **Aloys SIMBA**, **Felicien SEMAKWAVU**, **Emmanuel NTEZIRYAYO**, **Charles NYIRIDANDI**, **Silas MUGERANGABO**, **Celes SEMIGABO**, **Denys KAMODOKA**, **Juvenal NDABARINZI**, **Lt. Col RWAMANYA Augustin**, **Joachim HATEGEKIMANA**, **Charles MUNYANEZA**, and others, all such actions being taken either directly or through co-perpetrators, for at least the period of 1 January 1994 through 17 July 1994. The

particulars that give rise to his individual criminal responsibility are set forth in paragraphs 60 through 61.

Gendarmerie Barracks Gikongoro

60. On or about 20 April 1994, in the barracks of the *Gendarmerie* in Gikongoro Town, **Laurent BUCYIBARUTA** was present when a Tutsi Gendarme, NDAGIJIMANA was ordered by **SEBUHURA**, a co-perpetrator in the joint criminal enterprise referred to in paragraph 59 of this indictment, to be arrested and brought to the barracks to be killed as part of the campaign to eliminate all Tutsis. The Gendarme was arrested and subsequently killed behind the barracks for the sole reason that he was Tutsi. By acquiescing in the arrest order, **Laurent BUCYIBARUTA** aided and abetted the murder of the Tutsi gendarme, NDAGIJIMANA. **Laurent BUCYIBARUTA** thus aided and abetted this murder.

Gikongoro Prison

61. On or about 23 April 1994, in Gikongoro Prison, **Laurent BUCYIBARUTA** ordered Hutu prisoners, co-perpetrators in the joint criminal enterprise referred to in paragraph 59 of this indictment, to kill three Tutsi priests, Padre KANIZIO, Padre RENE and another priest whose name is unknown. They were killed by Hutu prisoners using clubs. **Laurent BUCYIBARUTA** thus committed and aided and abetted these killings.

Count 6: RAPE as a CRIME AGAINST HUMANITY

The Prosecutor charges **Laurent BUCYIBARUTA** with **RAPE as a CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(g) of the Statute, in that from 1 January through 17 July 1994, in Gikongoro *Prefecture*, Rwanda, **Laurent BUCYIBARUTA** is responsible individually and through the acts of his subordinates, for rape as part of a widespread or systematic attacks against the civilian population, on political, ethnic or racial grounds, of females within Gikongoro *Prefecture*, notably in Murambi, Uwabahima and Kibeho, as outlined in paragraphs 62 through 75.

CONCISE STATEMENT OF FACTS FOR COUNT 6

Individual Criminal Responsibility

62. Pursuant to Article 6(1) of the Statute, the accused, **Laurent BUCYIBARUTA**, is individually responsible for the crime of RAPE as a crime against humanity because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of this crime. With respect to the commission of this crime, **Laurent BUCYIBARUTA** ordered those over whom he had effective control as a result of his position and authority described in paragraphs 2 through 5 above and he instigated and aided and abetted those over whom he did not have effective control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of crimes against humanity against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support the Tutsis or to be politically opposed to "Hutu Power" in Gikongoro *Prefecture*, Rwanda, on racial, ethnic or political grounds. To fulfill this criminal purpose, the accused acted with **Faustin SEBUHURA**, **Damien BINIGA**, **Joseph NTEGEYINTWALI**, **Frodouard HAVUGA**, **Aloys SIMBA**, **Felicien SEMAKWAVU**, **Emmanuel NTEZIRYAYO**, **Charles NYIRIDANDI**, **Silas MUGERANGABO**, **Celes SEMIGABO**, **Denys KAMODOKA**, **Juvenal NDABARINZI**, **Lt. Col RWAMANYA Augustin**, **Joachim HATEGEKIMANA**, **Charles MUNYANEZA**, and others, all such actions being taken either directly or through co-perpetrators, for at least the period of 1 January 1994 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 63 through 64.

Murambi

63. On or about 12 April 1994, **Laurent BUCYIBARUTA** ordered and instigated the setting up of roadblocks by soldiers, the *interahamwe* and armed civilians, co-perpetrators in the joint criminal enterprise referred to in paragraph 62 of this indictment. At these roadblocks, Tutsi women and girls were repeatedly raped by soldiers, the *interahamwe* and armed civilians. At Murambi, these roadblocks were set up at Kabeza Trading centre on the road to Murambi Technical School as well as at the entrance to the Murambi Technical School. **Laurent BUCYIBARUTA** thus committed and aided and abetted these rapes.

Ecole Des Filles De Kibeho:

64. On or about 7 May 1994, **Laurent BUCYIBARUTA** ordered and instigated the attack on *Ecole des Filles de Kibeho* by Gendarmes, *Interahamwe* and Hutu civilians, during which many Tutsi girls were raped by the attackers. **Laurent BUCYIBARUTA** thus ordered, instigated and aided and abetted these rapes.

Criminal Responsibility as a Superior

65. Pursuant to Article 6(3) of the Statute, the accused, **Laurent BUCYIBARUTA**, is responsible for the crime of RAPE as a crime against humanity because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included all the *Sous-Préfets*, all the *Bourgmestres* of the *Communes* and all staff of the administrative services of the *Communes*, all *Conseillers* of Sectors and Chiefs of *Cellules*, all the heads of government services who were ex-officio members of the *Préfectoral* conference presided over by the *Préfet*, all the staff in the Prefecture administration, all the civil servants in the *Préfecture*, members of the armed forces, active and retired, gendarmerie and communal police, members of the *Interahamwe* in Gisenyi *Prefecture*. The particulars of the acts of the subordinates are set forth in paragraphs 66 through 75.

Murambi

66. On or about 12 April 1994, **Faustin SEBUHURA**, Captain of the Gendarmerie and **Frodouard HAVUGA**, *Sous-Prefet* of Gikongoro, who were subordinates of **Laurent BUCYIBARUTA**, supervised the setting up of roadblocks by soldiers, the *interahamwe* and armed civilians at Kabeza Trading centre on the road to Murambi Technical School as well as at the entrance to the Murambi Technical School, at which many Tutsi women and girls were raped. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.
67. On a date in mid-April 1994, armed *interahamwe* in Gikongoro, who were subordinates of **Laurent BUCYIBARUTA**, took BIF-1 to the *Bureau Communal* of Murambi and raped her. BIF-1 escaped and hid near Mwego River, until Hutu *interahamwe* men manning the roadblocks nearby, found her with BIF-1's cousin called E, and another women (name unknown). The three women were taken back to the *Bureau Communal* of Murambi, where BIF-1 was raped by about twenty of these *interahamwe* men. One of the women (name unknown) was killed with a club, and E was raped and then killed with a sword. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

Ecole Des Filles De Kibeho:

68. On or about 7 May 1994, Gendarmes, *Interahamwe* and Hutu civilians, who were subordinates of **Laurent BUCYIBARUTA**, using guns, grenades and traditional weapons, attacked *Ecole des Filles de Kibeho* and raped many Tutsi girls during this attack. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

Munyinya

69. On or about 16 April 1994 a group of young *Interahamwe* men, who were subordinates of **Laurent BUCYIBARUTA**, including **RUNYURANA** went to the home of BFT-1 and raped her. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

Nzega

70. On or about 20 April 1994 a group of ten *Interahamwe*, including **Daniel** (last name unknown) and **NZABANDORA**, who were subordinates of **Laurent BUCYIBARUTA**, went to the home of BIG-1 and raped her in front of her children. Shortly after this group of *Interahamwe* had left the home of BIG-1, the leader of the *Interahamwe*, **HARUNA**, who was a subordinate of **Laurent BUCYIBARUTA**, returned to the home of BIG-1 and raped her. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

Uwabahima

71. On or about 20 April 1994 a group of *interahamwe*, including **Vianney NDINDABAHIZI**, **Gakwandi DAMIEN** and **Ndayisaba RWAGASORE**, who were subordinates of **Laurent BUCYIBARUTA**, chased BIH-1 as she walked to her sister's home and beat and raped her. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

72. Between 10 April to 27 April 1994 a group of *interahamwe*, including **SABUHORU**, **MUSEVENI**, **SEKAMANA**, **NDANGAMIRA**, **NSENGIMANA**, **KATABIRORO**, **TWAHIRWA**, **RWAGASORE**, **CYAMUSANGANYE**, **Jean KATABIRARA**, **BIGUMAHO**, and **YOFES**, who were subordinates of **Laurent BUCYIBARUTA**, came to the home of BII-1, took her to a trench approximately 30 metres from her home and raped her. At the same time, this group of *interahamwe*, also took BIJ-1 and BIK-1 from their Aunt BII-1's home, to a pit behind the house, and raped both of them. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

73. On or about 10 April 1994, a group of *interahamwe*, including **TWAGIRAMUKIZA**, who were subordinates of **Laurent BUCYIBARUTA**, came to the home of BIL-1 and beat and raped her. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

74. On an unknown date about end of May 1994, a group of *interahamwe*, including **NTAKIRUTIMANA**, **NDEKEKZI**, **KATABIRORO**, **NBANDA**, **MUSEVENI**, **SEBUHORU** and others attacked and looted the house of BIM's father. While the looting was going on, one of the attackers (name unknown to witness) seized the witness and raped her, alleging that BIM had earlier refused to marry a Hutu. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

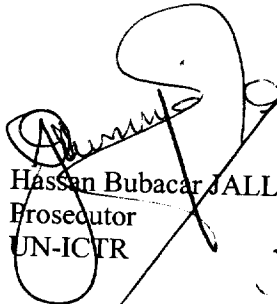
Rwigoma

75. On an unknown date in about mid-June 1994, **Nzamura** **HAMUDUNI**, an *interahamwe*, raped BIE-1 while two other *interahamwe* men, including **NKURUNZIZA**, who were subordinates of **Laurent BUCYIBARUTA**, beat BIE-1 on the head with clubs. **Laurent BUCYIBARUTA** knew or had reason to know of these rapes and failed or refused to take reasonable measures to prevent the rapes or to punish the perpetrators thereof.

The acts and omissions of **Laurent BUCYIBARUTA** detailed herein are punishable pursuant to Articles 22 and 23 of the Statute.

ARUSHA, Tanzania, this 16 day of JUNE 2005.

For



Hassan Bubacar JALLOW
Prosecutor
UN-ICTR



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: | <input type="checkbox"/> Trial Chamber I N. M. Diallo | <input type="checkbox"/> Trial Chamber II R. N. Kouambo | <input type="checkbox"/> Trial Chamber III C. K. Hometowu | <input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon |
| | <input type="checkbox"/> Chief, CMS J.-P. Fomété | <input checked="" type="checkbox"/> Deputy Chief, CMS M. Diop | <input checked="" type="checkbox"/> Chief, JPU, CMS M. Diop | <input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande |
| From: | <input type="checkbox"/> Chamber (names) | <input type="checkbox"/> Defence (names) | <input checked="" type="checkbox"/> Prosecutor's Office AMINA IBRAHIM (names) | <input type="checkbox"/> Other: (names) |
| Case Name: | The Prosecutor vs. L.BUCYIBARUTA | | | Case Number: ICTR-2005-85-I |
| Dates: | Transmitted: 16.06.2005 | | Document's date: 15.06.2005 | |
| No. of Pages: | 19 | Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda | | |
| Title of Document: | INDICTMENT | | | |
| Classification Level: | | TRIM Document Type: | | |
| <input checked="" type="checkbox"/> Strictly Confidential / Under Seal | | <input checked="" type="checkbox"/> Indictment | <input type="checkbox"/> Warrant | <input type="checkbox"/> Correspondence |
| <input type="checkbox"/> Confidential | | <input type="checkbox"/> Decision | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Public | | <input type="checkbox"/> Disclosure | <input type="checkbox"/> Order | <input type="checkbox"/> Appeal Book |
| | | <input type="checkbox"/> Judgement | <input checked="" type="checkbox"/> Motion | <input type="checkbox"/> Book of Authorities |
| | | <input type="checkbox"/> Submission from non-parties | | |
| | | <input checked="" type="checkbox"/> Submission from parties | | |
| | | <input type="checkbox"/> Accused particulars | | |

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

| | | | | |
|-------------|----|----------------------------------|---------------------------------|--------------------------------------|
| Original | in | <input type="checkbox"/> English | <input type="checkbox"/> French | <input type="checkbox"/> Kinyarwanda |
| Translation | in | <input type="checkbox"/> English | <input type="checkbox"/> French | <input type="checkbox"/> Kinyarwanda |

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

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| <input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax: | <input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax: |
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

| | | |
|---------------------------------------|-----------------|---|
| <input type="checkbox"/> Top priority | COMMENTS | <input type="checkbox"/> Required date: |
| <input type="checkbox"/> Urgent | | <input type="checkbox"/> Hearing date: |
| <input type="checkbox"/> Normal | | <input type="checkbox"/> Other deadlines: |