

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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5 CASE NO: ICTR-95-I-T THE PROSECUTOR
6 OF THE TRIBUNAL

6

7

AGAINST

8

IGNANCE BAGILISHEMA

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APRIL 1, 1999
930H

11

12

Before: Mr. Justice William H. Sekule, President
13 Mr. Justice Yakov Ostrovsky
14 Mr. Justice Tafazzal Khan

15

For the Registry:
16 Ms. Mariane Ben-Salimo
17 Mr. Abraham Koshopa

17

For the Prosecution:
18 Mr. David Spencer
19 Mr. Frederic Ossogo

20

For the Defendant Bagilishema:
21 Mr. Francis Kwaang Musei

21

22

Court Reporter:
23 Ms. Noorjahan Pirani-Hirji

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NOORJAHAN PIRANI-HIRJI, OFFICIAL REPORTER
ICTR - CHAMBER II

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P R O C E E D I N G S

MR. PRESIDENT:

The proceedings are called to order,
could the Registrar introduce the matter
coming before the Trial Chamber this
morning, please.

MS. BEN-SALIMO:

Thank you, Mr. President. Trial Chamber
II composed of Judge William Sekule
presiding, Judge Khan and Judge
Ostrovsky, sitting today, the 1st April
1999, for the initial appearance of
Ignance Bagilishema, case number
ICTR-95-I-T and pursuant to Rule 62 of
the Rules of Procedure and Evidence. I
thank you, Mr. President.

MR. PRESIDENT:

Yes, thank you very much. Could we have
the appearances of counsel, starting with
the Prosecution, if we may, please.

MR. SPENCER:

Good morning, Your Honour, I am David
Spencer, senior trial attorney, appearing
for the Prosecution. Here, with me, is
my colleague, Frederic Ossogo.

1 MR. PRESIDENT:

2 Thank you. Could we also have the
3 appearance for the appearance for the
4 defence team -- for the defence please.

5 MR. MUSEI:

6 I am appearing on behalf of the suspect,
7 Ignance Bagilishema, and I am -- My name
8 is F.K Musei, yes.

9 MR. PRESIDENT:

10 Thank you, counsel. Yes, could the
11 accused come forward. May be it would be
12 easier to follow these proceedings at the
13 witness stand.

14 Yes, accused person, Ignance Bagilishema,
15 in which language would you be speaking
16 in the course of these proceedings.

17 THE ACCUSED:

18 I wish to use the French language.

19 MR. PRESIDENT:

20 Okay, thank you. You may introduce
21 yourself briefly, stating both your
22 names, which we already have and any
23 short background that you may wish to
24 introduce, say, for example, the date of
25 birth and what have you and what you were

1 doing before you were raised and being
2 brought before the Trial Chamber. Very
3 briefly.

4 THE ACCUSED:

5 You can say that you already know me but
6 my name is Ignance Bagilishema, I was
7 born in 1955 in Mabanza Commune, Kibuye
8 Prefecture. And I am here before you as
9 an accused person.

10 MR. PRESIDENT:

11 What were you doing just before you were
12 raised, perhaps, in Mabanza or in Kibuye,
13 what was your calling.

14 THE ACCUSED:

15 Before I became a refugee, I had quite a
16 few functions but the last of which was
17 as Bourgmestre of Mabanza Commune.

18 MR. PRESIDENT:

19 Yes, thank you.

20 THE ACCUSED:

21 Thank you.

22 MR. PRESIDENT:

23 The Registry will now read to you the
24 indictment. They will read through the
25 indictment embodying the background as

1 well as the concise facts stated to be in
2 support of that indictment. Listen very
3 carefully what is being read and after
4 that, it will be read off again but this
5 time it will specifically be directed
6 towards the reading of the specific
7 counts that concern you. And thereafter,
8 the Trial Chamber will ask you how you
9 plead, whether guilty or not guilty. But
10 for the moment, the entire indictment
11 will be read to you, slowly, in the
12 language that you understand, and that
13 will be French.

14 Yes, do you want to say anything. Yes.

15 THE ACCUSED:

16 Thank you, Mr. President. Before the
17 reading of the indictment is done, I
18 would wish to put a question to you and
19 talk to you about a problem I have
20 because I have counsel who speaks
21 English, I speak French. We were unable
22 to consult one another. We were unable
23 to understand each other. And further
24 more, I wrote to the Registrar of the
25 Tribunal to ask for counsel of my choice

1 because up until now I had not received a
2 response, therefore.

3 It was also yesterday only that I was
4 informed of my initial appearance today.
5 I didn't have time to prepare myself; I
6 do not have counsel. So I would put this
7 to you to inform me what I need to do but
8 this is my main problem, Mr. President.
9 I thank you.

10 MR. PRESIDENT:

11 Thank you very much. Those are very
12 valid concerns but we will explain what
13 the proceedings today, today's
14 proceedings are all about. As a sense
15 and in terms of Rule 62, all the
16 proceedings today is to read to you the
17 indictment as presented by the
18 Prosecutor, a copy of which you may
19 already have, and at the end of which you
20 will be asked how you plead. And that is
21 all that is required for today's process.
22 But the Trial Chamber takes note and has
23 taken note and the Registry is here with
24 regard to the subsequent developments
25 that may have to be put in place with

1 regard to your defence and in the
2 preparation of your defence; that is
3 having counsel to advocate on your
4 behalf. And this will be sorted out and
5 I think the Registry has taken note of
6 that.

7 But the proceedings today are what I have
8 just said and the indictment is to be
9 read to you in clear terms and in the
10 language that you understand. And I
11 think you should be able, within the
12 context of Rule 62, to carry out the
13 exercise that is supposed to be carried
14 out today. So we will proceed.

15 Yes. Mr. Prosecutor, perhaps before the
16 indictment is put across to the accused
17 person, we have got a notification with
18 regard to the counts that concern the
19 accused person, do you have any comment
20 to make before the indictment that we
21 have is read to the accused person?

22 MR. SPENCER:

23 Just very briefly, Your Honour. The
24 original indictment was filed in November
25 of 1995 and a first amended indictment

1 was filled on April 29th of 1996. Now,
2 the first amended indictment differed
3 from the original indictment only in the
4 factual allegations; the paragraphs
5 supporting Count 1, the conspiracy count.

6

7 Judge Pillay, who is the confirming judge
8 in the original indictment, also, on the
9 order of 6th of May 1996, which approved
10 or adopted those paragraphs which were
11 different from the original indictment,
12 being the Paragraph 32, 33 and 34, and
13 then restated Count 1, the conspiracy
14 count of the indictment.

15 In effect, what the Judge did at that
16 time was approve or confirm the first
17 amended indictment by adopting all those
18 changes that were made by the first
19 amended indictment.

20 MR. PRESIDENT:

21 Yes.

22 MR. SPENCER:

23 Now, the judge also, at that time, on the
24 6th of May, lifted the order of
25 non-disclosure that had been in it

1 originally because the -- because none of
2 the defendants or the accused were
3 arrested at the time of the original
4 indictment. So the Judge then lifted the
5 order of non disclosure.

6 So at this point, there is no reason that
7 any of the indictment is secret or not
8 public.

9 MR. PRESIDENT:

10 Yes.

11 MR. SPENCER:

12 Now, since there were multiple accused in
13 the indictment, it works out that the
14 accused here, Mr. Bagilishema, is not
15 charged in all the counts of the
16 indictment. He is charged in: Count 1,
17 the conspiracy count; in Counts 2 to 7,
18 which deal with a massacre at the
19 Catholic Church; and in Counts 8 through
20 13, which deal with the massacre at the
21 stadium in Kibuye.

22 He is not charged with any offence in
23 Counts 14 through 19 or Counts 20 to 25,
24 so I would suggest that there is no need
25 for him to plea to those Counts.

1 MR. PRESIDENT:

2 Yes. And of course, you now say that the
3 non disclosure order was lifted so the
4 names of the other accused, as they
5 appear on the indictment, can be read
6 out, except, of course, you are aware
7 that two of the accused persons are on
8 trial, so they would not be a subject
9 matter of this indictment.

10 MR. SPENCER:

11 Yes, sir, I understand that they were
12 severed out and have been tried and I
13 believe their cases are nearing
14 conclusion. I would point out, however,
15 that Count 1, the conspiracy count does
16 include accusations that this accused
17 acted with other people, all the other
18 accused, in one way or another. I would
19 suggest that we know who he is accused of
20 conspiring with.

21 MR. PRESIDENT:

22 So the other two accused, that is Clement
23 Kayishema and Obed Ruzindana are already
24 under trial and their case is under
25 consideration; so the rest, I think, can

1 be subject to the observations we have
2 just made -- can be read out.
3 Yes, Registry, could you read out the
4 indictment, bearing in mind the
5 observations of Mr. Spencer -- very, very
6 carefully and clearly and for the accused
7 person to follow in French. Please go
8 ahead.

9 MS. BEN-SALIMO:

10 Thank you, Mr. President. International
11 Criminal Tribunal for Rwanda, the
12 Prosecutor of the Tribunal against
13 Ignance Bagilishema, Charles Sikubwabo,
14 Aloys Ndimbati, Vincent Rutaganira, Mika
15 Mujyanama, Ryandikayo.

16
17 Indictment:

18
19 Richard Goldstone, Prosecutor of the
20 International Criminal Tribunal for
21 Rwanda, pursuant to his authority under
22 Article 17 of the Statute of the
23 International Criminal Tribunal for
24 Rwanda (Tribunal Statute), charges:

25

1 1. This indictment charges persons
2 responsible for the following massacres
3 which occurred in the Prefecture of
4 Kibuye, Republic of Rwanda:

5
6 1.1 The massacre at the Catholic
7 Church and the Home St. Jean complex in
8 Kibuye Town, where thousands of men,
9 women and children were killed and
10 numerous people injured on about 17
11 April, 1994.

12
13 1.2. The massacre at the Stadium in
14 Kibuye Town, where thousands of men,
15 women and children were killed and
16 numerous people injured on about 18 and
17 19 April, 1994.

18
19 1.3. The massacre at the church in
20 Mubuga, where thousands of men, women and
21 children were killed and numerous people
22 injured between about 14 and 17 April,
23 1994.

24
25 1.4. The massacres in the area of

1 Bisesero, where thousands of men, women
2 and children were killed and numerous
3 people injured between about 10 April and
4 30 June 1994.

5

6 THE MASSACRE SITES

7 2. The Republic of Rwanda is divided
8 into eleven Prefectures. These eleven
9 Prefectures are further divided into
10 communes. The Prefecture of Kibuye
11 consists of nine communes. The massacres
12 which form the basis of the charges in
13 this indictment occurred in the
14 Prefecture of Kibuye, in Gitesi, Gishyita
15 and Gisovu communes.

16

17 3. The first massacre site addressed in
18 this indictment, the Catholic Church and
19 Home St. Jean complex, is located in
20 Kibuye Town, Gitesi Commune, on a piece
21 of land which is surrounded on three
22 sides by Lake Kivu. A road runs past the
23 entrance to the Catholic Church and Home
24 St. Jean complex. The Catholic church is
25 visible from the road. The Home St. Jean

1 is behind the Church and is not visible
2 from the road.

3

4 4. The second massacre site addressed
5 in this indictment, the Stadium, is
6 located near the main traffic circle in
7 Kibuye Town, Gitesi Commune. The town's
8 main road runs past the Stadium.

9 Immediately behind the stadium is a high
10 hill.

11

12 5. The third massacre site addressed in
13 this indictment, the Church in Mubuga, is
14 located in Gishyita Commune. Gishyita
15 Commune is located in the southern part
16 of Kibuye Prefecture. The Church in
17 Mubuga is located approximately 20
18 kilometers from Kibuye Town.

19

20 6. The fourth massacre site addressed in
21 this indictment is the area of Bisesero.
22 The area --

23

24 The fourth massacre site addressed
25 in this indictment is area of Bisesero.

1 The area of Bisesero extends through two
2 communes in the Prefecture of Kibuye:
3 Gishyita and Gisovu. Bisesero is an area
4 of high, rolling hills located in the
5 southern portion of Kibuye Prefecture.
6 The hills are very large, and are often
7 separated by deep valleys.

8

9

BACKGROUND

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7. The structure of the executive branch, and the authority of the members therein, is set forth in the laws of Rwanda. In the Prefecture, the Prefect is the highest local representative of the government, and is the trustee of the State Authority. The Prefect has control over the government and its agencies throughout the Prefecture.

8. In each commune within a prefecture there exists the council of the commune, which is led by the Bourgmestre of that commune. The Bourgmestre of each commune is nominated by the Minister of the

1 Interior and appointed by the President.
2 As representative of the executive power,
3 the Bourgmestre is subject to the
4 hierarchical authority of the Prefect,
5 but, subject to this authority, the
6 Bourgmestre is in charge of governmental
7 functions within his commune.

8
9 9. The Prefect is responsible for
10 maintaining the peace, public order, and
11 security of persons and goods within the
12 prefecture. In fulfilling his duty to
13 maintain peace, the Prefect can demand
14 assistance from the army and from the
15 Gendarmerie Nationale. The Bourgmestre
16 also has authority over those members of
17 the Gendarmerie Nationale stationed in
18 his commune.

19
20 10. The Gendarmerie Nationale is an
21 armed force established to maintain the
22 public order and executive the laws. It
23 is led by the Minister of Defence, but
24 can exercise his function of safeguarding
25 the public order at the request of the

1 competent national authority, which is
2 the Prefect. The Gendarmerie Nationale
3 has an affirmative duty to report to the
4 Prefect information which has a bearing
5 on the public order, as well as a duty to
6 assist any person who, being in danger,
7 requests its assistance. From January to
8 July 1994, there were approximately 200
9 gendarmes in the Prefecture of Kibuye.

10

11 11. Members of the executive branch also
12 have control over the communal police.
13 Each commune has Police Communale, who
14 are engaged by the Bourgmestre of that
15 commune. Normally, the Bourgmestre has
16 exclusive authority over the members of
17 the Police Communale. In case of public
18 calamities, however, the Prefect can
19 claim the policemen of the Police
20 Communale and place them under his direct
21 control.

22

23 12. The Intrahamwe, an unofficial
24 paramilitary group composed almost
25 exclusively of extremist Hutus, had

1 significant involvement in the events
2 charged in this indictment. The National
3 Revolutionary Movement for Development
4 (MRND) party created the Interahamwe as a
5 military training organization for MRND
6 youth and based the Interahamwe's
7 leadership on the MRND's own structure,
8 with leaders at the national,
9 prefectoral, and communal levels. There
10 was no official link between the
11 Interahamwe and the Rwandan military, but
12 members of the Army and Presidential
13 Guard trained, guided and supported the
14 Interahamwe. Occasionally, members of
15 the Army or Presidential Guard
16 participated in Interahamwe activities.

17
18 13. On 6 April 1994, the airplane
19 carrying then-president of the republic
20 of Rwanda, Juvenal Habyarimana, crashed
21 during its approach into Kigali airport
22 in Rwanda. Almost immediately, the
23 massacre of civilians began throughout
24 Rwanda. During that time, individuals
25 seeking Tutsis were able to focus their

1 activities on specific locations because
2 Tutsis, who believed themselves to be in
3 danger, often fled in large numbers to
4 perceived safe areas, such as churches
5 and communal buildings. This practice,
6 which was widely known, was based on the
7 fact that in the past Tutsis who had
8 sought refuge in such places had not been
9 attacked. Thus, during the period of
10 time relevant to this indictment, groups
11 of people seeking refuge in the seam area
12 were most likely predominantly Tutsis.

13
14 14. Also, during the times relevant to
15 this indictment, the Rwandan government
16 required all Rwandans to carry, at all
17 times, identity cards that designated the
18 bearer's status as Hutu, Tutsi, Twa or
19 "naturalized". Individuals seeking
20 Tutsis could identify their targets
21 simply by asking individuals to show
22 their identification card.

23

24

GENERAL ALLEGATIONS

25

NOORJAHAN PIRANI-HIRJI, OFFICIAL REPORTER
ICTR - CHAMBER II

1 15. All acts or omissions by the accused
2 set forth in this indictment occurred
3 during the period of 1 January, 1994 to
4 31 December, 1994, and occurred in the
5 Territory of the Republic of Rwanda.

6
7 16. In each paragraph charging genocide,
8 a crime recognized by Article 2 of the
9 Tribunal Statute, the alleged acts or
10 omissions were committed with intent to
11 destroy, in whole or in part, an ethnical
12 or racial group.

13
14 17. In each paragraph charging crimes
15 against humanity, crimes recognized by
16 Article 3 of the Tribunal Statute, the
17 alleged acts or omissions were part of a
18 widespread or systematic attack against a
19 civilian population on political, ethnic
20 or racial grounds.

21
22 18. At all times relevant to this
23 indictment, the victims referred to in
24 this indictment were protected under
25 Article 3 common to the Geneva

1 Conventions and by Additional Protocol II
2 thereto.

3
4 19. At all times relevant to this
5 indictment, there was an internal armed
6 conflict occurring within Rwanda.

7
8 20. At all times relevant to this
9 indictment --

10
11 I am sorry, I should not read this --

12
13 21. At all times relevant to this
14 indictment, Aloys Ndimbati was the
15 Bourgmestre of Gisovu Commune, Charles
16 Sikubwabo was the Bourgmestre of
17 Gishyista Commune and Ignace Bagilishema
18 was the Bourgmestre of Mabanza Commune.
19 Each exercised control over his
20 respective commune, including his
21 subordinates in the executive branch and
22 members of the Police Communale and
23 Gendarmerie Nationale.

24
25 22. Each of the accused is individually

1 responsible for the crimes alleged
2 against him and in this indictment,
3 pursuant to Article 6(1) of the Tribunal
4 Statute. Individual responsibility
5 includes planning, instigating, ordering,
6 committing or otherwise aiding and
7 abetting in the planning, preparation or
8 execution of any of the crimes referred
9 to in Articles 2 to 4 of the Tribunal
10 Statute.

11
12 23. In addition, Aloys Ndimbati and
13 Charles Sikubwabo were also or
14 alternatively, individually responsible
15 as superiors for the crimes committed by
16 their subordinates within the
17 administration, the Gendarmerie Nationale
18 and Communale Police with respect to each
19 of the crimes charged.

20 Superior individual responsibility is the
21 responsibility of a superior for the acts
22 of his subordinate if he knew or had
23 reason to know that his subordinate was
24 about to commit such criminal acts or had
25 done so and failed to take necessary and

1 reasonable measures to prevent such acts
2 or to punish the perpetrators thereof.

3

4 The Accused

5

6 25. Ignance Bagilishema was born in 1955
7 in Rubengera Sector, Mabanza Commune,
8 Kibuye Prefecture, Rwanda.

9 Bagilishema's father was Louis Ntaganda,
10 and his mother was Kampundu. Ignace
11 Bagilishema was appointed Bourgmestre of
12 Mabanza Commune on February 8, 1980.

13 Bagilishema acted as Bourgmestre until
14 the end of July 1994. He is believed to
15 be currently in Zambia -- which is not
16 accurate.

17

18 26. Charles Sikubwabo is believed to
19 have been born in the early to mid 1940's
20 in Gishyita Sector, Gishyita Commune.

21 Kibuye Prefecture, Rwanda. Sikubwabo's
22 father was Ferdinand Seburikoko. Charles
23 Sikubwabo was appointed as Bourgmestre of
24 Gishyita Commune in 1993. Before this
25 appointment, Sikubwabo was a Chief

1 Adjutant in the armed forces of Rwanda.
2 Charles Sikubwabo acted as Bourgmestre
3 until the end of July 1994. He is
4 believed to be currently in Bukavu,
5 Zaire.

6
7 27. Aloys Ndimbati is believed to have
8 been born in the early to mid 1950's in
9 Gitabura Sector, Gisovu Commune, Kibuye
10 Prefecture, Rwanda. Aloys Ndimbati was
11 appointed as Bourgmestre of Gisovu
12 Commune in 1990. Aloys Ndimbati acted as
13 Bourgmestre until the end of July 1994.
14 He is believed to be currently in Zaire.

15
16 28. Vincent Rutaganira is believed to
17 have been born in the early 1940's in
18 Mubuga Sector, Gishyita Commune, Kibuye
19 Prefecture, Rwanda. Rutaganira's father
20 was Telesphore Bulimwinyundo and his
21 mother was Saverine Nyiramakuta. Vincent
22 Rutaganira was elected as councillor of
23 Mubuga Sector, Gishyita Commune in 1980.
24 Vincent Rutaganira acted as a councillor
25 until the end of July 1994. He is

1 believed to be currently in Bukavu or on
2 Ijwi Island, Zaire.

3

4 29. Mika Muhimana is believed to have
5 been born around 1950 in Gishyita Sector,
6 Gishyita Commune, Kibuye Prefecture,
7 Rwanda. Muhimana's father was Manasse
8 Ntamakemwa, and his mother was Thamar
9 Mukamugema. Muhimana was elected as
10 councillor of Gishyita Sector, Gishyita
11 Commune in 1988. Before his election,
12 Mika Muhimana was a commercial trader.
13 Mika Muhimana acted as a councillor until
14 the end of July 1994. He is believed to
15 be currently in Zaire.

16

17 30. Ryandikayo has no first name. He is
18 believed to have been born around 1961,
19 in Musenyi Sector, Gishyita Commune,
20 Kibuye Prefecture, Rwanda. Ryandikayo's
21 father was Rwuma (no first name) and his
22 mother was Nyirabukeye (no first name).
23 Ryandikayo was the manager of a
24 restaurant in Mubuga Sector, Gishyita
25 Commune during the time period in which

1 the crimes alleged in this indictment
2 occurred. He is believed to be currently
3 somewhere in Zaire.

4

5 CHARGES

6

7 The Agreement to Kill all Tutsis

8

9 COUNT 1

10

11 32. On or about 9th April 1994, a
12 meeting took place at the Prefect's
13 office in Kibuye Town, Kibuye Prefecture
14 --

15 MR. SPENCER:

16 I am sorry to interrupt, I believe we
17 have gotten off on to the original
18 indictment which was amended. I think,
19 let me see, I believe what the lady is
20 reading is a copy of the original
21 indictment

22 MR. PRESIDENT:

23 Yes.

24 MR. SPENCER:

25 And I believe that was amended by Judge

1 Pillay's order so that we should be
2 reading from the first amended indictment
3 instead.

4 MR. PRESIDENT:

5 The first amendment -- this one that she
6 is reading -- the ones started as the
7 first amended indictment.

8 MR. SPENCER:

9 Yes, that is the one we should be reading
10 and I believe in Paragraph 32, the first
11 amended indictment is different from what
12 was being read.

13 MR. PRESIDENT:

14 What has she read?

15 MS. BEN-SALIMO:

16 It is in French.

17 MR. SPENCER:

18 I apologize, Your Honour. I have it only
19 in English and I am listening to the
20 translations so I may be incorrect.

21 MR. PRESIDENT:

22 What is the one that you have?

23 MR. SPENCER:

24 The one that I have or the first amended
25 indictment starts out, 'prior to the

1 massacres which form the basis of Counts
2 2 through 25 of this indictment.

3 MR. PRESIDENT:

4 Which form the basis of Count 2 through
5 to 25 of this indictment.

6 MR. SPENCER:

7 Right. And then another named person,
8 Ignance Bagilishema - and the rest of the
9 named defendants - conspired to kill the
10 Tutsis in Kibuye Prefecture

11 MR. PRESIDENT:

12 Yes, that is the one we have with -- what
13 does she have?

14 MS. BEN-SALIMO:

15 --

16 MR. PRESIDENT:

17 How is the one you have read? Does it
18 correspond to what he is reading in
19 English. It is page 5. French is page
20 6. Any difference? Judge Ostrovsky, may
21 be could you show --

22 JUDGE OSTROVSKY:

23 In French, this is page 6.

24

25 (DISCUSSIONS OFF THE RECORD)

1

2 MR. PRESIDENT:

3 Okay, the other way about we can do is
4 that -- have you seen it, madam, have you
5 seen the correct indictment that we are
6 reading, the one marked or headed, 'the
7 first amendment' is what I have been
8 reading.

9 MS. BEN-SALIMO:

10 The indictment of 29 April, 1996.

11 MR. PRESIDENT:

12 Yes -- can you proceed?

13 MS. BEN-SALIMO:

14 I am sorry, I have to take it all again.

15 MR. PRESIDENT:

16 Yes, start with the charges and then the
17 agreement and run down.

18 MS. BEN-SALIMO:

19 CHARGES

20

21 The Agreement to Kill all Tutsis

22

23 Count 1

24

25 32. Prior to the massacres which form

1 the basis for Counts 2 through 25 of this
2 indictment, Ignance Bagilishema had
3 conspired to kill the Tutsis of Kibuye
4 Prefecture.

5

6 33. In furtherance of the aims of this
7 conspiracy, between about 9 April 1994
8 and about 30 June 1994 ---

9 MR. PRESIDENT:

10 Just a moment. I think Paragraph 32 is
11 the names, you read all through the
12 names.

13 MS. BEN-SALIMO:

14 **It is redacted**, Mr. President, it is
15 redacted.

16 MR. PRESIDENT:

17 You used the names that appear on the
18 original indictment, I think that is what
19 it means, this particular count, the one
20 which combines all the accused persons.

21 Okay.

22 MS. BEN-SALIMO:

23 CHARGES

24

25 The Agreement to Kill all Tutsis

1

2

COUNT 1

3

4

32. Prior to the massacres which form

5

the basis for Counts 2 through 25 of this

6

indictment, Ignance Bagilishema, Charles

7

Sikubwabo, Aloys Ndimbati, Vincent

8

Rutaganira, Mika Muhimana, Ryandikayo

9

conspired to kill the Tutsis of Kibuye

10

Prefecture .

11

12

33. In furtherance of the aims of this

13

conspiracy, between about 9 April 1994,

14

and about 30 June, 1994, the above named

15

individuals murdered and assisted in the

16

murder of Tutsis throughout Kibuye

17

Prefecture. The massacres which form the

18

basis for Counts 2 through 25 of this

19

indictment were a result of this

20

conspiracy.

21

22

34. By these actions, Ignance

23

Bagilishema, Charles Sikubwabo, Aloys

24

Ndimbati, Vincent Rutaganira, Mika

25

Muhimana, and Ryandikayo are criminally

1 responsible for:

2

3 Count 1: CONSPIRACY TO COMMIT GENOCIDE,
4 a violation of Article 2(3)(b) of the
5 Tribunal Statute.

6

7 The Massacre at the Catholic Church and
8 Home St. Jean Complex.

9

10 COUNTS 2 to 7.

11

12 35. By about 17 April, 1994, thousands
13 of men, women and children from various
14 locations had sought refuge in the
15 Catholic Church and Home St. Jean
16 complex, hereinafter, the Complex,
17 located in Kibuye Town. These men, women
18 and children were unarmed and were
19 predominantly Tutsis. They were in a
20 complex seeking protection from attacks
21 on Tutsis which had occurred throughout
22 the Prefecture of Kibuye.

23

24 36. Some of the people who sought refuge
25 in the Complex did so because Ignance

1 Bagilishema ordered them to go there
2 while others did so because --
3 I do not have the name - the name is
4 redacted --
5 ordered them to go there.

6 MR. PRESIDENT:

7 Would you assist the Registry with
8 redactions of the names there.

9 MR. SPENCER:

10 Yes, Your Honour. I have the English
11 copy which is not redacted. Do you want
12 that particular name or would you -- I
13 should just give the lady my copy.

14 MR. PRESIDENT:

15 Yes, may be for complicity, for clear
16 understanding of the charge, it can just
17 be read through because the accused
18 person will be able to tell his
19 responsibility and what have you --
20 because otherwise, there would be dark
21 clouds and we are not concerned with that
22 here. But I think we have got to read
23 through that so that this portion of it
24 can be understood.

25 MR. SPENCER:

1 I do have it in English, unredacted, and
2 I would be glad to share that. The name
3 should be in the same place and the same
4 order, regardless of the language.

5 MR. PRESIDENT:

6 Yes, could you give that to the -- so
7 that she can read through it, that is,
8 this particular count, and as well as,
9 the other Count is 13. Yes -- okay, got
10 the names.

11 MR. SPENCER:

12 The paragraph numbers are going one
13 number off, that is the what the problem
14 is all a long because in the amendment,

15 MR. PRESIDENT:

16 Are you ready. The other way about we
17 can do it this way, we can have an
18 English text, we can have it read in
19 English and then the translation will get
20 through to the accused person. That
21 might make us go faster, if you can not
22 get your document in order, madam. Is it
23 okay.

24 MS. BEN-SALIMO:

25 My English is rather below standard; I

1 prefer to read the text in French and I
2 will look at the text which I have been
3 given by the Prosecutor. I shall
4 continue for Counts 2 to 7.

5 MR. PRESIDENT:

6 Paragraph 36.

7 MS. BEN-SALIMO:

8 Yes.

9
10 36. Some of the people who sought
11 refuge in the Complex did so because
12 Ignance Bagilishema ordered them to go
13 there while others did so because Clement
14 Kayishema ordered them to go there.
15 When Clement Kayishema and Ignance
16 Bagilishema ordered people to go to the
17 Complex both of them knew, or had reason
18 to know that an attack on the Complex was
19 going to take -- was going to occur.

20
21 37. After people gathered in the
22 Complex, the Complex was surrounded by
23 persons under Clement Kayishema's
24 control, including members of the
25 Gendarmerie Nationale. These persons

1 prevented the men, women and children
2 within the Complex from leaving the
3 Complex at a time when Clement Kayishema
4 knew or had reason to know that an attack
5 on the Complex was going to occur.

6
7 38. On about 17 April, 1994, Clement
8 Kayishema ordered members of the
9 Gendarmerie Nationale, communal police of
10 Gitesi Commune, Intrahamwe and armed
11 civilians to attack the Complex and
12 personally participated in the attack.
13 The attackers used guns, grenades,
14 machetes, spears, cudgels and other
15 weapons to kill the people in the
16 Complex.

17
18 39. The attack resulted in thousands of
19 deaths and numerous injuries to the
20 people within the Complex (Attachment A
21 contains a list of some of the
22 individuals killed in the attack).
23 During the two weeks following the
24 attack, members of the Gendarmerie
25 Nationale --

1 During the two weeks following the
2 attack, members of the Gendarmerie
3 Nationale, Interahamwe and armed
4 civilians searched for and killed injured
5 survivors of the attack.

6
7 40. Before the attack on the Complex,
8 Clement Kayishema did not take measures
9 to prevent an attack and after the
10 attack, Clement Kayishema did not punish
11 the perpetrators.

12
13 COUNT 2: GENOCIDE --

14
15 MR. PRESIDENT:

16 No, I think you have left out a paragraph
17 here, 41 translated, didn't come through
18 in English. Paragraph 41, could you read
19 it back in French and we get the
20 translation.

21 MS. BEN-SALIMO:

22 41. By these acts and omissions, Clement
23 Kayishema and Ignance Bagilishema are
24 criminally responsible for the following:

25

1 COUNT 2: GENOCIDE, a violation of
2 Article 2(3)(a) of the Tribunal Statute;

3
4 COUNT 3: CRIMES AGAINST HUMANITY, a
5 violation of Articles 3(a) (murder) of the
6 Tribunal Statute;

7
8 COUNT 4: CRIMES AGAINST HUMANITY, a
9 violation of Article 3(b) (extermination)
10 of the Tribunal Statute.

11
12 COUNT 5: CRIMES AGAINST HUMANITY, a
13 violation of Article 3(i) (other inhumane
14 acts) of the Tribunal Statute.

15
16 COUNT 6: A violation of Article 3 COMMON
17 TO THE GENEVA CONVENTIONS, a violation of
18 Article 4(a) of the Tribunal Statute; and

19
20 COUNT 7: A VIOLATION OF ADDITIONAL
21 Protocol II, a violation of Article 4(a)
22 of the Tribunal Statute.

23
24 The Massacre at the Stadium in Kibuye
25 Town

1

2

COUNTS 8 to 13

3

4

42. By about 18 April 1994, thousands of

5

men, women and children from various

6

locations had sought refuge in the

7

Stadium located in Kibuye Town. These

8

men, women and children were unarmed and

9

were predominantly Tutsis. They were in

10

the Stadium seeking refuge from attacks

11

on Tutsis which had occurred throughout

12

the Prefecture of Kibuye.

13

14

43. Some of the people who sought refuge

15

in the Stadium did so because Clement

16

Kayishema had ordered them to go there,

17

while others did so because Ignance

18

Bagilishema ordered them to go there.

19

When Clement Kayishema and Ignance

20

Bagilishema ordered people to go to the

21

Stadium, both of them knew or had reason

22

to know that an attack on the Stadium was

23

going to occur.

24

25

44. After people gathered in the

1 Stadium, the Stadium was surrounded by
2 persons under Clement Kayishema's
3 control, including members of the
4 Gendarmerie Nationale. These persons
5 prevented the men, women and children
6 within the Stadium from leaving the
7 Stadium at a time when Clement Kayishema
8 knew or had reason to know that an attack
9 on the Complex was going to occur.

10

11 45. On or about the 18 April, 1994,
12 Clement Kayishema went to the Stadium and
13 ordered members of the Gendarmerie
14 Nationale, Communal Police of Gitesi
15 Commune, Interahamwe and armed civilians
16 to attack the Stadium. Clement Kayishema
17 initiated the attack by firing a gun into
18 the air. In addition, Clement Kayishema
19 personally participated in the attack.
20 The attackers used guns, grenades pangas,
21 machetes, spears, cudgels and other
22 weapons to kill the people in the
23 stadium. There were survivors of the
24 attack on 18 April, 1994. During the
25 night of April 18, 1994, and the morning

1 of 19 April 1994, gendarmes surrounding
2 the Stadium prevented the survivors from
3 leaving. The attack on the Stadium
4 continued on the 19 April, 1994.
5 Throughout the attacks men, women and
6 children attempting to flee the attacks
7 were killed

8
9 46. The two days of attacks resulted in
10 thousands of deaths and numerous injuries
11 to men, women and children within the
12 Stadium (Attachment B contains the list
13 of some of the individuals killed in
14 these attacks).

15
16 47. Before the attacks on the Stadium,
17 Clement Kayishema did not take measures
18 to prevent an attack from occurring, and
19 after the attacks, Clement Kayishema did
20 not punish the perpetrators.

21
22 48. By these acts and omissions, Clement
23 Kayishema and Ignance Bagilishema are
24 criminally responsible for the following:

25

1 COUNT 8: GENOCIDE, a violation of
2 Article 2(3)(a) of the Tribunal Statute;

3
4 COUNT 9: CRIMES AGAINST HUMANITY, a
5 violation of Article 3(a) (murder) of the
6 Tribunal Statute;

7
8 COUNT 10: CRIMES AGAINST HUMANITY, a
9 violation of Article 3(b) (extermination)
10 of the Tribunal Statute;

11
12 COUNT 11: CRIMES AGAINST HUMANITY, a
13 violation of Article 3(i) (other inhumane
14 acts) of the Tribunal Statute;

15
16 COUNT 12: A VIOLATION OF ARTICLE 3
17 COMMON TO THE geneva CONVENTIONS, a
18 violation of Article 4(a) of the Tribunal
19 Statute; and,

20
21 COUNT 13: A VIOLATION OF ADDITIONAL
22 PROTOCOL II, a violation of Article 4(a)
23 of the Tribunal Statute.

24
25 MR. PRESIDENT:

NOORJAHAN PIRANI-HIRJI, OFFICIAL REPORTER
ICTR - CHAMBER II

1 Yes.

2 MS. BEN-SALIMO:

3 The massacre --

4 MR. PRESIDENT:

5 No, the other counts, that is from Count
6 14 to Count 25, do not concern the
7 accused here before the Trial Chamber, so
8 they need not be read. These are the
9 counts that concern the accused, that is
10 Counts 1 and then Counts 2 to 7 and then
11 Counts 8 to Count 13. I think that is
12 the position, Mr. Prosecutor.

13 MR. SPENCER:

14 Yes, Your Honour.

15 MR. PRESIDENT:

16 Now, accused, Ignance Bagilishema, you
17 have heard the general reading of the
18 indictment from the beginning to -- up to
19 Count 13. I would now call upon, again,
20 the Registry to read, this time, only the
21 charge, and then, at the end of each
22 indictment, at the end of each charge or
23 count, the Trial Chamber will ask you how
24 you are going to plead, how you are
25 pleading, guilty or not guilty.

1 Okay. So madam, you must start reading
2 again and starting from the charges and
3 on the conspiracy charge, you read
4 through all the names at this stage,
5 whether the others have already had their
6 trial, whatever. So you will go through
7 the names. I think there are about eight
8 names. Is that correct? Eight on the
9 original indictment, for the conspiracy
10 charge. So could you read again. Count
11 1.

12 MS. BEN-SALIMO:

13 Thank you, Mr. President.

14

15 COUNT 1.

16

17 The Agreement to Kill all Tutsis

18

19 Count 1

20

21 32. Prior to the massacres which form
22 the basis for Counts 2 through 25 of this
23 indictment, Ignance Bagilishema ---

24 MR. PRESIDENT:

25 Read all the names.

1 MS. BEN-SALIMO:

2 Charles Sikubwabo, Aloys Ndimbati,
3 Vincent Rutaganira, Mika Muhimana,
4 Ryandikayo, conspired to kill the Tutsis
5 in --

6 MR. PRESIDENT:

7 You have the names which have been -- I
8 am saying all the names in this
9 particular -0-

10 MS. BEN-SALIMO:

11 Clement Kayishema and Obed Ruzindana
12 conspired to kill the Tutsies in Kibuye
13 Prefecture.

14
15 33. In furtherance of the aims of this
16 conspiracy, between about 9 April, 1999
17 (sic 1994) and about 30 June, 1994, the
18 above mentioned persons -- the above
19 named individuals murdered and assisted
20 in the murder of Tutsis throughout Kibuye
21 Prefecture. The massacres which formed
22 the basis for Counts 2 through 25 of this
23 indictment were a result of this
24 conspiracy.

25

1 34. By these actions, Clement Kayishema,
2 Ignance Bagilishema, Charles Sikubwabo,
3 Aloys Ndimbati, Vincent Rutaganira, Mika
4 Muhimana, Ryandikayo and Obed Ruzindana
5 are criminally responsible for the
6 following:

7
8 COUNT 1: CONSPIRACY TO COMMIT GENOCIDE,
9 a violation of Article 2(3)(b) of the
10 Tribunal Statute.

11 MR. PRESIDENT:

12 Yes, okay. Accused, Ignance Bagilishema,
13 how do you plead on this first count,
14 conspiracy?

15 THE ACCUSED:

16 Thank you, Mr. President. I do
17 apologize, I can say nothing without my
18 counsel.

19 MR. PRESIDENT:

20 Well, do you plead guilty or not guilty,
21 that is very clear, that your counsel
22 would not help much on this particular
23 stage.

24 THE ACCUSED:

25 I would prefer to consult my counsel

1 before I say whatsoever before the
2 Tribunal. I am not well versed in this
3 matter and I do need counsel to defend me
4 and assist me.

5 MR. PRESIDENT:

6 You don't need counsel to plead guilty or
7 not guilty unless you are pleading
8 guilty perhaps. So what do you say to
9 that?

10 THE ACCUSED:

11 I am saying I need counsel to assist me
12 in making a statement and I do need this
13 representation.

14 MR. PRESIDENT:

15 Okay, in terms of Rule 62 of the Rules of
16 Procedure and Evidence, paragraph 3,
17 which reads - I will read to you -

18

19 Call upon the --

20

21 may be I will read the entire Rule.

22

23 "Upon the transfer to the Tribunal, the
24 accused shall be brought before a Trial
25 Chamber without delay and shall be

1 formally charged. The Trial Chamber
2 shall:

3 1. Satisfy itself that the right
4 of the accused to counsel is respected"

5
6 -- which we have done.

7
8 "2. Read out or have the indictment
9 read to accused in a language he speaks
10 and understands and satisfy itself that
11 the accused understand the indictment."

12
13 Okay.

14
15 "3. Call upon the accused to enter a
16 plea of guilty or not guilty on each
17 count. Should the accused fail to do so,
18 enter a plea of not guilty on his
19 behalf."

20
21 I think we understand the indictment
22 which is clear to you. The charges are
23 very simple, I am sure you understand
24 them. So when I ask you again, how do
25 you plead, if you fail to plead the Trial

1 Chamber will take action in terms of rule
2 62(3).

3 Can we have your answer, please, do you
4 plead guilty or not guilty?

5 THE ACCUSED:

6 I have stated that I need counsel. If
7 you want to take into account Rule 62(3),
8 you may do so but I insist that I was
9 only informed yesterday and I didn't have
10 time to consult with my counsel and that
11 I have problems in committing myself,
12 legally, without any counsel.

13 MR. PRESIDENT:

14 I am informed by the Registry that you
15 were informed and had accepted to appear
16 before, with the assistance of a duty
17 counsel, so we will enter a plea of not
18 guilty on your behalf. We take it that
19 you have failed to plea. Next count.

20 MS. BEN-SALIMO:

21 Thank you, Mr. President - the -

22 MR. PRESIDENT:

23 Yes, we have just entered a plea of not
24 guilty on behalf of the accused person,
25 he having deferred the plea. Yes, next.

1 MS. BEN-SALIMO:

2 The massacre at the Catholic Church and
3 Home St. Jean Complex

4

5 COUNTS 2 to 7

6

7 35. By about 17 April, 1994, thousands
8 of men, women and children from various
9 locations had sought refuge in the
10 Catholic Church and Home St. Jean
11 complex, hereinafter the Complex, located
12 in Kibuye Town. These men, women and
13 children were unarmed and were
14 predominantly Tutsis. They were in the
15 Complex seeking protection from attacks
16 on Tutsis which had occurred throughout
17 the Prefecture of Kibuye.

18

19 36. Some of the people who sought
20 refuge in the Complex did so because
21 Ignance Bagilishema ordered them to go
22 there while others did so because Clement
23 Kayishema ordered them to go there.
24 When Clement Kayishema and Ignance
25 Bagilishema ordered people to go to the

1 Complex, both of them knew or had reason
2 to know that an attack on the Complex was
3 going to occur.

4
5 37. After people gathered in the
6 Complex, the Complex was surrounded by
7 persons under Clement Kayishema's
8 control, including members of the
9 Gendarmerie Nationale. These persons
10 prevented the men, women and children
11 within the Complex from leaving the
12 Complex at a time when Clement Kayishema
13 knew or had reason to know that an attack
14 on the Complex was going to occur

15
16 38. On about 17 April, 1994, Clement
17 Kayishema ordered members of the
18 Gendarmerie Nationale, Communal Police of
19 Gitesi Commune, Interahamwe and armed
20 civilians to attack the Complex and
21 personally participated in the attack.
22 The attackers used guns, grenades
23 machetes, spears, cudgels and other
24 weapons to kill the people in the
25 Complex.

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39. The attack resulted in thousands of deaths and numerous injuries to the people within the Complex (Attachment A contains a list of some of the individuals killed in the attack). During the two weeks following the attack, members of the Gendarmerie, Interahamwe and armed civilians searched for and killed injured survivors of the attack.

40. Before the attack on the Complex, Clement Kayishema did not take measures to prevent an attack and after the attack Clement Kayishema did not punish the perpetrators.

41. By these acts and omissions, Clement Kayishema and Ignance Bagilishema are criminally responsible for the following:

COUNT 2: GENOCIDE, a violation of Article 2(3)(a) of the Tribunal Statute;

1 -- should I stop here.

2 MR. PRESIDENT:

3 Yes.

4 MR. PRESIDENT:

5 How do you plead, Ignance Bagilishema,
6 accused, on this second Count, genocide.

7 THE ACCUSED:

8 I have already given my response, I am
9 not changing anything whatsoever.

10 MR. PRESIDENT:

11 Okay, we will enter and we do hereby
12 enter a plea of not guilty on your behalf
13 in terms of Rule 62(3). Count 3, how do
14 you plead, crimes against humanity, a
15 violation of Article 3(a) under murder,
16 of the Statute? May be you can read in
17 French, please, Count 3, madam.

18 MS. BEN-SALIMO:

19 Count 3: CRIMES AGAINST HUMANITY, a
20 violation of Articles 3(a) (murder) of the
21 Statute -- of the of the Tribunal
22 Statute.

23 MR. PRESIDENT:

24 How do you plead?

25 THE ACCUSED:

1 Still the same response.

2 MR. PRESIDENT:

3 Okay. A plea of not guilty is entered on
4 your behalf in terms of Rule 62,
5 Paragraph 3. Next count. So to save
6 time, perhaps you can say, 'same
7 position' then we proceed. Read the
8 charge.

9 MS. BEN-SALIMO:

10 Count 4: CRIMES AGAINST HUMANITY, a
11 violation of Article 3(b) (extermination)
12 of the Tribunal Statute.

13 MR. PRESIDENT:

14 How do you plead?

15 THE ACCUSED:

16 My answer has not been changed.

17 MR. PRESIDENT:

18 Enter the plea of not guilty on behalf of
19 the accused in terms of Rule 62,
20 Paragraph 3.
21 Count 5, would you read the count to the
22 accused, please.

23 MS. BEN-SALIMO:

24 Count 5: CRIMES AGAINST HUMANITY, a
25 violation of Article 3(i) (other inhumane

1 acts) of the Tribunal Statute.

2 MR. PRESIDENT:

3 How do you plead?

4 THE ACCUSED:

5 Still the same answer, Your Honour.

6 MR. PRESIDENT:

7 A plea of not guilty is entered on behalf
8 of the accused in terms of Rule 62(3).

9 Next count, Count 6.

10 MS. BEN-SALIMO:

11 Count 6: A VIOLATION OF ARTICLE 3 COMMON
12 TO THE GENEVA CONVENTIONS, a violation of
13 Article 4(a) of the Tribunal Statute.

14 MR. PRESIDENT:

15 How do you plead, accused, on this count,
16 Count 6.

17 THE ACCUSED:

18 Same answer, Mr. President.

19 MR. PRESIDENT:

20 A plea of not guilty is entered on behalf
21 of the accused in terms of Rule 62
22 Paragraph 3. Count 7.

23 MS. BEN-SALIMO:

24 Count 7: A VIOLATION OF ADDITIONAL
25 PROTOCOL II, a violation of Article 4(a)

1 of the Tribunal Statute.

2 MR. PRESIDENT:

3 Yes, how do you plead on this Count 7,
4 accused.

5 THE ACCUSED:

6 Same reply, Your Honour.

7 MR. PRESIDENT:

8 A plea of not guilty is entered on behalf
9 of the accused in terms of Rule 62,
10 paragraph 3 of the Rules of Procedure and
11 Evidence.

12 Yes, next stage Registry.

13 MS. BEN-SALIMO:

14 The Massacre at the Stadium in Kibuye
15 Town

16
17 COUNTS 8 to 13

18
19 42. By about 18 April 1994, thousands of
20 men, women and children from various
21 locations had sought refuge in the
22 Stadium located in Kibuye Town. These
23 men, women and children were unarmed and
24 were predominantly Tutsis. They were in
25 the Stadium seeking refuge from attacks

1 on Tutsis which had occurred throughout
2 the Prefecture of Kibuye.

3

4 43. Some of the people who sought refuge
5 in the Stadium did so because Clement
6 Kayishema had ordered them to go there
7 while others did so because Ignance
8 Bagilishema ordered them to go there.
9 When Clement Kayishema and Ignance
10 Bagilishema ordered people to go to the
11 Stadium, both of them knew or had reason
12 to know that an attack on the Stadium was
13 going to occur.

14

15 44. After people gathered in the
16 Stadium, the Stadium was surrounded by
17 persons under Clement Kayishema's
18 control, including members of the
19 Gendarmerie Nationale. These persons
20 prevented the men, women and children
21 within the Stadium from leaving the
22 Stadium at a time when Clement Kayishema
23 knew or had reason to know that an attack
24 on the Complex was going to occur.

25

1 45. On or about the 18 April, 1994,
2 Clement Kayishema went to the Stadium and
3 ordered members of the Gendarmerie
4 Nationale, communale police of Gitesi
5 Commune, Interahamwe and civilians to
6 attack the Stadium. Clement Kayishema
7 initiated the attack by firing a gun into
8 the air. In addition, Clement Kayishema
9 personally participated in the attack.
10 The attackers used guns, grenades,
11 pangas, machetes, spears, cudgels and
12 other weapons to kill the people in the
13 Stadium. There were survivors of the
14 attack on April 18, 1994. During the
15 night of 18 April, 1994 and the morning
16 of 19 April 1994, gendarmes surrounded
17 the Stadium and prevented the survivors
18 from leaving. The attack on the Stadium
19 continued on 19th April, 1994.
20 Throughout the attacks, men, women and
21 children attempting to flee the attacks
22 were killed.

23

24 46. The two days of attacks resulted in
25 thousands of deaths and numerous injuries

1 to the men, women and children within the
2 Stadium (Attachment B contains the list
3 of some of the individuals killed in the
4 attacks).

5
6 47. Before the attacks on the Stadium,
7 Clement Bagilishema (sic) did not take
8 measures to prevent an attack from
9 occurring and after the attacks, Clement
10 Kayishema did not punish the
11 perpetrators.

12
13 48. By these acts and omissions, Clement
14 Kayishema and Ignance Bagilishema are
15 criminally responsible for the following:

16
17 Count 8: GENOCIDE, a violation of
18 Article 2(3)(a) of the Tribunal Statute.

19 MR. PRESIDENT:

20 Yes, accused person, Ignance Bagilishema,
21 how do you plead to Count 8, genocide.

22 THE ACCUSED:

23 My position remains unchanged.

24 MR. PRESIDENT:

25 A plea of not guilty is entered on behalf

1 of the accused in terms of Rule 62,
2 paragraph 3. Next count, Count 9 please.

3 MS. BEN-SALIMO:

4 Count 9: CRIMES AGAINST HUMANITY, a
5 violation of Article 3(a) (murder) of the
6 Tribunal Statute.

7 MR. PRESIDENT:

8 How do you plead?

9 THE ACCUSED:

10 Same position.

11 MR. PRESIDENT:

12 Yes, a plea of not guilty is entered on
13 behalf of the accused in terms of Rule
14 62, Paragraph 3 of the Rules of Procedure
15 and Evidence. Count 10.

16 MS. BEN-SALIMO:

17 Count 10: CRIMES AGAINST HUMANITY, a
18 violation of Article 3(b) (extermination)
19 of the Tribunal Statute.

20 MR. PRESIDENT:

21 How do you plead, Count 10.

22 THE ACCUSED:

23 Same answer.

24 MR. PRESIDENT:

25 Okay, a plea of not guilty is entered on

1 behalf of the accused in terms of Rule
2 62, paragraph 3. Count 11.

3 MS. BEN-SALIMO:

4 Count 11: CRIMES AGAINST HUMANITY, a
5 violation of Article 3(i) (other inhumane
6 acts) of the Tribunal Statute.

7 MR. PRESIDENT:

8 Yes, how do you plead in Count 11.

9 THE ACCUSED:

10 Same answer.

11 MR. PRESIDENT:

12 Okay, a plea of not guilty is entered on
13 behalf of the accused in terms of Rule
14 62, paragraph 3. Count 12.

15 MS. BEN-SALIMO:

16 Count 12: A VIOLATION OF ARTICLE 3
17 COMMON TO THE GENEVA CONVENTIONS, a
18 violation of Article 4(a) of the Tribunal
19 Statute.

20 MR. PRESIDENT:

21 How do you plead?

22 THE ACCUSED:

23 Same position.

24 MR. PRESIDENT:

25 A plea of not guilty is entered on behalf

1 of the accused in terms of Rule 62,
2 Paragraph 3 of the Rules of Procedure and
3 Evidence. Count 13.

4 MS. BEN-SALIMO:

5 Count 13: A VIOLATION OF ADDITIONAL
6 PROTOCOL II, a violation of Article 4(a)
7 of the Tribunal Statute.

8 MR. PRESIDENT:

9 Okay, how do you plead on this Count,
10 accused?

11 THE ACCUSED:

12 Still the same position, Mr. President.

13 MR. PRESIDENT:

14 Yes. A plea of not guilty is entered on
15 behalf of the accused in terms of Rule
16 62, Paragraph 3. And this concludes the
17 plea with regard to the counts that
18 concern the accused in this indictment,
19 that is, Count 1 to Count 13 and a plea
20 of not guilty in respect of all the
21 counts that concern the accused person
22 have been entered on his behalf, as
23 already stated, in terms of Rule 62 of
24 our Rules of Procedure and Evidence --
25 Rule 62, Paragraph 3, Rules of Procedure

1 and Evidence.
2 You understand, the charge was clear for
3 you. So this concludes the initial
4 appearance with regard to the accused
5 person.

6 Do you have, is anything to be raised,
7 Mr. Spencer, anything else.

8 MR. SPENCER:

9 No, Your Honour, I believe not.

10 MR. PRESIDENT:

11 Mr. Musei, anything?

12 MR. MUSEI:

13 There is no point.

14 MR. PRESIDENT:

15 There is nothing.

16 MR. MUSEI:

17 No.

18 MR. PRESIDENT:

19 So these proceedings now stand adjourned,
20 it is so decided.

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22 (PROCEEDINGS ADJOURNED)

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C E R T I F I C A T E

I, Noorjahan Pirani-Hirji, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (stenotype) and thereafter transcribed by computer under my supervision and control; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

Noorjahan Pirani-Hirji (pgs. 1_to 64__)

NOORJAHAN PIRANI-HIRJI, OFFICIAL REPORTER
ICTR - CHAMBER II