

CASE NO. ICIR-98-44C-T
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**EXPERT REPORT BY ALISON DES FORGES
PREPARED FOR THE BUTARE CASE ICTR-98-42-T**

1 JUNE 2001

transport whatever they were able to pillage from this house or others they intended to attack that night.

At the time of the second search, Shalom Ntahobari led the group. He particularly wanted to find one girl whose presence had been reported by local informers. He knew her older sisters well and had often dined and spent the evening at the girl's home.¹²⁰ Shalom and his followers forced their way into the house and demanded to know where the girl and the others were hiding. He had a machete stuck in his belt. When the old woman said there was no one there, he grabbed her by her two ears and twisted them to try to make her talk. She said nothing. They searched the house thoroughly, but found no one. Two days later, they returned, again ready to kill. Once more they had to leave empty-handed and angry.¹²¹

Soldiers and militia alike used barriers to catch Tutsi who sought to flee from the slaughter. On April 22, witnesses saw eight or nine children beaten to death at the barrier in front of the Hotel Faucon manned by soldiers from the ESO.¹²² The Presidential Guard kept a barrier across one of the main roads entering Cyarwa and allowed virtually no one to pass there. They diverted pedestrians and vehicles to another road to the east where there was also a barrier in front of the bar known as Chez Ngoga. Alphonse Ngoga, former burgomaster of Kigembe, worked as an employee of the prefecture and was a stalwart supporter of the MRND. His son, Micomyiza, known as Mico, was a university student who organized a crowd of young toughs, many of them from Burundi, to guard this barrier. They were reportedly responsible for killing many people.¹²³

Once the genocide was launched, soldiers and militia acted as though they had license to kill anyone who looked Tutsi. On April 23, a Zairean couple, Mr. Kisasa Lukasa and his wife, were traveling through Butare and stopped at the market. While Mr. Lukasa went to make some purchases, his wife stayed in the car. Militia or soldiers passing by the vehicle noticed her and asked for her identity papers. When she could not produce them immediately, they killed her on the spot.¹²⁴

Slaughter at the University and the Hospital

In early April the university was in recess for the Easter vacation, but some students had stayed in residence to prepare for examinations and others fled to the university once killing began elsewhere. Beginning on April 8, soldiers restricted movement to and from the campus and authorities prepared a list of students in residence, supposedly to facilitate their passing the soldiers' barrier.

At mid-day April 21, soldiers killed a student at the campus barrier and another either at the barrier or in town. That evening, they came to round up Tutsi students as they entered

¹²⁰Human Rights Watch/FIDH interview, October 20, 1995.

¹²¹Human Rights Watch/FIDH interviews, May 29, July 5, 1995, and October 26, 1995.

¹²²ICTR-96-4-T, Testimony of Dr. Rony Zachariah.

¹²³Human Rights Watch/FIDH interview, Neuchatel, December 16, 1995; Butare, December 29, 1995 and January 13 and February 5, 1996.

¹²⁴Préfet Cyangugu to Préfet Butare, telegram no. 94/040, 8:15, May 2, 1994 (Butare prefecture).

the cafeteria, checking them off on a list as they were taken. Several who saw the roundup beginning managed to flee along with Hutu friends. The soldiers took those captured either to the arboretum adjacent to the campus or across the road to a woods on the grounds of the national research institute. Students won to the cause of the genocide searched for students who were trying to hide and delivered them to soldiers for execution.¹²⁵

According to the vice-rector, some 650 students were at the university on April 20 with more arriving all the time. On May 31, there were 212 students on campus, 190 of them Rwandan, the rest from Burundi. Some students had fled, but the great majority had been killed. In a later exhumation of a mass grave near the university, some 600 bodies were found.¹²⁶

During the night of April 22, some students sought safety at the nearby university hospital, where other Tutsi had already hidden in the buildings or taken shelter in tents in the courtyard, previously occupied by refugees from Burundi. On April 23, soldiers of the ESO and the Presidential Guard came to the hospital and killed some forty Tutsi patients. One remarked to a staff member of Doctors Without Borders who worked there, "The hospital stinks with Tutsi and we must clean it up." The next morning, the soldiers continued removing patients from the wards and even from the operating rooms. They also took away hospital personnel because their names were on the list of those to be killed. One of the nurses beaten to death behind the hospital was a Hutu who had been caring for wounded FAR soldiers. She was seven months pregnant with a baby fathered by a Tutsi. Over a two day period, the soldiers killed between 140 and 170 people at the hospital.¹²⁷ In the days following the first killings at the hospital, soldiers returned repeatedly to search out those in hiding.¹²⁸

Some of the Tutsi who had taken refuge at the hospital were from the commune of Huye. Soon after the soldiers killed the patients and medical staff, militia from that commune came, with an escort of soldiers, to collect the men and boys from Huye. The militia forced the men and boys to accompany them back to Huye and reportedly killed them, either en route home or shortly after arriving there. According to testimony, the burgomaster of Ngoma helped persuade the Huye people to leave and also returned several times in the next two weeks, twice in the company of soldiers, to see that other Tutsi be put out of the hospital. Some of those expelled were reportedly killed at a barrier just a short distance down the road from the hospital.¹²⁹

¹²⁵Human Rights Watch/FIDH interview, Kigali, January 19, 1996.

¹²⁶Anonymous, Notebook 1, entry for 20/04/94; Le Vice-Recteur, "Effectif des Déplacés de Guerre Logés au Campus Universitaire de Butare," May 31, 1994 (Butare prefecture).

¹²⁷ICTR-96-4-T, Testimony of Dr. Rony Zachariah.

¹²⁸Human Rights Watch/FIDH interviews, Butare, November 9, 1995; Kigali, January 19, 1996. According to one witness, the soldiers also took Hutu women students to rape when they had finished killing Tutsi. Human Rights Watch/FIDH interview, January 3, 1996.

¹²⁹Human Rights Watch/FIDH interviews, Butare, November 9, 1995; Kigali, January 19, 1996; interview, May 21, 1996; ICTR case no. ICTR-96-I, The Prosecution of the Tribunal against Joseph Kanyabashi, Indictment.

Dr. Alphonse Karemera, dean of the medical school, produced an attempted justification for "cleaning up" the hospital in an official plan dated April 24--while the slaughter was still going on. Entitled "Socio-hygenic and Humanitarian Action for Victims and Persons Displaced by the War: A Proposal of the Faculty of Medicine concerning the functioning of the UH [University Hospital] in this period of provoked catastrophe," it was forwarded by Vice-Rector Nshimyumuremyi with his approval to the prefect. The plan called for removing refugees, displaced persons and those not critically ill from the hospital and the tents on the hospital grounds. Those persons who, in the words of the vice-rector, "clutter up the UH without good reason" were to be handed over to humanitarian organizations and the administration.¹³⁰

On May 2, Prefect Nsabimana informed the vice-rector that the prefectural security council agreed with the proposed plan. He noted that the administration was looking for ways to take care of the remaining displaced persons still at the hospital.¹³¹ That same day, the director of the hospital told those who had sought shelter at the hospital to go to the prefecture, saying they would return to their own homes from there.¹³² When they arrived at the prefecture, the Tutsi found militia waiting for them. Many of the Tutsi were beaten and some were taken away by officials of their home communes. Others joined the group of displaced persons at the prefecture and remained there for another two weeks.¹³³

Collective Slaughter

Butare Town

In Butare prefecture, as elsewhere, the largest numbers of Tutsi were killed the fastest in massacres in churches, public buildings, and other gathering places. In the town of Butare, however, the worst massacres took hundreds rather than thousands of lives because officials had not permitted massive assemblages of Tutsi within town limits.

In the first two weeks of April, several hundred Tutsi had assembled in the broad space before the prefectural offices. On April 19, as described above, soldiers removed the men from that group and apparently took them to be executed. Those left behind, mostly women and children, formed the nucleus of a group whose presence would trouble authorities until the end of June. They were shifted from place to place and dozens of them were seized at night, but they were never openly attacked in town.

Authorities had transferred six to seven hundred children from an orphanage in Kigali to the Groupe Scholaire and also had allowed several hundred other displaced persons from Kigali to take shelter in the school buildings and courtyard. On April 21, soldiers and Interahamwe, some of whom were wearing the distinctive green and yellow patterned tunic of

¹³⁰Dr. Alphonse Karemera, "Action Socio-Sanitaire et Humantaire (sic) en Faveur des Victimes et Deplacés de Guerre: Une Proposition de la Faculté de Médecine Concernant le Fonctionnement de l'UH en Cette Période de Catastrophe Provoquée," enclosed in Dr. Jean Berchmans Nshimyumuremyi, Vice-Recteur de l'UNR, to Monsieur le Préfet de la Préfecture de Butare, P2-18/211/94, April 25, 1994 (Butare prefecture).

¹³¹Sylvain Nsabimana, Préfet, to Monsieur le Vice-Recteur, no. 274/04.09.01, May 2, 1994 (Butare prefecture).

¹³²Human Rights Watch/FIDH interview, Butare, November 9, 1995.

¹³³Human Rights Watch/FIDH interview, Kigali, January 19, 1996.

the militia, came to the Groupe Scolaire as the displaced persons were eating their noon meal. They called them out to the courtyard, separated them into two groups on the basis of their identity cards, and then killed the Tutsi, mostly with machetes and clubs. Local residents, reportedly under the direction of the cell head Faustin Twagirayezu and including especially Burundians, also joined in the slaughter. According to one witness, several women, both Rwandan and Burundian, killed other women and children.¹³⁴

Ngoma Commune: Matyazo and Kabakobwa Massacres

Not permitted to congregate in massive numbers inside town, the displaced did assemble in the thousands at Matyazo and Kabakobwa, two sites just outside of town but within Ngoma commune. Authorities had first tried to send displaced persons gathered at Matyazo to churches at Karama and Simbi, as mentioned above, but when this failed, Burgomaster Kanyabashi had installed them at the Matyazo health center and had arranged for police to be posted there as guards. As with such groups elsewhere, the displaced at first had freedom of movement, to go out and buy food, for example. After April 19, those inside were no longer permitted to leave. On April 21, soldiers touched off the attack on the health center by firing grenades into the enclosure and then shooting some of the people inside. Militia and local people followed up with machetes and clubs, killing most of the two to three thousand persons who had sought refuge there. A witness on a hill facing Matyazo could hear clearly the sounds of the massacre.¹³⁵

Children and infants who survived the Matyazo massacre were left alone among the bodies for three days. Then some women came to take the little girls home, probably to raise them as servants. On April 25, the councilor of the sector, Athanase Nshimiyimana, and the communal policeman, Marc Polepole, drove a truckload of injured children to the hospital at the Groupe Scolaire. When they attempted to transport a second group of sixty-two injured children, the soldiers at Ngoma camp said it was forbidden to transport Inyenzi and refused to allow them past their barrier. They left the children, who ranged in age from a few months to four years old at Ngoma parish, not far from the barrier, where some four hundred other people had already taken refuge. A nurse, Domitilla Mukabaziga, who was among those who had taken shelter at the church, cared for the wounded children despite the lack of supplies and equipment. Mukabaziga was the sister-in-law of Burgomaster Kanyabashi and called him repeatedly during these days to ask him to rescue her, her children and her nephew. He reportedly answered that there was nothing that he could do for them.¹³⁶

The second major massacre of Ngoma commune was launched the same day as that at Matyazo, but at the opposite end of the commune at Kabakobwa, a gently sloping site where three valleys merge. Many Tutsi from Gikongoro and such Butare communes as Huye, Gishamvu and Ngoma, some with their few heads of cattle, camped in the open space there, while deciding whether or not to continue their flight some ten miles further to the Burundi border. As the slaughter intensified, more Tutsi came to the Kabakobwa, some of them told by authorities or advised by Hutu neighbors to go there. A mile or so north of Kabakobwa was the Rango market, one of the two markets functioning to serve Butare town and the

¹³⁴Human Rights Watch/FIDH interview, October 29, 1995.

¹³⁵République Rwandaise, Parquet de la République, P.V. no. 117.

¹³⁶République Rwandaise, Parquet de la République, P.V. no. 0117; Human Rights Watch/FIDH interview, March 26, 1996.

immediate region. Thursday, April 21, was a market day. Some men in civilian dress arrived at the market in late morning by bicycle and began checking identity cards among the crowds trading there. The story quickly circulated that the men were soldiers, even that they were Presidential Guards. Either these men or others in uniform shot a Tutsi named Venuste at the market. Many people then fled from the market to Kabakobwa, swelling the number of persons there. According to some estimates, there may have been as many as 10,000 Tutsi at the site.¹³⁷

That afternoon, local people attacked the Tutsi, apparently with some support from the communal police, including at least one former soldier. At first the Tutsi repelled the attack. Some Tutsi, numbering perhaps 500, fled southeast towards the frontier in Kibayi commune. Most were killed before they could cross the river that forms the boundary between Rwanda and Burundi. The next morning, April 22, the communal police arrived in a pickup truck of Ngoma commune and took away several Tutsi selected from the crowd. They returned later that day with soldiers and National Police who used rocket-propelled grenade launchers and machine guns to slaughter the Tutsi. That night, on the hills of Nyaruhengeri, on the other side of the valley, some local people celebrated the massacre with feasting, singing and dancing.¹³⁸

Elsewhere in the Prefecture: The Devastating Third Week of April

In the week between April 18 and April 25, authorities accelerated and intensified the large-scale slaughter. Once the daily campaign of small assaults, burning and pillage had driven the Tutsi into churches and other public places, the military launched the large-scale massacres. They swept from west to east, launching a secondary thrust down from the northeast. The first major massacres (Cyahinda, Kansi, Simbi, Karama, Kabuye, frontier areas) were launched in the south, to be followed several days later by those further north (Mbazi, the two agricultural research stations, Nyamure at Ntyazo, Muyaga communal office). Given the limitations on the numbers of troops at their command, authorities made it a priority to massacre Tutsi who might have a chance of reaching and crossing the frontier. The radio often broadcast warnings about the risk of a southern front being opened, with either RPF or Burundian troops crossing the border to link up with Tutsi gathered in the southern communes. Although there appears to have been no evidence of any such activity, the propagandists used such fears to motivate soldiers and civilians alike. In any one area, attacks were often clustered, following each other in quick succession: Nyumba, Gisagara, and Muganza; the Sovu health center and the Huye communal office; Rugango church, the encampment at Gihindamuyaga, and Mbazi stadium; the Songa and Rubona agricultural research stations and Nyamure in Ntyazo; the neighborhoods in town, the university, the hospital; Ngoma church, the Benebikira convent and the Karubanda seminary. This pattern suggests deliberate planning to make the optimum use of the limited number of troops available.

Apparently more displaced persons were gathered at the church of Karama than at any other site in Butare. According to one count made the day before the massacre, some 75,405

¹³⁷Human Rights Watch/FIDH interviews, Neuchatel, December 16, 1995; Butare, August 20 and October 25, 1995.

¹³⁸Ibid.; Human Rights Watch/FIDH interviews, Butare, December 19 and 29, 1995; Brussels, November 6, 1995; African Rights, *Rwanda, Death, Despair*, pp. 351-52.