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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
TRIBUNAL PÉNAL INTERNATIONAL POUR LE RWANDA

Case No. ICTR-99-54A

THE PROSECUTOR

V

JEAN DE DIEU KAMUHANDA

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PROSECUTOR'S REQUEST TO ADMIT FACTS

The Office of the Prosecutor

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YOU ARE REQUESTED TO ADMIT, for purposes of these proceedings only, the truth of the following facts:

A. **HISTORICAL CONTEXT**

1. The MDR-PARMEHUTU was the only party to present candidates in the elections of 1965.

ADMITTED DENIED ADMISSION REFUSED

2. The early part of 1973 in Rwanda was again marked by ethnic confrontations between the Hutu and Tutsi.

ADMITTED DENIED ADMISSION REFUSED

3. The ethnic confrontations in 1973 prompted another mass exodus of the Tutsi minority from the country, as had occurred between 1959 and 1963.

ADMITTED DENIED ADMISSION REFUSED

4. This new outburst of ethnic and political tension between the North and South resulted in the seizure of power in a military coup by General Juvénal Habyarimana on 5 July 1973.

ADMITTED DENIED ADMISSION REFUSED

5. At that point, the reins of power shifted from civilian to military hands and from the Hutu of the central Rwanda to the Hutus of the northern prefectures of Gisenyi and Ruhengeri (Habyarimana's native region).

ADMITTED DENIED ADMISSION REFUSED

6. In 1975, President Habyarimana founded the *Mouvement Révolutionnaire National pour le Développement* (MRND), a single party, and assumed the position of party Chairman.

ADMITTED DENIED ADMISSION REFUSED

7. The structure of the MRND, as a State-party, was parallel at all levels of local government.

ADMITTED

DENIED

ADMISSION REFUSED

8. As a State-party, the structure of the MRND was so parallel at all levels of local government that the two became indistinguishable.

ADMITTED

DENIED

ADMISSION REFUSED

9. The indistinguishable parallelism of the MRND to all levels of local government existed from the *Préfet* down to the *bourgmestres*, *conseillers de secteurs* and *responsables de cellule* leaders, extending to the most informal level, the *Nyumba Kumi*, the head of the basic 10-household social unit.

ADMITTED

DENIED

ADMISSION REFUSED

10. From 1973 to 1994, the government of president Habyarimana used a system of ethnic and regional quotas, which was supposed to provide educational, and employment opportunities for all.

ADMITTED

DENIED

ADMISSION REFUSED

11. The quota system was in fact used increasingly to discriminate against both Tutsi and Hutu from regions outside the northwest.

ADMITTED

DENIED

ADMISSION REFUSED

12. In fact, by the late 1980's, persons from Gisenyi and Ruhengeri occupied many of the most important positions in the military, political, economic and administrative sectors of Rwanda society.

ADMITTED

DENIED

ADMISSION REFUSED

13. Among the privileged elite, an inner circle of relatives and close associates of President Habyarimana and his wife, Agathe Kanziga, known as the Akazu, enjoyed great power. This select group, almost exclusively Hutu, was supplemented by individuals who shared its extremist Hutu ideology, and who came mainly from the native region of the President and his wife.

ADMITTED

DENIED

ADMISSION REFUSED

14. In 1990, the President of the Republic, Juvenal Habyarimana, and his single party, the MRND, were facing mounting opposition, including from other Hutu.

ADMITTED **DENIED** **ADMISSION REFUSED**

15. On 1 October 1990, the Rwandan Patriotic Front (RPF), made up mainly of Tutsi refugees, attacked Rwanda.

ADMITTED **DENIED** **ADMISSION REFUSED**

16. Within days after the 1 October 1990 invasion of the RPF, government began arresting thousands of people, presumed to be opponents of Habyarimana and suspected of being RPF accomplices.

ADMITTED **DENIED** **ADMISSION REFUSED**

17. Tutsis were the main target of the arrests following the RPF invasion of 1 October 1990.

ADMITTED **DENIED** **ADMISSION REFUSED**

18. In addition to Tutsis, Hutu political opponents were also arrested following the RPF invasion of 1 October 1990.

ADMITTED **DENIED** **ADMISSION REFUSED**

19. Following pressure from the internal opposition and the international community, and the RPF attack of October 1990, President Habyarimana permitted the introduction of multiple political parties and the adoption of a new constitution on 10 June 1991.

ADMITTED **DENIED** **ADMISSION REFUSED**

20. During the transitional period following the introduction of the 1991 constitutional reforms, the *Mouvement Révolutionnaire National pour le Développement* (MRND) was renamed *Mouvement Républicain National pour la Démocratie et le Développement* (MRND).

ADMITTED **DENIED** **ADMISSION REFUSED**

21. The first transitional government following the 1991 constitutional reforms was made up almost exclusively of MRND members, following the refusal of the main opposition parties to take part.

ADMITTED **DENIED** **ADMISSION REFUSED**

22. With the second transitional government formed in April 1992, the MRND became a minority party for the first time in its history, with nine (9) ministerial portfolios out of **nineteen** (19).

ADMITTED DENIED ADMISSION REFUSED

23. But even in that second transitional government, the MRND retained its domination over the local administration.

ADMITTED DENIED ADMISSION REFUSED

24. The new transitional government of 1992 then entered negotiations with the RPF, which resulted in the signing of the Arusha Accords on 4 August 1993.

ADMITTED DENIED ADMISSION REFUSED

25. The Arusha Accords provided for a new system of sharing military and civilian power between the RPF, the opposition parties and the MRND.

ADMITTED DENIED ADMISSION REFUSED

26. The Arusha Accords also provided for the following, among other things:

(a) The integration of both the government's Forces Armées Rwandaises (FAR) and the RPF armed forces.

ADMITTED DENIED ADMISSION REFUSED

(b) The new national army was to be limited to 13,000 men, 60% FAR (*Forces Armées Rwandaises*) and 40% RPF.

ADMITTED DENIED ADMISSION REFUSED

(c) The military command posts were to be shared equally (50%-50%) between the two sides, with the post of Chief of Staff of the Army assigned to the FAR.

ADMITTED DENIED ADMISSION REFUSED

- (d) The Gendarmerie was to be limited to 6,000 men, 60% FAR and 40% RPF, with the posts of command shared equally (50%-50%) between the two sides and the post of Chief of Staff of the Gendarmerie assigned to the RPF.

ADMITTED DENIED ADMISSION REFUSED

- (e) Accords limited the number of ministerial portfolios to be held by the MRND (*Mouvement républicain national pour le développement*) to five, including the Presidency.

ADMITTED DENIED ADMISSION REFUSED

- (f) The other portfolios within government were to be shared as follows: FPR (*Front patriotique rwandais*), five; MDR (*Mouvement démocratique républicain*), four (including the post of Prime Minister); PSD (*Parti social-démocrate*), three; PL (*Parti libéral*), three; and the PDC (*Parti démocrate-chrétien*), one.

ADMITTED DENIED ADMISSION REFUSED

27. For the men and women close to President Habyarimana, including the members of the Akazu, who held positions of prominence in the various sectors of Rwandan society, this new power sharing plan, as demanded by the political opposition and as stipulated in the Arusha Accords, meant a relinquishment of power and the loss of numerous privileges and benefits.

ADMITTED DENIED ADMISSION REFUSED

28. With political changes following the establishment of the multi-party government of April 1992, several important military officers from the north had been forced to retire.

ADMITTED DENIED ADMISSION REFUSED

29. At the same time, many of the military were facing massive demobilisation with the implementation of the Arusha Accords.

ADMITTED DENIED ADMISSION REFUSED

30. From 1990, Habyarimana and several of his close associates devised the strategy of inciting hatred and fear of the Tutsi minority as a way of rebuilding solidarity among the Hutu and keeping themselves in power.

ADMITTED **DENIED** **ADMISSION REFUSED**

31. They strongly opposed any form of power sharing, including the one envisaged by the Arusha Accords

ADMITTED **DENIED** **ADMISSION REFUSED**

32. Determined to avoid the power sharing prescribed by the Arusha Accords, several prominent civilian and military figures pursued their strategy of ethnic divisions and incitement to violence.

ADMITTED **DENIED** **ADMISSION REFUSED**

33. The extremist ideology of these prominent Hutus targeted and labeled the following people as RPF accomplices:

(a) entire Tutsi population

ADMITTED **DENIED** **ADMISSION REFUSED**

(b) the Hutu opposed to their domination, particularly those from regions other than northwestern Rwanda.

ADMITTED **DENIED** **ADMISSION REFUSED**

34. At the same time, they sought to divide Hutu opposition parties, attracting some of their members back to the support of Habyarimana.

ADMITTED **DENIED** **ADMISSION REFUSED**

35. These efforts to divide the Hutu opposition were furthered by the assassination of Melchior Ndadaye, the democratically elected Hutu President, in neighboring Burundi, by Tutsi soldiers of the Burundi army.

ADMITTED **DENIED** **ADMISSION REFUSED**

36. By late 1993, the characterization of the Hutu opposition as RPF accomplices led to the following:

- (a) It caused two-way splits within each of the major political parties opposed to the MRND.

ADMITTED DENIED ADMISSION REFUSED

- (b) The split in each case saw the 'Power' faction (resulting from the split) adopting the Hutu extremist ideology and aligning itself with President Habyarimana's party (MRND).

ADMITTED DENIED ADMISSION REFUSED

37. The strategy adopted in the early 1990s, which culminated in the widespread massacres of April 1994, comprised several components, which were carefully worked out by the various prominent figures that shared the extremist Hutu ideology, including the members of the *Akazu*.

ADMITTED DENIED ADMISSION REFUSED

38. In addition to the incitement to ethnic violence and the extermination of the Tutsi and their 'accomplices', were the following:

- (a) organization and military training of the youth wings of the political parties, notably the *Interahamwe* (youth wing of the MRND),

ADMITTED DENIED ADMISSION REFUSED

- (b) the preparation of lists of people to be eliminated,

ADMITTED DENIED ADMISSION REFUSED

- (c) the distribution of weapons to civilians,

ADMITTED DENIED ADMISSION REFUSED

- (c) the assassination of certain political opponents, and

ADMITTED DENIED ADMISSION REFUSED

- (d) the massacre of many Tutsi in various parts of Rwanda between 1990 and April 1994.

ADMITTED **DENIED** **ADMISSION REFUSED**

39. The incitement to ethnic hatred took the form of public speeches by people sharing the extremist ideology.

ADMITTED **DENIED** **ADMISSION REFUSED**

40. These political and military figures publicly appealed to hatred and fear of the Tutsi and urged the Hutu majority to "finish off the enemy and its accomplices".

ADMITTED **DENIED** **ADMISSION REFUSED**

41. A perfect illustration is the speech made in November 1992 by Leon Mugesera, vice-chairman of the MRND for Gisenyi prefecture, who at the time was already inciting the public to exterminate the Tutsi and their "accomplices."

ADMITTED **DENIED** **ADMISSION REFUSED**

42. With the intention of ensuring widespread dissemination of the calls to ethnic violence, prominent figures from the President's circle set up true hate media.

ADMITTED **DENIED** **ADMISSION REFUSED**

43. The following media were part of the strategy of hate propaganda indicated in the preceding paragraph:

(a) *Radio Télévision Libre des Mille Collines* (RTLM), and

ADMITTED **DENIED** **ADMISSION REFUSED**

(b) the newspaper *Kangura*.

ADMITTED **DENIED** **ADMISSION REFUSED**

44. The creation of the youth wings of the political parties, originally established to encourage or even force adherence to one or another party in the newly-established multi-party system, provided Habyarimana's circle with a large, devoted and effective workforce to implement the adopted strategy.

ADMITTED **DENIED** **ADMISSION REFUSED**

45. These youth organizations, which were affiliated to the political parties, were soon manipulated as part of the anti-Tutsi campaign.

ADMITTED DENIED ADMISSION REFUSED

46. Some of the members of these organizations, notably the *Interahamwe* (MRND) and the *Impuzamugambi* of the *Coalition pour la défense de la République* (CDR), were organized into militia groups, which were financed, trained and led by prominent civilians and military figures from the President of the Republic's entourage.

ADMITTED DENIED ADMISSION REFUSED

47. They were issued with weapons, with the complicity of certain military and civilian authorities.

ADMITTED DENIED ADMISSION REFUSED

48. The militia groups were transported to training sites, including certain military camps, in public administration vehicles or vehicles belonging to companies controlled by the President's circle.

ADMITTED DENIED ADMISSION REFUSED

49. During the mass arrests of October 1990, the civilian and military authorities followed lists that had been drawn up in order to identify and locate the presumed accomplices of the RPF, the majority of whom were Tutsi.

ADMITTED DENIED ADMISSION REFUSED

50. Later, the Army, Gendarmerie, local authorities and *Interahamwe* were given orders to prepare new lists or update the existing ones, which were subsequently used during the massacres of 1994.

ADMITTED DENIED ADMISSION REFUSED

51. In March 1993, such a list was found in the vehicle of the Army Chief of staff.

ADMITTED DENIED ADMISSION REFUSED

52. Towards the end of 1991, certain Rwandan governmental authorities distributed weapons to certain civilians in the northeastern region of the country.

ADMITTED **DENIED** **ADMISSION REFUSED**

53. The distribution of weapons mentioned in the preceding paragraph was said to be part of a civil self-defense campaign, in reaction to the RPF attack of October 1990.

ADMITTED **DENIED** **ADMISSION REFUSED**

54. Later, some authorities distributed weapons nationwide, notably to the *Interahamwe* and carefully selected individuals, even in regions distant from the war zone.

ADMITTED **DENIED** **ADMISSION REFUSED**

55. The distribution of weapons described in the immediately preceding paragraph was beyond the framework of the civil self-defence campaign.

ADMITTED **DENIED** **ADMISSION REFUSED**

56. Towards the end of 1993, the Bishop of Nyundo criticized the distribution of weapons in a public letter, questioning its purpose.

ADMITTED **DENIED** **ADMISSION REFUSED**

57. The pursuit of the strategy thus described played a catalytic role in the political and ethnic violence of the time, which climaxed in the April 1994 massacres.

ADMITTED **DENIED** **ADMISSION REFUSED**

58. The early part of the 90's was marked by numerous political assassinations and large massacres of the Tutsi minority, including the one in Kibilira (1990), that of the Bagogwe (1991) and the one in Bugesera (1992).

ADMITTED **DENIED** **ADMISSION REFUSED**

59. The massacres were instigated and organized by local authorities with the complicity of certain prominent persons from the President's circle.

ADMITTED **DENIED** **ADMISSION REFUSED**

60. Therein can be found the components of the strategy, which culminated in the genocide of 1994.

ADMITTED **DENIED** **ADMISSION REFUSED**

61. In early 1994, certain prominent people from Habyarimana's circle instigated violent demonstrations in Kigali aimed at preventing the implementation of the Arusha Accords.

ADMITTED **DENIED** **ADMISSION REFUSED**

62. Soldiers in civilian clothes and militiamen took part, seeking to provoke confrontations with the Belgian UNAMIR soldiers.

ADMITTED **DENIED** **ADMISSION REFUSED**

63. These incidents were partially the cause of the postponement of the establishment of the institutions foreseen by the Arusha Accords.

ADMITTED **DENIED** **ADMISSION REFUSED**

64. On 6 April 1994, the plane carrying, among other passengers, the President of the Republic of Rwanda, Juvénal Habyarimana, was shot down on its approach to Kigali airport.

ADMITTED **DENIED** **ADMISSION REFUSED**

65. In the hours, which followed the crash of the President's plane, the senior officers of the FAR convened to assess the situation.

ADMITTED **DENIED** **ADMISSION REFUSED**

66. Those who shared the extremist Hutu ideology, generally from the North, proposed an Army take-over.

ADMITTED **DENIED** **ADMISSION REFUSED**

67. During a second meeting, which took place on the morning of 7 April, that option was rejected in favour of setting up an interim Government.

ADMITTED **DENIED** **ADMISSION REFUSED**

68. On the morning of 7 April 1994 and while these discussions were taking place; groups of military personnel had started doing the following things:

- (a) with lists in hand, they proceeded to arrest, confining and carry out systematic assassinations of a large number of political opponents, both Hutu and Tutsi;

ADMITTED **DENIED** **ADMISSION REFUSED**

- (b) among those who suffered the fate described above were the following:

- (i) Ms Agathe UWILINGIYIMANA, the Prime Minister at the time,

ADMITTED **DENIED** **ADMISSION REFUSED**

- (ii) some of the Ministers in the Government of Prime Minister Uwilingiyimana

ADMITTED **DENIED** **ADMISSION REFUSED**

- (iii) Cour de Cassation (*ie* Constitutional Court) President Joseph KAVARUGANDA,

ADMITTED **DENIED** **ADMISSION REFUSED**

- (iv) Human rights advocates Charles SHAMUKIGA, Fidele KANYABUGOYI, Ignace RUHATANA, and Patrick GAHIZI

ADMITTED **DENIED** **ADMISSION REFUSED**

- (c) at the same time, however, the military were evacuating prominent members of the late President's circle, including the MRND Ministers to safe locations.

ADMITTED **DENIED** **ADMISSION REFUSED**

69. The Belgian UNAMIR soldiers sent to protect the Prime Minister were disarmed, arrested and taken to Kigali military camp, where they were massacred.

ADMITTED DENIED ADMISSION REFUSED

70. Their massacre prompted the withdrawal of the Belgian contingent in the days that followed.

ADMITTED DENIED ADMISSION REFUSED

71. After the withdrawal of the Belgian troops, the UN Security Council drastically reduced the number of UNAMIR personnel in Rwanda.

ADMITTED DENIED ADMISSION REFUSED

72. The leaders of various political parties not targeted in the assassinations assembled at the request of military officers.

ADMITTED DENIED ADMISSION REFUSED

73. Other than members of the MRND, most participants at the said meeting were members of the 'Power' wings of their respective parties.

ADMITTED DENIED ADMISSION REFUSED

74. Given the political and constitutional void created by the deaths of most national political authorities, they set up a government based on the 1991 constitution.

ADMITTED DENIED ADMISSION REFUSED

75. A new Government [the 'Interim Government'], composed solely of Hutu, was sworn in on 9 April 1994.

ADMITTED DENIED ADMISSION REFUSED

76. In the Interim Government, the MRND held nine ministerial posts, plus the Presidency of the Republic, while the remaining 11 positions, including that of Prime Minister, went to then 'Power' factions of the other parties.

ADMITTED DENIED ADMISSION REFUSED

77. In the hours that followed the crash of President Habyarimana's plane, military and militiamen set up roadblocks and began slaughtering Tutsi and members of the Hutu opposition in Kigali and in other parts of Rwanda; **thus marking the beginning of the genocide.**

ADMITTED **DENIED** **ADMISSION REFUSED**

78. At these roadblocks the identity cards of anyone wishing to pass were checked and people identified as being Tutsi were killed.

ADMITTED **DENIED** **ADMISSION REFUSED**

79. Military patrols, often involving militiamen, scoured the city, lists in hand, to execute the Tutsi and certain political opponents.

ADMITTED **DENIED** **ADMISSION REFUSED**

80. During the entire period of the genocide, FAR military, particularly units of the Presidential Guard, the Para-Commando Battalion and Reconnaissance Battalion, in complicity with militiamen, actively participated in the massacres of the Tutsi throughout Rwanda.

ADMITTED **DENIED** **ADMISSION REFUSED**

81. As soon as it was formed, the Interim Government espoused the plan of extermination of Tutsis.

ADMITTED **DENIED** **ADMISSION REFUSED**

82. Throughout the period of the massacres, the Interim Government made decisions and issued directives to aid and abet in the extermination of the Tutsi population and the elimination of the Hutu political opponents.

ADMITTED **DENIED** **ADMISSION REFUSED**

83. Members of the Interim Government incited the population to eliminate 'the enemy' and its 'accomplices'.

ADMITTED **DENIED** **ADMISSION REFUSED**

84. Some members of the Interim Government even participated directly in carrying out the massacres.

ADMITTED **DENIED** **ADMISSION REFUSED**

85. Local authorities, including *préfets*, *bourgmestres*, and *conseillers de secteur* and *responsables de cellule* did the following:

- (a) They applied the Government-issued directives in execution of the plan for the extermination of the Tutsi population.

ADMITTED DENIED ADMISSION REFUSED

- (b) They incited and ordered their subordinates to perpetrate the massacres.

ADMITTED DENIED ADMISSION REFUSED

- (c) Some of them even took direct part in carrying out the extermination objective.

ADMITTED DENIED ADMISSION REFUSED

B. TERRITORIAL, TEMPORAL AND MATERIAL JURISDICTION

86. The crimes referred to in this document took place in Rwanda between 1 January and 31 December 1994, particularly between 1 January 1994 and July 1994.

ADMITTED DENIED ADMISSION REFUSED

87. Between 1 January 1994 and 17 July 1994, Rwanda consisted of the following administrative structures:

- (a) Rwanda was divided into 11 *préfectures*: Butare, Byumba, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali-Ville, Kigali-Rural and Ruhengeri.

ADMITTED DENIED ADMISSION REFUSED

- (b) Each *préfecture* was subdivided into *communes*.

ADMITTED DENIED ADMISSION REFUSED

- (c) Each *commune* was subdivided into *secteurs*.

ADMITTED DENIED ADMISSION REFUSED

(d) Each *secteur* was subdivided into *cellules*.

ADMITTED DENIED ADMISSION REFUSED

88. Between 1 January 1994 and 17 July, the Tutsi, the Hutu and the Twa were respectively identified as racial or ethnic groups.

ADMITTED DENIED ADMISSION REFUSED

89. The following state of affairs, among others, obtained in Rwanda between 1 January 1994 and 17 July 1994:

(a) there were throughout Rwanda widespread or systematic attacks against human beings.

ADMITTED DENIED ADMISSION REFUSED

(b) the widespread or systematic attacks were directed against a civilian population on the following grounds:

(i) political persuasion

ADMITTED DENIED ADMISSION REFUSED

(ii) ethnic affiliation

ADMITTED DENIED ADMISSION REFUSED

(iii) racial origin.

ADMITTED DENIED ADMISSION REFUSED

(c) The widespread or systematic attacks as indicated above, had the following features:

(a) they had specific objective of extermination of the Tutsi.

ADMITTED DENIED ADMISSION REFUSED

(b) they were organised.

ADMITTED DENIED ADMISSION REFUSED

(c) they were organised and planned not only by members of the FAR, but also by political forces behind the "Hutu power" movement.

ADMITTED DENIED ADMISSION REFUSED

(d) they were carried out essentially by Rwandan state security personnel, as well as, civilians including the armed militia and even ordinary citizens.

ADMITTED DENIED ADMISSION REFUSED

90. During the events referred to in this document, a state of non-international armed conflict existed in Rwanda.

ADMITTED DENIED ADMISSION REFUSED

91. The following affairs among others, obtained in Rwanda between 6 April 1994 to 17 July 1994:

(a) some Rwandans citizens committed genocide to wit, the following acts were done with the intent to destroy wholly or partially in Rwanda, the ethnic group identified as Tutsi:

ADMITTED DENIED ADMISSION REFUSED

(i) persons perceived to be Tutsi were killed;

ADMITTED DENIED ADMISSION REFUSED

(ii) serious bodily or mental harm was occasioned to persons perceived to be Tutsi, and

ADMITTED DENIED ADMISSION REFUSED

(iii) conditions of life calculated to bring about the whole or partial physical destruction of Tutsi in Rwanda were deliberately inflicted upon them

ADMITTED DENIED ADMISSION REFUSED

(b) some Rwandans citizens did directly and publicly incite others to commit genocide.

ADMITTED **DENIED** **ADMISSION REFUSED**

- (c) some Rwandans committed murder as part of a wide spread or systematic attack against a civilian population on ethnic, political, national or racial grounds.

ADMITTED **DENIED** **ADMISSION REFUSED**

- (d) some Rwandans committed extermination of human beings as part of a wide spread or systematic attack against a civilian population on ethnic, political, national or racial grounds.

ADMITTED **DENIED** **ADMISSION REFUSED**

- (e) some Rwandans committed rape as part of a wide spread or systematic attack against a civilian population on ethnic, political, national or racial grounds.

ADMITTED **DENIED** **ADMISSION REFUSED**

- (f) some Rwandans committed political persecution as part of a wide spread or systematic attack against a civilian population on ethnic, political, national or racial grounds.

ADMITTED **DENIED** **ADMISSION REFUSED**

- (g) some Rwandans committed racial persecution as part of a wide spread or systematic attack against a civilian population on ethnic, political, national or racial grounds.

ADMITTED **DENIED** **ADMISSION REFUSED**

- (h) some Rwandans committed inhumane acts as part of a wide spread or systematic attack against a civilian population on ethnic, political, national or racial grounds.

ADMITTED **DENIED** **ADMISSION REFUSED**

92. Between 1 January 1994 and 17 July 1994, Rwanda was a state party to the Genocide Convention (1948) having acceded to it on 16 April 1975.

ADMITTED **DENIED** **ADMISSION REFUSED**

93. The victims referred to in this document were protected persons, according to the provisions of Articles 3 common to Geneva Conventions and of additional protocol

ADMITTED DENIED ADMISSION REFUSED

C. THE POWER STRUCTURE

(i) GOVERNMENT

94. According to the Constitution of 10 June 1991, executive power is exercised by the President of the Republic, assisted by the Government, composed of the Prime Minister and the ministers.

ADMITTED DENIED ADMISSION REFUSED

95. The members of the Government are appointed by the President of the Republic upon the proposal of the Prime Minister.

ADMITTED DENIED ADMISSION REFUSED

96. The Prime Minister directs the Government's program.

ADMITTED DENIED ADMISSION REFUSED

97. The Government determines and applies national policy. To that effect, it controls the civil service and the armed forces.

ADMITTED DENIED ADMISSION REFUSED

98. The Prime Minister decides the functions of the ministers and officials under the Prime Minister's authority.

ADMITTED DENIED ADMISSION REFUSED

99. The resignation or termination of tenure of the Prime Minister, for whatever reason, causes the Government to resign.

ADMITTED DENIED ADMISSION REFUSED

100. The Ministers implement the Government's policy, as defined by the Prime Minister. They are answerable to the Head of the Government for doing so.

ADMITTED **DENIED** **ADMISSION REFUSED**

101. In discharging their duties, the Ministers stand by the President of the Republic

ADMITTED **DENIED** **ADMISSION REFUSED**

102. Before taking up their posts, they take an oath promising to uphold the interests of the Rwandan people and to respect the constitution and the Law.

ADMITTED **DENIED** **ADMISSION REFUSED**

103. In carrying out their duties, they have at their disposal the civil service and local administration corresponding to their functions.

ADMITTED **DENIED** **ADMISSION REFUSED**

(ii) **THE LOCAL PUBLIC ADMINISTRATION**

104. The *Préfet* represents executive power at prefectural level.

ADMITTED **DENIED** **ADMISSION REFUSED**

105. The *Préfet* is appointed by the President of the Republic on the recommendation of the Minister of the Interior and carries out his duties under that Minister's hierarchical authority.

ADMITTED **DENIED** **ADMISSION REFUSED**

106. The *Préfet's* authority covers the entire *préfecture*.

ADMITTED **DENIED** **ADMISSION REFUSED**

107. In his capacity as administrator of the *préfecture*, the *Préfet* is responsible for ensuring peace, public order and the safety of people and property.

ADMITTED DENIED ADMISSION REFUSED

108. The *Préfet*, in the discharge of his policing duties, maintaining peace and public order, may request the intervention of the army and of the *Gendarmerie Nationale*.

ADMITTED DENIED ADMISSION REFUSED

109. The *Préfet* has hierarchical authority over all civil servants and all persons holding public office within the boundaries of the *préfecture*, including the *bourgmestres* and *conseillers de secteur and chefs de cellule*.

ADMITTED DENIED ADMISSION REFUSED

110. Similarly to the *Préfet*, the *Bourgmestre* represents executive power at the *commune* level.

ADMITTED DENIED ADMISSION REFUSED

111. He is appointed by the President of the Republic on the recommendation of the Minister of the Interior.

ADMITTED DENIED ADMISSION REFUSED

112. He is under the hierarchical authority of the *Préfet*.

ADMITTED DENIED ADMISSION REFUSED

113. He has authority over the civil servants posted in his *commune*. Moreover, he has policing duties in regard to maintaining order and law enforcement.

ADMITTED DENIED ADMISSION REFUSED

(iii) THE FORCES ARMÉES RWANDAISES

114. The *Forces Armées Rwandaises (FAR)* were composed of the *Armée Rwandaise (AR)* and the *Gendarmerie Nationale (GN)*.

ADMITTED DENIED ADMISSION REFUSED

115. The *Forces Armées Rwandaises* did not have a unified command and came directly under the Minister of Defence.

ADMITTED DENIED ADMISSION REFUSED

116. The Commander-in-Chief of the *Forces Armées Rwandaises* was the President of the Republic.

ADMITTED DENIED ADMISSION REFUSED

117. The *Gendarmerie Nationale* was responsible for maintaining public order and peace and the observance of the laws in effect in the country.

ADMITTED DENIED ADMISSION REFUSED

118. The *Gendarmerie Nationale* was under the Minister of Defence but could carry out its duties of ensuring public order and peace at the request of the local government authority having jurisdiction, namely the *Préfet*.

ADMITTED DENIED ADMISSION REFUSED

119. In cases of emergency, this request could be made verbally, notably by telephone.

ADMITTED DENIED ADMISSION REFUSED

120. Such requests had to be carried out immediately. In addition, the *Gendarmerie Nationale* was obliged to transmit to the *Préfet* all information relating to public order.

ADMITTED DENIED ADMISSION REFUSED

121. It had the duty to assist anyone in danger.

ADMITTED DENIED ADMISSION REFUSED

(iv) THE POLITICAL PARTIES AND THE MILITIA

122. During the events referred to in this document political parties in Rwanda were the MRND (*Mouvement Républicain National pour la Démocratie*)

et le Développement), the CDR (*Coalition pour la Défense de la République*), the MDR (*Mouvement Démocratique Républicain*), the PSD (*Parti Social-Démocrate*) and the PL (*Parti Libéral*).

ADMITTED DENIED ADMISSION REFUSED

123. The RPF (Rwandan Patriotic Front) was a politico-military opposition organization.

ADMITTED DENIED ADMISSION REFUSED

124. Most of the political parties had created a youth wing.

ADMITTED DENIED ADMISSION REFUSED

125. The members of the MRND's youth wing members were known as the "*Interahamwe*" and those of the CDR were known as the "*Impuzamugamb*".

ADMITTED DENIED ADMISSION REFUSED

126. Numerous MRND youth wing members subsequently received military training and were thus transformed from youth movements into militias.

ADMITTED DENIED ADMISSION REFUSED

D. THE ACCUSED.

127. **Jean de Dieu Kamuhanda** was born on 3 March 1953 in Gikomero *commune*, Kigali-Rural *préfecture*, Rwanda.

ADMITTED DENIED ADMISSION REFUSED

128. In late May 1994, **Jean de Dieu Kamuhanda** held the office of Minister of Higher Education and Scientific Research in the Interim Government, replacing Dr. Daniel Nbangura.

ADMITTED DENIED ADMISSION REFUSED

129. **Jean de Dieu Kamuhanda** held the office until mid-July 1994.

ADMITTED DENIED ADMISSION REFUSED

130. **Jean de Dieu Kamuhanda** was the Director of Higher Education and Scientific Research before the events of 1994.

ADMITTED DENIED ADMISSION REFUSED

131. Prior to his appointment as a Minister in May 1994, **Jean de Dieu Kamuhanda** was the counselor to President Sindikubwabo.

ADMITTED DENIED ADMISSION REFUSED

132. **Jean de Dieu Kamuhanda** was an influential member of MRND in Kigali-Rural.

ADMITTED DENIED ADMISSION REFUSED

133. In his capacity as an influential member of the MRND in Gikomero commune, **Jean de Dieu Kamuhanda** was present and influenced the election of the then bourgmestre of Gikomero in August 1993.

ADMITTED DENIED ADMISSION REFUSED

134. **Jean de Dieu Kamuhanda** directly participated in the massacre of the Tutsi in Gikomero commune, particularly the Tutsi who sought refuge in Gikomero Parish and Gikomero Primary School, which took place on 12 April 1994.

ADMITTED DENIED ADMISSION REFUSED

135. About a month after the event, **Jean de Dieu Kamuhanda** was appointed a Minister by the Interim Government as indicated above, in recognition of his support for its policy to exterminate the Tutsi and its accomplices.

ADMITTED DENIED ADMISSION REFUSED

136. **Jean de Dieu Kamuhanda** reinforced his support of such policies by accepting a ministerial post almost two months after the Interim Government was formed when its policies were already clearly demonstrated by its governmental directives, proclamations, acts and omissions.

ADMITTED DENIED ADMISSION REFUSED

137. In his capacity as Minister of Higher Education, **Jean de Dieu Kamuhanda** was responsible for the articulation and the implementation of the government policy concerning post-secondary school education and scientific research in Rwanda for the Interim Government.

ADMITTED

DENIED

ADMISSION REFUSED

138. In his capacity as Minister, **Jean de Dieu Kamuhanda** attended Cabinet meetings where he was informed about the socio-political situation in the country and where he was apprised of government policy and participated in formulating the policies adopted and implemented by the Interim Government.

ADMITTED

DENIED

ADMISSION REFUSED

139. In the exercise of his powers as a Minister, he never publicly disavowed the policies of the Interim Government and did not resign, as permitted by the Constitution.

ADMITTED

DENIED

ADMISSION REFUSED

140. **Jean de Dieu Kamuhanda** never criticized or reproached the policies of the Interim Government when he was Counselor to the Interim President, and did not resign until late May 1994, when he accepted his nomination as Minister of Higher Education as a demonstration of his tacit support of the Interim Government's policies.

ADMITTED

DENIED

ADMISSION REFUSED

141. In his capacity as Minister of Higher Education, **Jean de Dieu Kamuhanda**, exercised authority and control over all the institutions and staff members under his ministry.

ADMITTED

DENIED

ADMISSION REFUSED

For The Prosecutor



Ifeoma Ojemeni
Trial Attorney



**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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PROOF OF SERVICE – ARUSHA
PREUVE DE NOTIFICATION AUX CHAMBRES DE PREMIERE INSTANCE - ARUSHA

Date: 26/3/2001		Case Name / affaire: The Prosecutor V. JEAN DE DIEU KAMUHANDA	
		Case No / no. de l'affaire: ICTR-99-54A-I	
To: A:	TC1	received by / reçu par:	ALO received by / reçu par:
	<input type="checkbox"/> Judge N. Pillay, President	_____	<input type="checkbox"/> _____
	<input type="checkbox"/> Judge Møse, Vice President	_____	<input type="checkbox"/> _____
	<input type="checkbox"/> Judge A. Gunawardana	_____	<input type="checkbox"/> _____
	<input type="checkbox"/> E. Nahamya, Co-ordinator	_____	<input type="checkbox"/> _____
	TC2		
	<input checked="" type="checkbox"/> Judge L. Kama	<u>fw 26/3/01</u>	<input checked="" type="checkbox"/> <u>fw 26/3/01</u>
	<input checked="" type="checkbox"/> Judge W. H. Sekule	<u>in 26/03/01</u>	<input checked="" type="checkbox"/> <u>in 26/3/01</u>
	<input checked="" type="checkbox"/> Judge M. Güney	<u>L. J. J. J.</u>	<input checked="" type="checkbox"/> <u>L. J. J. J.</u>
	<input checked="" type="checkbox"/> C. Aptel, Co-ordinator	<u>26-3-01</u>	<input checked="" type="checkbox"/> <u>26/3/01</u>
TC3			
<input type="checkbox"/> Judge L.G. Williams	_____	<input type="checkbox"/> _____	
<input type="checkbox"/> Judge P. Dolenc	_____	<input type="checkbox"/> _____	
<input type="checkbox"/> Judge Y. Ostrovsky	_____	<input type="checkbox"/> _____	
<input type="checkbox"/> M. Niang, Co-ordinator	_____	<input type="checkbox"/> _____	
OTP / BUREAU DU PROCUREUR			
<input checked="" type="checkbox"/> Trial Attorney in charge of case KEN FLEMING , received by <u>Charles 26/3/01</u>			
DEFENSE:			
<input checked="" type="checkbox"/> Accused / Accusé: JEAN DE DIEU KAMUHANDA complete / remplir "CMS4 FORM"			
<input checked="" type="checkbox"/> Lead Counsel / Conseil Principal AICHA CONDE			
<input checked="" type="checkbox"/> In Arusha / à Arusha <u>26-3-01</u> (signature) <input type="checkbox"/> by fax complete / remplir "CMS3bis FORM"			
<input checked="" type="checkbox"/> Co-Counsel / Conseil Adjoint: GRACE AMAKYE			
<input type="checkbox"/> In Arusha / à Arusha _____ (signature) <input type="checkbox"/> by fax complete / remplir "CMS3bis FORM"			
All Decisions: <input type="checkbox"/> Appeals Chamber Unit, The Hague <input type="checkbox"/> Suzanne Chenault, Jurist Linguist			
All Decisions & Important Public Documents: <input type="checkbox"/> Press & Public Affairs <input type="checkbox"/> Legal Library			
From: De:	<input type="checkbox"/> J.P. Fomété	<input type="checkbox"/> A. N'gum	<input type="checkbox"/> F. Talon
	<input type="checkbox"/> A. Mubaha	<input type="checkbox"/> K. Afande (TC3)	
CC:	<input type="checkbox"/> A. Dieng <input type="checkbox"/> A. Miller, OLA, NY <input type="checkbox"/> P. Nyambe <input type="checkbox"/> K. Moghalu <input type="checkbox"/> WVSS-P <input type="checkbox"/> WVSS-D <input type="checkbox"/> LDFMS <input type="checkbox"/> GLSS		
Subject Objet:	Kindly find attached the following documents / <i>Veillez trouver en annex les documents suivants:</i>		

Documents name / titre du document

PROSECUTOR'S REQUEST TO ADMIT FACTS

Date Filed / Date enregistré **Pages**

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