

ICTR-95-1B-1

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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THE PROSECUTOR

versus

MIKAELI MUHIMANA

REVISED AMENDED INDICTMENT

Case no. ICTR-95-1B-I

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

MIKAELI MUHIMANA

with **GENOCIDE** pursuant to Article 2(3)(a) of the Statute of the Tribunal; alternatively **COMPLICITY IN GENOCIDE** pursuant to Articles 2(3)(e) of the Statute of the Tribunal; **MURDER** as a **CRIME AGAINST HUMANITY** pursuant to Article 3(a) of the Statute of the Tribunal; and **RAPE** as a **CRIME AGAINST HUMANITY** pursuant to Article 3(g) of the Statute of the Tribunal.

1. The said charges are brought pursuant to Articles 6(1) of the Statute of the Tribunal.
2. The events set out hereinafter occurred in the Republic of Rwanda between 1 January 1994 and 31 July 1994.

THE ACCUSED

3. **Mikaeli Muhimana** was born on 24 October 1961 in Gishyita sector, Gishyita commune, Kibuye prefecture and was at all times referred to in this indictment was Counsellor for Gishyita sector Gishyita commune, Kibuye prefecture;

THE CHARGES

Counts I and II: GENOCIDE, or alternatively, COMPLICITY IN GENOCIDE.

4. At all times referred to in this indictment, there existed in Rwanda a minority ethnic group known as Tutsi, officially identified as such by the government. In addition, the

majority population was comprised of an ethnic group known as Hutu, also officially identified as such by the government.

5. **Mikaeli Muhimana** intended to destroy the ethnic Tutsi group as such. By virtue of his authority, he both individually and acting in concert with others caused many Tutsi to be killed.

Particulars

Events in Gishyita Sector, Gishyita Commune

- (a) On or about 8 April 1994 in the morning, **Mikaeli Muhimana** and other persons, including Charles Sikubwabo mobilised civilians, gendarmes and commune policemen at Kiziba commercial centre and gave them arms and ammunition for purposes of killing Tutsi civilians. The said arms and ammunition were deployed to exterminate the Tutsi population in Gishyita and Gisovu communes.

Particulars

Events at Mubuga Parish, Mubuga Sector

- (b) Between 8 and 14 April 1994, about five thousand six hundred Tutsi civilians sought refuge at Mubuga Catholic Church, Gishyita commune after fleeing from attacks on Tutsi civilians which were occurring throughout the Prefecture of Kibuye. After the Tutsi civilians had begun to congregate in the Mubuga Catholic Church between 8 and 14 April 1994, **Mikaeli Muhimana** acting in concert with, among others, Charles Sikubwabo and Clement Kayishema visited the church regularly and took stock of refugees in preparation for an attack.
- (i) Between 14 and 15 April 1994, **Mikaeli Muhimana** acting in concert with Charles Sikubwabo, gendarmes, *Interahamwe* and soldiers looted Mubuga Catholic Church of food donated by humanitarian organisations including CARITAS, for consumption by refugees seeking shelter in the Mubuga Catholic Church, and thereby deprived the refugees of food during the period they were seeking shelter in the aforesaid Mubuga Catholic Church.
- (ii) Between 14 and 15 April 1994, **Mikaeli Muhimana**, acting in concert with Charles Sikubwabo and soldiers distributed grenades and guns to *Interahamwe* and armed civilians at the Mubuga Catholic Church for purpose of attacking the Tutsi civilians seeking refuge in the aforesaid Mubuga Catholic Church.
- (iii) On or about 15 April 1994, **Mikaeli Muhimana** along with Clement Kayishema, Obed Ruzindana, soldiers, *Interahamwe*, armed civilians and communal policemen launched an attack on Tutsi civilians seeking refuge in Mubuga Catholic Church, using guns, grenades, machetes,

pangas and other traditional weapons killing over five thousand Tutsi civilians who were seeking refuge in the aforesaid Mubuga Catholic Church.

Particulars

Events at the Mugonero Complex, Gishyita Commune

- (c) Between 9 and 16 April 1994, about six thousand civilians, predominantly Tutsi, congregated in the Mugonero church, hospital and nursing school in Ngoma sector, Gishyita commune seeking protection against attacks on Tutsi civilians which were occurring throughout the prefecture of Kibuye. Around 9 am on 16 April 1994, **Mikaeli Muhimana**, acting in concert with others, including Clement Kayishema, Charles Sikubwabo, Obed Ruzindana, soldiers, communal policemen and *Interahamwe* launched an attack on the civilians seeking protection at the Mugonero church, hospital and nursing school. The attackers, using guns, grenades, machetes cudgels and other traditional weapons inflicted deaths and serious injuries to the six thousand civilians who had sought refuge in the aforesaid Mugonero church, hospital and nursing school.

Particulars

Events in Bisesero area, Gishyita and Gisovu Communes

- (d) The Bisesero area straddles Gishyita and Gisovu communes in Kibuye Prefecture. Following attacks on Tutsi civilians who had gathered in enclosed places throughout Kibuye prefecture between April and June 1994, thousands of Tutsi survivors fled to the open but steep and undulating hills of Bisesero as their last point of refuge.
 - (i) In April 1994 in Uwingabo cellule in Bisesero **Mikaeli Muhimana** in the company of soldiers and *Interahamwe*, shot at twenty Tutsi civilians killing them all.
 - (ii) On or around 9 April 94 at Nyarutovu cellule in Bisesero **Mikaeli Muhimana** along with *Interahamwe*, commune policemen and soldiers hunted for and attacked Tutsi civilians seeking refuge in the Nyarutovu hills.
 - (iii) On or around 13 April 1994 at the Rushishi centre in Bisesero **Mikaeli Muhimana** in the company of soldiers and local government officials, including Charles Sikubwabo, distributed guns, grenades and other weapons to the *Interahamwe* and other militias for purposes of attacking Tutsi who were taking refuge in the Rushishi and surrounding hills.
 - (iv) In April 1994 **Mikaeli Muhimana**, along with Clement Kayishema, Obed Ruzindana and *Interahamwe* participated in search for and

attacks on Tutsi civilians taking refuge in Mutiti and Ngendombi hills in Bisesero.

- (v) In May 1994 **Mikaeli Muhimana** along with Clement Kayishema, Obed Ruzindana, *Interahamwe* and gendarmes, searched for and attacked Tutsi civilians taking refuge in Kabakobwa, Gitwa, Kanyinya and Ngendombi hills in Bisesero area.
- (vi) On or around 13 and 14 May 1994 **Mikaeli Muhimana**, Clement Kayishema, Obed Ruzindana, Charles Sikubwabo, *Interahamwe*, gendarmes, and other civilians participated in attacks on Tutsi civilians taking refuge on Gitwa/Muyira hills Bisesero area killing over ten thousand Tutsi civilians.
- (vii) On or around 28 June 1994 **Mikaeli Muhimana** in the company of Obed Ruzindana lured Tutsi civilians who were injured in the course of attacks on Tutsi civilians taking place throughout Kibuye prefecture to come out of their hiding places in order to receive medication. After the Tutsi had come out from their hiding places **Mikaeli Muhimana** and Obed Ruzindana brought armed attackers, including *Interahamwe*, gendarmes and soldiers and attacked the Tutsi civilians killing over two thousand and injuring one thousand or so others.

Count III: RAPE as a CRIME AGAINST HUMANITY

- 6. Between 6 April 1994 and 30 June 1994 **Mikaeli Muhimana** committed rape as part of a widespread or systematic attack against Tutsi women civilians and other women perceived to be Tutsi in Gishyita sector, Mugonero church, hospital and nursing school, and in the Bisesero area.

Particulars

Events in Gishyita Sector, Gishyita Commune

- (a) On or about 7 April 1994, **Mikaeli Muhimana** held a meeting at his residence in Gishyita town, Gishyita sector, Gishyita commune, with, amongst others, the Gishyita Bourgmestre Charles Sikubwabo and a businessman Obed Ruzindana. Shortly thereafter killings, rape and other atrocities commenced in Gishyita commune.
 - (i) On or about 7 April 1994 in Gishyita town Gishyita sector, Gishyita commune, **Mikaeli Muhimana** brought two civilian women Gorretti Mukashyaka and Languida Kamukina into his house and raped them. Thereafter he drove them naked out of his house and invited *Interahamwe* and other civilians to come and see how naked Tutsi girls looked like. **Mikaeli Muhimana** then directed the *Interahamwe* to part the girls' legs to provide the onlookers with a clear view of the girls' vaginas.
 - (ii) On or about 14 April 1994 in Gishyita town Gishyita sector, Gishyita commune, at his residence, **Mikaeli Muhimana** raped a Tutsi woman Esperance Mukagasana and offered her to an *Interahamwe* named Gisambo,

for the same purpose. The said Gisambo raped Esperance Mukagasana at **Mikaeli Muhimana** residence and within his presence.

- (iii) Towards the end of April 1994, **Mikaeli Muhimana** raped a Tutsi civilian woman, **AX-K**, on two occasions, at the Bureau commune in Gishyita town Gishyita sector, Gishyita commune.

Particulars

Events at Mubuga Parish, Mubuga Sector

- (b) On or around 15 April, 1994, at Mubuga parish, **Mikaeli Muhimana** in concert with others, including *Interahamwe* named Kigana, Theophil and Byamwenga took Tutsi civilian women named Colette a girl from Mubuga, Agnes Mukagatare an employee of Mubuga dispensary and Alphonsine from Mubuga dispensary to the vicinity of a cemetery located between Mubuga parish and Mubuga dispensary where **Mikaeli Muhimana** raped **AV-K**.
- (i) On or around 15 April 1994, at Mubuga parish, *Interahamwe* raped two women named Colette a girl from Mubuga and Alphonsine on instructions and within the presence of **Mikaeli Muhimana**.

Particulars

Events at the Mugonero Complex, Gishyita Commune

- (c) Between 14 and 16 April 1994, **Mikaeli Muhimana** in concert with, amongst others, Charles Sikubwabo and an *Interahamwe* named Gisambo took three civilian Tutsi women Josiana, Mariana Gafurafura, and Martha Gafurafura from Mugonero complex where they had sought refuge, to Gishyita commune where they continually raped them.
- (i) On 16 April 1994, at the Mugonero complex, **Mikaeli Muhimana** in concert with two *Interahamwe* raped civilian Tutsi women in one of the halls of the Mugonero medical school. **Mikaeli Muhimana** raped one Mukasine Kajongi while brutally assaulting her and removing her clothing so that passers by could view her sexual organs.
- (ii) On 16 April 1994, at the Mugonero complex, **Mikaeli Muhimana** and *Interahamwe* collectively raped civilian Tutsi women Mukasine and Murekatete staff maids at Mugonero hospital, and a civilian Hutu lady **BJ-K**. **Mikaeli Muhimana** subsequently apologised to **BJ-K** for the "mistake" of raping her as he initially thought she was Tutsi.
- (iii) On 16 April 1994, in the surgical wardroom in the Mugonero hospital, **Mikaeli Muhimana**, in concert with two *Interahamwe* collectively

raped Tutsi women Johaneta, Theresa Mukabutera and Eugenia, verbally insulting them in the process.

- (iv) On 16 April 1994, at the Mugonero complex, **Mikaeli Muhimana**, acting in concert with *Interahamwe* went to one of the operating rooms in the medical school building in the Mugonero complex and collectively raped Tutsi women **AU-K**, Immaculate Mukabarore, Josephine Mukankwaro In particular **Mikaeli Muhimana** raped **AU-K**.
- (v) In May 1994, in a pub in Ngoma, **Mikaeli Muhimana**, acting in concert with others, including a soldier named Gikeri and one Obed Ruzindana, raped a Tutsi woman Bahati Nyiransengimana and otherwise physically assaulted the said Bahati Nyiransengimana, Tutsi women Helen Mugiraneza and Drocella, aged 9 years.

Particulars

Events in Biseseo area, Gishyita and Gisovu Communes

- (d) On or around 22 April 1994, **Mikaeli Muhimana** permitted an armed civilian, one Mugonero to detain and keep a Tutsi woman **BG-K** in his house where he repeatedly raped her for several weeks.
 - (i) Towards the end of April 1994, at Kabatwa hill Biseseo area, an *Interahamwe* named Ngabonzina raped a Tutsi civilian woman Virginie Gasherebuka on instructions of **Mikaeli Muhimana**. Acting on orders of **Mikaeli Muhimana**, Ngabonzina undressed Virginie Gasherebuka, laid her on the ground, parted her legs and **Mikaeli Muhimana** and Ngabonzina jointly assaulted her sexually in her vaginal area with machetes and other instruments.
 - (ii) Towards the end of May 1994, at Nyakiyabo hill in the Biseseo area **Mikaeli Muhimana**, in concert with an *Interahamwe* named Gisambo, raped Pascasie Mukarema.
 - (iii) Around June 1994, at Gitwa hills in the Biseseo area, **Mikaeli Muhimana** in concert with armed civilians, including one Ngabonzina, raped a civilian Tutsi woman named Felicite Kankuyu.

Count IV: MURDER, as a CRIME AGAINST HUMANITY

- 7. Between 6 April 1994 and 30 June 1994 **Mikaeli Muhimana** committed murder as part of a widespread or systematic attack against civilians in Gishyita sector, Mugonero church, hospital and nursing school, and in the Biseseo area.

Particulars

Events in Gishyita Sector, Gishyita commune

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- (a) On or about 7 April 1994 in Gishyita town Gishyita sector, Gishyita commune **Mikaeli Muhimana** took to his residence two women, Gorretti Mukashyaka and Languida Kamukina and directed *Interahamwe* to kill them. The *Interahamwe* killed the said Gorretti Mukashyaka and Languida Kamukina at **Mikaeli Muhimana's** residence and in his presence.
 - (i) On or about 14 April 1994 in Gishyita town Gishyita sector, Gishyita commune, at his residence, **Mikaeli Muhimana** directed an *Interahamwe* named Gisambo to kill a civilian woman Esperance Mukagasana. The said Gisambo executed the said woman in the presence of **Mikaeli Muhimana** at his residence.

Particulars

Events at Mubuga Parish, Mubuga Sector

- (b) In the course of an attack on Tutsi civilians seeking refuge in Mubuga Catholic Church on 15 April 1994, **Mikaeli Muhimana** killed hundreds of people including Kaihura and injured several others.
- (i) On or around 15 April, 1994 at Mubuga parish, **Mikaeli Muhimana** instructed *Interahamwe* to rip open the stomachs of two women named Colette, a resident of Mubuga, and Alphonsine to see how stomachs of Tutsi women look like. The stomachs of the two women were ripped open in the presence of **Mikaeli Muhimana**, thereby killing the two women in the process.

Particulars

Events at the Mugonero Complex, Gishyita Commune

- (c) On 16 April 1994, at the Mugonero church, hospital and school, **Mikaeli Muhimana** in concert with two *Interahamwe* killed a civilian woman named Mukasine and another, in one of the halls of the Mugonero medical school.
- (i) On 16 April 1994, at the Mugonero complex, **Mikaeli Muhimana**, acting in concert with *Interahamwe* went to one of the operating rooms in the medical school building in the Mugonero complex and collectively killed civilian Tutsi women named Immaculate Mukabarore, Bernadette Mukangorero and Josephine Mukankwaro.
- (ii) In May 1994 in Ngoma a soldier named Gikeri shot to death civilian Tutsi women named Bahati Nyiransengimana, Helen Mugiraneza, and Drocella, aged 9 years, on instructions of **Mikaeli Muhimana**.

Particulars

Events in Biseseo area, Gishyita and Gisovu Communes

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- (d) Towards the end of April 1994, at Kabatwa hill Bisesero area, **Mikaeli Muhimana** and an *Interahamwe* named Ngabonzina killed a Tutsi civilian woman Virginie Gasherebuka by inserting sharp weapons including machettes in her vagina.
- (i) Towards the end of May 1994, at Nyakiyabo hill in the Bisesero area an *Interahamwe* named Gisambo, killed Pascasie Mukarema, on instructions of **Mikaeli Muhimana**.
- (ii) Around June 1994, at Gitwa hills in the Bisesero area, **Mikaeli Muhimana** in concert with one Ngabonzina and other *Interahamwe* killed a civilian Tutsi woman named Felicite Kankuyu.
- (iii) On or around 22 June 1994, in Bisesero hills **Mikaeli Muhimana** participated in the killing of a prominent Gishyita town civilian Tutsi businessman named Assiel Kabanda.

SIGNED at Arusha this 3rd day of February 2004.


Hassan Bubacar Jallow
THE PROSECUTOR.

