

ICTR-00-59-I
(02-07-2007)
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Mwamba

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

(CASE No. ICTR-2000-59-I)

THE PROSECUTOR

vs.

JUVENAL RUGAMBARARA

JUDICIAL RECORDS ARCHIVES
2007 JUL -2 P 5: 06

AMENDED INDICTEMENT

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

JUVENAL RUGAMBARARA

With **EXTERMINATION AS a CRIME AGAINST HUMANITY** pursuant to Article 3 (b) of the Statute of the Tribunal.

1. The events set out hereinafter occurred in Mwulire, Mabare and Nawe secteurs in Bicumbi commune, Kigali-Rural prefecture, Republic of Rwanda between 7 and 20 April 1994 unless otherwise stated.

THE ACCUSED

2. Juvenal Rugambarara was born in 1959, in Bumba secteur, Tare commune, Kigali-Rural prefecture, in the Republic of Rwanda. Juvenal Rugambarara lived most of his adult life in Bicumbi commune where he worked as a medical officer.
3. Juvenal Rugambarara was appointed *bourgmestre* of Bicumbi commune, Kigali-Rural on 4 August 1993, having succeeded Mr. Laurent Semanza. Juvenal Rugambarara served as the *bourgmestre* of Bicumbi commune from 16 September 1993 until 20 April 1994.

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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NAME / NOM: *Mwamba Roger Nsozi*

SIGNATURE: *[Signature]* DATE: *02/07/2007*

4. Juvenal Rugambarara was appointed as *bourgmestre* of Bicumbi commune by the President of the Republic of Rwanda upon the recommendations of the Minister of the Interior, who was also his hierarchical superior.
5. As *bourgmestre* of Bicumbi commune Juvenal Rugambarara had administrative authority over Mwulire, Mabare, and Nawe secteurs which were all located in Bicumbi commune where the crimes he is charged of were committed by his subordinates over who he had effective control.
6. As *bourgmestre* of Bicumbi commune, Kigali-Rural préfecture between 7 and 20 April 1994, Juvenal Rugambarara was the highest ranking civilian authority in the said commune and in that regard, had both the authority to serve as the chief administrator as well as the chief law enforcement officer of Bicumbi commune.
7. As *bourgmestre* of Bicumbi commune, Juvenal Rugambarara had administrative authority over the entire commune and in that regard was responsible for the enforcement of laws and regulations.
8. Juvenal Rugambarara was also responsible for ensuring peace, public order, safety of people and property and implementing government programme. Juvenal Rugambarara was also responsible for informing the central government of any situation worthy of interest in Bicumbi commune.
9. As *bourgmestre* of Bicumbi commune, Juvenal Rugambarara was the representative of the central government at the communal level and thus the embodiment of communal authority therein. To that end, Juvenal Rugambarara had hierarchical authority over all conseillers, communal policemen, and local government officials.
10. In that regard, a superior-subordinate relationship existed between Juvenal Rugambarara and all the conseillers, communal policemen, local administrators, and armed militiamen located in Mwulire, Mabare and Nawe secteurs in Bicumbi commune between 7 and 20 April 1994.
11. In addition, as *bourgmestre* of Bicumbi commune Juvenal Rugambarara had effective control over these categories of persons who were responsible for perpetrating attacks on Tutsi civilians at various locations in Mwulire, Mabare and Nawe secteurs in Bicumbi commune between 7 and 20 April 1994 as outlined in the indictment.
12. Based on his position as the highest ranking civilian authority in Bicumbi commune, Juvenal Rugambarara subsequently came to know that the categories of persons who had participated in attacks resulting in the death of thousands of Tutsi civilians in various locations in Mwulire, Mabare and Nawe secteurs of Bicumbi commune between 7 and 20 April 1994, were his subordinates over whom he had effective control.

13. In that regard Juvenal Rugambarara in his position as the highest ranking civilian authority in Bicumbi commune, in addition to his duties to enforce amongst other things, the laws and regulations, had a duty to take necessary and reasonable measures to commission investigations into crimes committed by people who were his subordinates and over whom he had effective control, with a view to apprehending and referring the perpetrators of such crimes to the competent authorities for appropriate punishment, but failed to do so.

THE CHARGE

Count 1: EXTERMINATION, as a CRIME AGAINST HUMANITY pursuant to Article 3(b) of the Statute of the Tribunal

14. Between 7 and 20 of April 1994 Juvenal Rugambarara through the criminal acts of his subordinates, was responsible, pursuant to Article 6(3) of the Statute, for killing or causing persons to be killed, during mass killing events in Mwulire, Mabare and Nawe secteurs in Bicumbi commune of Kigali-Rural prefecture, Republic of Rwanda, as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds.
15. The Accused, Juvenal Rugambarara is charged with: extermination as a crime against humanity by virtue of the fact that having subsequently known that subordinates under his effective control had committed one or more of the acts referred to in Article 3(b) of the Statute of the Tribunal, Juvenal Rugambarara failed in his duty to take the necessary and reasonable measures to commission an investigation into the said crimes, with a view to apprehending and referring the perpetrators thereof to the competent authorities for appropriate punishment pursuant to Article 6(3) of the Statute.
16. Furthermore, as consequence of Juvenal Rugambarara's acts and omissions thousands of Tutsi civilian men, women and children were killed in Mwulire, Mabare and Nawe secteurs of Bicumbi commune between 7 and 20 April 1994.

Particulars of the offence

Events in Mwulire Secteur, Bicumbi commune.

17. On or about 18 April 1994, Juvenal Rugambarara came to know that, several attacks had been launched on the Tutsi refugees gathered at the Mwulire Camp Mwulire secteur in Bicumbi commune between 13 and 18 April 1994 resulting in the death of hundreds of the Tutsi refugees.

18. On or about 18 April 1994, Juvenal Rugambarara came to know that, several civil public officers, including *conseillers* and communal policemen employed at Bicumbi communal office acting in concert with armed militiamen from the said commune, had participated in the attacks against Tutsi refugees gathered at Mwulire camp in Mwulire secteur in Bicumbi commune.
19. In particular, on or about 18 April 1994, Juvenal Rugambarara came to know that the attacks on the Tutsi civilians gathered at Mwulire Camp had been organized by Theodore Nsengiyumva, the Assistant Bourgmestre of Bicumbi commune, Francois Fungameza the conseiller of Muyumbu secteur, Deo Nkuriyingoma, the conseiller of Bicumbi secteur, Mathias Karuhije, the conseiller of Murama secteur, Ngabonziza, conseiller of Rubona secteur, Sekimonyo, conseiller of Mabare secteur, and several policemen from Bicumbi commune among who were: Mathias Gasana, Rwabugabo, Shabayiro and Munyakayanza.
20. In that regard, having subsequently known of the attacks on the Tutsi refugees gathered at Mwulire camp as described above, Juvenal Rugambarara, as bourgmestre of Bicumbi commune, failed to take the necessary and reasonable measures to commission an investigation into the said crimes, with a view to apprehending and referring his subordinates who perpetrated these criminal acts that resulted in the death of hundreds of Tutsi refugees, to the competent authorities for appropriate punishment.
21. On or about the 18 April 1994, Juvenal Rugambarara came to know that, on or about 13 April 1994, the conseiller of Bicumbi secteur, one Nkuriyingoma and a communal policeman from Bicumbi commune named Munyakayanza and militiamen armed with traditional weapons left for Mwulire secteur office following which they launched an attack on the Tutsi refugees gathered at the secteur office resulting in the death of hundreds of Tutsi refugees.
22. In that regard, as bourgmestre of Bicumbi commune, Juvenal Rugambarara, having subsequently known that these crimes had been committed, failed to take the necessary and reasonable measures to commission an investigation into the said crimes, with a view to apprehending and referring his subordinates who were responsible for these criminal acts at Mwulire secteur office which resulted in the death of several Tutsi civilians to the competent authorities for appropriate punishment.

Events in Mabare Secteur

23. On or about 18 April 1994, Juvenal Rugambarara came to know that, between 12 and 18 April 1994, several attacks were launched on Tutsi civilians in Mabare secteur, Bicumbi commune, which resulted in the death of hundreds of Tutsi civilians.

24. On or about the same date, Juvenal Rugambarara further knew that the said attacks on Tutsi civilians located at Mabare secteur in Bicumbi commune which took place between 12 and 18 April 1994 were led by armed communal policemen and militiamen over who he exercised effective control.
25. Having become aware that his subordinates had committed crimes in Mabare secteur, Juvenal Rugambarara as bourgmestre of Bicumbi commune, failed to take the necessary and reasonable measures to commission an investigation into the said crimes, with a view to apprehending and referring his subordinates responsible for these criminal acts which resulted in the death of hundreds of Tutsi civilians to the competent authorities for appropriate punishment.

Events at the Mabare mosque located in Mabare secteur

26. On or about 18 April 1994, Juvenal Rugambarara came to know that attacks had been launched on several Tutsi civilians gathered at the Mabare mosque located in Mabare secteur Bicumbi commune between 16 and 18 April 1994, resulting in the death of hundreds of Tutsi refugees.
27. On or about 18 April 1994, Juvenal Rugambarara also knew that the Tutsi refugees gathered at the Mabare mosque and who had initially resisted the attacks launched upon them by armed militiamen, were subsequently overpowered and killed with the assistance of armed communal policemen from Bicumbi commune who provided reinforcements to the armed militiamen.
28. On or about 18 April 1994, Juvenal Rugambarara came to know that, the Tutsi refugees gathered at the Mabare mosque were attacked by persons who, in his capacity as bourgmestre of Bicumbi commune, were his subordinates and over who he had effective control.
29. Having known that his subordinates had committed attacks at the Mabare mosque between 16 and 18 of April 1994, Juvenal Rugambarara as bourgmestre of Bicumbi commune, failed in his duty to take the necessary and reasonable measures to commission an investigation into the said crimes, with a view to apprehending and referring his subordinates responsible for these criminal acts which resulted in the death of hundreds of Tutsi refugees, to the competent authorities for appropriate punishment.

Events in Nawe secteur

30. On or about 18 April 1994, Juvenal Rugambarara came to know that Jean Baptiste Gatete, a census officer employed at the Bicumbi communal office, had, on or about 8 April 1994, publicly instigated and encouraged members of the civilian Hutu population in Nawe secteur, to exterminate their Tutsi counterparts in order to avenge

the death of the President of Rwanda, following which, Jean Baptiste Gatete himself led attacks against Tutsi in Nawe secteur often in concert with communal policemen and militiamen.

31. In that regard, on or about 18 April 1994, Juvenal Rugambarara also came to know that Jean-Baptiste Gatete had led three (3) policemen employed by Bicumbi commune namely: Shabayiro, Rwabugabo and Ntabara and several armed militiamen in attacks on Tutsi civilians located in Nawe Secteur on or about 8 April 1994. The said attacks resulted in the death of hundreds of Tutsi civilians in Nawe secteur, in Bicumbi commune.
32. As *bourgmestre* of Bicumbi commune, Juvenal Rugambarara had effective control over Jean-Baptiste Gatete, the communal policemen and the militiamen who were involved in the said attacks in Nawe secteur.
33. Having known of the criminal acts of his subordinates, Juvenal Rugambarara as bourgmestre of Bicumbi commune, failed in his duty to take the necessary and reasonable measures to commission an investigation into the said crimes, with a view to apprehending and referring his subordinates who were responsible for the massacres of Tutsi civilians in Nawe Secteur Bicumbi commune on or about 8 April 1994, to the competent authorities for appropriate punishment.
34. The acts and omissions of Juvenal Rugambarara herein are punishable under Articles 22 and 23 of the Statute of the Tribunal.

Signed at Arusha this 2nd day of July 2007.



Hassan Bubacar Jallow
Prosecutor