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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE No: ICTR-96-3-I

THE PROSECUTOR OF THE TRIBUNAL
AGAINST
GEORGES ANDERSON NDERUBUMWE RUTAGANDA

INDICTMENT

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA

CASE NO: ICTR-96-3-1

THE PROSECUTOR OF
THE TRIBUNAL

AGAINST

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

INDICTMENT

The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to his authority under Article 17 of the Statute of the Tribunal charges:

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

with **GENOCIDE, CRIMES AGAINST HUMANITY and VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS**, as set forth below:

Background

1. On April 6, 1994, a plane carrying President Juvenal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed at Kigali airport, killing all on board. Following the deaths of the two Presidents, widespread killings, having both political and ethnic dimensions, began in Kigali and spread to other parts of Rwanda.

The Accused

2. **Georges RUTAGANDA**, born in 1958 in Masango commune, Gitarama prefecture, was an agricultural engineer and businessman; he was general manager and proprietor of Rutaganda SARL. **Georges RUTAGANDA** was also a member of the National and Prefectoral Committees of the *Mouvement Républicain National pour le Développement et la Démocratie* (hereinafter, "MRND") and a shareholder of *Radio Télévision Libre des Mille Collines*. On April 6, 1994, he was serving as the second vice president of the National Committee of the Interahamwe, the youth militia of the MRND.

General Allegations

3. Unless otherwise specified, all acts set forth in this indictment took place between 1 January 1994 and 31 December 1994 in the prefectures of Kigali and Gitarama, territory of Rwanda.

4. In each paragraph charging genocide, a crime recognized by Article 2 of the Statute of the Tribunal, the alleged acts were committed with intent to destroy, in whole or in part, a national, ethnical or racial group.

5. The victims in each paragraph charging genocide were members of a national, ethnical, racial or religious group.

6. In each paragraph charging crimes against humanity, crimes punishable by Article 3 of the Statute of the Tribunal, the alleged acts were committed as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

7. At all times relevant to this indictment, a state of internal armed conflict existed in Rwanda.

8. The victims referred to in this indictment were, at all relevant times, persons taking no active part in the hostilities.

9. The accused is individually responsible for the crimes alleged in this indictment. Under Article 6(1) of the Statute of the Tribunal, individual criminal responsibility is attributable to one who plans, instigates, orders, commits or otherwise aids and abets in the planning, preparation or execution of any of the crimes referred to in Articles 2 to 4 of the Statute of the Tribunal.

Charges

10. On or about April 6, 1994, **Georges RUTAGANDA** distributed guns and other weapons to Interahamwe members in Nyarugenge commune, Kigali.

11. On or about April 10, 1994, **Georges RUTAGANDA** stationed Interahamwe members at a roadblock near his office at the “Amgar” garage in Kigali. Shortly after he left the area, the Interahamwe members started checking identity cards of people passing the roadblock. The Interahamwe members ordered persons with Tutsi identity cards to stand on one side of the road. Eight of the Tutsis were then killed. The victims included men, women and an infant who had been carried on the back of one of the women.

12. In April 1994, on a date unknown, Tutsis who had been separated at a roadblock in front of the Amgar garage were taken to **Georges RUTAGANDA** and questioned by him. He thereafter directed that these Tutsis be detained with others at a nearby building. Later, **Georges RUTAGANDA** directed men under his control to take 10 Tutsi detainees to a deep, open hole near the Amgar garage. On **Georges RUTAGANDA**'s orders, his men killed the 10 Tutsis with machetes and threw their bodies into the hole.

13. From April 7 to April 11, 1994, thousands of unarmed Tutsi men, women and children and some unarmed Hutus sought refuge at the Ecole Technique Officielle (“ETO school”) in Kicukiro sector, Kicukiro commune. The ETO school was considered a safe haven because Belgian soldiers, part of the United Nations Assistance Mission for Rwanda forces, were stationed there.

14. On or about April 11, 1994, immediately after the Belgians withdrew from the ETO school, members of the Rwandan armed forces, the gendarmerie and militia, including the Interahamwe, attacked the ETO school and, using machetes, grenades and guns, killed the people who had sought refuge there. The Interahamwe separated Hutus from Tutsis during the attack, killing the Tutsis. **Georges RUTAGANDA** participated in the attack at the ETO school, which resulted in the deaths of a large number of Tutsis.

15. The men, women and children who survived the ETO school attack were forcibly transferred by **Georges RUTAGANDA**, members of the Interahamwe and soldiers to a gravel pit near the primary school of Nyanza. Presidential Guard members awaited their arrival. More Interahamwe members converged upon Nyanza from many directions and surrounded the group of survivors.

16. On or about April 12, 1994, the survivors who were able to show that they were Hutu were permitted to leave the gravel pit. Tutsis who presented altered identity cards were immediately killed. Most of the remainder of the group were attacked and killed by grenades or shot to death. Those who tried to escape were attacked with machetes. **Georges RUTAGANDA**, among others, directed and participated in these attacks.

17. In April of 1994, on dates unknown, in Masango commune, **Georges RUTAGANDA** and others known to the Prosecutor conducted house-to-house searches for Tutsis and their families. Throughout these searches, Tutsis were separated from Hutus and taken to a river. **Georges RUTAGANDA** instructed the Interahamwe to track all the Tutsis and throw them into the river.

18. On or about April 28, 1994, **Georges RUTAGANDA**, together with Interahamwe members, collected residents from Kigali and detained them near the Amgar garage. **Georges RUTAGANDA** and the Interahamwe demanded identity cards from the detainees. A number of persons, including Emmanuel Kayitare, were forcibly separated from the group. Later that day, Emmanuel Kayitare attempted to flee from where he was

being detained and **Georges RUTAGANDA** pursued him, caught him and struck him on the head with a machete and killed him.

19. In June 1994, on a date unknown, **Georges RUTAGANDA** ordered people to bury the bodies of victims in order to conceal his crimes from the international community.

Counts 1-2
(Genocide)
(Crimes Against Humanity)

By his acts in relation to the events described in paragraphs 10-19 **Georges RUTAGANDA** committed:

COUNT 1: **GENOCIDE**, punishable by Article 2(3)(a) of the Statute of the Tribunal; and

COUNT 2: **CRIMES AGAINST HUMANITY** (extermination) punishable by Article 3(b) of the Statute of the Tribunal.

Counts 3-4
(Crimes Against Humanity)
(Violations of Article 3 common to the Geneva Conventions)

By his acts in relation to the killings at the ETO school, as described in paragraph 14, **Georges RUTAGANDA** committed:

COUNT 3: **CRIMES AGAINST HUMANITY** (murder) punishable by Article 3(a) of the Statute of the Tribunal; and

COUNT 4: **VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS**, as incorporated by Article 4(a) (murder) of the Statute of the Tribunal.

Counts 5-6
(Crimes Against Humanity)
(Violations of Article 3 common to the Geneva Conventions)

By his acts in relation to the killings at the gravel pit in Nyanza, as described in paragraphs 15 and 16, **Georges RUTAGANDA** committed:

COUNT 5: **CRIMES AGAINST HUMANITY** (murder) punishable by Article 3(a) of the Statute of the Tribunal; and

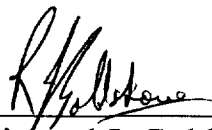
COUNT 6: **VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS**, as incorporated by Article 4(a) (murder) of the Statute of the Tribunal.

Counts 7-8
(Crime Against Humanity)
(Violation of Article 3 common to the Geneva Conventions)

By killing Emmanuel Kayitare, as described in paragraph 18, **Georges RUTAGANDA** committed:

COUNT 7: **CRIME AGAINST HUMANITY** (murder) punishable by Article 3(a) of the Statute of the Tribunal; and

COUNT 8: **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS**, as incorporated by Article 4(a) (murder) of the Statute of the Tribunal.



Richard J. Goldstone
Prosecutor

Kigali.

12 February, 1996

SUPPORTING DOCUMENTATION

1. On April 6, 1994, a plane carrying President Juvenal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed at Kigali airport, killing all those on board. Following the deaths of the two Presidents, widespread killings, having both political and ethnic dimensions, began in Kigali and spread to other parts of Rwanda.

United Nations Peacekeeping Information Notes, United Nations Assistance Mission for Rwanda, Update: December, 1994, p.213:

On April 6, 1994, a plane carrying President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed at Kigali airport, killing all those on board...

Following the deaths of the two Presidents, widespread killings, having both political and ethnic dimensions, began in Kigali and also in other parts of the country.

The Accused

2. **Georges RUTAGANDA**, born in 1958 in Masango commune, Gitarama prefecture, was an agricultural engineer and businessman; he was general manager and proprietor of Rutaganda SARL. **Georges RUTAGANDA** was also a member of the National and Prefectoral Committees of the *Mouvement Républicain National pour le Développement et la Démocratie* (hereinafter, "MRND") and a shareholder of *Radio Télévision Libre des Mille Collines*. On April 6, 1994, he was serving as the second vice president of the National Committee of the Interahamwe, the youth militia of the MRND.

Curriculum vitae of Georges RUTAGANDA.

General Allegations

3. Unless otherwise specified, all acts set forth in this indictment took place between 1 January 1994 and 31 December 1994 in the prefectures of Kigali and Gitarama, territory of Rwanda.

All statements supporting this indictment specify that the events in question took place in 1994.

4. In each paragraph charging genocide, a crime recognized by Article 2 of the Statute of the Tribunal, the alleged acts were committed with intent to destroy, in whole or in part, an ethnical or racial group.

The actions of Georges RUTAGANDA as described in paragraphs 10-19, together with the following excerpts from witness statements, constitute direct and circumstantial evidence that the accused acted with the intent to destroy, in whole or in part, an ethnic or racial group:

K 344/95: I heard RUTAGANDA tell the then conseiller, Biziyaremye Francois, that not a single Tutsi should be spared. RUTAGANDA said that he and the Interahamwe members in his car were coming from Kagarama sector in Kicukiro and that all the Tutsis there had been killed.

K 389/95: I personally overheard Georges RUTAGANDA tell the Interahamwe to track all the Tutsi and to throw them in the river.

0437/K96: RUTAGANDA and the people with whom he associated spoke of killing the Tutsis. I remember them citing places where only the boys and the men were killed and stating that it was necessary to kill the women and the girls in order to eliminate the ethnic group.

0401/K96: ...This meeting took place outside the sector office of Karambi. At the meeting, Mwizerwa told us that we should be careful because the INYENZI were infiltrating the area of Masango. He said that we should check the identity cards of people from outside the commune to find out where they came from and their ethnicity. Then Mwizerwa introduced RUTAGANDA Georges as the son of Mpamo Esdras, the bourgmester, and praised him highly. Georges proceeded to introduce himself as the vice-president of the Interahamwe. RUTAGANDA said that even though most people from Masango were members of the MDR party, we should unite against the common enemy, the Tutsis. RUTAGANDA also reiterated that we should check the identities of people who came to our area from outside....

A few weeks later, on a Wednesday, which was the market day in my region, I saw RUTAGANDA at the filling station.... He was with a young man whose name is Ntiyamira and another man, whom I had heard was a soldier, although he was dressed in civilian clothes. I heard RUTAGANDA tell the other men that the Hutus of Masango and Murama communes were not doing anything, while all the Tutsis in Kigali had been killed. ... The destruction of houses in the area began on the following day.

K 387/95: I recall seeing Georges RUTAGANDA in Karambi. He was escorted by uniformed soldiers armed with guns. He himself was in civilian clothing. Around Friday 17 April 1995, he held a meeting near the gas station located in the market place. He remained standing throughout the meeting. Some of those attending the meeting told me that he had given instructions for the massacres during this meeting. He stated that everyone had been killed in Kigali and that it had not yet begun here. Most of the people who attended the meeting are now in prison. I do not recall their names. I was there only briefly and I only saw Georges standing above everyone. I did not want to get any closer for safety reasons. I am sure that his father was there as well, but I did not see him. Georges and his father were the leaders of the party in power, and Georges was one of the chief leaders of the Interahamwe. The massacres began shortly after this meeting.

K 241/95: In the days that followed, I saw RUTAGANDA give orders to the Interahamwe... He said that they were not to mis a single Tutsi.

K 388/95: I attended a MRND meeting chaired by Georges RUTAGANDA and for which Jean-Marie Vianney MUDAHERANWA was the Vice-Chair. The meeting took place in a room near the communal office of Masango after the death of President Habyarimana. The war had not yet reached our region. During the meeting, the point was raised that we would have to fight the increasing strength of the RPF's Inkotanyis who were responsible for the RPF's rise to power.

Georges RUTAGANDA stated that the MRND should not accept the Arusha Accords because it would mean the end of the MRND leadership. Then the discussion turned to the question of deciding which category of Tutsi should be eliminated, since there were rich Tutsis close to the RPF and the poor. Two Rwandan proverbs were then quoted: "If one wishes to kill a partridge, one must also destroy her eggs", and "If one wishes to kill mice and one of them is pregnant she should not be spared". The massacres began shortly after the meeting.

5. The victims in each paragraph charging genocide were members of a national, ethnical, racial or religious group.

The statements supporting this indictment, cited *infra*, specify that the victims were predominantly Tutsis.

6. In each paragraph charging crimes against humanity, crimes punishable by Article 3 of the Statute of the Tribunal, the alleged acts were committed as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

The witness statements cited *infra* indicate that the acts and omissions alleged were part of a widespread and systematic attack against civilians on political, ethnic or racial grounds.

7. At all times relevant to this indictment, a state of internal armed conflict existed in Rwanda.

UN Document E/CN.4/1995/7, 28 June 1994, Report on the Situation of Human Rights in Rwanda submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution E/CN.4/S-3/1 of 25 May 1994, pp. 5, 17: The death of the President Juvénal Habyarimana (on 6 April 1994) was the spark to the powder keg which set off the massacre of civilians. The next day, fighting resumed between the government forces and the RPF (Rwandan Patriotic Front)....

....

The United Nations should: Demand that the parties to the conflict put an immediate end to the war....

8. The victims referred to in this indictment were, at all relevant times, persons taking no active part in the hostilities.

The witness statements accompanying this indictment indicate that the victims were not participating in the hostilities.

9. The accused is individually responsible for the crimes alleged in this indictment. Under Article 6(1) of the Statute of the Tribunal, individual criminal responsibility is attributable to one who plans, instigates, orders, commits or otherwise aids and abets in the planning, preparation or execution of any of the crimes referred to in Articles 2 to 4 of the Statute of the Tribunal.

Statute of the Tribunal, Article 6(1).

Charges

10. On or about April 6, 1994, **Georges RUTAGANDA** distributed guns and other weapons to Interahamwe members in Nyarugenge commune, Kigali.

K 345/95: On April 6, 1994 around 3 o'clock in the afternoon, I saw RUTAGANDA Georges distributing guns and other weapons out of his van to Interahamwe members in Nyarugenge commune in Kigali. I heard that the guns distributed were called Kalashnikovs....

11. On or about April 10, 1994, **Georges RUTAGANDA** stationed Interahamwe members at a roadblock near his office at the "Amgar" garage in Kigali. Shortly after he left the area, the Interahamwe members started checking identity cards of people passing the roadblock. The Interahamwe members ordered persons with Tutsi identity cards to stand on one side of the road. Eight of the Tutsis were then killed. The victims included men, women and an infant who had been carried on the back of one of the women.

K 241/95: Between 3 and 4 pm, the soldiers [who were manning the road-block on the main street between RUTAGANDA's garage and a large store] left. Towards 4:30 pm, they were replaced by a group of Interahamwe brought there by RUTAGANDA....

After RUTAGANDA's departure, the Interahamwe requested identity cards of those passing through the road-block. They ordered those who carried Tutsi identity cards to stand to one side. About ten minutes later, they killed eight Tutsis at one time: three women, their husbands, and one child carried on the back of one of the women, and another child....

In the days that followed, I saw RUTAGANDA give orders to the Interahamwe.... He said no Tutsi should pass [the roadblock]. RUTAGANDA also distributed beer at the roadblocks.

12. In April 1994, on a date unknown, Tutsis who had been separated at a roadblock in front of the Amgar garage were taken to **Georges RUTAGANDA** and questioned by him. He thereafter directed that these Tutsis be detained with others at a nearby building. Later, **Georges RUTAGANDA** directed men under his control to take 10 Tutsi detainees to a deep, open hole near the Amgar garage. On **Georges RUTAGANDA's** orders, his men killed the 10 Tutsis with machetes and threw their bodies into the hole.

K 368/95: Around 9:00 A.M. I met Védaste Segatarama, a Hutu whom I knew from Murama, at a roadblock. The roadblock was located below the Pentecostal Church, which is down the road from Amgar garage ...
... Védaste told me that my time was up because I was a Tutsi. Then I saw one of the men at the roadblock take the identity card of a Tutsi who was behind me. The other men at the roadblock told the man who had taken the identity card that the card meant one more beer for him. Then Védaste told another man at the roadblock to take the Tutsi, two other men who had been waiting, and me to Amgar garage.

In front of Amgar garage, there was another roadblock, where about eight men in civilian clothes were checking identity cards. They had grenades as well. The man, whom Védaste had delegated to accompany us, told the men at the roadblock that we were some of the "snakes." Then we were permitted to enter the garage. We walked by a number of offices on the way to Georges RUTAGANDA's office and entered there. Our escort told RUTAGANDA that he had brought some more "snakes." RUTAGANDA told him to take us to join the other prisoners in the house. We left George's office and followed a paved road, past George's residence, to a tall building that was used by Indians as a church before the war. The building was painted white, and the roof was covered with corrugated iron. We were taken inside the building, where we found hundreds of people.

We waited there until around 11:00 A.M., when RUTAGANDA arrived with four other men in civilian clothes. The men with RUTAGANDA were carrying grenades. One of them was carrying a small, very sharp machete that was different from other machetes I had seen. RUTAGANDA also wore civilian clothes, and he had a pistol in his belt.

RUTAGANDA told one of the men accompanying him to bring the last group of prisoners who had arrived. I could hear RUTAGANDA clearly because I was standing just inside the entrance to the house. Then one of the men entered the house and brought the four of us outside. RUTAGANDA wanted to know what villages we came from. When he saw me, he recognized me and asked me what I was doing there. I replied that I had been brought there. Then RUTAGANDA told one of his men to bring ten more people outside.

After ten more people were brought outside, RUTAGANDA and his four men took the fourteen of us past RUTAGANDA's residence to a place outside the garage compound. In that place, there was a hole in the ground, which was about 30 meters deep. In the hole, I could see bodies. We were ordered to sit in our respective groups of four and ten. There was a distance of perhaps two meters between the groups.

RUTAGANDA told his men to start with the group of ten. The man with the gun asked if they should shoot the ten. RUTAGANDA said no, in order to save bullets, and directed them to use the machete. The man with the machete told the ten people to bend over. He killed three of them by striking them on the head. Then he handed over the machete to another of RUTAGANDA's men, who used it to kill three more people. At that point, I fainted because I felt that death was near.

I revived when RUTAGANDA told my group to get up. I saw that the group of ten had all been killed. RUTAGANDA told the four of us to throw the ten corpses into the hole. When we had finished the job, RUTAGANDA kicked me in the back of my thighs and sent me away, along with another one of the four. RUTAGANDA said it was useless to kill me because I would take up unnecessary space in the hole. Then one of RUTAGANDA's men asserted that we were in fact among the most dangerous accomplices. RUTAGANDA said that we should still be allowed to go so that we could bury Habyarimana's body and that they would kill us later. RUTAGANDA and his men accompanied the other two men in the direction of the prison.

0437/K96: I passed by the road-block located across from RUTAGANDA's garage. This road-block was manned by Interahamwe. They wore military uniforms, but they were not soldiers. They were young people, some of whom I recognized. There were a good number of them, but I can't say exactly how many. They were equipped with guns, knives, and grenades. They asked me for my identity card which states that I am a Tutsi. They also told me that they were under RUTAGANDA's orders. When they saw that I was Tutsi, they beat me with their fists and cudgels and said that I had to go before the President and vice-president of the Interahamwe. At that point, they took me to the garage near RUTAGANDA, who was then the vice-president of the Interahamwe. They sat me down in front of his house. It was around noon. RUTAGANDA asked me a few questions. He wanted to know whether I had been in Kinyihira in the area controlled by the Inkotanyi and whether I had gone to see them in the National Assembly building. Then the Interahamwe approached RUTAGANDA to inform him of a problem with a separate road-block where the Interahamwe had stolen money from a passer-by. RUTAGANDA left and returned a little later. He asked me more questions about my name and the place I had just left, then he ordered the Interahamwe to take me outside the garage and kill me. When they attempted to take me outside, I threw myself to the ground in front of RUTAGANDA and grabbed his pant leg. I begged him not to kill me and asked him why they had waited an hour to kill me. He then kicked me and sent me to build a shelter in a cellar....

K 345/95: On another day in April 1994, I saw Interahamwe members taking people out of their houses and bringing them to RUTAGANDA's garage to kill them there. Their bodies are still down the hill from RUTAGANDA's garage.

I know the names of some of the people who were taken out of their houses and killed by the Interahamwe: Rusagara, Kalinda Viateur, Musoni Emmanuel, Mugabo, Katarabirwa. I saw these people being taken out of their houses.

I knew that the killers were Interahamwe members because they had arrested me, but I was able to escape....

The Interahamwe members were wearing round caps bearing the MRND inscription and the well-known MRND uniforms.

13. From April 7 to April 11, 1994, thousands of unarmed Tutsi men, women and children and some unarmed Hutus sought refuge at the Ecole Technique Officielle (“ETO school”) in Kicukiro sector, Kicukiro commune. The ETO school was considered a safe haven because Belgian soldiers, part of the United Nations Assistance Mission for Rwanda forces, were stationed there.

0425/K96: The second attack occurred on 11 April 1994 against the ETO school, where I had sought refuge since 7 April 1994. There were about 4,000 persons sheltered therein including men, women, children and the elderly. Most were Tutsis, but there were also a few Hutus - for example those Hutus who were married to a Tutsi. The Belgian soldiers from UNAMIR protected the school. The Interahamwe came several times, but they left when they saw the Belgian soldiers.

0428/K96: I was living with my family in Kicukiro, near the Ecole Technique Officielle (ETO). After the President’s death, we went to hide at the ETO, because we knew that the Belgian soldiers there could protect us. We lived in the classrooms, near the building which then housed the school administration. There were a lot of us seeking refuge there, maybe 10,000. Most were Tutsis who had fled the Interahamwe and soldiers, but there were also Hutus who fled because they thought that the Inkotanyi had attacked.

0429/K96: During the attack on 8 April, the Interahamwe attacked with machetes. We tried to defend ourselves with catapults and bows and arrows. The Interahamwe then went looking for grenades and guns. They returned at 6 PM. We were forced to flee to the ETO which was guarded by the Belgian blue berets. My father, my brother [], my grandmother, my paternal uncle, as well as our cousins were killed during the attack. I managed to make it to the ETO.... The Belgians allowed us to enter.

We remained at the ETO for over a week. There were about 3,000 persons, most of whom were Tutsis but also Hutus who had married Tutsi women.

14. On or about April 11, 1994, immediately after the Belgians withdrew from the ETO school, members of the Rwandan armed forces, the gendarmerie and militia, including the Interahamwe, attacked the ETO school and, using machetes, grenades and guns, killed the people who had sought refuge. The Interahamwe separated Hutus from Tutsis during the attack, killing the Tutsis. **Georges RUTAGANDA** participated in the attack at the ETO school, which resulted in the deaths of a large number of Tutsis.

0425/K96: However, the Belgians pulled out [of the ETO school] on 11 April 1994 around 3 PM. Immediately after their departure, the Interahamwe and soldiers from the Rwandan army attacked us. They were led by Georges RUTAGANDA, who I saw talking to a group of Interahamwe without hearing what he was telling them, because they were some distance away, by Gerard KARAGANWA, the son of a Conseiller, by a man named KAMALI who worked at the Ministry of Public Works, and by still others. A high-ranking soldier was present, Colonel RUSATIRA, but he did nothing to stop this attack. The Interahamwe were dressed as they were during the first attack but without

banana leaves. They were armed. People were killed, and the other [group], of which I was a part, fled in the direction of the asphalt road.

0428/K96: The militias did not begin to attack us [at the ETO school] until after the departure of the Belgian soldiers. Without question, the soldiers left around 9 or 10 April 1994.

Immediately after the Belgians pulled out, around 11 AM, the Interahamwe began to attack us with grenades and other arms, particularly machetes, guns, and clubs. Not only were there Interahamwe from the MRND, but also militia wings of parties including the PSD, which called itself the "abakombozi", and the CDR, which was the "impuzamugambi". They could be recognized by their clothing. The Interahamwe wore the clothing known as "Kitenge", a type of clothing normally worn by women, consisting of pants and a tunic with the MRND emblem, or simply a tunic or just the pants, as well as a hat with the same emblem. The other militias wore similar clothing with the emblem of their party. These outfits were multicolored. The militias were accompanied by soldiers and gendarmes. Georges RUTAGANDA was with the Interahamwe from Kicukiro. He was about 200 meters from me and I recognized him, because I knew him. He wore the same clothing as them and carried a gun, but I did not see him fire because I fled as soon as the shooting started. At the moment when the attack began, I left the classroom with my family and it was at that moment that I saw him in the school's courtyard. A few of the Interahamwe were neighbors that I recognized as members of the CDR, MRND, and still other parties. These people consisted of following people: KAGNA, NZINGA, KABAGABO, Gérard, Célestin RUHUMUIZA, Pierre MUNYANKWAYA.

The attack lasted several hours. We defended ourselves with rocks. The Hutus that the Interahamwe recognized [as such] were set to one side, but those who were not recognized were attacked as Tutsis. During the attack, several persons were killed or wounded. The others scattered. Some were able to reach the RPF, while others, myself included, were stopped by the soldiers near Sonatubes as we headed for Remera. RUTAGANDA was with the soldiers.

0429/K96: Colonel Leonidas RUSATIRA came to the ETO on several occasions escorted by soldiers and the Interahamwe. I do not know why he came. Then the Blue berets were required to leave, but I cannot recall the date. We tried to follow them, but since they had vehicles, we had to remain at the ETO. The days before the pullout of the Belgian soldiers, the Interahamwe had begun to throw grenades at the ETO. The Belgian soldiers had to dig trenches to protect themselves. Then, around 2 PM, on the day of the blue berets pullout, they surrounded the school. They were armed with grenades and machetes. They were led by Colonel RUSATIRA who came in through the main entrance. There were also soldiers and gendarmes. I saw Georges RUTAGANDA, the vice-president of the Interahamwe, guarding the small entrance located on the side of the athletic field. He was in a jogging suit and accompanied by a group of Interahamwe. His house was near the school.

The Interahamwe wore "kitenge" in the colors of their party. They fired and threw grenades. More than one hundred persons were killed. Some of us attempted to escape. Others, myself included, tried to hide on the school premises. Then Colonel RUSATIRA, who lived close to the ETO, entered the building with soldiers and Interahamwe. He made us leave the building and told us that he would protect us against the Interahamwe. He had us walk to Sonatube. When leaving the ETO, I again saw Georges RUTAGANDA with soldiers and Interahamwe. He was wearing an Interahamwe outfit and carrying a gun.

15. The men, women and children who survived the ETO school attack were forcibly transferred by **Georges RUTAGANDA**, members of the

Interahamwe and soldiers to a gravel pit near the primary school of Nyanza, where Presidential Guard members awaited their arrival. More Interahamwe members converged upon Nyanza from many directions and surrounded the group of survivors.

K 343/95: When we arrived at Nyanza, RUTAGANDA was one of the people instructing the interahamwe on how to proceed. There were interahamwe coming from many different directions, from Gahanga, Kicukiro, Kagarama, and Gatenga. RUTAGANDA had a gun in his hands and directed the interahamwe to surround us. I think there were about 4,000 of us. Most of the interahamwe had machetes. RUTAGANDA appeared to be the main person in charge. He was carrying a long gun. He was assisted by Gérard, the son of Biziyaremye Francois. Members of the Presidential Guard were watching us from a place that was higher than where we were.

0425/K96: However when we arrived at the road, we were redirected by the Interahamwe toward Nyanza. Georges RUTAGANDA was among the Interahamwe who herded us to Nyanza, by throwing grenades at us.

0429/K96: When leaving the ETO, I again saw Georges RUTAGANDA with soldiers and Interahamwe. He was wearing an Interahamwe outfit and carrying a gun. When we approached Sonatubes, we found ourselves amidst more than 4,000 persons from various surrounding neighborhoods. There we found Colonel RUSATIRA, the Conseiller of Kicukiro whose first name is François, and other officers whose names I do not know. They told us to go to Nyanza, because there was no fighting there. The soldiers and the Interahamwe surrounded us to force us to go there. Those who attempted to flee were killed.

0428/K96: RUTAGANDA was with the soldiers. He and his soldiers then escorted us to Nyanza.

16. On or about April 12, the survivors who were able to show that they were Hutu were permitted to leave the gravel pit. Tutsis who presented altered identity cards were immediately killed. Most of the remainder of the group were attacked and killed by grenades or shot to death. Those who tried to escape were attacked with machetes. **Georges RUTAGANDA**, among others, directed and participated in these attacks.

K 343/95: When we arrived at Nyanza, RUTAGANDA was one of the people showing Interahamwe how to proceed. There were Interahamwe coming from many different directions, from Gahanga, Kicukiro, Kagarama, and Gatenga. RUTAGANDA had a gun in his hands and directed the Interahamwe to surround us. I think there were about 4,000 of us. Most of the Interahamwe had machetes. RUTAGANDA appeared to be the main person in charge. He was carrying a long gun. He was assisted by Gérard, the son of Biziyaremye Francois. Members of the Presidential Guard were watching us from a place higher than where we were.

After the Interahamwe surrounded us, they threw grenades at us. I think the first person to throw a grenade was a Presidential Guard member who was standing above us. I saw him holding a bag of grenades. Some people tried to break through the circle of interahamwe, but the Interahamwe struck them with machetes. I don't remember exactly what happened then because there was total confusion. I think I was

hit with a grenade, and a bullet went through my side. When people were shot, they fell into a heap. My wife and my three children were killed. I spent the night under a heap of cadavers.

The next morning, different groups of interahamwe came back with machetes to kill anyone who was still alive. I think they had all left after about three hours. I spent that entire day under the heap of cadavers as well. The next day (April 13), the RPF came and saved us. The RPF took us to Rebero hill.

Addendum: When we arrived at Nyanza, members of the Presidential Guard asked for the identity cards of any Hutus among us. Some Hutus showed their identity cards and were allowed to leave. Some Tutsis who had altered their identity cards also came forward. However, there were some Interahamwe who knew them and accused them of lying about their ethnic group. The Tutsis who were accused of lying were immediately killed with machetes, clubs, hammers, and axes by the Interahamwe. Some people paid members of the Presidential Guard so that they could be killed with bullets instead of machetes.

0428/K96: Once we arrived in Nyanza, they gathered us together in one place, and the soldiers began to shoot into the crowd. I hit the ground. Others who were hit fell on top of me and thus protected me. I was not wounded. When the soldiers stopped shooting and when everyone was on the ground, they asked the Interahamwe to check whether there were any wounded and to finish them. It was 6 PM and night was falling.

0425/K96 We arrived at Nyanza at 5 PM. We were stopped by other Interahamwe and soldiers who then opened fire, threw grenades, and attacked us with machetes. I was able to escape by running into the bushes. I then hid in a house in the countryside along with about ten other people.

17. In April of 1994, on dates unknown, in Masango commune, **Georges RUTAGANDA** and others known to the Prosecutor conducted house-to-house searches for Tutsis and their families. Throughout these searches, Tutsis were separated from Hutus and taken to a river. **Georges RUTAGANDA** instructed the Interahamwe to track all the Tutsis and throw them into the river.

K 389/95: RUTAGANDA, MPAMO, and KABASHA came to Masango with vehicles and interahamwe. All three went from house to house in search of Tutsi and their families. The Interahamwe selected Hutu and Tutsi from the PSD and brought them to the river on foot or in vehicles in order to kill them. The entire commune population saw them do this. I personally overheard Georges RUTAGANDA tell the Interahamwe to track all the Tutsi and to throw them in the river. The Interahamwe came from our commune as well as other communes in Kibuye Prefecture. They were armed with small house but some carried guns that were distributed by Georges RUTAGANDA, his father, and KABASHA. The Interahamwe were at times accompanied by soldiers.

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Some people who attempted to escape were killed before my very eyes in the commune itself, whereas the others were carted off to the Nyararongo river to be killed. I lived in Kirwa sector and saw long lines of men, women, and children pass by my home as the Interahamwe herded them to the river. As they walked, the Interahamwe would sing and say that they were going to kill them. When they returned, they would boast of having killed them all. These events

lasted two months. I know that Georges RUTAGANDA was present on a regular basis, but I only saw him myself on three occasions. I hid each time he was in the area.

18. On or about April 28, 1994, Georges RUTAGANDA, together with Interahamwe members, collected residents from Kigali and detained them near the Amgar garage. **Georges RUTAGANDA** and the Interahamwe demanded identity cards from the detainees. A number of persons, including Emmanuel Kayitare, were forcibly separated from the group. Later that day, Emmanuel Kayitare attempted to flee from where he was being detained and **Georges RUTAGANDA** pursued him, caught him and struck him on the head with a machete and killed him.

K 347/95: The next time I saw RUTAGANDA was about 28 April 1994, when he came to see if there were any more Tutsi in the neighbourhood. At about 8 a.m. RUTAGANDA arrived in his Pajero. Ndayisaba, RUTAGANDA's driver, was driving the Pajero. About 80 Interahamwe arrived on foot; they were dressed in uniforms and carrying guns, machetes and axes. RUTAGANDA was wearing a military uniform; he had a military revolver at his hip and a gun.

RUTAGANDA and the Interahamwe fanned out in the streets of the neighbourhood to bring back suspects. I was outside my house, near a public fountain, with other people. A group of about 12 Interahamwe drew near, pointed their guns at us, and forced us to climb higher. The Interahamwe assembled us together with other groups of neighbourhood residents below the AMGAR garage, on the hill. There, RUTAGANDA and the Interahamwe asked for our identity cards. I saw that they put the following persons aside: Emmanuel KAYITARE, AMZA (alias BANGLADESH), SAMUEL (alias KITARYUMUNYU), Papa Elisé. Then an Interahamwe called Cekeru [], told RUTAGANDA that Emmanuel was to go to the National Development Council (CND), the RPF's building. When Emmanuel tried to run away, RUTAGANDA, after passing his gun to Cekeru, ran after Emmanuel and caught him by the neck. Then RUTAGANDA took Cekeru's machete and shattered Emmanuel's skull.

K 305/95: RUTAGANDA was on the road near Amgar garage with about 50 interahamwe members. I saw RUTAGANDA grab a man called Emmanuel and bring him to an open place. There, RUTAGANDA hit Emmanuel on his head with a machete and hit him several times on the left side of his body with a small ax. This killing took place about 20 meters from Amgar garage. At that moment, I was hiding in the bushes about 15 meters from the site of the killing. After the killing, I saw RUTAGANDA Georges bringing Emmanuel's body to a hole behind the garage.

19. In June 1994, on a date unknown, **Georges RUTAGANDA** ordered people to bury the bodies of victims in order to conceal his crimes from the international community.

K 368/95: About two weeks later, Cyuma came to my hiding place and said that I should come help cover open holes full of bodies. RUTAGANDA was waiting at the first hole with about six other men. RUTAGANDA told us to cover the hole. I also heard RUTAGANDA tell Cyuma to see that dead bodies were not left in the open. RUTAGANDA said that if people were killed, they

should be buried immediately so that the international community would not know what was happening. Then I went back to my hiding place.