

ICIR - 97 - 364 - I

29 - 11 - 2002

(19 - 16)

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR- 97 - 36 - I

THE PROSECUTOR

AGAINST

Yussuf MUNYAKAZI

JUDICIAL RECORDS ARCHIVES
RECEIVED
ICTR

19
HM
2002 NOV 29 P 1:04
Dunham

AMENDED INDICTMENT

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

Yussuf MUNYAKAZI

with **GENOCIDE**, pursuant to Article 2 (3)(a) of the Statute of the Tribunal; or alternatively, **COMPLICITY IN GENOCIDE**, pursuant to Article 2 (3)(e) of the Statute of the Tribunal; and **EXTERMINATION as a CRIME AGAINST HUMANITY**, pursuant to Article 3 of the Statute of the Tribunal.

1. The said charges are brought pursuant to Article 6 (1) of the Statute of the Tribunal.
2. Unless otherwise stated, the violations of international humanitarian law referred to in this indictment took place in Rwanda between 1 January and 31 July 1994.

THE ACCUSED

3. **Yussuf MUNYAKAZI** was born in 1935 in Rwamatamu *commune*, Kibuye *préfecture*, Rwanda.
4. During the period covered by this indictment, **Yussuf MUNYAKAZI** was a wealthy businessman and commercial farmer in Bugarama *commune*, Cyangugu *préfecture* and a leader of the Bugarama MRND militia (hereinafter "the Bugarama *interahamwe*").

CHARGES

18

Count 1: GENOCIDE, or alternatively, COMPLICITY IN GENOCIDE

The Prosecutor charges **Yussuf MUNYAKAZI** with **GENOCIDE**, a crime stipulated in Article 2 (3)(a) of the Statute, or alternatively **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2 (3)(e) of the Statute, in that on or between the dates of 6 April and 17 July 1994, in Cyangugu and Kibuye *préfectures*, Rwanda, **Yussuf MUNYAKAZI** 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.

Concise Statement of Facts

5. Between 1 January and 31 December 1994, citizens native to Rwanda were severally identified according to the following ethnic or racial classifications: Tutsi, Hutu, and Twa.
6. Between 6 April and 17 July 1994, throughout Rwanda, there were widespread or systematic attacks against a civilian population based on Tutsi ethnic or racial identification or political opposition to the MRND. The attacks resulted in a large number of deaths of persons who were identified or perceived to be Tutsi.
7. Between 6 April and 17 July 1994, **Yussuf MUNYAKAZI** planned, instigated, ordered, participated, or otherwise aided and abetted the killing of Tutsi civilians in Cyangugu and Kibuye *préfectures*.
- 7.1 Between January and July 1994, **Yussuf MUNYAKAZI** met regularly with the Bugarama *interahamwe* and other influential MRND members to incite, prepare, and organize the killing of Tutsis. They met on diverse dates at diverse locations throughout Cyangugu *préfecture*, for example:
 - (a) On or about 28 January 1994, in Bugarama, with the participation of André NTAGERURA, Emmanuel BAGAMBIKI and others, at which **Yussuf Munyakazi** took delivery from André NTAGERURA of weapons, uniforms, and boots for the *interahamwe*;
 - (b) On or about 18 March 1994, at Hotel Ituze in Kamembe, Cyangugu, with the participation of André NTAGERURA, Emmanuel BAGAMBIKI, and others, at which André NTAGERURA incited hatred against the Tutsi;
 - (c) On or about 7 April 1994 at Kabusunzu in Bugarama, with the participation of Emmanuel BAGAMBIKI, Lt. Samuel IMANISHIMWE, the Bugarama *interahamwe* and others, at which **Yussuf Munyakazi** instigated the killing of Tutsi;

- (d) On or about 22 June 1994 at Leonard Bamenyayundi's house in Gisuma Commune, Cyangugu, Emmanuel BAGAMBIKI, Lt Samuel Imanishimwe and others, planned to kill all the displaced Tutsis gathered at Nyarushishi Refugee Camp and orders were issued to the *interahamwe* accordingly. The following day Yussufu Munyakazi and his *interahamwe* were present at Nyarushishi to execute the plan.
- 7.2 On or about 11 and 13 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked the Tutsi civilians who had sought refuge at Cyangugu Cathedral.
- 7.3 On or about 16 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked and killed hundreds of civilian Tutsis who had sought refuge at Nyamasheke Parish, Kagano *commune*, Cyangugu *préfecture*, using firearms and traditional weapons.
- 7.4 On or about 29 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked and killed hundreds of civilian Tutsis who had sought refuge at Shangi Parish, Gafunzo *commune*, Cyangugu *préfecture*, using firearms and traditional weapons.
- 7.5 On or about 30 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked and killed about a hundred civilian Tutsis who had sought refuge at Mibilizi Parish, Cyimbogo *commune*, Cyangugu *préfecture*, using firearms and traditional weapons.
- 7.6 On or around 13 and 14 May 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe* and acting in concert with others, attacked and killed thousands of civilian Tutsis who had sought refuge in Bisesero, Kibuye *préfecture*. The attackers used firearms and traditional weapons.

Count 2: EXTERMINATION as a CRIME AGAINST HUMANITY

The Prosecutor charges Yussuf MUNYAKAZI with EXTERMINATION as a CRIME AGAINST HUMANITY, as stipulated in Article 3 (b) of the Statute, in that on or between the dates of 6 April and 17 July 1994, in Cyangugu and Kibuye *préfectures*, Rwanda, Yussuf MUNYAKAZI did kill persons, or cause persons to be killed, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds.

Concise Statement of Facts

8. Between 6 April and 17 July 1994, Yussuf MUNYAKAZI planned, instigated, ordered, participated, or otherwise aided and abetted the killing of Tutsi civilians in Cyangugu and Kibuye *préfectures*.
- 8.1 On or about 11 and 13 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked the Tutsi civilians who had sought refuge at

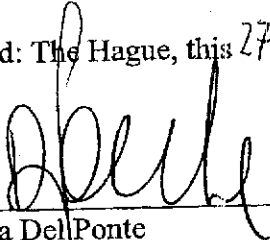
Cyangugu Cathedral.

16

- 8.2 On or about 16 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked and killed hundreds of civilian Tutsis who had sought refuge at Nyamasheke Parish, Kagano *commune*, Cyangugu *préfecture*, using firearms and traditional weapons.
- 8.3 On or about 29 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked and killed hundreds of civilian Tutsis who had sought refuge at Shangi Parish, Gafunzo *commune*, Cyangugu *préfecture*, using firearms and traditional weapons.
- 8.4 On or about 30 April 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe*, attacked and killed about a hundred civilian Tutsis who had sought refuge at Mibilizi Parish, Cyimbogo *commune*, Cyangugu *préfecture*, using firearms and traditional weapons.
- 8.5 On or around 13 and 14 May 1994, Yussuf MUNYAKAZI, with the Bugarama *interahamwe* and acting in concert with others, attacked and killed thousands of civilian Tutsis who had sought refuge in Bisesero, Kibuye *préfecture*. The attackers used firearms and traditional weapons.

The acts and omissions of Yussuf MUNYAKAZI detailed herein are punishable in reference to Articles 22 and 23 of the Statute.

Dated: The Hague, this 27 day of November 2002.



Carla Del Ponte
The Prosecutor

TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS

(Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

To:	<input type="checkbox"/> OIC, CMS J.P. Fomété	<input checked="" type="checkbox"/> Trial Chamber I K. Afande	<input checked="" type="checkbox"/> Trial Chamber II R. Kouambo	<input type="checkbox"/> Trial Chamber III F. Talon	<input type="checkbox"/> Appeals Officer F. Talon /A. N'Gum				
From:	<input type="checkbox"/> Chamber (name)	<input type="checkbox"/> Defence (name)	<input checked="" type="checkbox"/> Prosecutor's Office MOBBERLEY (name)	<input type="checkbox"/> Other: (name)					
Case Name:	The Prosecutor vs. YUSSUF MUNYAKAZI			Case Number: ICTR-97-36-I					
Date:	Transmitted: 29.11.02	Document's date: 27.11.02	No. of Pages: 4						
Original / Transl.	Document is a(n):	<input type="checkbox"/> ORIGINAL: Fill sections below	<input type="checkbox"/> TRANSLATION into	<input type="checkbox"/> Eng	<input type="checkbox"/> Fr	<input type="checkbox"/> Kinyar.			
		<input checked="" type="checkbox"/> Eng	<input type="checkbox"/> Fr	<input type="checkbox"/> Kinyarwanda	(original was filed on)				
Doc. Title	The Prosecutor v Yussuf Mulyakazi AMENDED INDICTMENT								
Classification Level:	<input checked="" type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Confidential			<input type="checkbox"/> Public			
	<input type="checkbox"/> Confidential		<input type="checkbox"/> Public						
TRIM Doc Type:	<input checked="" type="checkbox"/> Indictment					<input type="checkbox"/> Warrant	<input type="checkbox"/> Order	<input type="checkbox"/> Motion	<input type="checkbox"/> Judgement
	<input type="checkbox"/> Decision					<input type="checkbox"/> Correspondence	<input type="checkbox"/> Disclosure	<input type="checkbox"/> Submission from parties	
	<input type="checkbox"/> Submission from non-parties					<input type="checkbox"/> Affidavit		<input type="checkbox"/> Accused particulars	
	<input type="checkbox"/> Notice of Appeal					<input type="checkbox"/> Appeal Book	<input type="checkbox"/> Book of Authorities		

TRANSLATION STATUS ON DATE OF FILING OF ORIGINAL (completed by Chamber / Filing Party)

No action required by CMS regarding translations:	Please take action with regard to translation:
<input type="checkbox"/> Filing Party/Chamber hereby submits BOTH the original and the translation to CMS for filing	<input type="checkbox"/> Party/Chambers hereby submits the original, and will NOT oversee translation.
<input type="checkbox"/> Filing Party/Chamber will be submitting translation to CMS in due course, details are provided below. Fill in the boxes below.	Ignore the boxes below.
	<input type="checkbox"/> Reference material is provided in annex to facilitate translation

<input type="checkbox"/> Chamber	<input type="checkbox"/> Defence is overseeing translation:		
<input checked="" type="checkbox"/> OTP	Name of contact person:		
is over-seeing translation. (copy of translation requisition slip is attached for reference)	The document is submitted to the following accredited translation service (Translation fees will be submitted to LDFMS):		
Name of contact person:	Name of service:		
The document is submitted for translation in:	Address:		
<input type="checkbox"/> Arusha	<input type="checkbox"/> Kigali	<input type="checkbox"/> The Hague	Email / tel / fax:
Target Language:	<input type="checkbox"/> Number of Pages	Translation received by CMS on:	
<input type="checkbox"/> English	<input type="checkbox"/> Expected date of translation:		
<input type="checkbox"/> French			
<input type="checkbox"/> Kinyarwanda			

FOR OFFICIAL USE ONLY (TRIM DATA ENTRY / TRANSLATION PRIORITISATION)		
<input type="checkbox"/> Top Priority	(prioritisation to be completed by CMS in consultation with Chambers / LCSS)	<input type="checkbox"/> Required Date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing Date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:
COMMENTS		