



International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December

THE PROSECUTOR

v.

EMMANUEL RUKUNDO

CASE NO. ICTR-2001-70-I

INDICTMENT

- I. The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to the authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the “Statute of the Tribunal”) charges:

EMMANUEL RUKUNDO

with **GENOCIDE** and **CRIMES AGAINST HUMANITY** for **MURDER** and **EXTERMINATION**; offences stipulated in Articles 2 and 3 of the Statute of the Tribunal, as set forth below.

II. **THE ACCUSED:**

Emmanuel RUKUNDO was born on 1959, at Kabgayi, GITARAMA prefecture, RWANDA. During the events referred to in this indictment, Emmanuel RUKUNDO was a military chaplain at RUHENGERI prefecture and was transferred to KIGALI.

III. **CHARGES, including a CONCISE STATEMENT OF FACTS:**

Count 1: GENOCIDE:

The Prosecutor of the International Criminal Tribunal for Rwanda charges Emmanuel RUKUNDO with **GENOCIDE**, a crime stipulated in Article 2(3)(a) of the Statute, in that on or between the dates of 6 April 1994 and July 1994, in Rwanda, Emmanuel RUKUNDO was responsible for killing or causing serious bodily or mental harm to members of the Tutsi population with intent to destroy, in whole or in part, a racial or ethnic group;

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Concise statement of facts for Count 1

1. During the events referred to in this indictment, Tutsi, Hutu, and Twa were identified as ethnic or racial groups.
2. Emmanuel RUKUNDO was known as an extremist. He hated the Tutsi. Since about 1973, he fought against his Tutsi colleagues at the *Petit Séminaire* of KABGAYI.
3. After an attack by the Rwandan Patriotic Front (RPF), in October 1990, Emmanuel RUKUNDO, being at the *Grand Séminaire* of Nyakibanda, BUTARE, created a group of extremists to collect money to support the Rwandese Armed Forces (RAF) to fight the FPR. At that time he swore that he would take to the bush if the FPR won the war.
4. Since 1990, Emmanuel RUKUNDO hated his colleagues (priests who were Tutsi) saying that the *Grand Séminaire* of Nyakibanda was a bastion of the Tutsi, and that it was difficult to live in such a milieu as Hutu, and as one who would become a priest.
5. From 1990 and during 1994, Emmanuel RUKUNDO several times denounced the Tutsi as being INKOTANYI to the Rwandan authorities. In particular, after 1 January 1994 and before 3 July 1994, he denounced as INKOTANYI, one of his colleagues, the priest Alphonse MBUGUJE. The latter was identified and killed during the events described in this indictment.
6. In spite of his attitude, he was ordained a priest in July 1991, by Mgr. Thaddé NSENGIYUMVA and was appointed as priest of KANYANZA parish in the northern part of KABGAYI. This region at that time was characterized by having a majority Hutu population and for its extremism.
7. Later he was appointed as an Army Chaplain which function he exercised during 1994.
8. During February 1994, to react against the Arusha Agreements, Emmanuel RUKUNDO took the Hutu extremist's position and was involved in the campaigns for mobilization of the Hutu against the Tutsi and at that time he stated that: "Tutsi are a people to destroy, we must fight against them by all means".
9. On or around 20 April 1994, the attacks against the Tutsis in the GITARAMA prefecture were intensified; thereafter many Tutsi of this prefecture left their houses to seek refuge in different places of KABGAYI, including the diocese of KABGAYI, the *Petit Séminaire de Saint Léon*, a place named "TRAFIPRO", the *Collège Saint Joseph*, the *Grand Séminaire* of KABGAYI, two primary schools and other facilities existing in Kabgayi at that time.
10. During the months of April and May 1994, Emmanuel RUKUNDO visited those places several times. He went, regularly, to the *Petit Séminaire de Saint Léon* at KABGAYI, and to a place named CND. He was always escorted by soldiers and *Interahamwe* while he was hunting Tutsi refugees to kill.
11. During his visits he brought a list that he used to call on the Tutsi and control their whereabouts. Afterwards he passed the list to the soldiers and *Interahamwe* who took the persons included in the list to kill them or cause them serious bodily or mental harm.

12. Immediately following RUKUNDO's departure on several occasions from the *Petit Séminaire de Saint Léon*, soldiers and *Interahamwe* militiamen, acting under his plan, instigating, orders, or aid, beat, kicked, and whipped Tutsi seeking refuge there.

13. On one occasion after 15 May 1994 and before 3 July 1994 at the *Petit Séminaire de Saint Léon*, RUKUNDO arrived at about 10:00 a.m., armed and escorted by an armed soldier. RUKUNDO took one young Tutsi refugee woman inside a room there, locked the door, and placed his gun on a table. RUKUNDO forced this young woman on a bed, put his body on top of hers, forcibly touched her body, attempted to lift her dress, and physically fought with her until RUKUNDO ejaculated in his trousers. These acts of RUKUNDO caused her serious mental harm.

14. During April and May 1994, RUKUNDO and other authorities visited several times a place in KABGAYI named "TRAFIPRO" and nicknamed "CND". Soon after each visit, soldiers and *Interahamwe* militiamen, acting under the plan, instigating, or orders of RUKUNDO and these other authorities, took away some Tutsi seeking refuge there and inflicted serious bodily and mental harm upon them.

15. On or about 16 April 1994, RUKUNDO, in uniform, armed with a pistol and rifle, and escorted by armed soldiers, moved about the Bishop's house at KABGAYI. RUKUNDO yelled, asking if any Tutsi or "INKOTANYI" were present. Those who heard RUKUNDO say those words were in fear for their lives.

16. Emmanuel RUKUNDO, by his acts in mentioned in paragraphs 12, 14, and 15 above, supervised soldiers and civilian attackers, acting under his plan, instigating, orders, or aid, that inflicted serious bodily or mental harm on Tutsi at KABGAYI.

17. Emmanuel RUKUNDO ordered, instigated, encouraged, aided, abetted the searching out of the Tutsi, passing through house by house and visiting the facilities of the diocese of KABGAYI and the parish of GITARAMA, to identify the Tutsis to be killed.

18. Between about 7 April and 3 July 1994, RUKUNDO, armed and escorted by armed soldiers, arrived at the GITARAMA parish. There, RUKUNDO said that he was trying to find and kill one particular Tutsi, and further said words to the effect that the days of the "INKOTANYI" were numbered. This caused witnesses to fear for their lives.

19. Before and during 1994, he identified his colleagues who were priests, and then he denounced them as INKOTANYI to the Rwandan authorities.

20. In particular, during 1994 he denounced as an INKOTANYI one colleague named Alphonse MBUGUJE, a priest of KANYANZI parish. The latter's name was included in a list of persons to kill, in the Kangura newspaper and radio RTLM broadcasts where he was pointed out as person to kill.

21. During May 1994, Emmanuel RUKUNDO went several times to the *Grand Séminaire* of KABGAYI, and met the priests staying there, including some Tutsi priests, named Védaste NYIRIBAKWE, Célestin NIYONSHUTI, Tharcise GAKUBA, and one named Callixte.

22. On or about 24 May 1994, a group of soldiers and *Interahamwe* launched an attack against the *Grand Séminaire* of KABGAYI. The attackers, using a list, called for about twenty Tutsi priests, including those mentioned in the paragraph 21 above, and then killed them.

23. During May 1994, Emmanuel RUKUNDO went several times to the Bernadine sisters' convent in Nyarugenge secteur and commune in Kigali-Ville prefecture to hunt Tutsi who were still

alive to kill them. On the same occasion he was told that the priests NIYONSHUTI Celestin, Tharcisse and Callixte MUSONERA; Father Martin, and Sister Bénigne, among others, had already been killed; that he looked for the other priests and was told that the priest Alphonse MBUGUJE had been located.

24. During May 1994 priest Alphonse MBUGUJE was found in the diocese of Cyangugu, and then he was killed.

25. Emmanuel RUKUNDO left RWANDA after the defeat of the Rwandan Army by the RPF.

26. While in exile, in Switzerland, during 1996, Emmanuel RUKUNDO, looked for information about the place where a Rwandan child, a victim of the events occurred in 1994 in Rwanda, to identify and locate the child, while the child was abroad to receive medical treatment.

27. Having failed to identify this young person, to the question about his view on the terrible consequences caused to the Tutsi during the events of 1994, Emmanuel RUKUNDO answered: "They had got just what they deserved.... They looked for it".

Count 3: MURDER as a CRIME AGAINST HUMANITY.

The Prosecutor of the International Criminal Tribunal for Rwanda charges Emmanuel RUKUNDO with **MURDER as a CRIME AGAINST HUMANITY**, as stipulated in Article 3(a) of the Statute, in that on or between the dates of 6 April 1994 and July 1994, in Rwanda, Emmanuel RUKUNDO was responsible for killing persons, or causing persons to be killed, during mass killing events as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

28. From 1990 and during 1994, Emmanuel RUKUNDO several times denounced the Tutsi as being INKOTANYI to the Rwandan authorities.

29. He identified his colleagues who were priests, and then he denounced them as INKOTANYI to the Rwandan authorities.

30. In particular, after 1 January 1994 and before 3 July 1994, he denounced as INTOKANYI one colleague named Alphonse MBUGUJE, a priest of KANYANZI parish.

31. On May 1994, Emmanuel RUKUNDO went several times to the Bernadine sisters' convent in Nyarugenge secteur and commune in Kigali-Ville prefecture to hunt Tutsi who were still alive to kill them. At the same occasion he told that the priests NIYONSHUTI Celestin, Tharcisse and Callixte MUSONERA; father Martin, and Sister Bénigne, among others, had already been eliminated; that he was looking for the other priests and that priest Alphonse MBUGUJE was already localized.

32. Around May 1994 priest Alphonse MBUGUJE was found at the diocese of Cyangugu, then he was killed.

Count 4: EXTERMINATION as a CRIME AGAINST HUMANITY.

The Prosecutor of the International Criminal Tribunal for Rwanda charges Emmanuel RUKUNDO 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 1994 and July 1994, in Rwanda, Emmanuel RUKUNDO was responsible for killing persons, or causing persons to be killed, during mass killing events as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

33. During February 1994, to react against the Arusha's Agreements, Emmanuel RUKUNDO shearing the Hutu extremist's position was involved in the companies for mobilization of the Hutu against the Tutsi and at that time he stated that: "Tutsi are a people to destroy, we must to fight against them by all mean".

34. On or around 20 April 1994, the attacks against the Tutsis in the GITARAMA prefecture were intensified, thereafter many Tutsi of this prefecture left their houses to seek refuge at different places of KABGAYI, including the diocese of KABGAYI, the *Petit Séminaire de Saint Léon*, a place named TRAFIPRO, the *Collège Saint Joseph*, the *Grand Séminaire* of KABGAYI, two primary schools and other facilities existing in Kabgayi at that time.

35. During the months of April and May 1994, Emmanuel RUKUNDO visited those places several times. He went, regularly, to the *Petit Séminaire de Saint Léon* at KABGAYI, and to a place named CND. He was always escorted by soldiers and *Interahamwe* to hunt Tutsi refugees to kill.

36. During his visits he brought a list that he used to call for the Tutsi and to control their whereabouts. Afterwards he passed the list to the soldiers and *Interahamwe* who took the persons including in the list to kill them.

37. Emmanuel RUKUNDO ordered, instigated, encouraged, aided and abetted the searching of the Tutsi, passing through house by house and visiting the facilities of the parish including the diocese of KABGAYI and the parish of GITARAMA, to identify the Tutsi to be killed.

38. Before and during 1994, he identified his colleague priests, and then he denounced them as INKOTANYI to the Rwandan authorities.

39. On May 1994, Emmanuel RUKUNDO went to the *Grand Séminaire* of KABGAYI, and met the priests staying there, including some Tutsi priests, named Védaste NYIRIBAKWE, Célestin NIYONSHUTI, Tharcise GAKUBA, and one named Callixte.

40. On or about 24 May 1994, a group of soldiers and *Interahamwe* launched an attack against the *Grand Séminaire* of KABGAYI. The attackers, using a list, called for about twenty Tutsi priests, including those mentioned in the paragraph 21 above, and then killed them.

41. During May 1994, Emmanuel RUKUNDO went several times to the Bernadine sisters' convent in Nyarugenge secteur and commune in Kigali-Ville prefecture to hunt Tutsi who were still alive to kill them. At the same occasion he told that the priests NIYONSHUTI Celestin, Tharcisse and Callixte MUSONERA; father Martin, and Sister Bénigne, among others, had already been eliminated; that he was looking for the other priests and that priest Alphonse MBUGUJE was already localized.

The acts and omissions of Emmanuel RUKUNDO detailed herein are punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

Done at The Hague, Netherlands, on 27 March 2003.

Carla Del Ponte,
Prosecutor