

ICTR-98-44D-1
24-07-2009
(1501 - 1489)

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CONFIDENTIAL

THE PROSECUTOR

v.

CALLIXTE NZABONIMANA

CASE No. ICTR-98-44D-PT

JUDICIAL PANEL
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INDICTMENT

The Prosecutor of the International Criminal Tribunal for Rwanda (the "Prosecutor"), in his authority set out in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the "Statute of the Tribunal"), charges

CALLIXTE NZABONIMANA

with:

- COUNT 1 - GENOCIDE as set out in Articles 2(3)(a) and 6(1) of the Statute of the Tribunal;**
- COUNT 2 - CONSPIRACY TO COMMIT GENOCIDE as set out in Articles 2 (3)(b) and 6(1) of the Statute of the Tribunal;**
- COUNT 3 - DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE as set out in Articles 2(3)(c) and 6(1) of the Statute of the Tribunal;**
- COUNT 4 - EXTERMINATION as a CRIME AGAINST HUMANITY as set out in Articles 3(b) and 6(1) of the Statute of the Tribunal;**
- COUNT 5 - MURDER as a CRIME AGAINST HUMANITY as set out in Articles 3(a) and 6(1) of the Statute of the Tribunal.**

CONTEXT OF THE ACTS OF THE ACCUSED

1. Between 1 January 1994 and 17 July 1994, Rwanda was a State Party to the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948), having acceded to it on 16 April 1975.
2. Between 1 January 1994 and 17 July 1994, Rwanda was a State Party to the Geneva Conventions of 12 August 1949 and their Additional Protocol II of 8 June 1977, having acceded to the Geneva Conventions of 12 August 1949 on 5 May 1964 and having acceded to Protocols Additional thereto of 1977 on 19 November 1984.
3. Between 6 April 1994 and 17 July 1994, citizens native to Rwanda were severally identified according to the following ethnic classifications: Hutu, Tutsi, and Twa, which were protected groups falling within the scope of the Genocide Convention of 1948.
4. Between 6 April 1994 and 17 July 1994, a genocide against the Tutsi ethnic group occurred in Rwanda.
5. The following state of affairs existed in Rwanda between 6 April 1994 and 17 July 1994: There were throughout Rwanda widespread or systematic attacks against a civilian population based on Tutsi ethnic identification. During the attacks, some Rwandan citizens killed or caused serious bodily or mental harm to persons perceived to be Tutsi. As a result of the attacks, there were a large number of deaths of persons of Tutsi ethnic identity.

THE ACCUSED

6. **Callixte NZABONIMANA** [hereinafter referred to by name or as the "Accused"] was born in 1953 in *Nyabikenke* Commune, *Gitarama* prefecture.
7. **Callixte NZABONIMANA** was a member of the ruling MRND party at both national and prefectural levels and at various times between 1989 and 1994, held the positions of Minister of Planning and later, Minister of Youth and Associative Movements within the Government of Rwanda. He remained in the cabinet until July 1994, when the Interim Government fled into exile.
8. In 1994, Rwanda was going through an internal conflict of which ethnicity was a factor. As Chairman of the MRND party in *Gitarama* prefecture and a serving Minister of Youth and Associative Movements, **Callixte NZABONIMANA** was a person of great prominence and consequently, was able to wield considerable influence within his local community in *Gitarama* prefecture. As such, at the times alleged in the indictment, civilians, law enforcement agents and members of the *Interahamwe* militia in *Gitarama* prefecture were more likely to follow his orders.

9. Based on his prominence and personal and political influence in *Gitarama* prefecture and the ethnic conflict between Hutu and Tutsi in Rwanda at the time, **Callixte NZABONIMANA**'s mere presence, before and during attacks on Tutsi civilians at several roadblocks erected around *Gitarama* prefecture including, but not limited to *Fina, Biti, Gahogo* and opposite the *Cyakabiri* dispensary, between April and July 1994, would have had an encouraging effect on the perpetrators of such attacks and conveyed the impression that the killings of Tutsi within *Gitarama* prefecture was endorsed by the Interim Government, which was for the most part, headquartered within the said prefecture.
10. Similarly, based on his membership of the Interim Government in Rwanda, and his portfolio as the Minister for Youth and Associative Movements and the internal ethnic conflict between Hutu and Tutsi, **Callixte NZABONIMANA**'s mere presence, during attacks on Tutsi civilians in and around *Nyabikenke, Nyamabuye, Mugina, Tambwe, Rutobwe, Musambira, Mushubati* communes, *Gitarama* prefecture, between April and July 1994, would have had an encouraging effect on the perpetrators thereof and would have conveyed the impression that the killing of Tutsi civilians within the said prefecture was endorsed by Interim Government.
11. In that regard, the involvement of the mostly Hutu peasant population in the massacre of Tutsi civilians in *Gitarama* prefecture, based on the internal ethnic conflict in Rwanda at the time, was facilitated by their misplaced belief, confidence in their leadership and an understanding that the encouragement of authorities such as **Callixte NZABONIMANA** guaranteed them immunity to kill the Tutsi and loot their property.
12. The actions of **Callixte NZABONIMANA** between April and July 1994, namely: the distribution of weapons, the incitement of the civilian population to kill their Tutsi counterparts and his participation in the killing of Tutsi civilians in and around *Nyabikenke, Nyamabuye, Mugina, Tambwe, Rutobwe, Musambira, Mushubati* communes, *Gitarama* prefecture and his public statements in *Gitarama* and other parts of Rwanda as indicated in the indictment demonstrate his specific intent "to destroy, in whole or in part" the Tutsi as a group.

INDIVIDUAL CRIMINAL RESPONSIBILITY OF THE ACCUSED UNDER ARTICLE 6 (1)

13. **Callixte NZABONIMANA** is individually criminally responsible, pursuant to Article 6(1) of the Statute of the Tribunal, for the crimes of Genocide, Conspiracy, Direct and Public Incitement to commit Genocide, Crimes against Humanity – Murder and Extermination. The Accused planned, instigated, ordered, or committed these crimes, or he otherwise aided and abetted in the planning, preparation and execution of these crimes through his acts and omissions.

CONCISE STATEMENT OF FACTS

Count 1: GENOCIDE

14. **GENOCIDE** as set out in Articles 2(3)(a) and 2(2)(a) and (b) and 6(1) of the Statute of the Tribunal in that between 1 January and 31 July 1994, on diverse dates and locations, **Callixte NZABONIMANA** was responsible for killing and causing serious bodily or mental harm to members of the Tutsi population, with the intent to destroy in whole or in part, the Tutsi population as such. **Callixte NZABONIMANA** planned, prepared, ordered, instigated, committed or otherwise aided and abetted the planning, preparation and execution of killings and other acts of violence directed against the Tutsi population as evidenced by the following paragraphs:

Killings

15. In or around 10 to 15 April 1994, **Callixte NZABONIMANA** encouraged the killers and participated in the massacre of hundreds of Tutsi at the *Nyabikenke* communal office and *Ntarabana* parish in *Gitovu* secteur. Between 10 and 15 April 1994, in *Kavumu* secteur, *Nyabikenke* commune, **Callixte NZABONIMANA** told the *Bourgemestre* of *Nyabikenke*, gendarmes, Hutu civilians, *Interahamwe* and communal policemen to kill the Tutsi civilians seeking refuge in the commune, particularly at the *Nyabikenke* communal office and *Ntarabana* parish in *Gitovu* secteur. On this occasion weapons were also distributed. Following these orders, many Tutsi were massacred at these locations. The killers included the *Interahamwe*, Hutu civilians, *gendarmes* and communal policemen.
16. On or about 11 April 1994, the Tutsi refugees at *Ntarabana* parish were taken out of the parish by the *Interahamwe* and Hutu civilians and taken to the *Nyabarongo* River and killed on **Callixte NZABONIMANA's** orders. **Callixte NZABONIMANA** saw a group of Tutsi refugees being taken to the river to be killed, while he was distributing weapons to killers at *Kigina* secteur. As the Tutsi refugees were being taken to be killed on his orders, the Accused continued with the weapons distribution. Some of the Tutsi refugees were able to escape to the *Kabgayi* parish, *Gitarama* prefecture.
17. On or about 11 April 1994, **Callixte NZABONIMANA** acting in concert with Isaac KAMALI and MUNANA held a meeting at *Kiyumba* secteur, *Nyabikenke* commune. The Accused told the gathering that the killings at *Ntarabana* Parish were completed and now there remained the Tutsi at the *Nyabikenke* communal office. The Accused said they should solve this problem before the sharing of the property.
18. On or about 14 April 1994, **Callixte NZABONIMANA** held a meeting in the *Remera* centre, *Nyabikenke* commune, *Gitarama* prefecture, where he told the *Interahamwe*, Hutu civilians and communal policemen to kill Tutsi at the *Nyabikenke*

communal office. As a result, Tutsi were killed at the *Nyabikenke* communal office by the *Interahamwe*, Hutu civilians and communal policemen.

19. On or about 14 April 1994, **Callixte NZABONIMANA** held a meeting at *Cyayi* cellule, *Kiyumba* secteur, *Nyabikenke* commune, *Gitarama* prefecture. He asked the population to prioritize the massacre of Tutsi before taking their properties. As a result of this meeting, Tutsi were killed at the *Nyabikenke* communal office by *Interahamwe*, Hutu civilians and communal policemen.
20. On or about 15 April 1994, following the orders of **Callixte NZABONIMANA**, Tutsi refugees at *Nyabikenke* communal office were attacked by *Interahamwe*, Hutu civilians, soldiers and communal policemen. Many Tutsi were killed including Speciose KARUHONGO, Jeanne UJENEZA and Gabriel KANIMBA. On or about 15 April 1994, after the attack at the *Nyabikenke* communal office, **Callixte NZABONIMANA** served beer to the attackers at his home in *Kavumu* secteur, *Nyabikenke* commune.
21. On or about 16 April 1994, **Callixte NZABONIMANA** in the company of bourgmestre of *Nyabikenke* commune, Anatole KARUGANDA visited the Tutsi refugees from *Nyabikenke* commune at *Kabgayi* parish, *Gitarama* prefecture. The Accused told them to return home in the pretext that there was peace so that they may be killed.
22. On or about 12 April 1994 in *Kavumu* secteur, *Nyabikenke* commune, after the killing of six Tutsi in *Nyabikenke* commune by one NERETSE and his group, **Callixte NZABONIMANA** thanked the perpetrators of the killings by giving them money at his home.
23. In April 1994 in *Bwiza* cellule, *Takwe* secteur, *Nyamabuye* Commune, *Gitarama* prefecture, **Callixte NZABONIMANA** came across some *Interahamwe* who were assaulting two Tutsi. He told the *Interahamwe* that they were doing a good job and he gave them money and encouraged them to continue to "work" and further ordered them to find and kill a Tutsi soldier named PROTOGENE." The two Tutsi were killed.
24. On or about 18 April 1994, in *Rutobwe* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** encouraged the killing of Tutsi and those protecting them. The Accused caused the release of the perpetrators of the killings and told the public not to obey the *Bourgmestre* Jean Marie Vianney MPORANZI, who was against the killings. These actions paved the way for the eruption and intensification of massacres in *Rutobwe* commune.
25. On 12 April 1994, the Interim Government fled from *Kigali* to *Gitarama* and established its headquarters at *Murambi*. While in *Gitarama*, the Interim Government held several public meetings with MRND officials and local authorities to encourage the public to kill the Tutsi, and also supervised the massacres.

26. On or about 18 April 1994, at *Murambi Training Centre*, **Callixte NZABONIMANA** together with the Prime Minister, and other members of the Interim Government, including Prosper MUGIRANEZA, Justin MUGENZI, Edouard KAREMERA, held a meeting with the *Bourgmestres* of the communes in *Gitarama* prefecture. **Callixte NZABONIMANA** ordered the killing of *Bourgmestres* and other local officials opposed to the killings. Soon after the meeting, the *Bourgmestre* of *Mugina* commune, Callixte NDAGIJIMANA, and two *conseillers* from *Nyamabuye* commune namely Bernard TWAGIRAMUKIZA, *conseiller* of *Ruli* and Martin GASIGWA, *conseiller* of *Musiba*, were killed by persons including Hutu civilians and *Interahamwe*.
27. Between 20 and 25 April 1994, at *Kavumu* secteur, *Nyabikenke* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** told the Hutu population to hunt down and kill Tutsi hiding in houses and bushes. As a result, many Tutsis were killed by persons including *Interahamwe* and Hutu civilians.
28. In April 1994, at *Fina* Petrol Station, *Nyamabuye* commune *Gitarama* prefecture, a young Tutsi man was shot dead by a soldier in the presence and with the support of **Callixte NZABONIMANA**.
29. In May 1994, at a roadblock opposite the *Cyakabiri* dispensary, *Gitarama* prefecture, **Callixte NZABONIMANA**, in the company of Casimir BIZIMUNGU, brought a Tutsi male youth in the boot of his car. He told *Interahamwe* and Hutu civilians to kill him. The Tutsi man was immediately killed.
30. On or about 4 June 1994, **Callixte NZABONIMANA** told the *Interahamwe*, communal policemen and Hutu civilians to kill the children of Marianne KANKWANZI. Shortly after, her six children namely Alphonse UGIRIMANA (15) Jeanne D'Arc UMULISA (12), Tatianna UMUZIRANENGE (9), Juvenal UWILIGIYIMANA (4), Jean Baptiste DUSINGIZIMANA (2,5) were killed in *Nyabikenke* commune. The children were killed by *Interahamwe* including NERETSE, MANIRAHU, MPORANYIMIGABO, VIATEUR and a communal policeman called MUNYABARENZI and some Hutu civilians.

Pre-6 April 1994 Meetings

31. In 1993, at an MRND rally in *Gasagara* cellule, *Kavumu* secteur, *Nyabikenke* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** described the Tutsi as the enemy against whom the country had to be defended.
32. In early 1994, at *Nyakabanda* market, *Nyakabanda* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** attended a meeting. In attendance were

several MRND supporters and *Interahamwe* from different prefectures. Dressed in a military outfit and armed with a gun, the Accused ordered the population to eliminate all Tutsi refugees from Gisenyi prefecture and those offering them protection. As a result, many Tutsi were killed by *Interahamwe* and Hutu civilians, particularly following the death of President Habyarimana.

33. In March 1994, **Callixte NZABONIMANA** held a meeting for dancers from the *Kavumu* and *Mahembe* secteurs, *Nyabikenke* commune at his residence in *Kavumu* secteur, *Nyabikenke* Commune. The Accused told them to kill Tutsi saying that the Inkontanyi were the Tutsi who attacked Rwanda and for the Inkontanyi to fail the Tutsi should be killed.

Meetings

34. On 7, 8 and 9 April 1994, at *Butare* trading centre, *Rutongo* secteur, *Rutobwe* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** told the population to kill the Tutsi. The Accused made references to the 1959 revolution and reminded the population of the dangers they were facing. He urged the population to rise up to the challenge and eliminate the Tutsi, the "enemies" of Rwanda. Following this, many Tutsi were killed by persons including *Interahamwe* and Hutu civilians.
35. On or about 8 April 1994, at *Gasenyi* cellule, *Kigina* secteur, *Nyabikenke* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** told the population to kill Tutsi in *Gasenyi* and *Nyamiyaga* cellules. The population included *Interhamwe*, gendarmes and Hutu civilians. He accused Tutsi of being the enemies of Rwanda and told the population to kill them first before eating their cows. Following the meeting, the Accused ordered and supervised the distribution of weapons. As a result of the incitement and the distribution of weapons, the killing of Tutsi began in *Gasenyi* cellule in the night of the same day. Killings spread to *Nyamiyaga* cellule and neighboring cellules. Many Tutsi were killed by persons including *Interahamwe* and Hutu civilians.
36. On or about 9 April 1994, at *Ndiza* hill, *Kigingira* cellule, *Kigina* secteur, *Gitarama* prefecture, **Callixte NZABONIMANA** told the civilian Hutu population to kill Tutsi. He accused the Tutsi of attacking Rwanda and told the Hutu population to eliminate them. Following this meeting, many Tutsi were killed by persons including *Interahamwe* and Hutu civilians.
37. On or about 9 April 1994, in *Kigali* cellule, *Kavumu* secteur, *Nyabikenke* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** told the Hutu population to kill Tutsi in *Gitovu* and *Kavumu* secteurs, *Gitarama* prefecture. He told the people that elsewhere the population had begun the "work," meaning the killing of Tutsi, and asked them what they had done in their area. He stated that Tutsi were the enemies of Rwanda. Following that meeting, the Accused ordered and supervised the distribution of weapons to the population. During the night of the same day, many Tutsis were killed in *Gitovu* and *Kavumu* by persons including *Interahamwe* and Hutu

civilians. The killings intensified the following day, claiming many Tutsi lives including Jacqueline AKIZANYE and her two children, Epimaque SEHINDA and his family and SEHIRAHIGA and his family.

38. On more than one occasion, between April and July 1994, in *Gitarama* prefecture, **Callixte NZABONIMANA** encouraged the population to first kill the Tutsi and then take their belongings.
39. On or about 14 April 1994, at *Mugwato* business centre, *Kigali* cellule, *Kavumu* secteur, *Gitarama* prefecture **Callixte NZABONIMANA** told the Hutu population to kill the Tutsi. He asked them to prioritize the killing of Tutsi before taking their possessions. As a result of this, many Tutsi were killed by persons including *Interahamwe* and Hutu civilians.
40. On or about 15 April 1994, at *Butare* trading centre, *Rutongo* secteur, *Rutobwe* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** addressed a gathering and told the Hutu population to kill all *Inyenzi* and their accomplices, the Tutsi, and take their jobs and belongings. He stated that even among the gathering, there were Tutsi who must not be spared. Maurice RWAMULINDA and other Tutsi tried to flee and the Accused told soldiers and the population to pursue them. Many Tutsi were killed following this meeting by persons including *Interahamwe*, Hutu civilians and soldiers.
41. On or about 16 April 1994, **Callixte NZABONIMANA** went around *Nyabikenke* Commune speaking through a megaphone. He told the Hutu civilians and *Interahamwe* to kill Tutsi first before taking their property.
42. Between 10 and 12 April 1994, in *Rutobwe* commune, *Gakondokondo* centre, *Cyubi* secteur, **Callixte NZABONIMANA** told the Hutu population to eliminate the Tutsi. As a result, many Tutsi were killed in those areas by persons including *Interahamwe* and Hutu civilians.
43. On or about 11 April 1994 at *Kabimumbura Trading Centre*, *Nyabikenke* commune in the house of Callixte KAMANA, **Callixte NZABONIMANA** attended a meeting whereupon a list of Tutsi to be killed was drafted in his presence.
44. In April 1994, **Callixte NZABONIMANA** together with Jerome BICAMUMPAKA addressed a meeting at the residence of MARIANNE, the MRND President for *Ruhango* cellule, at *Ruhango* cellule, *Nyamagana* secteur, *Tambwe* commune, *Gitarama* prefecture. The Accused referred to the Tutsi and Hutu sympathetic to the Tutsi, as being the enemy and told the population to kill them. Other speakers at the meeting repeated the same message. Soon after the meeting, security committees in *Ruhango* cellule were replaced and the killing of the Tutsi began in *Ruhango* cellule. Many Tutsis and moderate Hutus were killed in *Ruhango*

cellule including a Hutu named MUTABAZI, Chairman of the PSD, who was considered a bad Hutu. These killings were carried out by persons including *Interahamwe* and Hutu civilians.

45. On or about 14 April 1994, at the home of Augustin GASAMAGERE in *Kavumu* secteur, *Gitarama* prefecture, together with other persons, including the *Bourgmestre* of *Nyabikenke*, Anatole KARUGANDA and Isaac KAMALI, **Callixte NZABONIMANA** rewarded the perpetrators of the killing of Tutsi with money and told them to intensify the massacres. These killers included *Interahamwe* and Hutu civilians.
46. In April 1994, **Callixte NZABONIMANA** visited the *Nyamabuye* commune office, and told the Hutu civilians present to destroy the house of a dead Tutsi and cover it up, so that in the event of an enquiry, the death of the Tutsi would not be known.
47. In May 1994, in *Masango* commune, **Callixte NZABONIMANA** ordered persons who included MRND supporters of *Masango* commune to completely destroy the houses abandoned by Tutsi and to plant in their place crops in order to wipe out all signs of the massacre of Tutsi.
48. In May 1994, **Callixte NZABONIMANA** was present at the reinstatement ceremony of the *Bourgmestre* of *Musambira* in *Musambira* Commune, *Gitarama* prefecture. During the ceremony, **Callixte NZABONIMANA** accused the *Bourgemestres* of not being supportive of the killings of Tutsi, and warned them that they could be replaced by *Interahamwe*. The Accused refused to denounce the killings of Tutsi. Soon afterwards, the *bourgmestre* of *Masango*, the *prefet* and other local authorities were removed.
49. On or about 15 May 1994, in collaboration with the Interim Government's policy of forming Crisis Committees throughout the country as a way of disguising the killings from the international community, **Callixte NZABONIMANA**, in the company of Major Jean Damascene UKIRIKYEYEU, a member of the Civil Defence in *Gitarama*, presided over a meeting in *Ruhango* cellule, *Nyamagana* secteur, *Tambwe* commune, *Gitarama* prefecture, where the Crisis Committee of that commune was selected. The meeting was also convened to address the issue of Hutu's fighting over the property of Tutsi. Many Tutsi caught on roadblocks were killed on the orders of this committee and they included NYABUGAJU, RUHEZAMIBIGO AND LANGUIDA.
50. In May or June 1994, **Callixte NZABONIMANA** addressed a meeting in *Gitovu* secteur, *Nyabikenke* commune where he told the population to kill the Tutsi by telling them to send the Tutsi back to Ethiopia through the *Nyabarongo* River.

Roadblocks and Distribution of Weapons

51. As a component and in furtherance of the objective to kill the Tutsi, in 1991, the MRND started recruiting youths. These youths were trained militarily and later called *Interahamwe*. **Callixte NZABONIMANA** as Minister of Youth and Associative Movement and Chairman of the MRND in *Gitarama* prefecture, actively participated in the recruitment, training, arming and anti-Tutsi indoctrination in *Gitarama* prefecture and the whole country of the *Interahamwe*, other Hutu militias and selected members of the civilian Hutu population, before and during the genocide. Further, the Accused ordered these persons to commit various crimes. These youth committed the massacres in the Rwanda during the period of April 1994 to July 1994.
52. On or about 12 April 1994, in *Nyabikenke* commune, **Callixte NZABONIMANA** planned and ordered youth to undergo military training. He ordered a gendarme from *Musasa* to give the youth military training at the Accused's home. Many youths, mainly from *Nyabikenke* commune, were trained. The intention was to use them to kill Tutsi. Consequently, between April and 31 July 1994, the *Interhamwe* and Hutu militia committed widespread killings of Tutsi.
53. On diverse dates, particularly during the course of April to July 1994, in *Nyabikenke* commune, *Gitarama* prefecture, **Callixte NZABONIMANA** facilitated the recruitment, training and anti-Tutsi incitement of a battalion known as *Ndiza*. The intention was to kill Tutsi. Between April and July 1994, members of the *Ndiza* battalion committed killings and other acts of violence against Tutsi, particularly in *Nyabikenke* commune and other parts of *Gitarama* prefecture.
54. In May 1994, **Callixte NZABONIMANA** and Prime Minister Jean KAMBANDA launched the *Ndiza* battalion at *Kibangu secteur, Nyakabanda* Commune, where they distributed weapons and told the gathering that the purpose of the weapons were to fight the enemy who was the Tutsi.
55. On diverse dates particularly during the course of April to July 1994, **Callixte NZABONIMANA** told the *Interahamwe* and Hutu civilians to set up roadblocks in *Gitarama* prefecture. He also visited and supervised the operation of several roadblocks in *Gitarama* prefecture, notably at *Fina, Biti, Gahogo* and *Cyakabiri* dispensary. The purpose of the roadblocks was to identify and kill Tutsi. The Accused gave the *Interahamwe* and the Hutu population manning the roadblocks weapons and food. He told them to kill any Tutsi passing there. Many Tutsi were killed at these roadblocks by persons including *Interahamwe* and Hutu civilians.
56. In April 1994, **Callixte NZABONIMANA** and Thomas KIGUFI visited the roadblock opposite the *Cyakabiri* Dispensary. Thomas KIGUFI, in the presence of **Callixte NZABONIMANA** instructed the persons who included *Interahamwe* and

Hutu civilians at the roadblock to ensure that no Tutsi were present at the roadblock, and that weapons and food would be provided to the persons manning the roadblock.

57. In April 1994, **Callixte NZABONIMANA** visited the roadblock opposite the *Cyakabiri* Dispensary, and provided the Interahamwe and Hutu civilians at the roadblock with weapons following which Tutsi were killed by the *Interahamwe* and Hutu civilians.
58. In May 1994, **Callixte NZABONIMANA**, acting in concert with Pierre KAYONDO and Jean Damascene UKIRIKYEYEZU brought a lorry full of weapons to the *Tambwe* communal office. The Accused ordered that the weapons be distributed to the population. The weapons were distributed and were used to kill Tutsi in various attacks in *Tambwe* Commune.

Count 2:

59. **CONSPIRACY TO COMMIT GENOCIDE** as set out in Articles 2(3)(b) and 2(2)(a) and (b) of the Statute of the Tribunal in that during the period between 1 January 1994 and 31 July 1994, **Callixte NZABONIMANA** with other persons, including but not limited to Ministers, including those of the Interim Government of 9 April 1994, the leadership of Rwandan Armed Forces (FAR), Gendarmerie, Presidential Guard, the political leaders of the MRND, the MRD-Hutu Power faction, the PL-Hutu Power faction, other Hutu-Power factions of opposition parties, and various local administration officials, conspired to kill or cause serious bodily and mental harm to members of the Tutsi population, with the intent to destroy in whole or in part, a racial or ethnical group.
60. The Prosecutor hereby reiterates and incorporates by reference to **PARAGRAPHS 17, 21, 25, 26, 29, 43-45, 48, 49, 51-58** as concise statements of facts to support the charges under this specific count.

Count 3:

61. **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, as set out in Articles 2(3)(c) and 6 (1) of the Statute of the Tribunal, in that between 1 January and 31 July 1994, on diverse dates and locations, **Callixte NZABONIMANA** directly and publicly incited other persons, including, but not limited to members of the Rwandan Armed Forces (FAR), members of the *Gendarmerie Nationale* (GN), communal policemen, *Interahamwe*, *prefets*, *bourgmestres*, *conseillers de secteur*, members of the Presidential Guard, administrative personnel, militias, armed Hutu civilians and the Hutu population at large, to kill or cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnical group as such.

62. The Prosecutor hereby reiterates and incorporates by reference to **PARAGRAPHS 15, 17-19, 25-27, 32-42, 44, 45, 50, 54 and 56** as concise statements of facts to support the charge under this specific count.

Count 4:

63. **EXTERMINATION AS CRIME AGAINST HUMANITY** as set out in Articles 3(b) and 6(1) of the Statute of the Tribunal, in that between 1 January and 31 July 1994, on diverse dates and locations, **Callixte NZABONIMANA** planned, prepared, ordered, instigated, committed or otherwise aided and abetted the planning, preparation and execution of the extermination of the Tutsi or Tutsi sympathizers, as a part of a widespread or systematic attack.

64. The Prosecutor hereby reiterates and incorporates by reference to **PARAGRAPHS 15-20, 35, 37, 40, 44 and 58** as concise statements of facts to support the charges under this specific count.

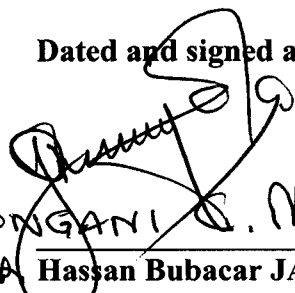
Count 5:

65. **MURDER AS CRIME AGAINST HUMANITY** as set out in Articles 3(a) and 6(1) of the Statute of the Tribunal, in that between 1 January and 31 July 1994, on diverse dates and locations, **Callixte NZABONIMANA** planned, prepared, ordered, instigated, committed or otherwise aided and abetted the planning, preparation and execution of murders of Tutsi or Tutsi sympathizers, as part of a widespread or systematic attack.

66. The Prosecutor hereby reiterates and incorporates by reference to **PARAGRAPHS 20, 23, 26, 28, 29, 30, 37 and 44** as concise statements of facts to support the charges under this specific count.

All the above crimes are punishable pursuant to Articles 22 and 23 of the Statute of the Tribunal.

Dated and signed at Arusha this 23rd day of July 2009


BONGANI S. MAJOLA
FOA Hassan Bubacar JALLOW
Prosecutor



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Trial Chamber III A. N'Gum
	<input type="checkbox"/> Chief, CMS J.-P. Fométe	<input type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Ng'arua /Maposa (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Callixte Nzabonimana		Case Number: ICTR-98-44D-PT	
Dates:	Transmitted: 23 July 2009		Document's date: 23 July 2009	
No. of Pages:	13 pages	Original Language:	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	INDICTMENT			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex Parte <input type="checkbox"/> Strictly Confidential / Under Seal <input checked="" type="checkbox"/> Confidential <input type="checkbox"/> Public		<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input checked="" type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input checked="" type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: