

ICTR-2001-65-I

19-7-2001

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2001- -I

THE PROSECUTOR  
AGAINST  
JEAN MPAMBARA

JUDICIAL RECORDS ARCHIVES  
RECEIVED  
ICTR  
2001 JUL 19 P 4: 36  
[Signature]

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**INDICTMENT**

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- I. The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to the authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the "Statute of the Tribunal") charges:

**JEAN MPAMBARA**

with GENOCIDE; an offense stipulated in Article 2 of the Statute of the Tribunal, as set forth below:

II. THE ACCUSED:

1. **Jean MPAMBARA** was born in 1954 in Rukara *commune*, Kibungo *préfecture*, Rwanda. During the period covered by this indictment, **Jean MPAMBARA** was *bourgmestre* of Rukara *commune* in Kibungo *préfecture*.
2. As *bourgmestre*, **Jean MPAMBARA** exercised authority over his subordinates, among whom can be counted: administrative personnel at the level of the *commune*, including *conseillers de secteur*, *responsables de cellule*, *nyumbakumi* and the communal police. **Jean MPAMBARA** also exercised authority over *gendarmes* and *Interahamwe* militias in Rukara *commune*.

III. CHARGES and CONCISE STATEMENT OF FACTS:

Count 1: GENOCIDE

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Jean MPAMBARA** with *GENOCIDE*, a crime stipulated in Article 2(3)(a) of the Statute, in that on or between the dates of 6 April 1994 and 16 April 1994 in Kibungo *préfecture*, Rwanda, **Jean MPAMBARA** was responsible for killing or causing

serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group;

*Pursuant to Article 6(1) of the Statute:* by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged, in that:

***Concise Statement of Facts:***

- 3. Between 1 January and 31 December 1994, citizens native to Rwanda were severally identified according to the following ethnic or racial classifications: Hutu, Tutsi and Twa.
- 4. Following the death of Rwandan President Juvénal Habyarimana on 6 April 1994 and resumption of hostilities between the *Forces Armées Rwandaises* ["FAR", the national army] and the *Front Patriotique Rwandais* ["FPR", a predominantly Tutsi politico-military opposition group] on following day, certain MRND-aligned political and military leaders launched a nationwide campaign to mobilize government armed forces, civilian militias, the local public administration and common citizens to exterminate the Tutsi population. Government armed forces and *Interahamwe* militias targeted Rwanda's civilian Tutsi population as domestic accomplices of an invading army, *ibiyitso*. Under the guise of national defense, ordinary citizens of Rwanda, primarily its Hutu peasantry, were enlisted in a nationwide campaign of pillage, murder, rape, and torture with the objective of destroying the Tutsi.

**Preparation:**

- 5. **Jean MPAMBARA** prepared the campaign against the Tutsi in Rukara *commune*, Kibungo *préfecture*. Preparation consisted in disseminating anti-Tutsi propaganda among the local population; recruiting, training and arming *Interahamwe* militias; mobilizing Hutu civilians to isolate, marginalize, count and register their Tutsi neighbors; and distributing arms to civilians for purposes of attacks against the Tutsi. Execution of the campaign entailed disarming the Tutsi and disabling resistance to the attacks and strategically directing armed attacks against large groups of Tutsi.
- 6. The campaign was coordinated through the political structures of the government territorial administration and through the organizational apparatus of the MRND and MRND-aligned political parties in meetings called or attended by *bourgmestres*, *conseillers de secteur*, and political party leaders.
- 7. **Jean MPAMBARA** organized or participated in such meetings, as follows:
  - (i) on a date, or dates unknown in 1992 and 1993 in Rukara commune with Member of Parliament Innocent KALIBUGNEGE and others;
  - (ii) on a date or dates unknown in 1992 and 1993, in Rukara *commune* with Member of Parliament Innocent KALIBUGENDE and others;

- (iii) on dates unknown in 1993, in Rukara *commune* with Justin MUGENZI, *conseiller de secteur* Jean Bosco BUTERA and others;
- (iv) on a date or dates unknown in January or February 1993, in front of the Rukara commune office, as chairman of the meeting, while wearing a green and yellow *Interahamwe* cap, with Interahamwe and others;
- (v) in March 1994, in Ryamanyone, Rukara commune, with MRND leaders from Gahini, Ryamanyoni and Kiyenzi *secteurs*;
- (vi) in March 1994, in Mitongo, with Innocent KALIBUGENDE, Jean Baptiste GATETE, and *bourgmestre* of Kabarondo *commune* Octavien NGENZI;
- (vii) in March 1994, at Lake Muhazi, with Jean Baptiste GATETE and Octavien NGENZI;
- (viii) on or about 7 April 1994, at Samson GACUMBITSI's house, with other *commune* authorities;
- (ix) on a date or dates unknown, at a property occupied by Colonel Pierre Célestin RWAGAFILITA, with RWAGAFILITA, *bourgmestres* from Kayonza, Kabarondo, Kigarama, Sake and Birenga, and *Interahamwe* chief CYASA and others;
- (x) on or about 8 April 1994, at the prefectural office in Kibungo, with other *bourgmestres* of Kibungo *prefecture*, Colonel Pierre Célestin RWAGAFILITA and CYASA;
- (xi) on or about 10 April 1994, at the FAR military camp in Kibungo with Col. Pierre Célestin RWAGAFIRITA and *bourgmestres* of Kibungo *prefecture*, including Sylvestre GACUMBITSI.

8. Furthermore, **Jean MPAMBARA** organized, facilitated or acted in concert with others, including military leaders such as Col. Pierre Célestin RWAGAFIRITA, and *bourgmestres* and other communal authorities, such as Sylvestre GACUMBITSI, to distribute weapons to local politicians and civilians, intending and anticipating that they would be used in attacks against the Tutsi. For example:

- (i) Since approximately 1990, **Jean MPAMBARA** had stockpiled weapons in the Rukara *commune* office buildings purportedly for civilian defence purposes, which he instead distributed to the *Interahamwe* on a date or dates unknown;
- (ii) on a date or dates unknown, **Jean MPAMBARA** and Jean-Bosco BUTERA were jointly and severally in charge of weapons distribution for Rukara *commune* and distributed weapons

intending that they be used in a campaign of extermination against the Tutsi population;

- (iii) at the meeting held on or about 10 April 1994 with Colonel Pierre Célestin RWAGAFIRITA, *bourgmestres* of Kibungo *prefecture*, including Sylvestre GACUMBITSI, and others received and weapons which were distributed by or on behalf of Col. Pierre Célestin RWAGAFIRITA;
- (iv) on a date or dates unknown, **Jean MPAMBARA** served as a mediator between various Hutu paramilitary youth groups of the extremist parties, coordinated their training and used his vehicle to transport *Interahamwe* to military exercises and training.

**Execution:**

9. Between 7 April 1994 and 9 April 1994, **Jean MPAMBARA** circulated in Rukara *commune* aboard his vehicle, advised the Tutsi population to take shelter at Rukara Parish, assured them that they would be safe, and transported persons seeking shelter to Rukara Parish in his vehicle. He also listed the names of certain Tutsi civil servants and gathered those persons, along with their families, at Rukara Parish.
10. Subsequently, **Jean MPAMBARA** ordered, led, instigated, facilitated or otherwise aided and abetted attacks against civilian Tutsi men, women and children, and other persons that gathered in public buildings in Gahini *secteur*, such as Gahini Hospital and Rukara Parish. The attacks were progressively executed and incorporated a strategy to gather Tutsi civilians in large groups in order to harm or kill them with efficient use of human and material resources.
11. Rukara Parish is comprised of a church building, a training room, a cinema hall, a primary school, a health center and a residence for nuns and priests. During April 1994, approximately 5,000 civilian Tutsis and Hutus married to Tutsis or politically opposed to the Interim Government sought shelter in the various buildings on the Rukara Parish compound.
12. On and between 7 and 16 April 1994, the strategy or pattern of killing in Rukara *commune* included:
  - (i) *Interahamwe* attacks against Tutsi civilians in their homes and neighborhoods, including setting fire to the homes of Tutsis and pillage, to induce large numbers of unarmed civilians to seek shelter in nearby public buildings, such as Gahini Hospital, as occurred on or about 7 April or 8 April 1994 in Gahini *secteur*;
  - (ii) luring Tutsi civilians to such public shelters with assurances of refuge and protection, as occurred on or about 7 April or 8 April 1994 in Gahini *secteur*;

- (iii) listing names of certain Tutsi civil servants and gathering those persons, along with their families, at the Rukara Parish, such as occurred on or about 8 April 1994;
- (iv) transferring groups of unarmed civilians to a central location, such as Rukara Parish, either forcibly or by providing assurances of protection, as occurred on or about 9 April 1994;
- (v) completely disarming civilians that had gathered, forcibly or by choice, at Rukara Parish, and luring them to exit the building enclosures and to gather in a central location on the Parish compound, allegedly for a security meeting or with promises of protection, as occurred on 9 April 1994;
- (vi) ordering *gendarmes* to shoot firearms into the grouping of unarmed civilians, causing numerous deaths and injuries, as occurred in a courtyard at Rukara Parish on or about 9 April 1994;
- (vii) thereafter ordering *Interahamwe* armed with machetes and traditional weapons to attack survivors of the firearm attacks from soldiers, as occurred at Rukara Parish on or about 9 April;
- (viii) ordering soldiers to attack civilians that had barricaded themselves within the building enclosures of the Rukara Parish Church with explosive grenades, causing numerous death and injuries, as occurred in a follow-up attack at the church on or about 10 April;
- (ix) thereafter ordering *Interahamwe* armed with machetes and traditional weapons to attack survivors of the grenade attacks from soldiers, as occurred at the Rukara Parish on or about 10 April;
- (x) ordering soldiers or *Interahamwe* to attack civilians that were sheltered in buildings at Rukara Parish with explosive gasoline-filled bottles, causing many deaths and injuries, as occurred on or about 12 April;
- (xi) ordering or facilitating attacks on civilians sheltered at the Rukara Parish with large stones, which were thrown at the church, or other projectiles, such as explosive grenades, as occurred on or about 12 April;
- (xii) shutting off the water supply to Rukara Parish, further exacerbating the precarious living conditions of survivors of the attacks to facilitate renewed attacks by *Interahamwe* and armed civilians to encourage survivors to abandon the Parish, as occurred on or about 13 April.

13. **Jean MPAMBARA** ordered, led, facilitated or aided and abetted these attacks at Gahini Hospital and Rukara Parish by transporting or luring civilians to Rukara Parish; commanding or authorizing *gendarmes* to attack; collaborating with, and reinforcing the authority of *conseiller de secteur* Jean Bosco BUTERA, who

commanded or participated in the attacks; collaborating with and reinforcing the authority of the *commandant de brigade*, who commanded or participated in the attacks; providing gasoline for attackers; transporting stones to Rukara Parish for use in the attacks, and transporting the attackers themselves, including *Interahamwe*, to the Parish compound.

14. Furthermore, between 9 April and 15 April 1994, during his visits to the Parish, Jean **MPAMBARA** told the refugees to leave the Parish at times when he knew the *Interahamwe* would attack Tutsi who left that location. He also refused to help a Tutsi refugee escape when he was requested to do so.
15. On or about 7 April 1994, Jean **MPAMBARA** denied a Tutsi agricultural officer access to his place of work at the Rukara *commune* offices. **Jean MPAMBARA** then distributed grenades and other arms to persons, including ex-soldiers and officials, from a building at or nearby the *commune* offices. Killings in Rukara *commune* followed.
16. On a date or dates unknown, **Jean MPAMBARA** witnessed the massacres of Tutsis as he drove around Gahini *secteur* in Rukara *commune* but made no attempt to intervene.
17. At all times material to this indictment **Jean MPAMBARA** failed to maintain public order, or deliberately undermined the public order, in districts over which he exercised administrative authority, in agreement with or in furtherance of the policies of the MRND or the Interim Government, knowing that those policies intended the destruction, in whole or in part, of the Tutsi.

**Serious bodily or mental harm - Rape**

18. During April 1994, Tutsi women were often victims of sexual violence. The sexual assaults were often a prelude to murder, and were sometimes the cause of death. The sexual violence was so widespread, and conducted so openly, and was so integrally incorporated in generalized attacks against civilian Tutsi, that **Jean MPAMBARA** must have known, or should have known, that it was occurring, and that the perpetrators were his subordinates, subject to his authority and control, and acting under his orders. For example:
  - (i) on a date or dates unknown, a pregnant Tutsi woman in Nyawera *secteur*, Rukara *commune*, was raped by multiple attackers and lost her pregnancy. The rape followed an attack on her home in which her husband and mother-in-law were killed and her home looted and destroyed;
  - (ii) on or about 8 April 1994, a Tutsi woman in Gahini *secteur*, Rukara *commune*, was beaten and raped by two attackers. The two attackers each raped her, beat her with a hoe until her teeth fell out, and then attacked her with machetes;

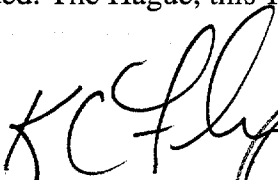
- (iii) on a date or dates unknown, the soldiers who reinforced the *Interahamwe* during attacks on Rukara parish in April 1994 raped a number of Tutsi women at the church;
- (iv) on a date or dates unknown, Tutsi women were taken outside of the Rukara Church compound, raped, and killed.

**Criminal Responsibility**

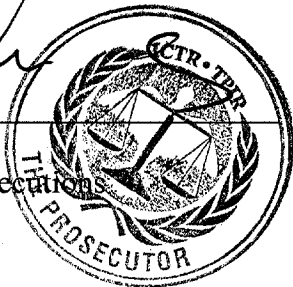
19. **Jean MPAMBARA**, acting in concert with others, participated in the planning, preparation or execution of a common scheme, strategy, plan or campaign *with the intent to destroy the Tutsi* by his own affirmative acts, or through persons he assisted or commanded, or by persons following his exhortations in deed and in word, particularly as directed to soldiers, *Interahamwe*, civilian militias and armed civilians at Rukara Parish and throughout Gahini *secteur*.

***The acts and omissions of Jean MPAMBARA detailed herein are punishable in reference to Articles 22 and 23 of the Statute.***

Dated: The Hague, this 19<sup>th</sup> day of July 2001:



Kenneth Fleming  
Acting Chief of Prosecutions



For the Prosecutor  
Carla Del Ponte