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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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Case No. ICTR-2005-88-I

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THE PROSECUTOR

v.

CALLIXTE KALIMANZIRA

INDICTMENT

Filed on 21 July 2005

I. The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to his authority under Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the “Statute”), charges:

Callixte Kalimanzira with the crimes set forth below:

- I. **GENOCIDE**, pursuant to Article 2(3)(a) and Article 6(1) of the Statute or, in the alternative;
- II. **COMPLCITY IN GENOCIDE**, pursuant to Article 2(3)(e) and Article 6(1) of the Statute;
- III. **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, pursuant to Article 2(3)(c) and Article 6(1) of the Statute.

II. The Accused:

1. **Callixte Kalimanzira** was born in 1953 in Muganza *commune*, Butare *préfecture*, Republic of Rwanda. He was trained as an agronomist and held several top posts in the Government.
2. During the events referred to in this Indictment, **Callixte Kalimanzira** was a very close ally of President Théodore Sindikubwabo and Prime Minister Jean Kambanda he being a native of their province and a member of the same party as President Sindikubwabo and, in addition, one of a very few senior civil servants from the province.

He was a senior civil servant who had held the following positions:

- (i) *Sous-préfet* of Butare and of Byumba;
- (ii) Co-ordinator of Agricultural services at the Kigali *préfecture*;
- (iii) Director of the Rural Development Section at the Presidency of the Republic;
- (iv) Secretary General of the Ministry of the Interior;
- (v) *Chef de cabinet*, Ministry of the Interior, a position he kept under the Interim Government. Between 6 April and 25 May, he was the acting Minister of the Interior;
- (vi) Prominent member of the *Mouvement républicain national pour le développement* (MRND); and
- (vii) consequently, exercised in Butare *préfecture*, *de jure* and *de facto* authority over *bourgmestres*, *conseillers de secteur*, *cellule* officials, the *nyumbakumi* (head of each group of 10 houses), administrative staff, gendarmes, communal police, the *Interahamwe*, militiamen and civilians, in that he could order these

persons to commit or refrain from committing unlawful acts and discipline or punish them for their unlawful acts or omission.

III. CHARGES AND CONCISE STATEMENT OF FACTS

3. Butare *préfecture* is situated in the south of Rwanda and stretches up to its border with Burundi. In 1994, it was noted for its dense Tutsi population. Politically, it was a stronghold of the *Parti Libéral* (PL), which was opposed to MRND. For that reason, in particular, the *Interahamwe* were unable to establish a foothold in the area. In early April, its *préfet*, Jean Baptiste Habyalimana, a Tutsi and pro-PL, publicly opposed the massacres.

4. During the entire period referred to in this Indictment, there was in Rwanda a minority racial or ethnic group known as “Tutsi” and officially identified as such by the Rwandan authorities. The majority of Rwanda’s population was composed of a racial or ethnic group known as “Hutu”, also officially identified as such by the Rwandan authorities.

5. Between 6 April and 17 July 1994, throughout Rwanda and in Butare *préfecture*, in particular, *Interahamwe* militiamen, communal police, gendarmes, soldiers of the Rwandan Armed Forces (FAR) and armed civilians targeted and attacked members of a civilian population identified as belonging to the Tutsi ethnic or racial group or considered as sympathizing with the Tutsi. During the attacks, some Rwandans killed persons they suspected of belonging to the Tutsi ethnic group or caused them serious bodily or mental harm. These attacks resulted in the death of a large number of persons identified as members of the Tutsi ethnic or racial group.

COUNT 1: GENOCIDE

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Callixte Kalimanzira** with **GENOCIDE**, a crime provided for in Article 2(3)(a) of the Statute of the Tribunal, in that between 1 January 1994 and 31 December 1994, **Callixte Kalimanzira** was responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic or racial group as such.

OR, IN THE ALTERNATIVE,

COUNT 2: COMPLICITY IN GENOCIDE

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Callixte Kalimanzira** with **Complicity in Genocide**, a crime provided for in Article 2(3)(e) of the Statute in that between 1 January 1994 and 31 December 1994, **Callixte Kalimanzira** was an accomplice to the killing or in causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic or racial group as such.

CONCISE STATEMENT OF FACTS FOR COUNTS 1 AND 2

Individual criminal responsibility

6. **Callixte Kalimanzira** is individually responsible, pursuant to Article 6(1) of the Statute, for the crime of genocide or complicity in genocide in that he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or commission of the crimes. Moreover, **Callixte Kalimanzira** used his position as described in section II above (under the heading “The Accused”) to incite and order persons under his authority to commit the crimes alleged in this Indictment. The particulars of the crime for which he incurs individual criminal responsibility are set out in paragraphs 7 to 17 below.

Presence and movement of the Accused in Butare préfecture after 6 April 1994 to instigate and supervise the genocide

7. In launching the massacre of Tutsi in Butare *préfecture*, President Théodore Sindikubwabo, along with a powerful delegation of Interim Government dignitaries, travelled to Butare on 19 April 1994 to incite the population to commit genocide. As the Minister of the Interior was absent, **Callixte Kalimanzira**, *Chef de cabinet*, Ministry of the Interior, served as master of ceremonies at the meeting of the Interim Government officials and the people. He gave the floor to participants, who incited the people to kill Tutsi as was already being done in other *préfectures*. The inflammatory speeches delivered by Government officials during the meetings in respect of which **Callixte Kalimanzira** showed no disapproval, triggered the massacre of thousands of Tutsi in Butare *préfecture*. By so doing, **Callixte Kalimanzira** aided and abetted the massacre of Tutsi which occurred afterwards.

8. Between April and mid-July 1994, **Callixte Kalimanzira** visited Butare on several occasions, together with senior Interim Government dignitaries, including President Théodore Sindikubwabo, Prime Minister Jean Kambanda and the Minister for Family and Women’s Affairs, Pauline Nyiramasuhuko, as well as senior local Government officials, such as the *préfet*, Alphonse Nteziryayo, and high-ranking officers of the Rwandan Armed Forces (FAR), including Tharcisse Muvunyi. The purpose of the visits, in which **Callixte Kalimanzira** participated, was to sensitize the population to the Government’s policy and incite them to kill the Tutsi. The visits resulted in the killing of thousands of Tutsi in Butare *préfecture*.

Callixte Kalimanzira’s involvement in the killings on Kabuye hill, Ndora commune, Kisagara secteur

9. On or about 23 April 1994, thousands of Tutsi civilians gathered on Kabuye hill, located in Ndora *commune*. **Callixte Kalimanzira** personally encouraged them to take refuge on the hill, promising them protection and food. Instead of being protected, they were attacked and killed by the Hutu with the full knowledge of and in the presence of **Callixte Kalimanzira**. In fact, **Callixte Kalimanzira** personally sought communal police and military reinforcement to assist in the attack. Thousands of Tutsi were killed on Kabuye hill.

10. On or about 23 April 1994, at the time of the attacks at Kabuye hill, **Callixte Kalimanzira** discussed the progress of the killings at the hill with such local authorities as *Sous-Préfet* Dominique Ntawukuriryayo, Fidèle Uwizeye and Bernadette Mukarurangwa, Member of Parliament, in front of *Bourgmestre* Fidèle Uwizeye's house. Having realized that the attackers had not been able to exterminate all the people gathered on the hill because they were too many, they decided to go to the site and supervise the operations. Thus, **Callixte Kalimanzira** personally supervised the attacks against the Tutsi who had gathered on Kabuye hill, resulting in the death of thousands of Tutsi.

Callixte Kalimanzira's involvement in the killings at the roadblock erected at Buzana river and at Mwirango

11. In late April 1994, about 100 Tutsi women, men and children were led by **Callixte Kalimanzira** to a roadblock at River Buzana, at the border of the Ngoma and Nyaruhengeri *communes*. **Callixte Kalimanzira** was accompanied by Colonels Tharcisse Muvunyi and Alphonse Nteziryayo and a military escort. Many of the Tutsi being escorted were seriously wounded, particularly, at the Achilles heel. **Callixte Kalimanzira** decided that the Tutsi who could no longer continue the journey should be finished off on the spot, at the roadblock, and ordered that the rest of the Tutsi be killed a few kilometres further away, at Mwirango. **Callixte Kalimanzira** supervised the elimination on the spot of Tutsi who were too weak to continue the journey. In fact, he personally beat some Tutsi to death. The remaining Tutsi were led to Mwirango, where about 50 of them were killed on his orders.

Other incitement to kill Tutsi followed by killings

12. On or about 5 June 1994, **Callixte Kalimanzira**, together with Colonel Tharcisse Muvunyi and some soldiers, went to Gasagara centre, Muganza *secteur*. He incited the people to eliminate the Tutsi, including those who were still in their mothers' wombs. Later, in a speech to the public at the Gikondo *commune* office, he stated that all Tutsi who were still alive, including women, young girls, the elderly and children, had to be killed. As a result of the incitement, several women and young girls were killed.

13. In early May 1994, **Callixte Kalimanzira** stopped at a roadblock located at the Kibilizi *Secteur* and told those who were manning it to be discreet in their hunt for the Tutsi as foreigners were monitoring events in Rwanda. He also asked them to completely destroy all the houses of Tutsi without leaving a trace and to tell the Tutsi that peace had been restored so that they should come out of hiding.

14. On or about 5 June 1994, **Callixte Kalimanzira** addressed the Hutu population at the Gikondo *commune* office, stressing that all Tutsi who were still alive, including women, young girls, the elderly and children had to be killed because, if RPF won the war, they would, as potential witnesses, be the ones to denounce the killers. Immediately after the meeting, two old women and eight young girls were killed. They were: Mukamazimpaka, Salafina Nyaraneza, Mukaruyonza and her mother, Nyaramisago, Goretha Umubeyeyi, Anasthasia Nakabonye, Apolinarai and Kimonyo's two daughters. Additionally, 10 to 15

Tutsi children were also killed following **Callixte Kalimanzira's** order to the Hutu population.

Call for the erection of roadblocks, supervision of roadblocks, call on the population to arm themselves in order to kill the Tutsi

15. Between mid-April and late June 1994, **Callixte Kalimanzira** incited the population to erect roadblocks in order to eliminate the Tutsi. He was often personally present at the roadblocks to supervise their operations. Many Tutsi were killed at the roadblocks erected on the instructions of **Callixte Kalimanzira** and supervised by him.

Callixte Kalimanzira's involvement in the distribution of weapons

16. Two days after President Juvénal Habyarimana's death, **Callixte Kalimanzira** went to Kigembe *commune* in a vehicle carrying a carton loaded with machetes, which he handed over to Bonaventure Nkundabakora, reminding him that he had fulfilled his promise to bring him weapons. The machetes provided by **Callixte Kalimanzira** were used to kill Tutsi. Moreover, **Callixte Kalimanzira** periodically replenished the stock of bladed weapons at the Muganza *commune* office. The weapons were distributed to the population under **Callixte Kalimanzira's** supervision and used to kill the Tutsi.

Callixte Kalimanzira's involvement in training members of the population in the handling of weapons

17. In May 1994, a public rally was held at the Muganza *commune* football field for the purpose of training people to handle weapons. **Callixte Kalimanzira**, Chrysologue Bimenyimana, the *Bourgmestre* of Muganza, and Alphonse Nteziryayo, the *préfet* of Butare, were present at the training session. **Callixte Kalimanzira** personally demonstrated to participants how to shoot arrows. Those who were trained to use weapons under **Callixte Kalimanzira's** supervision subsequently took part in the killing of Tutsi in the area.

COUNT 3: DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Callixte Kalimanzira with direct and public incitement to commit genocide**, a crime provided for in Article 2(3)(c) of the Statute of the Tribunal in that between 1 January 1994 and 17 July 1994, **Callixte Kalimanzira** incurred responsibility for directly and publicly inciting people, including local Government officials, communal police, the *Interahamwe*, gendarmes, soldiers and civilians to participate in killing or in causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic or racial group as such.

CONCISE STATEMENT OF FACTS FOR COUNT 3

Individual criminal responsibility

18. **Callixte Kalimanzira** is individually responsible, pursuant to Article 6(1) of the Statute, for the crime of direct and public incitement to commit genocide in that he planned, instigated, ordered to commit or otherwise aided and abetted in the planning, preparation or commission of crimes. The particulars of the crime for which he incurs individual criminal responsibility are set out in paragraphs 19-27 below.

19. In late March 1994, local Government officials held a meeting at the Gisagara commercial centre in Nyamigango *cellule*, Gisagara *secteur*, Ndora *commune*. At the meeting, **Callixte Kalimanzira** took the floor to incite the people to arm themselves and prepare to fight the “enemy.” He also encouraged those who could manufacture traditional weapons to do so. Furthermore, he promised to supply with firearms to the people.

20. On or about 9 April 1994, a meeting was held in Kanage *cellule*, Mukindo *secteur*, Kibayi *commune*. At that meeting, **Callixte Kalimanzira** told Burundian refugees that the Interim Government had confidence in them, that President Juvénal Habyarimana had taken care of them and that President Théodore Sindikubwabo would behave in a similar manner; he also told them that it was the same enemy who chased them from Burundi who was responsible for the death of Presidents Habyarimana and Ntaryamira. He then appealed to them not to leave the country, stating that the reason for his coming was to bring them traditional weapons with which to defend themselves against the “enemy.”

21. On or about mid-April 1994, **Callixte Kalimanzira**, together with three soldiers, went to the Jaguar roadblock located in front of the Gisagara Catholic Church and gave a rifle to Marcel Ntirusekanwa who was in charge of the roadblock. **Callixte Kalimanzira** told Marcel Ntirusekanwa that the gun was to be used to kill the Tutsi.

22. On or about late April 1994, **Callixte Kalimanzira** appeared at a roadblock located at the border between Muganza/Remera *secteurs* and the Kirarambogo junction in a vehicle with gendarmes. He reminded those manning the roadblock that they had to carry weapons and kill Tutsi. On that occasion, **Callixte Kalimanzira** slapped someone because he was not carrying a weapon, forced another unarmed person into his vehicle and headed for Gisagara.

23. On or about late April and early May 1994, **Callixte Kalimanzira** attended a public meeting held at the Nyabisagara football field in Kabgayi *commune*. At the meeting, speakers, including Kalimanzira, thanked the Hutu for the efforts they had made to eliminate the Tutsi.

24. On or about late April and early May 1994, a few days after the public meeting at the Nyabisagara football field in Kabgayi *commune* referred to in paragraph 23 above, **Callixte Kalimanzira** went to the Ramiko primary school and congratulated the people present on “the work” that had been done. He also urged them to remain vigilant and continue to carry weapons and eliminate the Tutsi.

25. In May 1994, **Callixte Kalimanzira** stopped at a roadblock located at a place called Sakindi, in Kibinzi *secteur*. Several armed persons were manning the roadblock. **Callixte Kalimanzira** told them that they should kill the Tutsi discretely, destroy their houses and plant banana trees in the locations where the houses used to stand so no traces would be left for foreigners to see. He further urged them to tell the Tutsi who were in hiding that peace had been restored so they should come out of hiding. This was simply a ploy to locate and kill them.

26. In May 1994, **Callixte Kalimanzira** appeared at a roadblock in a pick-up with armed soldiers. He got out of the vehicle and encouraged those manning the roadblock to continue the identity check of everyone and to keep searching for the Tutsi enemy. On that same occasion, he questioned a motorcyclist who was going through an identity check at the roadblock and whose identify card bore the label "Hutu", criticizing him for not carrying a weapon with which to kill the Tutsi in spite of the instructions issued to that effect.

27. Between mid-April and June 1994, **Callixte Kalimanzira** checked if everyone was carrying a weapon with which to kill the Tutsi and did not hesitate to warn, assault and even threaten to severely punish those who failed to carry a weapon. On or about late April and early May 1994, **Callixte Kalimanzira** hit a Hutu with a club, criticizing him for not carrying a weapon with which to kill the Tutsi.

Arusha, Tanzania

Date:

Hassan Bubacar Jallo
Prosecutor

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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)

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From:	☐ Chamber (names)	☐ Defence (names)	☒ Prosecutor's Office AMINA IBRAHIM (names)	☐ Other: (names)
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☐ 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				
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

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