

CASE NO: I CIR-98-41-1  
EXHIBIT NO: DNT 235  
DATE ADMITTED: 21-9-2006  
TENDERED BY: DEFENCE  
NAME OF WITNESS: NTABAKUZE

38

### III. THE ARMY AND THE PARA CDO BN BACKGROUND

#### A. THE MISSION OF THE RWANDA ARMY AND OF THE PARA CDO BN

1. The main mission of the Rwandan Army was to defend the national territory. During his testimony, General Dallaire confirmed that the mission of the army is to defend the nation.
2. The mission of maintaining and reestablishing order was entrusted to the Gendarmerie Nationale pursuant to the law of 23 January 1974 concerning the creation of the Gendarmerie Nationale<sup>27</sup>. The Article 3 provides that:  
« La gendarmerie nationale est une force instituée pour assurer le maintien de l'ordre et l'exécution des lois. »<sup>28</sup>
3. Pursuant to the article 44 of that law, the Rwandan Army could intervene in maintaining order only following requisition by the Gendarmerie. Article 45 provides the modalities of the intervention of the Rwandan Army when requisitioned.
4. Consequently the Para Commando Battalion had not the mission of maintaining order but had rather the mission to defend the Rwandan territory against aggression. This is the sole mission that the Para Cdo Bn fulfilled from October 1990 to the best of its ability.
5. From April 7 to May 21, 1994, the Para Cdo Bn was engaged in combat against RPF combatants on everyday basis in the area of Remera to prevent the capture of the airport of Kanombe and camp Kanombe under the authority of the commander of the operational sector of Kigali town. Toward the end of April, the operational sector of Kigali town was split into two different operational sectors: Kigali West and Kigali East under which my unit had to operate until the capture of Kanombe. The Para Cdo Bn had to break the encirclement during the night of 21 to 22 May 1994 and managed to retreat to Kabusunzu in orderly manner. After two to three days it was ordered to intervene in Muyira under the authority of the Commander of the operational sector of Bugesera. After the capture of Nyanza on 29, 1994, the Para Cdo Bn continued to fight against the RPF combatants under the authority of the commander of the operational sector of Gitarama up to the end of the war.
6. Therefore, from April 07, 1994, the Para Commando Battalion was engaged in intense fighting against RPF combatants until the defeat of the FAR. It was never requisitioned for the mission of establishing or maintaining order. It never received such a mission.
7. I was appointed commander of the operational sector of Gitarama on 3 July 1994. At that time, the operational sector was retreating pursued by RPF soldiers. I crossed the border of Gisenyi on 17 July 1994. During that short time as commander of the operational sector of Gitarama I never got the mission to establish or maintain order.

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## **B. ORGANIZATION, CHAIN OF COMMAND AND COMMAND RELATIONSHIP**

### **1. Military Principles and doctrine**

#### **a. About organization**

- As a principle, an army is made of combat units and services. A combat unit is composed of maneuver element, support element and service element. There are two kinds of support such as fire support and engineering support. Services are divided into two main elements: Administration and logistics.

The organization of an army through various echelons of command is based on this structure.

- At each echelon of command (Army, Army corps, Division, Brigade, operational sector command, Battalion, Cie, Platoon, section or squad and team) there are a certain number of subordinates that are answerable to the commander. To be efficient one should not have many direct subordinates. More than 7 direct subordinates are too many to command efficiently. Suppose that you are on battlefield and you are operational sector commander and you have 10 battalions under your command. Each one sent to you a flash message requesting, one fuel, another, ammunition, and another unit requesting emergency medical evacuation etc ... It is difficult for the commander to respond to those emergency requests on time in order to succeed in his mission. This is the reason why the number of direct subordinates is limited.

#### **b. About chain of command**

- The authority is exercised through a chain of command.
- This chain of command has not to be shortcut.

#### **c. About command relationship**

The command relationship depends on the situation in which the unit is. A unit can be in one of the following situations:

- A subordinate unit or allocated unit: an organic unit under the authority of a commander.
- A unit under operational command or orders: the unit has to carry out a mission under the authority of another commander. That unit is under the authority of the new commander during that mission. The formal commander has no authority on that sub-unit except in the matter concerning the administration and in some extent matters concerning logistics.
- A unit put in reinforcement: the unit is in the same situation as the unit under operational command or orders.
- A unit under operational control: when there is a need of coordination of the operations in progress in a certain area of operation, a commander can receive a mission to coordinate operations over all the units operating in the area. This commander has authority to coordinate the operations and give instructions to non

  
 Major ALOY NTABAKURE

allocated units but for that end only. The authority of this commander is limited to coordination of operations in a given zone.

- A unit put under technical control is under the technical authority of the technical commander throughout the duration of the mission.
- A unit put under logistic and or administrative control is under the logistic or administrative authority of the logistic or administrative commander throughout the duration of the mission.

## **2. The Organization of the Rwandan Army**

- Article 10.2 of the Code of conduct of the FAR (Exhibit P155) provides that:  
*“The organization of the Armed Forces shall be based on hierarchy which defines the place and level of responsibility by order of ranks and functions.”*
- The organization of the Rwandan Army is set out in the chart of the Army (page L0022715 of the exhibit DB71). The Exhibits DNS15 and DNS16 give also a clear idea about the organization of the Rwandan Army.
- The organization of the Rwandan Army was conform to the military principles and doctrine stated above.

## **C. THE CAMP KANOMBE AND THE PARA CDO BATTALION**

- The camp and the camp commander (Satellite map of camp Kanombe: Exhibit DNT101):  
 Colonel Félicien Muberuka was the Commander of the camp. The Deputy Commander was Lieutenant Colonel Innocent Nzabanita alias Gisimba.
- The units based in camp Kanombe (Sketch of camp Kanombe: Exhibit DNT4 A):
  - Bn Para Cdo
  - Bn LAA
  - Bn AC
  - Cie Génie (Engineering)
  - Cie BM
  - Base AR (Cie Trans – Cie QM – Peloton Reconditionnement)<sup>29</sup>
  - Cie Médicale and Military Hospital of Kanombe<sup>30</sup>
- The Para Cdo Bn
  - The Para Cdo quarter (see Exhibits DNT4 A; P192)
  - The organization of the unit (see Exhibit DNT57):
    - The Para Commando was composed of 5 combat Cie (4 x Maneuver Cie and one Fire Support Cie) and one HQ Cie.
    - This organization was also conform to military principles and doctrine stated above.

### **Conclusion**

- Normally the units of the camp Kanombe were operationally under the authority of the Army HQ.

  
 Major Aloy NTABARUKWE

- ⌘ The Commander of the Camp Kanombe had administrative and logistic authority over all the units of the camp. (see Rule 6 of the Code of Interior Service or Exhibit DB106). The Radio Transmission Centre (CTR) of the camp through which the orders and instructions from the Army HQ were generally communicated to the units and through which units made their queries and feedbacks was under the responsibility of the camp commander. So he was fully informed about the orders from the Army HQ to various units of the camp and about the unit feedbacks.
- ⌘ The Medical Cie was created in 1988. Prosecution witness LN was a member of this Cie from the start until 1994.
- ⌘ Each unit of the camp Kanombe had its own tarmac except the Para Cdo Bn and the Field Artillery Bn which shared a same tarmac.
- ⌘ The « *poudrière* » was under the responsibility of the Logistic unit of the Army (Base AR).
- ⌘ The Para Cdo Bn commander had no command relationship with the other units of camp Kanombe. He could not give order to any of those units because they were not under his command authority and were not answerable to him.
- ⌘ There was no Amasasu unit within the Para Commando Bn.

## **D. THE SUPERIORS AND SUBORDINATES OF THE PARA CDO BN COMMANDER**

### **1. The superiors of Major Aloys Ntabakuze**

- Before April 6, 1994, I was normally under the authority of the Chief of Staff of the Army, Major General Nsabimana for the operational matters and under the commander of Camp Kanombe, Colonel Muberuka, for the administrative and logistic matters.
- From April 6, 1994, I was under the authority of the commander of the operational sector of Kigali Town according to instructions that were in place before the event of April 6, 1994. Indeed, instructions stated that in case of crisis or emergency, the units based in camp Kanombe, the camp Kami and the units based in Kigali town would fall under the authority of the operational sector of Kigali town. So from the evening of April 6, I was under the authority of Colonel Félicien Muberuka.
- Toward the end of April 1994, the operational sector of Kigali Town was split into two different sectors: the operational sector of Kigali East and the operational sector of Kigali West. From then I was under the authority of the commander of the operational sector of Kigali EAST, Colonel Anselme Nkuliye Kubona, until the capture of Kanombe on April 21, 1994.
- During my short stay at Kabusunzu I was again under the authority of the Army Chief of Staff, Major General Augustin Bizimungu.
- When the Para Cdo Bn intervened in Muyira, I was under the authority of the commander of the Bugesera operational sector, Colonel Balthazar Ndengeyinka, until the capture of Nyanza by the RPF on May 29, 1994.
- After the capture of Nyanza I was under the authority of the commander of the operational sector of Gitarama, Lieutenant Colonel Bahufite, until July 3, 1994.
- On July 3, 1994, I was appointed commander of the operational sector of Gitarama. I held that position until July 17, 1994. During that short period I was under the authority of the Army Chief of staff, Major General Augustin Bizimungu.

### **2. The subordinates of Major Aloys Ntabakuze**

- My direct subordinates were the Cie Commanders and members of the Bn staff (S1-S4 and S2-S3 officers). My authority was exercised through the chain of command. This chain of command had not to be shortcut.



Major Aloys NTABAKUZE

- Under the Cie, there were the following echelons:
  - The Platoon leader was responsible of his platoon. He had no disciplinary power.
  - The section leader was responsible of his section. He had no disciplinary power.
  - The team leader was also responsible of his team. He had no disciplinary power.
- It is necessary to note that there was no credible evidence showing that my subordinates who allegedly committed crimes were prosecuted.

### **3. The particular situation of the CRAP Platoon**

- CRAP means "Commando de Recherche et d'action en Profondeur" (Commando for reconnaissance and action in the enemy lines). This element of the Para Cdo Bn was created in 1991 by the Army HQ. It is was part of the HQ Cie of the Para Cdo Bn.
- The CRAP executed the operational missions (reconnaissance and action in the enemy lines) for the benefit of the Army HQ or of operational sector on demand or on initiative of the Army HQ. Consequently the CRAP Platoon received those missions from the Army HQ.  
When the Para Commando Battalion was present in the camp, the order to the CRAP platoon was issued through the Battalion Commander. When the Para Commando Battalion was absent from the camp, the order was directly given to the Platoon leader by physical contact or through the Radio Transmission Centre of the camp.  
The Para Commando Battalion Commander had no power to assign an operational mission to the CRAP platoon without the authorization from the Army HQ except the mission of the security and the defense of the camp. The CRAP like other elements of the Para Cdo Bn was under the responsibility of the Para Cdo for logistic and administrative matters.
- The mission to locate the crash site and secure it on April 6, 1994 was a mission of the security and the defense of the camp. The mission was given to Lieutenant Kanyamikenke on order from the camp commander. The CRAP platoon had night vision equipments that other units did not have.  
On April 10, 1994, I received authorization from the Army HQ to deploy the CRAP platoon at Remera (Sonatube Junction).

### **Conclusion**

- ⌘ There was no command relationship between Ntabakuze and any of the three co-accused.
- ⌘ There is not credible evidence before the Chamber that my subordinates who allegedly committed crimes are prosecuted.
- ⌘ My superiors during the time where the alleged crimes were committed are not prosecuted.

## **E. EXERCISING COMMAND AND AUTHORITY**

### **1. What "to command" is**

To command is to serve his subordinates and not only to give order to them. If you don't serve well your subordinates you loose their confidence and your authority over them. To serve his subordinates is to treat them well, to understand them, to inform them, to train them well, and to give to them the means necessary to fulfill their mission. This is what I learned in US Army CGSC and this is also stipulated in Rule 14 of the Code of Conduct of the FAR. My command philosophy was based mostly on these principles which I applied in conformity with the chain of command.

  
Major Aloys NTABAKUZE

## 2. Formal authority

The formal authority of the commander derives from Rules and regulations. Within the Rwandan Army the formal authority derives from Rule 11 of the Code of Conduct which provides that:

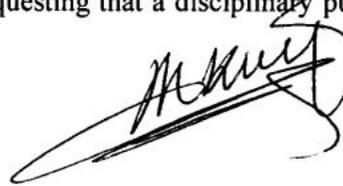
*"The authority shall be linked to duty. A soldier with authority shall be personally responsible for the acts necessary to exercise such authority. ... "*

## 3. Difference between formal authority and effective authority or effective control

- To have effective authority one must have formal authority over a subordinate at the first place. Then it is necessary to understand the difference between the two.
- A unit not allocated or soldier not answerable to a commander is not under the formal authority.
- In the following situations for example, a unit or soldier is not under effective authority of the commander:
  - A unit put under operational command of another commander or in reinforcement mission: this was the case of the 2<sup>nd</sup> Cie and the 4<sup>th</sup> Cie during their mission at camp Kimihurura.
  - A soldier on leave
- In the following situations, a soldier is not under effective authority of the commander
  - A soldier absent without leave
  - An isolated soldier without any contact with his unit
  - A soldier missing from his unit
  - A deserter
  - A soldier that has abandoned his post without permission

## 4. Authorities invested with disciplinary power

- The Article 60 of the Code of conduct indicates the military authorities that had power to impose disciplinary punishment and possible punishment that could be imposed by category of soldiers.
- It is important to note that, in the Rwandan Army, the company was the basic unit. The Exhibit DNT135A&B&C is a good example showing this reality in the Para Cdo Bn. Consequently, a company commander was invested with disciplinary power over his company like a Battalion commander over his battalion. (See Article 6 of the Code of Interior Service and Article 60 of the Code of Conduct). The Cie commander as the commander of the basic unit (1<sup>st</sup> echelon) was the one who imposed most of the time disciplinary punishments against his subordinates. The cases which were brought to the attention of the battalion commander were very few and concerned mostly the appeal for punishment imposed by the Cie commander.
- A battalion commander like the Cie commander was empowered to impose limited types of punishment of a lower gravity. (see the table under Article 60 of the Code of conduct)
- The Article 64 (2) of the Code of Conduct indicates what should do a soldier who is not invested with authority in case of breach of the code of conduct. It provides that he has to establish a report to the commander of the offender requesting that a disciplinary punishment be imposed against him.

  
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5. Geographical situations and command authority

a. Within the camp

I had authority over the Para Commando Bn through the chain of command.

b. On the battlefield (during operation)

- The authority is exercised within the limit of the sector of operation. According to military doctrine and tactics, the width of a Battalion front line is about 3 Km and its depth is about 1 Km at least. This was the case during the war in 1994. For example, during the combat in Kigali town, from April 7 to 21 May 1994, the sector of operation of the Para Commando Bn extended from Sonatube – Giporoso – Bureau Pédagogique – Kanombe Airport.
- At the level of a battalion, the commander conducts operations through orders transmitted to the Cie commanders mostly by radio from his command post (radio net work is provided in advance with codes and frequencies). Orders can also be transmitted by a military messenger (estafette in French) or by physical contact with the Cie commander.
- The Bn Commander will seldom go up to the most forward line of contact with the enemy. The risk is very high because the loss of a Battalion commander during the war is catastrophic for the unit. Therefore he has often to rely on information from the Cie commander to conduct operations.
- So, on the battlefield, the Bn commander is not physically in contact with soldiers deployed on the line of contact with the enemy. Therefore, Ntabakuze could not have effective authority and effective control over each soldier of his Battalion.

c. About Responsibility throughout Rwanda or Kigali

- Ntabakuze was a simple battalion commander. He was neither the Chief the Army nor an operational sector commander until July 3, 1994. Ntabakuze was not responsible of the country; he was not responsible of any prefecture or commune; he had no administrative duty in the country.
- Rwanda was composed of 11 prefectures according to the provision "*Loi No 29/90 du 28/05/90 modifiant et complétant la loi du 15/04/63 sur l'organisation territoriale de la République.*"<sup>31</sup>. The PVK (Prefecture of Kigali Town) was different from the Prefecture of Kigali Rural in 1994. This difference was set out in the law and Maps of the country<sup>32</sup>. For example, Kanombe camp, the airport of Kanombe and Kabeza were in the Prefecture of Kigali Rural in 1994 and not in PVK.
- Ntabakuze had no responsibility over the following locations pleaded in paragraphs 6.37 to 6.42 of the indictment (see maps):
  - . ETO-Nyanza
  - . Collège St André
  - . Mosquée de Kibagabaga
  - . Kabgayi
  - . Butare
- Ntabakuze cannot respond to incidents that allegedly occurred in localities not pleaded in the indictment (see maps):

 Major Alexis  
NTABAKUZE

- In the Prefecture of Kigali Town: Remera, Giporoso, Centre Christus, IAMSEA, Sahara and Kicukiro neighborhood, Sonatube, Gikondo, Kabusunzu, Nyakabanda and Rwampara.
- In the Prefecture of Kigali Rural: Akajagali, Mulindi, Rubungo, Kabeza, Kabeza I, Kabuga, Ruhanga and Masaka.

### Conclusion

- ✗ There are situations where subordinates are not under the authority of the commander.
- ✗ A Bn commander is not in physically in contact with soldiers deployed on the most forward line of contact with the enemy on the battlefield.
- ✗ The Cie was the basic unit in the Rwandan Army. The Cie commander was the one who most of the time had to impose disciplinary punishment.
- ✗ The Prosecution allegations saying that Ntabakuze had responsibility throughout Rwanda or Kigali are totally false.

## **F. OTHER ASPECTS OF THE PARA CDO BN**

### **1. Administration of the unit**

#### a. Administrative documents:

- The content and the management of personal military file: the main document was the military booklet where information concerning the state of service of the soldier was recorded (transfer, promotions, rewards, punishment, special training, marital status and children ...). This file was originally constituted by the Amy HQ at the time of the incorporation of the soldier. Then it was sent by the Army HQ to his first unit. In case of transfer to another unit, the unit of origin had to send the file to the new unit. The file was managed by the unit and kept confidential. But a soldier was authorized to check his file at any time. In the Para Cdo Bn, the soldiers files were managed of the was made by the S1-S4 of the Bn in coordination with the Cie commander. No military document had the mention of ethnicity.
- Establishment and transmission of the periodic documents to the higher authority (trimester situation of the strength containing the list of the soldiers by Cie, the movements that occurred during the quarter, the order for battle, family situation, list of soldiers by prefecture, list about the Social Security Funds, the situation of weapons and ammunition ...). All these documents had no mention of ethnicity.

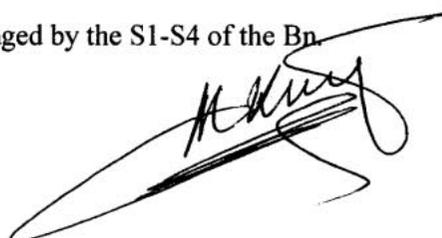
- The military ID card had no mention of ethnicity (see (Exhibit DNT145)

#### b. Promotion – transfer – dismissal.

- There were regulations to be followed (see the statute of FAR personnel)<sup>33</sup>.
- The Para Cdo Bn commander had no authority to decide on these matters.

#### c. The management of materials and equipment (weapons and ammunitions)

- There was no armory at the Bn level but rather, there was an armory by Cie. The armory of the Cie was managed by the Cie commander. The number of weapons was equal to the number of the soldiers of the Cie (allocation of equipment to the unit).
- The stock of ammunition was managed by the S1-S4 of the Bn



Major Aloys  
NTABAKUZE

- The Bn commander had not the keys of the armories or the stock of ammunition. When he wanted to do the inspection of these places, the person responsible should be present and open for him.
- A report of the situation of weapons and ammunition was made at the end of each trimester and was communicated to the Army HQ (see Trimester situation of the strength of the unit).

## 2. Meetings in the unit

- Meetings were normal activities in the unit and they were scheduled at Cie level and Bn level according to the instructions of the Army HQ. A Bn meeting was held at least once every three months. A meeting of the Cie was held once in a month. Those meetings were mentioned on the schedule of the week of each Cie. The schedule was posted on the instruction board of the Cie.
- The content of the meetings depended on the situation but the subjects to be discussed related to the following domains:
  - Domain S1: administrative questions, discipline, leave, marriage, promotion, ...
  - Domain S2 : personnel welfare and security, cleaning, canteen, shopping ...
  - Domain S3 : Training and operations
  - Domain S4 : supply and maintenance of military material and equipment, foods, housing, ...

Soldiers were also given the opportunity to ask questions of general or personal interest.

- A minute of the meeting of the Bn was always transmitted to the Army HQ and to the camp commander.
- The objective of the meetings:
  - The meeting was the occasion for the commander to strengthen morale and cohesion among his soldiers. The commander had to take that opportunity to recognize soldiers that have shown high standards and performances and to blame or castigate bad behaviors if any. It was also the occasion for the commander to inform soldiers about instructions from the higher authorities and about the operational situation.
  - During those meetings, I preached all the time patriotism, courage, professionalism, discipline, love and cohesion (esprit de corps). I tried my best to teach by example. I loved my men equally and treated them with justice and fairness. I was too demanding but not harsh. I was proud of the cohesion and the combat effectiveness that characterized my unit.

## 3. Training of the unit

- The program of instruction was made weekly by company and posted on the instruction board of the Cie. Coordination was made at Bn level to prevent units to run into each other on a same installation or stand of training. The copies of the weekly programs were sent to the camp commander for coordination at his level too. At the end of the trimester, copies of the programs executed were sent to the Army HQ.
- After the establishment of KWSA, programs of instruction were submitted to the UNAMIR in advance for approval when the unit expected to train outside the camp.



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#### 4. Military uniforms

- The uniforms of the FAR personnel were generally identical except the beret. There were red beret, black beret, blue beret and camouflage beret. The gendarmes were wearing a red beret. Normal infantry units had a black beret. The aviation squadron had a blue beret. Then the following commando units had camouflage beret: Para Cdo Bn, Ruhengeri Commando Bn, Huye Commando Bn and Commando Training Centre of Bigogwe (CECDO).
- Beside berets, helmets were used in the FAR. Gendarmes used to wear white helmet during their mission of establishing and maintaining order. The Military Police unit of the Rwanda Army (Bn PM) also used to wear white helmet during the police missions.
- There was also a uniform for ceremonial occasions where a Kepi was worn in place of a beret. The Military Police unit used to wear Kepi with a red cover on ceremonial occasions.
- When I arrived in the Para Cdo Bn in 1988 helmet was used only during parachute training. Because I had conviction that helmet could save lives on the battlefield I imposed upon my arrival in the unit in 1988 the helmet for everyone during combat training. At the beginning I experienced some resistance but finally soldiers came to be comfortable with it and to like wearing it. So, from then, helmet was mandatory in the Para Cdo Bn during combat training and on the battlefield which was not the case in many units of the Army and especially the newly created Bn. Para Cdo soldiers understood during the war the importance of the helmet. Indeed, they were happy to see how the helmet often saved lives. They were grateful to me for that.
- As I said above, some soldiers from the newly created Bn used to fabricate themselves camouflage beret and to wear them irregularly in order to show off.
- Concerning the red "cordelette", this special belt was given to soldiers that had completed with success a course of Commando Instructor in the Commando Training Centre of Bigogwe. The graduates were then called Commando Instructors. They were in charge of training other soldiers for commando certificate in the Commando Training Centre of Bigogwe. There were also Commando Instructors in other units especially in Commando units but their number was very limited (not more than 5 in a Bn). The Commando Instructors were the only soldiers authorized to wear the red "cordelette" but this doesn't mean that there were not irregularities. They were soldiers that were wearing irregularly the red "cordelette". There was also evidence before the Chamber that some Interahamwe were wearing "cordelette" acquired from the local civilian workshop in 1994. So a red "cordelette" could not be an indisputable indication that a person was a member of a commando unit in 1994.

#### Conclusion

- ⊗ There was no discrimination in the Para Cdo Bn.
- ⊗ The meetings in the Para Cdo Bn like in any other unit of the Rwandan Army were normal activities and that minutes of the meetings exist in the archives.
- ⊗ Each Cie of the Para Cdo Bn had its own armory managed by the Cie commander. There was no armory at the Bn level. The number of the weapons was equal to the number of the soldiers of the Cie.
- ⊗ The programs of instruction were submitted to the UNAMIR in advance for approval when the unit expected to train outside the camp.
- ⊗ The Para Cdo Bn was not the only unit to wear the camouflage beret. They were also soldiers from the newly created Bn wearing irregularly the camouflage beret.



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## CONCLUSION

I was not involved in the massacres which plunged my country into mourning in 1994. I strongly condemn these massacres from the bottom of my heart. I feel very sad to talk about the tragedy. So many people died for nothing. It is painful, regrettable and shocking. There is no single family in Rwanda that has not lost their loved ones. Some of them were acquaintances, friends and even relatives to me. I feel sorry for all of them not only because there were my countrymen but because they were human beings whose lives should have been respected and protected. War is a dirty business and definitely no one won it. The country has been destroyed. It is a very sad situation. I regret that I could not have done more personally and with the troops under my command to prevent and stop the killing of civilians.

I would like to take this opportunity to pay my due respect in the memory of all Rwandans from all ethnic groups and various regions and of all foreigners who died in the Rwandan tragedy. I would like also to pay my respect before the suffering of the survivors, of the orphans, widows and before all the handicapped because of this insane war that destroyed Rwanda since 1990. I pay my respect to all these thousands souls while wishing to all sons and girls of Rwanda to reject forever the axe of hate and war in order to rebuild a reconciled and democratic nation, to make a land of peace and happiness for all Rwandans and for all inhabitants of Rwanda without distinction. I would be very happy to be able to give my modest contribution to this worthy work of the children of God.



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# **ANNEX 5**

## **LIST OF ALLEGATIONS**

## LIST OF ALLEGATIONS

### A. ALLEGATIONS DATED FROM APRIL 1994

| INCIDENT  | WITNESS | ALLEGATIONS  |
|---|---------|--|
| 1. General assembly and order to kill civilians | DBQ     | Prosecution witness DBQ alleged that Major Aloys Ntabakuze conducted an assembly of five companies of the Para Commando Battalion on the tarmac shortly after the crash of the presidential plane. During the meeting Ntabakuze said to the soldiers to be ready because the RPF had shot down the presidential plane. DBQ alleged that after the meeting with the officers, Aloys Ntabakuze conducted another assembly of the Para Commando Battalion on the tarmac shortly after midnight and said that the presidential plane was shot down by the RPF. DBQ alleged that at that occasion Ntabakuze gave to his soldiers the order to kill Tutsis and the persons opposed to the government in AKAJAGALI, KABEZA and REMERA. <sup>1</sup> |
|   | XAQ     | Prosecution witness XAQ alleged that Major Ntabakuze conducted an assembly of the Para Commando Battalion at the tarmac during the night shortly after the crash of the presidential plane on 06/04/94. Witness XAQ alleged that Ntabakuze issued an order to avenge the death of the President in the following words: <i>"The Inyenzi have just killed him; we have to avenge his death"</i> . <sup>2</sup>  |
|   | XAI     | Prosecution witness XAI said that he participated in a general assembly of more than 1,500 soldiers on the tarmac of Camp Kanombe around 08:40 p.m after the crash. He alleged that the meeting gathered the Para Commando Battalion and other Battalions of the Camp KANOMBE. Witness XAI alleged that Major Ntabakuze addressed the soldiers and instructed them to go and kill the enemy meaning Tutsi in the following locations: AKAJAGALI, MULINDI, RUBUNGO, REMERA and KICUKIRO. <sup>3</sup>   |
|   | XAP     | Prosecution witness XAP alleged that Major Ntabakuze conducted an assembly of the soldiers of the camp Kanombe (around 2,000 soldiers including for instance Battalion LAA and Medical Company) on the tarmac during the night shortly after the crash of the presidential plane on 06/04/94. Witness XAP alleged that during that meeting, Ntabakuze gave information about the crash and issued instructions. XAP alleged that Ntabakuze said (in quote):  |

<sup>1</sup> T. September 23, 2003. p. 14 and 21-23.

<sup>2</sup> T. February 23, /02/04, p. 23-26

<sup>3</sup> T. September 08, 2003, p. 42-47

| INCIDENT                    | WITNESS | ALLEGATIONS  |
|-----------------------------|---------|--|
|                             |         | <i>"You know those who killed them; you know it was the Tutsis, those who had brought down his plane. He needed to be avenged. We needed to avenge his death."</i> <sup>4</sup>  |
|                             | LN      | Prosecution witness LN alleged that in the morning of 07/04/94 at around 09:00 a.m, Major Ntabakuze conducted a meeting of the Para Commando Battalion on the tarmac. Witness LN alleged that Ntabakuze said: that the nature of the war had changed because the president of the republic had been assassinated by the Tutsi; that the Tutsi, wherever they were, should be eliminated; that soldiers should avoid looting and taking Tutsi women; that the enemy had to be fought to the bitter end. He added that the enemy meant the Tutsi or Hutus opposed to the regime, and even the Belgians. <sup>5</sup> |
|                             | BC      | Prosecution witness BC alleged that he was informed by his colleagues about a meeting that Major Ntabakuze conducted in the camp in the morning of 07/04/94 between 08:00 and 09:00 in Joli Bois during which he ordered the soldiers to exterminate systematically all Tutsi. <sup>6</sup>  |
|                             | DP      | Prosecution witness DP alleged that Major Ntabakuze conducted an assembly of the Para Commando Battalion on 07/04/94 at 10:00 a.m in Joli Bois. He alleged that Ntabakuze said that Inkontanyi have left their camp at CND and were already in Remera trying to get to the airport. He added that Ntabakuze said that the war had started and that it was going to be a difficult war because of the terrain in the town. Witness DP alleged that soldiers were ordered to kill all Tutsis. <sup>7</sup>   |
|                             | DBN     | Prosecution witness DBN alleged that Major Ntabakuze conducted an assembly of the Battalion on the tarmac in the morning of 07/04/94 at 07:00 a.m that lasted approximately 20 minutes. DBN alleged that after information about the crash, Ntabakuze added <i>"that it was the Tutsis who had shot down his plane. He said we were not going to allow the Tutsis to exterminate us, and for that reason we had to avenge ourselves."</i> <sup>8</sup>   |
|                             | XAB     | Prosecution witness XAB alleged that Major Ntabakuze conducted an assembly of the Para Commando Battalion on the tarmac in the morning of 07/04/94 at around 07:00 a.m which lasted not more than 30 minutes. XAB alleged that Ntabakuze said that the President <i>"needed to be revenged, and he said that the soldiers knew who the enemy was and that the enemies were the Tutsi and all of their accomplices, and that we had to go and seek revenge for the father of the nation."</i> He added that the 1 <sup>st</sup> and the 3 <sup>rd</sup> companies were instructed to go to Remera. <sup>9</sup>     |
| 2.Meeting with Bagosora and | GS      | Prosecution witness GS pretended that shortly after the crash on 06/04/94 between 08:30 and 09:00 p.m, Major Ntabakuze and Lieutenant Colonel Doctor BARANSALITSE came to the office of Major NTIBIHORA, the   |

<sup>4</sup> T. December 11, 2003, p. 30-32

<sup>5</sup> T. March 30, 2004, p. 64-66

<sup>6</sup> T. December 01, 2003, p. 34-37 and December 10, 2003, p.87

<sup>7</sup> T. October 02, 2003, p. 13-14

<sup>8</sup> T. March 31, 2004, p. 75-77

<sup>9</sup> T. April 06, 2004, p. 23-24

| INCIDENT                                       | WITNESS | ALLEGATIONS  |
|--|---------|--|
| other officers in camp Kanombe after the crash |         | commander of the BM Company or " <i>Compagnie Bâtiments Militaires</i> " (Housing Company) in camp Kanombe to order coffin for the victims of the crash. Witness GS alleged that that during the conversation between those 3 officers, Ntabakuze said, " <i>They have killed him, but there are other people who will come after him; and the people who killed the President were Tutsi; therefore, they, too, have to die, and that they should avenge the president's death</i> ". <sup>10</sup>   |
|  | LN      | Prosecution witness LN alleged that, according to the information he got from MASITIMU, a meeting gathering officers, among whom were Major Ntabakuze and Colonel Bagosora, was held in the Military Hospital of Kanombe shortly after the crash. Another meeting gathering the same people except Colonel Baransalitse was held at the Army HQ during that night. <sup>11</sup>   |
|  | DBQ     | Prosecution witness DBQ alleged that around 01:00 o'clock during the night of 06 April 94, Major Aloys Ntabakuze conducted a meeting in his office gathering the following officers: Lieutenant HAKIZIMANA, Lieutenant RUSINGIZANDEKWE, Lieutenant MUHAWENIMANA, Lieutenant MANIRIHO, Second Lieutenant UDAHUMUKA, Second Lieutenant CYAKA HAKIZIMANA, Lieutenant SHUMBUSHO, Colonel BAGOSORA, Lieutenant Colonel BARANSALITSE and Colonel MUBERUKA. <sup>12</sup>   |
|  | DBN     | Prosecution witness DBN alleged that Colonel Bagosora arrived in camp Kanombe and met Major Ntabakuze on 07/04/94 at 07:30 a.m in the office of the latter. DBN alleged that Colonel Bagosora came again in camp Kanombe and met Ntabakuze on 08/04/94 around 14:00 p.m in the office of the latter. He stayed for 15 minutes. <sup>13</sup>   |
| 3. Akajagali incidents                         | DBQ     | Prosecution witness DBQ alleged that following the order issued during the meeting held during the night after the crash, soldiers went out of the camp the following morning to kill people in AKAJAGALI, KABEZA and REMERA. He alleged that his Cie to mean the 1 <sup>st</sup> Cie of the Para Commando Battalion killed between 1000 and 1500 people in AKAJAGALI area in the morning of April 7, 1994. DBQ alleged that retired Warrant officer NDAMAGE was among the victims. Prosecution witness DBQ also alleged that during these killings, Major Ntabakuze visited the area at 10-11 o'clock in the morning and at 01:30 p.m accompanied by Captain HAKIZIMANA (S3), Lieutenant RUSINGIZANDEKWE. <sup>14</sup> |
|  | XAQ     | Prosecution witness XAQ alleged that following the order issued during the meeting held during the night after the crash, soldiers took their weapons and ammunition and started killing people, beginning with Akajagali. <sup>15</sup>   |
|  | XAI     | Prosecution witness XAI alleged that following the order issued during the meeting held during the night after the   |

<sup>10</sup> T. February 17, 2004, p. 42.

<sup>11</sup> T. March 30, 2004, p. 60-61

<sup>12</sup> T. September 23, 2003 AM p. 15-17 (E)]

<sup>13</sup> T. March 31 p. 77 and April 01, 2004, p. 58.

<sup>14</sup> T. September 23, 2003, p. 21-22 and 30-34.

<sup>15</sup> T. February 23, 2004, p. 23-26.

| INCIDENT | WITNESS | ALLEGATIONS  |
|----------|---------|--|
|          |         | crash, soldiers went outside the camp to kill people. He alleged that a few minutes later he heard gunfire. Witness XAI alleged that, he was informed by those soldiers coming back in the following morning that they had eliminated Tutsis and that Warrant officer Ndamage was among the victims. <sup>16</sup>   |
|          | XAP     | Prosecution witness XAP alleged that following the order issued during the meeting held during the night after the crash, soldiers went outside of the camp. He alleged that after the departure of the soldiers he heard gunshots from Akajagali area and from Remera the whole night right up to the morning. He alleged that he was informed on April 7, 1994 in camp Kanombe by Corporal BYUMVE about the killing in Akajagali. <sup>17</sup>  |
|          | XAB     | Prosecution witness XAB alleged that he heard from his house in the vicinity of the camp Kanombe (in the south-west side) during the night after the crash gunshots in Akajagali area and concluded later on that soldiers from GP and the CRAP Platoon were committing massacres. Witness XAB also alleged that he was informed in the morning of 07/04/94 by Corporal NKURUNZIZA that the wife of the latter was killed during the night by the member of the CRAP Platoon. <sup>18</sup>  |
|          | DBN     | Prosecution witness DBN alleged that following the general assembly of the Para Commando Bn in the morning of 07/04/94 at 07:00 a.m, two companies of the Para Cdo Bn went to Akajagali area and he heard gunshots in that area after their departure. Witness DBN also alleged that when he supplied food at 10:00 a.m to the GP at the presidential residence, he saw soldiers from the Para Commando Battalion, namely BIZIMUNGU, MPIRANYA, CAMAKE, KIYOGERA and MUNYANDINDA, loading dead bodies in a yellow truck belonging to the Kanombe commune. <sup>19</sup> |
|          | GS      | Prosecution witness GS alleged the Ntabakuze statement had been implemented because around midnight, Para Commando soldiers went out of the camp to help their friends of GP to kill people. He alleged that when he visited Akajagali area in the morning of April 7, 1994 he met with warrant officer GASUTAMO there and that he understood that he was checking if people had been killed as wished. He alleged that his family in law which was leaving near the President Residence was among the victims. <sup>20</sup>  |
|          | XXJ     | Prosecution witness XXJ alleged that he was informed by Jeanne that soldiers led by Second Lieutenant NIYITEGEKA from the Para Commando Battalion were involved in the killing of retired Warrant Officer NDAMAGE and his family in Akajagali area on April 07, 1994 in the morning. XXJ alleged that he saw other unidentified bodies in the area when he went to the house of Ndamage that morning to rescue Jeanne. <sup>21</sup>   |

<sup>16</sup> T. September 08, 2003 p. 46-47.

<sup>17</sup> T. December 11, 2003, p. 30-33

<sup>18</sup> T. April 06, 2004, 21-32.

<sup>19</sup> T. March 31, 2004, p. 75-78.

<sup>20</sup> T. February 17, 2004, p. 42-46

<sup>21</sup> T. April 14, 2004, p. 22.

| INCIDENT                              | WITNESS   | ALLEGATIONS  |
|---------------------------------------|-----------|--|
|                                       | XXY       | Prosecution witness XXY alleged that he was informed by Habimana alias Mwanda that Major Ntabakuze deployed Para Commando soldiers in the neighborhood of the camp Kanombe where they killed civilians such as Ndamage. <sup>22</sup>  |
| 4.Nzabonariba & Nyabyenda incident    | LN        | Prosecution witness LN said that on 07/04/94 in the morning after the meeting of the Para Commando Battalion, Second Lieutenant Sylvestre shot dead Private MUREKEZI from CYANGUGU. Witness LN alleged that NZABONARIBA said: <i>"that would be an example to others."</i> <sup>23</sup>   |
|                                       | XAP       | Prosecution witness XAP said that Second Lieutenant NZABONARIBA killed a soldier of his company that he accused to be an INKOTANYI (RPF) between 7 and 8 April 1994 at 11:00 a.m. Prosecution witness XAP also alleged that Ntabakuze handed to Interahamwe, in camp Kanombe, on 12 April 1994, a soldier called NYABYENDA, to be killed because he was protecting Tutsis. <sup>24</sup>   |
|                                       | DBN       | Prosecution witness DBN alleged that Second Lieutenant NZABONARIBA, commander of the Support Company (Sp Company) shot dead a Corporal in the front of his office on 07/04/94. DBN said that he heard the gunshot and came to see what had happened and was informed about the incident on the spot. <sup>25</sup>   |
|                                       | XAB       | Prosecution witness XAB alleged that Second Lieutenant Sylvestre NZABONARIBA killed a soldier called MUREKEZI on 07/04/94 shortly after the assembly of the Para commando Battalion. Witness XAB alleged that NZABONARIBA was later on transferred to LAA Battalion. <sup>26</sup>   |
| 5.Bagosora ordering "Muhere aruhande" | Reyntjens | Professor Filip Reyntjens testified that a witness reported to him a conversation between Bagosora, Ntabakuze, Nkundiye and Nzuwonemeye on the tarmac of ESM after the meeting on 07/04/94. That witness known under the acronym BT intercepted Bagosora saying: <i>"Muhere aruhande"</i> . Reyntjens said <i>"Colonel Bagosora, according to this source, says to these three officers, "Muhere aruhande," and according to what my source tells me, muhere aruhande means something like, "Go about it systematically from one place to another"."</i> <sup>27</sup> |
|                                       | Desforges | Madame Alison Desforges alleged in her Report that a witness overheard a conversation between Colonel Bagosora, Lieutenant Colonel Nkundiye, Major Ntabakuze and Major Nzuwonemeye after the meeting at the ESM on April 7, 94. <i>"Bagosora allegedly said "muhere aruhande", which literally means, 'Let's begin with one side'. This expression was referring to an operation of systematic going through, and it was seeking to ensure that nothing was forgotten, a sweeping operation"</i> . <sup>28</sup>   |
| 6.Kabeza incident                     | BL        | Prosecution witness BL alleged that she saw Para Commando soldiers passing near her house in Kabeza area at  |

<sup>22</sup> T. June 11, 2004, p. 11-12.

<sup>23</sup> T. March 30, 2004, p. 66-68.

<sup>24</sup> T. December 11, 2003, p. 39-40.

<sup>25</sup> T. April 01, 2004, p. 61-62.

<sup>26</sup> T. April 06, 2004, p. 24.

<sup>27</sup> T. September 15, 2004 p. 30-31.

<sup>28</sup> T. November 25, 2002 p. 67-68.

| INCIDENT                                  | WITNESS | ALLEGATIONS   |
|---|---------|---|
|   |         | 09:00 a.m in the morning of 07/04/94 and thereafter she heard gunshots in Kabeza area. Later she was informed that those soldiers had killed Musoni and Alexis. She said that she saw the corpses of the victims on 08/04/04 when they were being carried by Interahamwe to be loaded on a truck. Witness BL added: <i>"I noticed that the body looked like that of a person who had been drowned, but I did not see any gunshot wounds."</i> <sup>29</sup> |
|   | AH      | Prosecution witness AH alleged that he saw soldiers from Presidential Guard unit and Para Commando Battalion killings people in Kabeza on 08/04/94. Witness AH alleged that he met Major Ntabakuze in Kabeza area on 08/04/04 at 10:00 a.m while supervising killings in that area by his soldiers. <sup>30</sup>   |
| 7. Centre Christus incident               | XAB     | Prosecution witness XAB alleged that he was informed before 06:00 a.m in the morning on 07/04/94 by Corporal MUNYANKINDI Chrisologue that people had been killed in <i>Centre Christus</i> by his colleagues. Witness XAB pretended that soldiers of the CRAP Platoon and other trusted soldiers were involved in these killings. <sup>31</sup>   |
| 8. IAMSEA incident                        | DBQ     | Prosecution witness DBQ alleged that soldiers of the 1 <sup>st</sup> Company Para Commando were involved in killing of people at IAMSEA at the end of April 94. He alleged that he heard Major Ntabakuze giving order to Lieutenant MUHAWENIMANA, the Company commander, on his own radio that he had as section leader. <sup>32</sup>  |
|   | WB      | Prosecution witness WB alleged that on 15/04/94 soldiers and INTERAHAMWE selected Tutsi refugees at IAMSEA and killed them at 600 meters from the IAMSEA. He alleged that the leader of the killers was an Interahamwe called Paulin. Witness WB said that he survived the massacres with his 3 children because they were saved by a soldier. <sup>33</sup>  |
| 9. Other incidents in Remera and environs | DBN     | Prosecution witness DBN alleged that he saw soldiers from the Para Commando Battalion burning houses and destroying doors in the area of KABEZA I, on April 07, 1994. DBN alleged that the following day, he saw soldiers from the Para Commando Battalion, namely SEBIYOZO, BIZIMUNGU, NTAWUGASHIRA and MUNYANDINDA in KABEZA I area. <sup>34</sup>  |
|   | DBQ     | Prosecution witness DBQ alleged that Para Commando soldiers were manning roadblock at GIPOROSO along with Interahamwe on April 8, 1994. <sup>35</sup>   |
|   | XAI     | Prosecution witness XAI said that between 15 and 20 April, during the transfer of sick soldiers from the Military Hospital of KANOMBE to CHK, he went through roadblocks manned by Para Commando soldiers at four locations between Kanombe airport (junction to KIBUNGO) and GIKONDO. <sup>36</sup>  |

<sup>29</sup> T. May 04, 2004, p. 2-4.

<sup>30</sup> T. February 19, 2004, p. 34-36.

<sup>31</sup> T. April 06, 2004, p. 23.

<sup>32</sup> T. February 25, 2004, p. 15- 19.

<sup>33</sup> T. November 12.2003, p. 47-51.

<sup>34</sup> T. March 31, 2004, p. 79.

<sup>35</sup> T. September 23, 2003, p. 41.

| INCIDENT                 | WITNESS   | ALLEGATIONS  |
|--------------------------|-----------|--|
|                          | XAB       | Prosecution witness XAB alleged that he was informed on 12 <sup>th</sup> April 1994 by his colleague Corporal CAMAKE that the CRAP reinforced by the 2 <sup>nd</sup> Company committed killings in Kicukiro and Sahara neighborhood. <sup>37</sup>   |
|                          | DCB       | Prosecution witness DCB alleged he was informed by unidentified persons on 07/04/94 in camp Kimihurura about the involvement of the Para Commando Battalion in the killings of Tutsi near Centre Christus, in Remera and Rubirizi and Kabeza. <sup>38</sup>  |
|                          | XAP       | Prosecution witness XAP alleged that he was informed on 07/04/94 in his barrack in camp Kanombe by Corporal NSENGIMUREMYE [sic] <sup>39</sup> that people were being killed at Remera. He alleged that NSENGIMUREMYE said to him that he himself had already killed 99 people there saying that all Tutsi must be exterminated. <sup>40</sup>  |
| 10. Rape                 | DBQ       | Witness DBQ alleged rapes of Tutsi women by soldiers of the 1 <sup>st</sup> Company Para Commando in AKAJAGALI area on April 7, 1994. <sup>41</sup><br>Prosecution witness DBQ alleged that Para Commando soldiers of the 1 <sup>st</sup> Company were involved in rapes of Tutsi women inside Christus Center since the deployment of the Para Commando Battalion until the fall of Kanombe at the end of May 94. <sup>42</sup><br>Prosecution witness DBQ also alleged that Para Commando soldiers of the 1 <sup>st</sup> Company were involved in rapes of Tutsi women at 50 meters from IAMSEA in April 94 until the fall of Kanombe at the end of May 94. <sup>43</sup> |
| 11. Kimihurura incidents | XAO       | Prosecution witness XAO alleged that Private MURWANASHYAKA of the 2 <sup>nd</sup> Para Commando Company shot dead the Minister of Information, Rucogoza, his wife and children at the entrance of camp Kimihurura on 07/04/94 on the order of soldiers of the Presidential Guard that had brought them. <sup>44</sup>  |
|                          | Hutsebaut | Prosecution witness Hutsebaut Didier said that he run into an ill-matched group of soldiers comprising gendarmes, Para commandos and regular soldiers in the area of Kimihurura on 07/04/94. <sup>45</sup>   |
|                          | KAVAAN    | Prosecution witness Madame KAVARUGANDA Annonciata said that she saw Para Commando from Kanombe among soldiers and gendarmes who were circulating and looting in her area of Kimihurura on 07/04/94. <sup>46</sup>  |

<sup>36</sup> T. September 08, 2003, p. 14-18.

<sup>37</sup> T. April 06, 2004, p. 38-39.

<sup>38</sup> T. February 06, 2004, p. 16.

<sup>39</sup> There was a misspelling of this name. The name was spelled differently many times (Nsengimuremye and Nsengimuremyi (see will-say of 06/12/03). But the real spelling of this name is Nsengumuremyi.

<sup>40</sup> T. December 11, 2003 p. 34-35.

<sup>41</sup> T. September 23, 2003, p. 30-35.

<sup>42</sup> T. February 25, 2004, p. 24-30.

<sup>43</sup> T. February 25, 2004, p. 19

<sup>44</sup> T. November 12, 2003, 1-3.

<sup>45</sup> T. December 02, 2003, p. 58-59 (F).

<sup>46</sup> T. December 01, 2003, p. 1-2.

| INCIDENT                          | WITNESS   | ALLEGATIONS  |
|-----------------------------------|-----------|--|
| 12. Sonatube incident             | Desforges | Madame Alison Desforges alleged that refugees from ETO were blocked by Para Commando soldiers at SONATUBE then were forced to turn back toward ETO. Subsequently the majority of those refugees were killed at Nyanza. She alleged that soldiers, gendarmes specially Captain Gendarme Munyabarenzi and Interahamwe were involved in that massacre. She alleged that Ntabakuze was at SONATUBES and that he was recognized by a Belgian soldier. <sup>47</sup>       |
|                                   | Ruggiu    | Prosecution witness Ruggiu alleged «Aloys Ntabakuze told me that when the Belgian soldiers evacuated the Kacyiru ETO, he was there with his own soldiers at the Sonatube intersection. He told me that those who sought refuge at ETO came right up to his place, and he sent them all back. That's all he said to me. He also told to me he could not allow those people to go across the front line because it was not safe. That's all.» <sup>48</sup>            |
|                                   | AFJ       | Prosecution witness AFJ alleged that some days after the death of President Habyarimana in April 1994, Major Ntabakuze ordered that refugees that were stopped at Sonatubes junction, a position occupied by Para Commando soldiers in April 94, be conducted to the primary school of Nyanza. The refugees were conducted there by Interahamwe who subsequently killed them there. AFJ said that Interahamwe were equipped of brand new Kalashnikovs. <sup>49</sup> |
|                                   | AR        | Prosecution witness AR alleged that refugees from ETO were prevented at SONATUBES to continue their way to Amahoro stadium for safety on 11/04/94 by Presidential guards. Thereafter refugees were escorted by some of those soldiers to ETO then to Nyanza where they were subsequently killed by those soldiers and Interahamwe that same day. Witness AR alleged that he survived from that killing. <sup>50</sup>  |
| 13. Weapons and ammunition supply | XAB       | Prosecution witness XAB pretended that Ntabakuze supplied Interahamwe with guns, ammunition and fuel four times during the period between 07 and 08 April 1994 in camp Kanombe. <sup>51</sup>  |
|                                   | DP        | Prosecution witness DP alleged that between 9 and 12 April 1994 he saw Interahamwe on board of the truck belonging to the Para Cdo Bn accompanied by Para Cdo soldiers collecting weapons from the store of the Para Cdo Bn. He alleged that when he asked the soldiers who these people were he was told that they were fresh recruits and that the Battalion Commander had sent them to be given weapons. <sup>52</sup>  |
|                                   | XAP       | Prosecution witness XAP alleged that Interahamwe came in the camp to get supply. They were fighting on the battlefield along with the soldiers. <sup>53</sup>  |

<sup>47</sup> T. September 18, 2002, p. 54-58, September 19, 2002, p. 21-29 and November 25, 2002 p. 92-99.

<sup>48</sup> T. June 16, 2003, p. 63 and June 17, 2003, p. 87 to 76.

<sup>49</sup> T. June 08, 2004, p. 86-87.

<sup>50</sup> T. September 30, 2003 and October 01, 2003.

<sup>51</sup> T. April 06, 2004, p. 31 and 64.

<sup>52</sup> T. October 02, 2003, p. 47-48.

<sup>53</sup> T. December 11, 2003, p. 42.

| INCIDENT                | WITNESS | ALLEGATIONS   |
|-------------------------|---------|---|
|                         | XAQ     | Prosecution witness XAQ alleged that Interahamwe used to come to collect ammunitions and fuel in the store of the camp Kanombe. <sup>54</sup>   |
|                         | XAI     | Prosecution witness XAI said that Interahamwe used to come in the Camp Kanombe to get fuel. He recognized ZAWADI from AKAJAGALI. <sup>55</sup>  |
|                         | DCH     | Prosecution witness DCH alleged that Ntabakuze handed weapons to MWONGEREZA, Warrant officer GASANA and DCH between 7 <sup>th</sup> and 10/04/94 in camp Kanombe to be distributed to the population of Kabuga in order to attack the church of Ruhanga the following days. <sup>56</sup>   |
| 14. Kabuga incident     | DCH     | Prosecution witness DCH alleged that Major Ntabakuze, Lieutenant Colonel Kazenga, Major Ntibihora, Major Munyampotore, Warrant officer Gasana came with two army trucks to the Mosque of Kabuga on or between 8 <sup>th</sup> and 12/04/04 at between 06 and 07 p.m and ordered the refugees to be taken out and killed. Prosecution witness DCH also alleged that Ntabakuze and Para Commando soldiers were involved in killing at the Brigade of Kabuga in April 1994. <sup>57</sup>  |
| 15. Ruhanga incident    | DCH     | Prosecution witness DCH alleged that he participated with Major Ntabakuze, Para Commando soldiers, Interahamwe from Kabuga and Zoulou group in successive attacks on the church of Ruhanga from 14 <sup>th</sup> to 17 <sup>th</sup> April 94. <sup>58</sup>  |
| 16. Masaka incident     | DBN     | Prosecution witness DBN alleged that Lieutenant Colonel Anatole Nsengiyumva came to find Ntabakuze, in the middle of April 94, in camp Kanombe where he was conducting a meeting of the soldiers at Joli Bois. Anatole Nsengiyumva requested a platoon of soldiers for a mission to fight Inkotanyi at MASAKA. DBN alleged that when the platoon came back from MASAKA, the driver called RWANYEMERA informed him that the soldiers were ordered by Nsengiyumva to kill Tutsi hiding in a coffee plantation. <sup>59</sup>  |
| 17. Kabusunzu incidents | DBN     | Prosecution witness DBN alleged that when he arrived at KABUSUNZU after the fall of Kanombe, he saw soldiers of the 3 <sup>rd</sup> Company of Para Commando Battalion loading around fifteen dead bodies on a truck of the Para Commando Battalion. Prosecution witness DBN also alleged that during the period that the Battalion stationed at KABUSUNZU, a group of five persons brought to Ntabakuze three Tutsis considered to be INYENZI. Ntabakuze then ordered UWIMANA and BASHIMIRAHU to kill them. After the order he heard 5 gunshots behind the building of the school. <sup>60</sup> |

<sup>54</sup> T. February 23, 2004, p. 22-23.

<sup>55</sup> T. September 08, 2003, p. 51-52.

<sup>56</sup> T. June 23, 2004, p. 41-42.

<sup>57</sup> T. June 23, 2004, p. 25-26 and June 29, 2004, p. 57-67.

<sup>58</sup> T. April 22, 2004, p. 83-96.

<sup>59</sup> T. March 31, 2004, p. 56.

<sup>60</sup> T. March 31, 2004, p. 66-68.

| INCIDENT                       | WITNESS | ALLEGATIONS   |
|--------------------------------|---------|---|
|                                | AAA     | Prosecution witness AAA alleged that Para Commando soldiers were involved along with Interahamwe in indiscriminate killings of civilians and rape in Nyakabanda sector in May and June 94. Prosecution witness AAA alleged that victims were Bideri, Kamugisha, Karwanyi John, John (a Tutsi driver). Prosecution witness AAA alleged that when he complained before Ntabakuze about the misconduct of his men, he was told: <i>“Go and tell the RPF to stop the war.”</i> <sup>61</sup>  |
| 18. Rwampara-St André incident | DBQ     | Prosecution witness DBQ alleged that Para Commando soldiers were involved in killing at Rwampara of Tutsi that were hiding in St André college and the Mosque of Islamic Center of Nyamirambo at the end of May 94 on order of Major Ntabakuze and General Bizimungu. <sup>62</sup>   |
| 19. Kabgayi incident           | XAI     | Prosecution witness XAI said that Aloys Ntabakuze come to KABGAYI and gave order to Interahamwe from MUSHUBATI to kill refugees at KABGAYI hospital toward the end of April and beginning of May 1994. He said that Ntabakuze was with Major Anne Marie. <sup>63</sup>  |
|                                | XXY     | Prosecution witness XXY alleged that he was informed at Mushubati, in June 94, by Corporal Jean Claude Uwiragiye from the Para Commando Battalion that Ntabakuze got refugees killed at Kabgayi hospital. Ntabakuze handed the refugees to Interahamwe when he was conducting sick soldiers to Kabgayi hospital. <sup>64</sup><br>Prosecution witness XXY also alleged to have been informed at Mushubati, in June 94, by the same person that soldiers of Para Commando Battalion were sent to Gitarama, Kibuye and NGORORERO to reinforce Interahamwe in killing Tutsi. <sup>65</sup> |
| 20. Planning guerilla warfare  | ZF      | Prosecution witness ZF alleged that he was informed by Colonel Bahufite that a meeting gathering many officers including Major Ntabakuze took place at LAC VERT in GOMA in August 1994 in order to plan for a guerrilla warfare against Rwanda. <sup>66</sup>   |

<sup>61</sup> T. June 16, 2004, p. 78.

<sup>62</sup> T. February 25, 2004, p. 9-15.

<sup>63</sup> T. September 08, 2003, p. 54.

<sup>64</sup> T. June 11, 2004, p. 19.

<sup>65</sup> T. June 11, 2004, p. 19.

<sup>66</sup> T. November 28, 2002, p. 68-69

## **B. ALLEGATIONS DATED BEFORE APRIL 1994**

| <b>INCIDENT</b>  | <b>WITNESS</b> | <b>ALLEGATIONS</b>  |
|--|----------------|---|
| 21. Arrest of people in October 1990 using list          | DBQ            | Prosecution witness DBQ alleged that Para Commando soldiers were involved in the arrest of Tutsis and accomplices using established lists in October 1990. Witness DBQ pretended that he was informed by the escorts of Major Ntabakuze about the existence of those lists. <sup>67</sup>   |
|  | DBY            | Prosecution witness DBY alleged that Para Commando soldiers were involved in the arrest of people on 5 <sup>th</sup> and 6 <sup>th</sup> October 1990 using lists. Witness DBY alleged that he saw Major Ntabakuze with such a list. <sup>68</sup>  |
| 22. Death squad – Amasasu and related organization       | XAQ            | Prosecution witness XAQ alleged that Corporal MUNYANKINDI former member of the Para Commando Battalion told him that he was a member of the death squad which had the mission to eliminate people. He alleged that that mission was ordered by the authorities. <sup>69</sup>   |
|  | ZF             | Prosecution witness ZF alleged that Major Ntabakuze was among the members of secret organizations such as ABAKOZI groups, the death squadron and the dragon group. <sup>70</sup>  |
|  | DCH            | Prosecution witness DCH alleged that there was Amasasu unit in Para Commando Battalion which was responsible for intimidating people opposed to MRND. <sup>71</sup>   |
| 23. Butotori meeting and other meeting before April 1994 | ZF             | Prosecution witness ZF alleged that a meeting of planning to exterminate Tutsi took place at BUTOTORI camp in 1992. He alleged that the following persons participated in that meeting: Bagosora, Nsengiyumva, Barayagwiza, Mugesera, Ambassador Ubarijoro, Ntabakuze, Major Ngendahimana, Habiyambere, Zigiranyirazo, Bizimungu Côme, Bikumbi, Kajuga, Nzirorera, Kajelijeli. <sup>72</sup>  |
|  | DBQ            | Prosecution witness DBQ alleged that a meeting was held in the office of the camp commander gathering the following officers in 1993: Colonel Bagosora, Aloys Ntabakuze, Lieutenant Colonel Baransalitse, Colonel Muberuka and other high ranking officers. He alleged that they expressed their opposition to live together with the Inkotanyi”. The witness pretended that he got the information from the escorts of those officers. <sup>73</sup> |

<sup>67</sup> T. February 25, 2004, p. 30-38.

<sup>68</sup> T. September 22, 2004, p. 3-5.

<sup>69</sup> T. February 23, 2004 p. 61-74.

<sup>70</sup> T. November 27, 2002, p. 61-65.

<sup>71</sup> T. June 23, 2004, p. 51.

<sup>72</sup> T. November 27, 2002 p.71-76.

<sup>73</sup> T. September 23, 2003, p. 48.

| INCIDENT                                  | WITNESS | ALLEGATIONS  |
|---|---------|--|
| 24. Training of militias                  | GS      | Prosecution witness GS alleged that in 1993, the Para Commando Battalion and GP Battalion provided instructors to train INTERAHAMWE at GABIRO. He alleged also that Major Ntabakuze was responsible for the logistics support to the Interahamwe during the training. <sup>74</sup>  |
|   | XAB     | Prosecution witness XAB alleged that Major Ntabakuze escorts such as Corporal MUNYANKINDI and SEMANZA were involved in the training of INTERAHAMWE at GABIRO in MUTARA in 1993. <sup>75</sup>  |
| 25. Defining the enemy and discrimination | DBY     | Prosecution witness DBY alleged the dismissal of soldiers following the telegram of Colonel Bagosora of 1992 saying that Tutsis were the enemy. Because of that telegram some soldiers from the Para Commando Battalion got sacked because they were Tutsis. DBY alleged that he could remember only one soldier that was sacked, Corporal ZITONI. <sup>76</sup>   |
|   | DP      | Prosecution witness DP said that his platoon leader Lieutenant Nsabimana read to his platoon a telegram defining the enemy in 1992. <sup>77</sup>  |
|   | XAP     | Prosecution witness XAP alleged that lessons of political education were conducted in the Para Commando Battalion in 1993. He said the instructors were using handwritten documents in Kinyarwanda bearing the signature and the stamp of the Battalion Commander. The document explained that the enemy was the Tutsi from outside the country to mean RPF and the Tutsi which had sent their children in the RPF as well the opposing parties such as MDR and PL. The Battalion commander supervised these lessons. <sup>78</sup><br>Prosecution witness XAP also alleged that a list of Tutsi to be demobilized was in preparation in the camp. He said that he was informed about by Corporal Bizimana who was then the escort of Major Ntabakuze. <sup>79</sup> |
|   | LN      | Prosecution witness LN alleged that a course on political ideology was organized in the camp Kanombe since the last trimester of 1992. He said that he participated in 3 lessons in the Para Commando Battalion. The instructors discussed the identification of the enemy and his accomplices, how to fight them and how the soldiers should behave. The Tutsi was designated as the enemy. <sup>80</sup>   |
|   | XAI     | Prosecution witness XAI said that he was told by Private NSANZIMANA from the Para Commando Battalion that Major Ntabakuze hated Tutsi. <sup>81</sup>   |
| 26. Opposition to Arusha                  | DBQ     | Prosecution witness DBQ alleged that Major Aloys Ntabakuze was opposed to Arusha Accord. He alleged that Ntabakuze expressed during a meeting of the Para Cdo Bn his opposition to the integration of the two armies. DBQ  |

<sup>74</sup> T. February 17, 2004, p. 68-69.

<sup>75</sup> T. April 06, 2004, p. 30.

<sup>76</sup> T. September 22, 2004, p. 10.

<sup>77</sup> T. October 02, 2003, p. 65.

<sup>78</sup> T. December 11, 2003, p.16.

<sup>79</sup> T. December 11, 2003, p. 27-28.

<sup>80</sup> T. March 30, 2004, p. 53.

<sup>81</sup> T. September 08, 2003, p. 28-38.

| INCIDENT  | WITNESS | ALLEGATIONS   |
|-----------|---------|---|
| Agreement |         | also alleged that Ntabakuze said during that meeting that <i>“if the Inkotanyi were to resume hostilities, they were going to start with the Tutsis living close to the camp instead of going to fight the Inkotanyi who were too far in the forest”</i> . <sup>82</sup>  |
|           | BC      | Prosecution witness BC alleged that Major Ntabakuze was opposed to the Arusha Accord. He alleged that during two meetings (one in 1992, another in 1993) of the Para Commando Battalion in Joli Bois, Ntabakuze said that he was not willing to seat on the same table with the Tutsi. <sup>83</sup>  |
|           | DP      | Prosecution witness DP said that Major Aloys Ntabakuze was opposed to the Arusha Accords and to the integration of the two armies because he did not comply with UNAMIR Kigali weapon secured area (KWSA). He alleged that for example one day during the second half of 1993, weapons and ammunition were taken and brought out of the camp by Major Ntabakuze on board of a military lorry for unknown destination. <sup>84</sup> |

<sup>82</sup> T. September 23, 2003, p. 48.

<sup>83</sup> T. December 01, 2003, p. 30.

<sup>84</sup> T. October 02, 2003, 38-39.

## **ANNEX 9**

# **THE LAW OF 23 JANUARY 1974 ABOUT THE CREATION OF THE NATIONAL GENDARMERIE**

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## ANNEXE

(A.P. n° 380/02 du 28.10.1980)

## BARÈME DES SALAIRES DU PERSONNEL SOUS CONTRAT

| Grades                 | Traitement annuel | Traitement mensuel |
|------------------------|-------------------|--------------------|
| 1. Sous-officiers      |                   |                    |
| - Premier Sergent      | 120.600           | 10.050             |
| - Sergent              | 91.800            | 7.650              |
| 2. Caporaux et soldats |                   |                    |
| - Caporal              | 77.400            | 6.450              |
| - Soldat               | 57.600            | 4.800              |

## GENDARMERIE NATIONALE

23 JANVIER 1974 - DÉCRET-LOI  
Création de la Gendarmerie.  
(J.O., 1974, p. 123).

## Index

- |                               |  |
|-------------------------------|--|
| Aliénés, 13.                  | Insignes, 48.                                  |
| Armée, 43 à 46.               | Ivresse, 13.                                   |
| Armes à feu, 8, 9.            | Juridictions militaires, 2.                    |
| Arrestation, 11.              | Mandat de justice, 25.                         |
| Atroupements, 8, 19.          | Mendiants, 13.                                 |
| Autorités,                    | Missions extraordinaires, 26.                  |
| - administratives, 37 à 40.   | Mobilisation, 17.                              |
| - hiérarchiques, 28.          | Morts, 14.                                     |
| - judiciaires, 41, 42.        | Officiers de la Police judiciaire, 27, 30, 42. |
| Brigades, 2.                  | Ordre public, 24, 37, 44.                      |
| Catastrophes, 20.             | Parquet, 41.                                   |
| Compétence, 5.                | Patrouilles, 21, 26.                           |
| Défense intérieure, 47.       | Plaintes, 23.                                  |
| Dénonciations, 23.            | Police des tribunaux, 16.                      |
| Discipline, 2.                | Rassemblements, 22.                            |
| Ecoles, 2.                    | Renseignements, 22.                            |
| Émeutes, 8.                   | Réquisitions, 29 à 36.                         |
| État de siège, 46.            | Roulage, 15.                                   |
| État-Major de Gendarmerie, 1. | Saisie, 11.                                    |
| Etrangers, 12.                | Services de recherche, 21, 22.                 |
| Flagrant délit, 11.           | Sûreté des Forces Armées, 43.                  |
| Fonctions, 3 à 27.            | Tenue, 48.                                     |
| Groupements, 2.               | Tranquillité publique, 38.                     |
| Infractions, 10.              |  |

**Unités,**

- d'administration, 2.
- de discipline, 2.
- d'intervention, 2.

Vagabonds, 13.

Vérification d'identité, 12.

## CHAPITRE PREMIER ORGANISATION GÉNÉRALE

### 1. - La Gendarmerie Nationale comprend:

- un Etat-Major de Gendarmerie;
- une ou plusieurs écoles;
- des Groupements;
- des Brigades;
- des Unités d'administration, d'intervention et de discipline.

2. - Le Corps de la Gendarmerie Nationale relève du Ministère de la Défense Nationale. Les membres de la Gendarmerie Nationale sont soumis aux arrêtés, aux règlements de discipline et aux juridictions militaires.

## CHAPITRE II FONCTIONS DE LA GENDARMERIE NATIONALE

### *Section première Généralités*

3. - La Gendarmerie Nationale est une force armée instituée pour assurer le maintien de l'ordre et l'exécution des lois.

4. - Les fonctions de la Gendarmerie Nationale ont un caractère à la fois préventif et répressif. Elles se divisent en fonctions ordinaires et fonctions extraordinaires.

Les fonctions ordinaires sont celles que la Gendarmerie Nationale remplit en vertu de la loi sans réquisition préalable de l'autorité.

Les fonctions extraordinaires sont celles que la Gendarmerie Nationale ne peut remplir que sur réquisition de l'autorité compétente.

5. - La Gendarmerie Nationale a compétence sur toute l'étendue du territoire national.

6. - La Gendarmerie Nationale doit assister toute personne qui, étant en danger, réclame son secours.

7. - Tout Commandant d'unité ou de détachement de Gendarmerie peut, lorsque ses moyens se révèlent insuffisants, requérir l'assistance de détachements de l'Armée Rwandaise. Tout membre de la Gendarmerie Nationale peut, lorsqu'il est attaqué dans l'exercice de sa mission, requérir l'assistance des personnes présentes sur les lieux; ces personnes sont tenues d'obtempérer. En cas de refus, elles sont punissables d'une peine d'emprisonnement de 7 à 30 jours et d'une amende de 250 à 5.000 Frs ou d'une de ces peines seulement.

8. - 1° Dans l'exercice de leurs fonctions, les membres de la Gendarmerie peuvent, en cas d'absolue nécessité, employer la force des armes à feu:

a) lorsque des violences ou voies de fait sont exercées contre eux-mêmes ou contre autrui;

b) lorsqu'ils ne peuvent défendre autrement le terrain qu'ils occupent, les personnes ou les postes qui leur sont confiés.

2° Sans préjudice du 1° ci-dessus, lorsque dans l'exercice de leurs fonctions, les membres de la Gendarmerie Nationale sont chargés de disperser des attroupements ou de réprimer des émeutes, ils ne peuvent faire usage des armes à feu que sur réquisition préalable de l'autorité administrative compétente pour requérir la force armée.

Avant tout usage d'armes à feu qui ne peut intervenir qu'après tout autre moyen de persuasion, cette autorité fera, chaque fois que possible, une sommation dans une langue compréhensible par les hommes qui s'attroupent. La sommation invitera les hommes à se disperser et préviendra clairement que l'usage des armes à feu va être entrepris. A défaut de l'autorité civile, le Commandant de détachement fera la sommation.

3° Les membres de la Gendarmerie Nationale peuvent toutefois faire usage des armes à feu sans réquisition des susdites autorités lorsque les personnes formant l'attroupement ou l'émeute se rendent coupables soit d'attentats ayant pour objet le meurtre, la dévastation ou le pillage, soit d'attaques contre des bâtiments publics.

Dans ce cas, le Commandant de détachement fait lui-même la sommation prévue au 2° ci-dessus.

9. - Dans tous les cas, la Gendarmerie Nationale s'efforcera d'accomplir sa mission sans effusion de sang. Elle emploiera, si possible, avant l'usage des armes à feu, des engins spéciaux, tels que jet d'eau, matraque, grenade lacrymogène, arme blanche.

La Gendarmerie Nationale doit s'efforcer de saisir les instigateurs des désordres et les personnes coupables d'infractions à la loi pénale. Les individus arrêtés doivent être éloignés, le plus rapidement possible, du lieu des troubles.

### *Section 2 Fonctions ordinaires*

10. - La Gendarmerie Nationale est chargée de prévenir les infractions, de les rechercher, d'en saisir et arrêter les auteurs de la manière et dans les formes prévues par la loi.

11. - Elle saisit les personnes surprises en flagrant délit ou poursuivies par la clameur publique.

Elle recherche et saisit les personnes dont l'arrestation a été légalement ordonnée et les met à la disposition de l'autorité compétente.

Elle agit de même pour les objets dont la saisie est prescrite.

12. - La Gendarmerie Nationale s'assure de la personne de tout étranger trouvé sur le territoire Rwandais, sans titre régulier et le conduit sur le champ à l'autorité compétente.

Elle peut s'assurer de même, pour le temps nécessaire à la vérification de son identité, de toute personne dont le comportement lui paraît suspect et qui circule sans document d'identité.

13. — La Gendarmerie Nationale surveille les mendiants et vagabonds et prend, à leur égard, les mesures de sécurité prescrites par la loi.

Elle se saisit des gens en état d'ivresse qui divaguent sur la voie publique et les met hors d'état de nuire dans les cas et les formes prévus par la loi.

Elle empêche la divagation des aliénés dangereux, s'en saisit et les remet à l'autorité compétente. Elle agit de même à l'égard de ceux qui lui seraient signalés comme évadés des établissements d'aliénés.

14. — La Gendarmerie Nationale constate, par procès-verbal, la découverte de tout individu trouvé mort ou en danger de mort et en avertit les autorités civiles et judiciaires.

15. — La Gendarmerie Nationale est chargée d'assurer la police de roulage, même en dehors des agglomérations. Elle maintient, en tout temps, les communications et les passages libres et y assure la libre circulation.

Elle peut se saisir pendant 24 heures au maximum de la personne de quiconque fait obstacle à l'accomplissement de cette mission.

16. — La Gendarmerie Nationale est chargée de la police des cours et tribunaux. Elle exécute les transfèrements des détenus, escorte ceux devant se présenter à l'autorité judiciaire et les reconduit dans l'établissement pénitentiaire.

17. — La Gendarmerie Nationale collabore aux mesures pour assurer la mobilisation des autres Forces Armées.

18. — La Gendarmerie Nationale se tient à portée des grands rassemblements. Elle signale à l'autorité tout rassemblement non prévu.

19. — La Gendarmerie Nationale disperse tout attroupement armé. Elle disperse de même tout attroupement non armé qui tente de délivrer des prisonniers ou condamnés, qui porte atteinte à la vie des personnes ou qui se livre à l'invasion, au pillage ou à la dévastation des propriétés.

Elle disperse les attroupements non armés s'opposant à l'exécution de la loi, d'un jugement ou d'une contrainte.

Elle disperse également les attroupements tumultueux constitués à l'encontre d'un règlement.

20. — En cas de catastrophe ou de sinistre, la Gendarmerie se rend sur les lieux et avertit les autorités administratives et judiciaires compétentes.

En attendant l'intervention de ces autorités, elle prend les mesures propres à sauver les individus en danger, à protéger l'évacuation des personnes et des biens et à empêcher le pillage. Tout Commandant d'unité de Gendarmerie peut requérir le service personnel des habitants qui sont tenus d'obtempérer à ces réquisitions et même de fournir tous les moyens de transport et tous autres objets nécessaires pour secourir les personnes et conserver les propriétés. Le refus d'obtempérer à ces réquisitions est punissable d'une peine d'emprisonnement de 7 jours au maximum et d'une amende de 250 à 1.000 Frs ou d'une de ces peines seulement.

La Gendarmerie Nationale ne quitte les lieux qu'après s'être assurée que sa présence n'est plus nécessaire pour protéger les propriétés, maintenir la tranquillité publique et arrêter les auteurs des infractions qui auraient occasionnés directement ou indirectement la catastrophe ou le sinistre.

21. — La Gendarmerie Nationale exécute ses fonctions ordinaires déterminées à la présente section, au cours de patrouilles et services de recherche. Ces différents services sont organisés de telle manière que tout le territoire national soit constamment surveillé.

22. — A l'occasion de ces services, la Gendarmerie se renseigne après des autorités et auprès de toute personne de foi sur les infractions qui auraient été commises, sur les faits de nature à troubler la tranquillité publique, sur le lieu de retraite des individus signalés ou poursuivis par la clameur publique, de même que sur tous faits de nature à porter atteinte à l'ordre public et à la sûreté intérieure et extérieure de l'Etat.

23. — Les plaintes et dénonciations faites à la Gendarmerie Nationale, de même que les renseignements obtenus et les constatations, font l'objet de procès-verbaux qui sont transmis à l'autorité compétente.

### Section 3

#### Fonctions extraordinaires

24. — La Gendarmerie Nationale assure le maintien et le rétablissement de l'ordre public lorsqu'elle en est légalement requise.

25. — La Gendarmerie Nationale peut être chargée de notifier et de mettre à exécution des mandats de justice.

26. — La Gendarmerie exerce généralement les missions extraordinaires en constituant des patrouilles qui assurent la tranquillité publique, recueillent des renseignements et préviennent la formation de rassemblements illicites, en installant des postes de garde qui assurent la liberté du commerce et du travail, la protection des personnes et des biens; en établissant des barrages; en faisant intervenir des réserves sur les points troublés; enfin, en accomplissant des actes de police judiciaire.

27. — Toute unité de Gendarmerie requise pour prêter main-forte aux Officiers de Police judiciaire, les assiste en vue de les protéger contre les violences et voies de fait qui pourraient être exercées contre eux et de lever les difficultés qui les empêcheraient de remplir leur mission.

## CHAPITRE III

### RAPPORTS DE LA GENDARMERIE NATIONALE AVEC LES AUTORITÉS ADMINISTRATIVES, JUDICIAIRES ET L'ARMÉE

#### Section première Principe général

28. — Les membres de la Gendarmerie Nationale sont placés pour l'exécution de leur mission, sous l'autorité exclusive de leurs supérieurs hiérarchiques.

*Section 2**Réquisitions adressées à la Gendarmerie Nationale*

29. - L'action des autorités administratives compétentes s'exerce à l'égard de la Gendarmerie Nationale par voie de réquisition.

30. - Sans préjudice des obligations qui résultent de leur qualité d'Officier de Police judiciaire, l'action des autorités judiciaires s'exerce à l'égard des membres de la Gendarmerie Nationale par voie de réquisition. Ces autorités peuvent, en outre, pour l'exécution des devoirs qu'elles prescrivent, faire toutes recommandations et injonctions utiles.

31. - Toute réquisition doit être écrite, mentionner la disposition légale en vertu de laquelle elle est faite, indiquer le but à atteindre, la partie du territoire et le moment où elle doit être exécutée.

La réquisition doit, en outre, être datée et porter les noms, qualité et signature de l'autorité requérante.

32. - En cas d'urgence, la Gendarmerie Nationale peut être requise verbalement, par voies téléphonique ou télégraphique et par radio. Cette réquisition doit être exécutée sans délai. Elle sera confirmée le plus rapidement possible dans les formes prévues à l'article 31.

33. - L'autorité requise de la Gendarmerie Nationale ne peut discuter l'opportunité de la réquisition pour autant qu'elle n'aille pas à l'encontre d'une loi ou d'un règlement.

Si la réquisition, quoique légale, lui paraît manifestement abusive, elle exécute mais informe immédiatement son supérieur hiérarchique de cette divergence de point de vue.

34. - La réquisition dont le but est d'obtenir le concours de la Gendarmerie Nationale en vue du maintien ou du rétablissement de l'ordre public ou pour lui confier l'exécution d'une mission spéciale et délimitée, est adressée au Commandant de l'unité dans le ressort duquel se trouve le siège de l'autorité requérante.

35. - Les opérations nécessaires à l'exécution des réquisitions sont menées par les Chefs de la Gendarmerie Nationale qui, sous leur responsabilité, déterminent l'importance et la nature des moyens à mettre en œuvre.

36. - Les effets de la réquisition cessent lorsque l'autorité requérante signifie, par écrit ou verbalement, la levée de la réquisition à l'autorité de Gendarmerie qui était chargée de son exécution.

Au cas où la signification a été faite verbalement, l'autorité requérante est tenue de confirmer rapidement par écrit la levée de la réquisition.

*Section 3**Rapports avec les autorités administratives responsables de l'ordre public*

37. - L'autorité administrative et l'autorité de la Gendarmerie Nationale doivent se communiquer les renseignements qui leur parviennent au sujet de l'ordre pu-

blic et qui peuvent donner lieu à des mesures de précaution ou de répression.

Chaque autorité de Gendarmerie établit des rapports réguliers avec l'autorité administrative.

38. - Lorsque la tranquillité publique est menacée, l'autorité de Gendarmerie susceptible d'être requise doit resserrer les contacts avec l'autorité administrative en vue de concerter les dispositions à prendre et de préparer les mesures d'exécution.

39. - Au cours de l'exécution d'une réquisition, l'autorité de Gendarmerie doit se maintenir en liaison avec l'autorité administrative requérante et l'informer, à moins de force majeure, des moyens d'action qu'elle se propose de mettre en œuvre.

De son côté, l'autorité administrative doit transmettre à l'autorité de Gendarmerie toutes les informations utiles à l'accomplissement de sa mission.

40. - La Gendarmerie doit informer par rapport spécial les autorités administratives intéressées des événements extraordinaires concernant l'ordre ou la sûreté générale.

*Section 4**Rapports avec les autorités judiciaires*

41. - La Gendarmerie doit entretenir des rapports constants avec les magistrats du Parquet.

Elle doit informer, par rapport spécial, le Procureur de la République et le magistrat du Parquet territorialement compétent des événements extraordinaires intéressant l'ordre public.

42. - Tout Officier et tout Sous-Officier de la Gendarmerie Nationale est revêtu de la qualité d'Officier de Police judiciaire. La compétence territoriale s'étend pour l'Officier sur tout le territoire national et pour le Sous-Officier sur la portion du territoire national contrôlée par l'Unité à laquelle il appartient.

*Section 5**Rapports avec l'Armée*

43. - La Gendarmerie informe, par rapport spécial, les autorités de l'Armée de tout ce qui peut porter atteinte à la sûreté des forces armées, de toute propagande incitant les militaires à l'indiscipline de même que des incidents auxquels ceux-ci sont mêlés.

44. - En cas d'événements susceptibles de compromettre sérieusement l'ordre public ou en cas de troubles graves ou généralisés, la Gendarmerie informe les autorités de l'Armée, les tient au courant des événements et leur fournit les éléments d'appréciation qui leur permettent de prendre, en temps utile, les mesures préparatoires à toute réquisition ou à une intervention de l'Armée.

45. - Tout détachement de l'Armée appelé à intervenir avec la Gendarmerie pour donner force à la loi, est aux ordres de l'Officier de Gendarmerie si celui-ci est

de grade supérieur ou égal à celui du Commandant de ce détachement. Si l'Officier de l'Armée est d'un grade supérieur à celui de l'Officier de Gendarmerie, il commande les deux détachements des Forces Armées. Toutefois, il est tenu, dans tous les cas, de se conformer aux réquisitions adressées auparavant à l'Officier de Gendarmerie.

L'usage des armes par les troupes qui n'appartiennent pas à la Gendarmerie est, dans ce cas, régi par l'article 8 du présent décret-loi.

46. — En cas d'état de siège, lorsque les pouvoirs dont l'autorité civile est revêtue pour le maintien de l'ordre et de la police sont exercés par l'autorité militaire, celle-ci peut, en vue de remplir cette mission et, conformément à l'article 31, adresser à la Gendarmerie les réquisitions nécessitées par les circonstances.

#### CHAPITRE IV

##### SERVICE DE LA GENDARMERIE EN TEMPS DE GUERRE OU EN ETAT DE SIÈGE

47. — La Gendarmerie participe à la défense intérieure du territoire dans le cadre fixé par le Ministre de la Défense Nationale.

#### CHAPITRE V

##### TENUE ET INSIGNES DE LA GENDARMERIE NATIONALE

48. — La tenue des membres de la Gendarmerie Nationale est déterminée par arrêté du Ministre ayant la Défense Nationale dans ses attributions. Les insignes de grades sont les mêmes qu'à l'Armée. Les grades sont dans l'appellation suivi du mot «gendarmes».

#### CHAPITRE VI

##### RÉSERVE DE LA GENDARMERIE NATIONALE

49. — Il peut être constitué une réserve de Gendarmerie, appelable sous les armes, lorsque les circonstances l'exigent.

#### CHAPITRE VII

##### DISPOSITIONS FINALES

50. — Toutes dispositions contraires au présent décret-loi sont abrogées.

51. — Le présent décret-loi entre en vigueur à la date de sa signature.

## Mesures d'exécution

### PRIME DE RISQUE AU FRONT

22 JUIN 1992 — ARRÊTÉ MINISTÉRIEL n° 013/06.  
Prime de risque au front.  
(J.O., 1992, p. 1111).

1. — Il est accordé aux militaires de l'Armée Rwandaise et de la Gendarmerie Nationale une prime pour risques au front pendant la période de guerre.

2. — La prime pour risques au front est perçue chaque mois et calculée comme suit:

1° Vingt-cinq pour cent (25 %) du traitement mensuel brut pour les caporaux et les soldats.

2° Vingt pour cent (20 %) du traitement mensuel brut pour les Sous-Officiers.

3° Quinze pour cent (15 %) du traitement mensuel brut pour les Officiers.

Toutefois, les militaires non engagés au front actif perçoivent la moitié du montant de cette prime. Par front actif, il faut entendre le front en prise directe avec l'ennemi.

3. — L'Etat-Major concerné, d'office ou sur proposition du Commandant des Opérations ou du Commandant d'Unité, peut décider le non octroi de la prime à un militaire ou une Unité qui s'est mal comporté.

4. — La prime pour risques au front n'exclut pas la perception des autres primes réglementaires.

5. — Le présent arrêté entre en vigueur à partir du 30 juin 1992.

## **ANNEX 10**

# **TERRITORIAL ORGANIZATION OF RWANDA IN 1994**

UNIVERSITÉ NATIONALE DU RWANDA  
FACULTÉ DE DROIT

# CODES ET LOIS DU RWANDA

édités par

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Professeur à l'Université  
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## VOLUME II

Procédure, organisation et compétence judiciaires  
Organisation politique et administrative  
Matières sociales

MIS À JOUR AU 31 DÉCEMBRE 1994

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Au Rwanda et au Burundi  
Faculté de Droit  
Université Nationale du Rwanda  
B.P. 117 BUTARE

Autres pays  
Etablissements E. Bruylant  
Rue de la Régence, 67  
1000 BRUXELLES

2ème édition  
1995

## ORGANISATION TERRITORIALE

15 AVRIL 1963 - LOL

Organisation territoriale de la République.

(J.O., 1963, p. 187).

Modifiée par Loi du 23 juillet 1965 (J.O., 1965, p. 208);

Loi du 23 janvier 1971 (J.O., 1971, p. 67) et Décret-Loi

n° 15/75 du 7 avril 1975 (J.O., 1975, p. 358) et par Loi

n° 29/90 du 28 mai 1990 (J.O., 1990, p. 837).

### Titre premier Des préfectures

1. (L. n° 29/90 du 28.5.1990). - Le territoire de la République Rwandaise est divisé en onze préfectures désignées comme suit:

| Préfecture de:     | Chef-lieu |
|--------------------|-----------|
| La Ville de Kigali | Kigali    |
| Kigali             | Kabuga    |
| Gitarama           | Gitarama  |
| Butare             | Butare    |
| Gikongoro          | Gikongoro |
| Cyangugu           | Cyangugu  |
| Kibuye             | Kibuye    |
| Gisenyi            | Gisenyi   |
| Ruhengeri          | Ruhengeri |
| Byumba             | Byumba    |
| Kibungo            | Kibungo   |

Les limites de ces préfectures sont décrites à l'annexe I de la présente loi.

### Titre II Des communes

2. - Chacune des préfectures est divisée en communes.

3. - La composition des communes est déterminée à l'annexe II de présente loi.

### Titre III Dispositions transitoires

4. - Les communes dont les limites ne sont pas modifiées par la présente loi continuent à être administrées par leur Conseil et leur bourgmestre actuels.

5. - Le mandat des bourgmestres et des conseillers des communes dont les limites sont modifiées par application de la présente loi prend fin à la date de l'entrée en

vigueur de cette loi. Ces communes seront dotées d'un Conseil communal intérimaire constitué comme suit:

1. - lorsque la nouvelle commune résulte d'une simple fusion de plusieurs communes le Conseil communal intérimaire sera formé par la réunion des Conseils des communes fusionnées;

2. - lorsque la nouvelle commune résulte, soit de la fusion de deux ou plusieurs communes, une ou de plusieurs parties d'une ou de plusieurs communes, soit de la fusion de plusieurs parties de communes, le Conseil communal intérimaire sera formé par la réunion de tous les conseillers communaux résidant dans la nouvelle entité territoriale.

Pour l'application de l'alinéa précédent, seuls les conseillers communaux se trouvant légalement en fonction à la date de l'entrée en vigueur de la présente loi, pourront être admis à faire partie des Conseils communaux intérimaires.

6. - Les Conseils communaux intérimaires seront dissous d'office à la date des prochaines élections communales.

7. - Les communes dont question à l'alinéa premier de l'article 5 de la présente loi sont administrées par un bourgmestre intérimaire désigné comme suit:

Le Conseil communal constitué suivant l'article 5 garde l'ex-bourgmestre lorsqu'il n'y en a qu'un seul ou le choisit parmi les ex-bourgmestres habitant dans la nouvelle commune constituée.

Ce Conseil met les candidatures au vote secret et propose le candidat à la nomination du Président de la République.

Lorsque dans les 15 jours qui suivent la constitution du Conseil communal intérimaire, celui-ci n'a proposé aucun candidat ou si aucune des candidatures proposées dans ce délai n'a été retenue, le Président de la République nomme le bourgmestre intérimaire sur proposition du préfet. Dans ce cas, le bourgmestre intérimaire peut être choisi hors du Conseil communal intérimaire.

8. - Le bourgmestre remplacé à cause de la révision territoriale, continue à jouir de son traitement jusqu'aux élections communales et ce conformément aux dispositions de la loi communale.

Durant ce temps, la commune peut requérir ses services.

9. - L'ex-bourgmestre engagé dans un autre service n'a pas droit au traitement dont il est question dans l'article 8.

10. - Le bourgmestre intérimaire reste en fonction jusqu'à la nomination de son successeur.

11. - Toutes les dispositions légales réglementaires relatives aux Conseils communaux et aux bourgmestres, et qui ne sont pas contraires aux stipulations de la présente loi, sont applicables d'office aux Conseils communaux intérimaires et aux bourgmestres.

#### Titre IV Dispositions générales

12. - Toute contestation relative à la présente loi sera tranchée par arrêté présidentiel.

Toutefois, la contestation entre plus de deux communes devant porter modification aux présentes limites, est réglée par la loi.

13. - Sont abrogées toutes les dispositions contraires à la présente loi.

14. - La présente loi entre en vigueur le jour de sa signature.

#### Annexe I Les limites des préfectures

1. (L. n° 29/90 du 28.5.1990). - KIGALI: La préfecture de Kigali conserve les limites de l'ancienne Préfecture de Kigali moins la Préfecture de la Ville de Kigali.

2. - GITARAMA: Cette préfecture se délimite comme suit: du lac Cyohoha suivre l'Akanyaru jusqu'à la Nyabarongo, suivre celle-ci jusqu'à sa rencontre avec la rivière Mbirurume et de là respecter les frontières de Gikongoro et celle de Butare.

3. - BUTARE: La décolonisation étant admise, l'ancienne préfecture d'Astrida reprendra son nom légitime de «Butare». Cette préfecture se délimite comme suit: de l'Akanyaru-Kavuguto, suivre la limite Gikongoro jusqu'à l'«Icyambu» de Gihara-Gacu; de là suivre la limite des anciennes communes Gacu-Rwesero, prendre pour limite, le vivier, la vallée Butita et la vallée Kandamira vers Mutende et suivre cette vallée jusqu'au lac Cyohoha-Sud; du lac suivre l'Akanyaru-Nyabarongo.

4. - GIKONGORO: Les limites de cette préfecture sont la frontière Buyenzi-Burundi, Buyenzi-Cyangugu et Bunyambiliri-Kibuye, jusqu'au confluent Mbirurume-Rukarara-Mwogo.

5. - CYANGUGU: Cette préfecture dont le nom avait été déformé par la mauvaise prononciation des coloniaux, garde ses anciennes limites.

6. - KIBUYE: Limites actuelles, à part les modifications portées par la délimitation de la préfecture de Gisenyi.

7. - GISENYI (et non «Kisenyi»): Les limites actuelles Gitarama-Gisenyi, Rubengeri-Gisenyi sauf Akabatezi qui revient à Rubengeri; suivre le lac Kivu jusqu'au ruisseau Koko se jette au lac; remonter Koko jusque dans la forêt.

8. - RUHENGARI: Cette préfecture est limitée par Kigali, Byumba, Uganda, Gisenyi et Gitarama.

9. - BYUMBA: Anciennement déformé en Biumba, la préfecture de Byumba suit la délimitation de Kibungo et celle de Kigali jusqu'à la Base, remonter la Base jusqu'au ruisseau Nyamugendampore se jette en elle et la

prolonger jusqu'au Rugezi, traverser le Rugezi pour rencontrer la rivière Agatare ka Banyerera qui doit faire limite Byumba-Ruhengeri.

10. (L. n° 29/90 du 28.5.1990). - KIBUNGO (Anciennement colonialisé en Kibungu): La préfecture de Kibungo respecte sa frontière avec Kigali, du lac Rugwero au lac Mubazi; suivre le lac vers Gahini jusqu'à la frontière des Communes Gakenke, Rubona; suivre cette frontière jusqu'à la délimitation du Parc de l'Akagera et mettre la plus grande partie du Parc du côté Byumba jusqu'à la rivière Kagera et respecter la frontière Rwanda-Tanganyika.

Les limites de la Préfecture de la Ville de Kigali correspondent à celles de la circonscription urbaine de Kigali telles que déterminées par le décret-loi n° 11/79 du 20 avril 1979 portant création et délimitation des circonscriptions urbaines en son annexe IX.

#### Annexe II Limites des communes

##### I. - Préfecture de Kigali

1. - RUSHASHI: Commune Shyombwe plus la sous-chefferie Gasiho de Ruli et la sous-chefferie Rushashi de Huro.

2. - MUSASA: Commune Ruli moins la sous-chefferie Gasiho y ajouter la commune Huro moins la sous-chefferie Rushashi.

3. (D.L. n° 15/75 du 7.4.1975). - NYARUGENGE: La commune urbaine de Nyarugenge est délimitée comme suit:

##### I. Nord:

- rivière Nyabugogo;
- rivière Rwezangoro;
- rivière Kibumba;

##### II. Est:

- du thalweg Gatara jusqu'au carrefour route Kacyiru et Kinyinya;
- rivière Rugéngé;
- rivière Agashiha;
- col Nyanza;

##### III. Sud:

- route du col Nyanza vers la marché de Kimisange;
- route vers thalweg Kabeza;
- thalweg Kabeza jusqu'au Mont Kigali;

##### IV. Ouest:

- crête Mont Kigali jusqu'au thalweg Cyabikoni;
- thalweg Cyabikoni jusqu'à la rivière Nyabugogo.

4. - TARE: Commune Tare plus la sous-chefferie de Ruganda y ajouter l'umurenge Rubona de la commune Muhondo.

5. – SHYORONGI: Commune Kanyinya plus la commune Muhondo moins la sous-chefferie Ruganda et l'umurenge Rubona.

6. – MBOGO: Commune Mbogo plus les sous-chefferies Ngaru et Remera.

7. (L. n° 29/90 du 28.5.1990) – RUTONGO: Ancienne Commune Rutongo moins la partie du secteur Gihogwe, comprise dans la Préfecture de la Ville de Kigali.

8. – MUGAMBAZI: Commune Murambi moins la sous-chefferie Remera plus la commune Kiyanza.

9. (L. n° 290/90 du 28.5.1990) – RUBUNGO: Ancienne Commune Rubungu moins les secteurs Gisozi et Remera, compris dans la Préfecture de la Ville de Kigali.

10. – GIKOMERO: Commune Bumbogo moins Rubungu plus la commune de Rutunga moins Rusororo et y ajouter Kibara et l'umurenge Gicaca. La limite Est étant la route jusque dans la vallée entre l'umurenge Gicaca et Shanga.

11. – GIKORO: Commune Gicaca moins Kibara plus Musha, Runyinya et Rwamashyongoshyo et l'umurenge Gicaca. La limite Sud-Est étant la route vers Rwamagana.

12. (Loi du 23.1.1971). – : Commune Runyinya moins collines Runyinya et Rwamashyongoshyo et y ajouter Mwulire.

13. (L. n° 29/90 du 28.5.1990). – KANOMBE: Ancienne Commune Kanombe moins les secteurs Kicukiro, Kagarama et une partie de la Cellule Nyakabanda du secteur Kanombe, compris dans la Préfecture de la Ville de Kigali.

14. – KANZENZE: Inchangée.

15. – GASHORA: Inchangée.

16. – NGENDA: Inchangée.

17. (L. n° 29/90 du 28.5.1990). – BUTAMWA: Ancienne Commune Butamwa moins les parties des secteurs Nyarurama et Rugarama, comprises dans la Préfecture de la Ville de Kigali.

## II. – Préfecture de Gitarama

1. – NYAMABUYE: Commune Gitarama plus celle de Kivumu, y ajouter la sous-chefferie de Shyogwe et la colline de Nyagishubi plus Mbuye.

2. – TAMBWE: Commune Gitisi plus les sous-chefferies Ntenyo et Mayunzwe.

3. – MUKINGI: Commune Byimana plus les sous-chefferies Kirengeri et Mwendu.

4. – MUSHUBATI: Commune Mushubati et Gishweru moins Mwendu; y ajouter la sous-chefferie Gikomero.

5. – MUSAMBIRA: Commune Musambira moins Nyagishubi y ajouter 1/2 Bibyungu ainsi que ses sous-chefferies Kigembe et Nyarubaka.

6. – MUGINA: Commune Mugina moins 1/2 Bibungu; y ajouter Ngoma.

7. – NYAKABANDA: Commune Nyarusange et Kibanga.

8. – NYABIKENKE: Communes Nyabikenke et Muhondo.

9. – RUTOBWE: Commune Rutobwe.

10. – KAYENZI: Commune Kayenzi plus une partie de Kanyinya comprenant les collines Gihira, Rugaba et Kibanza.

11. – TABA: Commune Remera y ajouter la commune Kanyinya moins une petite partie ajoutée à Kayenzi, plus la sous-chefferie Kamonyi.

12. – RUNDA: Kinyambi plus Runda et Gihara.

13. – BULINGA: Commune Rugendabali plus les sous-chefferies Mushishiro et Nyabitare.

14. – MURAMA: Commune Nkomero plus celle de Gacu.

15. – MASANGO: Commune Kinyihira plus celle de Rwoga.

16. – KIGOMA: Commune Kigoma plus la commune Remera et Gasoro moins Mukoni (Kavumu) limitée par le vivier, suivre le ruisseau Butita moins Kadamira vers Mutende.

17. – NTONGWE: Commune Ntongwe plus l'ancienne sous-chefferie de Gitova limitée par Muvuguto en provenance d'entre Kigoma et Kareba et s'appelle Ruyenzi dans son terminus vers l'Akanyaru.

## III. – Préfecture de Butare

1. – NYAKIZU: Commune Nyagisozi plus commune Bunge.

2. – KIGEMBE: Commune Gatete plus imirenge Kigembe, Nyamihatsi et Rwamabare de la commune Bimba; y ajouter la commune de Murama.

3. – GISHAMVU: Communes Kibingo et Sholi plus l'umurenge Rwimbogo de Nyanza.

4. (D.L. n° 15/75 du 7.4.1975). – NGOMA: La Commune urbaine de Ngoma est délimitée comme suit:

I. Nord:  
– thalweg Agafurwe jusqu'à la route Muyogoro-Ngoma;  
– rivière Kidobogo;  
– rivière Munyazi.

II. Est:  
– rivière Rwasave;  
– rivière Kibene.

III. Sud:  
– point de rencontre des rivières Mukura et Kihene.

IV. Ouest:  
– rivière Mukura;

- rivière Rwamamba;
- thalweg Bwosane;
- thalweg Bwosane jusqu'à la route Muyogoro-Ngoma.

5. - **RUNYINYA**: Commune Maliba plus les imirenge Nyarutovu, Mbasa, Kuwamaza, Kinazi et Gishiha de la commune Mbasa; y ajouter la commune Kurukara.

6. - **MARABA**: Commune Tare plus les imirenge Ntobwa, Ndagó, Buhoro, Kavumu et Kibilizi de la commune Buhoro; y ajouter les imirenge des anciennes sous-chefferies Shanga et Maraba.

7. - **RUHASHYA**: Commune de Ruhashya plus Musasu de Mwulire ainsi que Kiruhura, Gashoba et Shyunga de la commune Maza (ex-Nyanza).

8. - **MBAZI**: Commune Buhoro moins Ntobwe, Ndagó, Buhoro, Kavumu et Kibilizi; y ajouter les imirenge Mwulire, Cyayove, Gihisi, Kagera, Kazenga, Karama, Muhororo, Shyara et Gakoni de la commune Mwulire.

9. - **SHYANDA**: Commune Save et Munazi.

10. - **MUYAGA**: Commune Muyaga moins Musha.

11. - **MUGUSA**: Commune Curusi plus Mugogwe, Gafumba et Kimuna de la commune Mwulire ainsi que Musha de Mayaga.

12. - **NYARUHENGARI**: Communes Bimba et Kibilizi.

13. - **NDORA**: Communes Muyira et Gisagara.

14. - **MUGANZA**: Communes Dahwe et Remera.

15. - **KIBAYI**: Communes Linda et Saga.

16. - **RUSATIRA**: Commune Maza moins Kiruhura, Shyunga et Gashoba; y ajouter les sous-chefferies Sogwe et Kato.

17. - **NYABISINDU**: Commune Rwesero plus le reste de Kavumu.

18. - **NTYAZO**: Commune Ntyazo moins Kato; y ajouter les sous-chefferies de l'ex-commune Shari et y ajouter la sous-chefferie Mbuye (sauf Matora).

19. - **MUYIRA**: Commune Muyira moins la sous-chefferie Mbuye; y ajouter la sous-chefferie Munyinya.

20. (D.L. n° 15/75 du 7.4.1975). - **HUYE**: La commune Huye est délimitée comme suit:

#### I. Nord:

- du marché Gako jusqu'au thalweg Gako;
- thalweg Gako.

#### II. Est:

Dans sa partie méridionale:

- rivière Rwamamba;
- thalweg Bwosane jusqu'à la route Ngoma-Muyogoro.

Dans sa partie septentrionale:

- rivière Ruranga jusqu'au marché Gako.

#### III. Sud:

Dans sa partie méridionale:

- rivière Kadahokwa;

Dans sa partie septentrionale:

- de la route Muyogoro-Ngoma jusqu'au thalweg Agafurwe;
- rivière Kidobogo.

#### IV. Ouest:

- du thalweg Agatongati jusqu'à la source de Gatobwe;
- rivière Gatobwe jusqu'au marché Muyogoro;
- rivière Nyagisenyi.

#### IV. - Préfecture de Gikongoro

1. (Loi du 23.7.1965). - **NYAMAGABE**: Commune Gikongoro moins l'ex-sous-chefferie de Gisanze et l'imirenge Shanga plus l'ex-sous-chefferie Mukoni à partir de Rwicakagore jusqu'à Kagoma plus les imirenge Kibilizi, Muliro de l'ex-commune Remera.

2. - **MUDASOMWA**: Commune Muse plus la commune Kuwinkingi plus l'ex-sous-chefferie Gisanze.

3. - **KARAMA**: Commune Cyanika plus imirenge Kiraro, Muganza et Gashiha de l'ex-commune Remera.

4. - **RUKONDO**: Commune Rukondo plus les imirenge Gikoni, Maheresho, Mutiwingoma et Mbazi de l'ex-commune Remera.

5. - **KINYAMAKARA**: Kinyamakara plus une partie de Mukoni et l'imirenge Shanga de l'ex-commune Remera.

6. - **RWAMIKO**: Commune Giseke moins Shaba plus les imirenge Mata, Rwamiko, Nyamyumba, Mukinga, Ruramba de l'ex-commune Mbasa.

7. - **MUBUGA**: Commune Ndagó plus la commune Munini moins umirenge Muganza.

8. - **KIVU**: Commune Kivu plus umirenge Muganza de l'ex-commune Munini et umirenge Shaba de la commune Giseke.

9. - **NSHLI**: Commune Nkanda plus l'ex-commune de Ruhuru.

10. - **KARAMBO**: Commune Kibumbwe plus l'ancienne sous-chefferie de Nyagane (Kaduha, Nyabikenke, Nyamabuye) ainsi que l'imirenge Mukongoro de la commune Mugote.

11. - **MUSANGE**: Commune Mugote moins l'imirenge Mukongoro et y ajouter la commune de Mutakara.

12. - **MUSEBEYA**: Commune Akirabo plus les anciennes sous-chefferies de Rusi et Kibonwa.

13. - **MUKO**: Commune Rwufi moins les imirenge Kibonwa, Karumbi et Gakoma, et y ajouter les anciennes sous-chefferies Muko (Cyobe plus Jimbu), Musenyi (plus Munini) et Mugano (Gitondorero), Yonde, Kanyegeye, Sovu, (Nyaburondwe et Maso).

#### V. - Préfecture de Cyangugu

1. - **KAMEMBE**: Commune Cyangugu plus celle de Nkanka moins Gihundwe; y ajouter la commune Nkombo ainsi que l'imirenge de Rwahi de Shagasha et la sous-chefferie Cyibumba de Biguzi.

2. - GAFUNZO: Commune Shangi plus celle de Nyamirundi.

3. - GISUMA: Commune Bumazi plus la commune Biguzi moins Cyibumba, y ajouter Shagasha moins Rwahi, Bigutu et Ruharambuga.

4. - KARENGERA: Commune Mwezi plus Bigutu et Ruharambuga de Shagasha ainsi que la commune Busozo moins Mwegera.

5. - KAGANO: Commune Nyamasheke plus la sous-chefferie Nyamasheke plus la sous-chefferie Nyakabingo.

6. - KIRAMBO: Commune Muramba moins la sous-chefferie Muramba plus la sous-chefferie Rwumba (Nyakabingo) moins la sous-chefferie Nyakabingo.

7. - GATARE: Sera limitée par la rivière Kigaya, c'est-à-dire Buhoro plus Muramba.

8. - NYAKABUYE: Commune Nyakabuye plus la sous-chefferie Mibilizi moins la colline Mibilizi; y ajouter l'umurenge Nyarushishi de Shagasha.

9. - CYIMBOGO: Commune Mururu plus la sous-chefferie Murehe de Butare; y ajouter la colline Mibilizi ainsi que la sous-chefferie Cyato et Gihundwe.

10. - GISHOMA: Commune Butare moins la sous-chefferie Murehe plus la sous-chefferie Rukunguli de Mibilizi.

11. - BUGARAMA: Commune Bugarama plus la sous-chefferie Mwegera.

#### VI. - Préfecture de Kibuye

1. - RWAMATAMU: Commune Rwamatamu plus l'ancienne sous-chefferie Nduba et une partie de Nyagatare jusqu'à la rivière de Mugonero-Musumo qu'il faut prolonger jusqu'à la rivière Nyabihomo.

2. - GISOVU: Commune Nyagatare moins la partie ajoutée à Rwamatamu, y ajouter les sous-chefferies Tema et Nyarutagara ainsi que les imirenge Bigugu de Biseseo plus Kazirandimwe et Gitabura.

3. - GITESI: Commune Kibuye moins Kagunga plus la sous-chefferie Bubazi et Ruragwe.

4. - GISHYITA: Commune Gishyita moins Bigugu, Kazirandimwe et Gitabura.

5. - MWENDO: Commune Mwendo plus les sous-chefferies Ntanga et Kagunga plus l'umurenge Tongati.

6. - KAGANGARE: Commune Birambo moins Tongati plus la sous-chefferie Cyanyanza et l'umurenge Kagangare de Rukoko, y ajouter l'umurenge Ngoma de Sanza.

7. - KIVUMU: Commune Nyange plus les sous-chefferies Sanza et Rukoko moins l'umurenge Ngoma, y ajouter l'umurenge Bwira.

8. - RUTSIRO: Commune Rutsiro moins Bwira, plus la commune de Gatoke.

9. - MABANZA: Commune Rubengera moins la sous-chefferie Bubazi et Ruragwe, plus la commune Mushubati.

#### VII. - Préfecture de Gisenyi

1. - RUBAVU: Commune Gisenyi plus la sous-chefferie Rugerero; y ajouter les sous-chefferies Gacuba et Rubavu de Byahi.

2. - RWERERE: Commune Rwerere plus les sous-chefferies Kinyanzovu et Cyanzarwe.

3. - MUTURA: Inchangée sauf délimitation.

4. - KANAMA: Commune Kanama plus les sous-chefferies Mukondo et Kigarama.

5. - NYAMYUMBA: La sous-chefferie Nyamyumba de la commune Kigarama plus la sous-chefferie Munanira de la commune Nyundo y ajouter les sous-chefferies Busoro et Gahondo.

6. - KAYOVE: Commune Gihinga plus la commune Kinunu plus la sous-chefferie Kigeyo.

7. - RAMBA: Commune Ramba plus la commune Hindiro, moins la sous-chefferie Hindiro.

8. - KIBIRIRA: Commune Gatumba plus Rongi et la sous-chefferie Mikingo moins les imirenge Mutezi et Murambi.

9. - SATINSKI: Sous-chefferie Hindiro plus la sous-chefferie Ngororero moins Rongi ainsi que la sous-chefferie Kiziguro et la commune Muramba, moins la sous-chefferie Kinanira, plus imirenge Mutezi et Murambi.

10. - GASEKE: Commune Mwendo plus la sous-chefferie Kinanira.

11. - KARAGO: Commune Mwiyanike moins Akabatezi qui va à la commune Nkuli de Ruhengeri, plus commune Muhungwe.

12. - GICIYE: Commune Gihira et celle de Bwanamwali.

#### VIII. - Préfecture de Ruhengeri

1. - NKULI: Commune Nkuli moins la moitié de Kabyaza et Nyabirche plus commune Gatovu et Akabatezi (Gisenyi).

2. - MUKINGO: Commune Musingo plus les imirenge Nyabirche et la moitié de Kabyaza.

3. - KINIGI: Commune Kinigi plus les collines Mulinzi, Gasiza et Rukoro.

4. - KIGOMBE: Commune Ruhengeri moins Gasi-za, Rukoro et Mulinzi; y ajouter Mubona, Musanze, Kiryi, Kabaya Rumonyi, ainsi que Gasanze et Gacaca, Nyarubuye et Kigarama I.

5. - NYAMUTERA: Commune Cyanika plus Nyarutembe et Murama limité au Nord par Kirehe.

6. - **NYAKINAMA:** Commune Murama moins Nyarutembe et Murama; plus Muguri, Kabere et Muko de l'ex-commune Mubona.

7. - **RUHONDO:** Commune Rwaza plus Kigarama II; limitée par Shobodo et Rubangi, limitée par le marais de Murora.

8. - **NKUMBA:** Commune Kinoni moins Bulera; plus Giheta et Gakoro de l'ex-commune Kigarama; y ajouter commune Gahunga moins Kamanga, Ntarama, Rugarama et Gafumba.

9. - **KIDAHU:** Commune Kidahu plus Bulera, Kamanga, Ntarama, Rugarama et Gafumba.

10. - **GATONDE:** Commune Gatonde plus Rutake et Kivune plus colline Mugandu de l'ex-commune Kivuruga.

11. - **NDUSU:** Commune Janja moins Kivune et Rutake; plus les deux Mataba, Mbizi, Munini, Tandagura et Buhunga de l'ancienne commune Kibali.

12. - **CYABINGO:** Communes Rutare et Muramba.

13. - **NYARUTOVU:** Commune Kivuruga moins Mugandu; y ajouter la commune Kabuye plus le restant de l'ancienne commune Kibali.

14. - **BUTARO:** Commune Runaba plus celle de Kinyababa, moins Kabona, plus une partie de l'ex-commune Buhita dont la limite est la rivière Gatara ka Banyerera pour aboutir à Rutangira, bras de Rugizi.

15. - **CYERU:** Commune Kirambo plus Kabona; y ajouter la commune de Mucaca.

16. - **NYAMUGALI:** Commune Rushali plus Muvumo moins la sous-chefferie Gitovu.

#### IX. - Préfecture de Byumba

1. - **KIVUYE:** Commune Buhita moins une partie qui va à Butaro plus les sous-chefferies Rwaso et Rutovu de Kinishya.

2. - **CYUMBA:** Commune Cyumba plus les imirenge Rwambogo, Musenda, Busa et Buhinga.

3. - **CYUNGO:** Commune Rukozo plus la sous-chefferie Gitovu et les imirenge Nhorandi et Kinihira ainsi que Buraya, Kimilyh, Kirwa, Rugundu, Masogwe et les deux Mpinga.

4. - **TUMBA:** Commune Buramira plus Karama, Kadendegeri, Cyanya, Tumba, Runaga, Gisha, Ruvumba et Mwili.

5. (*Loi du 23.1.1971*). - **KIBALI:** Commune Gicumbi moins l'umurenge Gicumbi plus Kinishya, Kigago, Nyankenke ainsi qu'une partie de la commune Kinihira soit Rwagihura, Rwirute, Rumuli et Yaramba.

6. - **BUYOGA:** Commune Burenga moins Kigoma et Rubona; y ajouter Busero, Murambi, Buyoga, Bukamba et Kagozi.

7. - **KINYAMA:** Commune de Mugina plus Gicumbi, Kinyami, Ruvune, Gitaba, Bisika et Keya.

8. - **BWISIGE:** Commune Buhanga plus Gihuke.

9. - **MUKARANGE:** Commune Mukarange plus Mukono.

10. - **KIYOMBE:** Commune Kamushili plus celle de Nkana.

11. - **GITUZA:** Commune Gituza plus Nyabiheke.

12. - **GATSIBO:** Commune Gatsibo moins Nyabiheke; y ajouter Kajumo, Nyagatare, Cyonyo, Kujojo (N.B. Bien limiter domaine de chasse).

13. - **MUVUMBA:** Commune Gatunda plus Bweya, Kinjojo et Rugarama (N.B. limiter domaine de chasse).

14. - **MUHURA:** Commune Rumuli plus la sous-chefferie Bibare moins Akarugaju y ajouter l'umurenge Muhura et Gahora de l'ex-sous-chefferie Gasange.

15. - **RUTARE:** Commune de Rutare plus la sous-chefferie Nyabihu ainsi que Muko et Kirara et son prolongement (Bushwagara).

16. - **GITI:** Commune de Rwesero plus la sous-chefferie Gasange moins Agahara.

17. - **MURAMBI:** Murambi plus Gakenke plus Akarugaju.

#### X. - Préfecture de Kibungo

1. - **SAKE:** Commune de Nshili plus celle de Rubago.

2. - **MUGESERA:** Commune de Kibare plus celle de Zaza.

3. - **BIRENGA:** Commune de Matongo plus Gahulire, Sakara, Kibaya, Mwumba et Kibungo.

4. - **KIGARAMA:** Commune de Vumwe plus une partie de Kibungo ainsi que Kinanira, Kinunga, Nyamugari, Kabere, Rubona, Nyagatovu et Karengye; y ajouter une partie de Remera, soit Kabare, Gasetza, Remera, Rurenge et Muhulire.

5. - **RUKIRA:** Commune de Rukira plus la sous-chefferie Ntaruka soit Ntaruka, Gashiru, Nyamikoni, Matahiro, Gatongo, Rugoma et Mushikili.

6. - **RUSUMO:** Commune de Kigima plus une partie de Nyarubuye, soit Nyarutenga, Nyarubuye, Nyabimuli, Nyakanazi, Kankobwa Nyakabungo, Nyamiyaga, Rwiyorere, Nyabitare, Gatunguru, Rugarama, Mponga, Nyabayama, Bicumbi et Mpanguhe.

7. - **KABARONDO:** Commune de Kabarondo plus Remera moins Rwinkwavu.

8. - **KAYONZA:** Commune de Kayonza plus Rwinkwavu.

9. - **RUTONDE:** Commune de Rwamagana plus Nsinda et Nyarusange.

10. - **MUHAZI:** Commune de Gati plus celle de Mukarange moins Nsinda et Nyarusange.

11. - **RUKARA:** Reste inchangée.

**Préfecture de la Ville de Kigali  
(L. n° 29/90 du 28.5.1990)**

**COMMUNE NYARUGENGE:** Point de départ: le ravin Nyabikoni sur la route Kigali-Butare, suivre les limites de la circonscription urbaine de Kigali sur la crête du Mont Kigali jusqu'à Rwintare dans le secteur Rugarama, suivre les vallées Rwarutabura et Rwampara jusqu'à la vallée Ruganwa qui sépare Kacyiru et Rugenge. Suivre les vallées Ruganwa et Rwezandoro jusqu'à la Nyabugogo. Suivre la Nyabugogo jusqu'aux limites de la circonscription urbaine. Suivre ces limites de la circonscription urbaine de Kigali sur le Mont Jari jusqu'au point de départ.

**COMMUNE KICUKIRO:** Point de départ: Remera, boulevard de l'O.U.A., suivre cette route en direction de Gasharu, descendre dans la vallée Rugenge, la poursuivre jusqu'à sa rencontre avec Rwampara, suivre les vallées Rwampara et Rwarutabura jusqu'aux limites de la circonscription urbaine de Kigali à Nyarurama. Suivre ces limites jusqu'au point de départ.

**COMMUNE KACYIRU:** Point de départ: vallée de la Nyabugogo, suivre cette vallée en direction de Byumba jusqu'à la limite de la circonscription urbaine de Kigali, suivre cette limite jusqu'à son croisement avec le boulevard de l'O.U.A., suivre ce boulevard jusqu'à la Cellule Gasharu et descendre dans la vallée Rugenge, suivre cette vallée jusqu'à la Nyabugogo, le point de départ.

## TERRITORIAL ORGANISATION

**15 April 1963 – Law.**

**Territorial organisation of the Republic.**

(JO., 1963, p. 187)

Amended by law of 23 July 1965 (JO, 1965, p. 208), law of 23 January 1971 (JO, 1971, p.67) and legislative order 15/75 of 7 April 1975 (JO, 1975, p. 358) and law 29/90 of 28 May 1990 (JO, 1990, p.837)

### I

#### Prefectures

1. (Law 29/90/ of 25.5.1990) The territory of the Republic of Rwanda is divided into 11 prefectures, as follows:

| Prefecture   | Seat      |
|--------------|-----------|
| Kigali-Ville | Kigali    |
| Kigali       | Kabuga    |
| Gitarama     | Gitarama  |
| Butare       | Butare    |
| Gikongoro    | Gikongoro |
| Cyangugu     | Cyangugu  |
| Kibuye       | Kibuye    |
| Gisenyi      | Gisenyi   |
| Ruhengeri    | Ruhengeri |
| Byumba       | Byumba    |
| Kibungo      | Kibungo   |

### II

#### Communes

2. – Each prefecture is divided into communes
3. – The composition of the communes is determined under annexe II of the present law

### III

#### Transitional Provisions

4. – The communes whose boundaries are not modified under the present law constitute an entity administered by their respective current Councils and *bourgmestres*.
5. – The terms of office of the *bourgmestres* and *conseillers* of the *communes* whose borders are modified by the application of the present law shall end on the day the present law enters into force. Such *communes* shall have a communal council constituted as follows:
  - 1 – where new *commune* result from a simple merger of several *communes*, the interim communal council shall be formed of union of the merged *communes*;
  - 2 – where new *communes* result either from the merger of two or more *communes*, one or more portions of one or more *communes*, the interim communal council shall consist of the union of all the communal councils lying within the new territorial entity

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Pursuant to the preceding clause, only the communal councillors that are legally in office when the present law enters into force may form part of the interim communal councils

6. – The communal councils shall automatically be dissolved on the date of the next communal elections.

7. – The communes referred to under sub-paragraph 5(1) of the present law shall be administered by an interim *bourgmestre* designated as follows:

The communal council constituted pursuant to Article 5 shall keep the outgoing *bourgmestre* if there is only one, or shall choose one from among outgoing *bourgmestres* residing in the newly-constituted *commune*

The council shall put the candidates to a secret vote and propose the candidates to the President of the Republic for nomination.

If within 15 days following the constitution of the interim communal council the council has not identified a candidate or none of the candidates proposed within the prescribed time frame is qualified, the President of the Republic appoints the interim *bourgmestre* on the recommendation of the *Préfet*. If so, the interim *bourgmestre* may be chosen from outside the interim communal council.

8. – The *bourgmestre* who is replaced pursuant to territorial modification shall continue to receive wages until the communal elections are held, pursuant to the provisions of the commune act

During such a time, the *commune* may request his services

9. – An outgoing *bourgmestre* who engaged in another department is not entitled to the wages referred to under Article 8.

10. – The interim *bourgmestre* shall remain in office until his replacement is named.

11. – All the statutory legal provisions relating to communal councils and *bourgmestres*, which are not contrary to the stipulations of the present law, are applicable to the interim communal councils and *bourgmestres*.

#### IV

#### General Provisions

12. – Disputes relating to the present law shall be settled by presidential order.

Nonetheless, conflicts involving more than two communes that may require modification of the current borders shall be settled by the law.

12. - Any provisions that are contrary to the present law are hereby revoked.

14. – The present law shall enter into effect on the day of its signing.

#### Annexe I

#### Prefecture limits

1. (*Law No. 29/50 of 28.5.1990*) – KIGALI: Kigali prefecture shall conserve the borders of the former Prefecture de Kigali minus the Prefecture de la Ville de Kigali.

2. – GITARAMA: Gitarama prefecture consists of the territory described as follows: from Lake Cyohoha follow the Akanyaru up to the Nyabarongo, thence up to its intersection with the Mbarurume river, thence follow the borders of Gikongoro and Butare
  3. prefecture took its real name "Butare". Butare prefecture is demarcated as follows: from the Akanyaru-Kivuguto, follow the border of Gikongoro until the "Icyambu" of Gihara-Cacu, from there, follow the border of the former communes of Gacu-Rwesero, follow the retaining pond, the Butita valley and the Kandamira valley towards Mutende and follow the latter valley until Lake Cyohoa-South, from the lake, follow the Akanyaru-Nyabarongo
  4. – GIKONGORO: The borders of this prefectures are the Buyenzi-Burundi border, Buyenzi-Cyangugu and Bunyambiliri-Kibuye, until the junction of the Mbururume-Rukarara-Mwogo rivers.
  5. CYANGUGU: This prefecture, whose name had been deformed as it was mispronounced by the colonialists, maintains its former limits
  6. KIBUYE: Current limits, except for the modification owing to the demarcation of Gisenyi prefecture.
  7. GISENYI (and not "Kisenyi") The current borders of Gitarama-Gisenyi, Ruhengeri-Gisenyi, except Akabatezi, which lies within Ruhengeri; follow Lake Kivu up the place where the Koko river flows into the lake, follow the Koko river up to the forest.
  8. RUHENGERI This prefecture borders Kigali, Byumba, Uganda, Gisenyi and Gitarama.
- 
9. BYUMBA Byumba prefecture, Formerly known Biumba, follows the delimitation of Kibungo and Kigali until the Base river, follow the Base river up to the place where Nyamugendampore river flows into it and continue until the Rugezi river, cross the Rugezi river until it meets the Agalare ka Banyereza, which borders Byumba-Ruhengeri.
  10. (*Law 29/90 of 18.5.1990*) – KIBUNGO (formerly known as Kibungu by the colonialists). Kibungo prefecture keep its border with Kigali, from Lake Rugwero to Lake Muhazi; follow the lake towards Gahini up to the border of the communes of Gakenkde, Rubona; follow this border until the demarcation of the Akagera Park and put the greater part of the Park on the Byumba side up to the Kagera river, and respect the Rwanda-Tanganyika border.

The border of the Prefecture de la Ville de Kigali correspond to those of the Kigali urban area as determined under Annexe IX of Law 11/79 of 20 April 1979 on the creation and demarcation of urban areas.

## **Annexe II**

### **Commune borders**

#### I- Kigali Prefecture

- 1.– RUSHASHI: Shyombe commune plus the sub-chieftainship of Gasibo in Ruli and the sub-chieftainship of Rushashi in Huro
2. – MUSASA: Ruli commune minus the sub-chieftainship of Gasibo, add Huro commune minus Rushashi sub-chieftainship.

3. (*Law 15/75 of 7.4.1975*) - NYARUGENGE

Nyarugenge urban commune is demarcated as follows:

## I North

- Nyabugogo river,
- Rwezangoro river,
- Kibumba river.

## II East

- from the Gatare twalweg up to the crossroads along the Kacyiru-Kinyinya road,
- Rugenge river,
- Agashiha river,
- Nyanza pass.

## III South

- road through the Nyanza pass towards the Kimisange market,
- road towards the Kabeza valley;
- Kabeza valley up to Mount Kigali.

## IV West

- Top of Mount Kigali up to the Chabikoni valley,
- Cyabikoni valley up to the Nyabugogo river.

4. – TARE Tare commune plus Ruganda sub-chieftainship add Umurenge Rubona in Muhondo commune

5.- Kanyinya *commune* plus Muhondo hill minus Ruganda sub-chieftainship and Umurenge Rubona.

6. – MBOGO: Mbogo commune plus the Ngaru and Remera sub-chieftainships

7. - (*Law 29/90 of 28.5.1990*) - RUBUNGO: Former commune of Rubungo minus the secteurs of Gisozi and Remera, included in Prefecture de la Ville de Kigali

8. – MUGAMBAZI: Muramba commune minus Remera sub-chieftainship plus Kiyanza commune.

9. - (*Law 29/90 of 28.5.1990*) Former commune of Bumbogo minus the secteurs of Gisozi and Remera, which are included in Kigali-Ville prefecture.

10. - GIKOMERO: Bumbogo commune minus Rubungo plus Rutunga commune minus Rusooro and add Kibera and Umurenge Gicaca. The eastern demarcation is the road up to the valley between Umurenge Gicaca and Shanga

11. – GIKORO: Gicaca commune minus Kibera plus Musha, Runyinya and Rwamashyongoshyo and Umurenge Gicaca. The south-eastern border is the road leading to Rwamagana

12. – (*Law 29/90 of 22.1.1971*) – Runyinya commune minus the hills of Runyinya and Rwamashyongosho, add Mwulire

13. - (*Law 29/90 of 28.5.1990*) – KANOMBE: former commune of Kanombe minus the secteurs of Kicukro, Kagarama and part of Nyakabanda cellule, Kanombe secteur, which is part of Kigali-Ville prefecture

14. – KANZENZE unaltered

15. – GASHORA unaltered

16. – NGENDA unaltered

17. - (*Law 29/90 of 28.5.1990*) BUTAMWA: former commune of Butamwa minus the parts of Nyarurama and Rugarama secteurs which are in Kigali-Ville prefecture

## II - Gitarama prefecture

1. – NYAMABUYE: Gitarama *commune*, plus Kivumu *commune*, add Shyogwe sub-chieftainship, Nyagishubi hill and Mbuye

2. – TAMBWE: Gitesi *commune* plus Ntenyo and Mayunzwe sub-chieftainships

3. – MUKINGI: Byimana *commune* plus Kirengeri and Mwendo sub-chieftainships

4. – MUSHUBATI: Mushubati *commune* Gishweru minus Mwendo, add Gikomera sub-chieftainship

5. – MUSAMBIRA: Musambira *commune* minus Nyagishubi add ½ Bibyungo and its sub-chieftainships of Kigembe and Nyarubaka

6. – MUGINA: Mugina *commune* minus ½ Bibyungo, add Ngoma

7. – NYAKABANDA: Nyarusange and Kibanga *communes*

8. – NYABIKENKE: Nyabikenke and Muhondo *communes*

9. – RUTOBWE: Rutobwe *commune*

10. – KAYENZI: Kayenzi *commune* plus part of Kanyinya comprising the hills of Gihira, Rugaba and Kibanza

11. – TABA: Remera *commune*, add Kayinza *commune* minus a small part added to Kayenzi, plus Kamonyi sub-chieftainshi

12. – RUNDA: Kinyamba plus Runda and Gihara

13. – BULINGA: Rugendabali *commune* plus Mushishiro and Nyabitare sub-chiefdoms

14. – MURAMA: Nkomero *commune* plus Gacu *commune*

15. – MASANGO: Kinihira *commune* plus Rwoga *commune*

16. – KIGOMA: Kigoma commune plus Remera and Gasaro communes minus Mukoni (Kavuma) demarcated by the retaining basin, follow Butita streams minus Kandamira towards Mudende

17. – NTONGWE: Ntongwe commune plus the former Gitova sub-chiefdom demarcated by the Muguguto flowing from Kigoma and Kareba, called Ruyenzi where it flows into the Akanyaru

### III - Butare prefecture

1. – NYAKIZU: Nyagisozi commune plus Bunge commune

2. – KIGEMBE: Gatete commune plus Imurenge Kigembe, Namuhatsi and Rwamabare, Bimba commune, add Murama commune

3. – GISHAMVU: Kibungo and Sholi communes plus Umurenge Rwimbogo in Nyanza

4. (*Leg. Order 15/75 of 7.4.1975*) – NGOMA: Ngoma urban commune is demarcated as follows:

#### 1 North

- Agafurwe valley up to the road Muyogoro-Ngoroma road,
- Kidobogo river
- Munyazi river

#### 2 East

- Rwasave river
- Kihene river

#### 3 South

- intersecting point of Mukura and Kihene rivers

#### 4 West

- Mukura river,
- Rwamamba river
- Bwosane valley up to the Muyogoro-Ngoma road

5. – RUNYINYA: Maliba commune plus Imirenge Nyarutovu, Mbara, Kawamaza, Kinazi and Gishiba, Mbasu commune; add Kurukara commune

6. – MARABA: Tare commune plus Imirenge Ntobwa, Ndago, Buhoro, Kavumu and Kibilizi, Buhoro commune, add

7.- RUHASHYA: Ruhashya commune plus Musasu in Mwulire and Kiruhura, Gashoba and Shyunga, Maza (formerly Nyanza) commune.

8.- MBAZI: Buhoro commune minus Ntobwe, Ndago, Buhoro, Kavumu and Kibilizi, add Imirenge Mwulire, Cyayove, Gahini, Kagera, Kazenge, Karama, Muhororo, Shyara and Gakoni, in Mwulire commune

9. – SHYANDA: Save and Munazi communes

10. – MUYAGA: Muyaga minus Musha

11. MUGUSA: Curusi commune plus Mugogwe, Gafumba and Kimuna, in Mwulire commune, plus Musha and Mayaga
12. – NYARUHENGARI: Bimba and Kibalizi communes
13. – NDORA: Muyira and Gisagara communes
14. – MUGANZA: Dahwe and Remera communes
15. – KIBAYI: Linda and Saga communes
16. – RUSATIRA: Maza minus Kiruhura, Shunga and Gashoba, add Sogwe and Kato sub-chiefdoms
17. – NYABISINDU: Rwesero commune the rest of Kavumu
18. – NTYAZO: Ntyazo commune minus Kato, add the sub-chiefdoms of the former Shari commune, add Mbuye sub-chiefdom (except Matora)
19. – MUYIRA: Muyira commune minus Mbuye sub-chiefdom, add Munyinya sub-chiefdom
20. – (*Leg. Order 15/75 of 7.4.1975*) – HUYE: Huye commune is demarcated as follows:

I. NORTH

- from Gako market up to the Gako valley
- Gako valley

II. EAST

Southern limit

- Rwamamba river
- Bwosane valley up to the Ngoma-Muyogoro road

Northern limit

- Ruranga river up to the Gako market

III. SOUTH

Southern limit

- Kadahokwa river

Northern limit

- From the Ngoma-Muyogoro road up to the Agafurwe valley,
- Kidobogo river

IV. WEST

- from the Agatongati valley up to the source of Gatobwe,
- Gatobwe river up to the Muyogoro market
- Nyagisenyi river

**IV - Gikongoro Prefecture**

1. - (*Law of 23.7.1965*) – NYAMAGABE: Gikongoro commune minus the former Gisanze and Imirenge Shanga plus the former Mukoni sub-chiefdom from Rwicagore up to Kagoma plus the Imirenge Kibiliza, Muliro in the former Remera commune.
2. – MUDASOMWA: Muse commune plus Kuwinkingi commune plus the former Gisanze sub-chiefdom
3. – KARAMA: Cyanika commune imirenge Kiraro, Muganza and Gashusha plus the former Remera commune
4. – RUKUNDO: Rukundo commune, plus the plus Imirenge Gikoni, Maheresho, Mutiwingoma and Mbazi, in the former Remera commune
5. – KINYAMAKARA: Kinyamakara plus part of Mukoni and Shanga village and the former Remera commune
6. – RWAMIKO: Giseke commune minus Shaba plus Mata, Rwamiko, Nyamyumba, Mukinga, Ruramba villages and the former Mbasaa commune
7. – MUBUGA: Ndago commune plus Munini commune minus Muganza village.
8. – KIVU: Kivu commune plus Muganza village in the former Munini commune and Shaba village in Giseke commune
9. – NSHILI: Nkanda commune plus the former Ruheru commune
- 10.– KARAMBO: Kibumbwe commune the former Nyagane sub-chiefdom (Kaduha, Nyabikenkde, Nyamabuye) as well as the Mukongoro village, in Mugote commune
11. – MUSANGE: Mugote commune minus Mukongoro village plus Mutakara commune
12. – MUSEBEYA: Akirabo commune plus the former Ruse and Kibonwa sub-chiefdoms
13. – MUKO: Rwufi commune minus Kibonwa, Karumbi and Gakoma villages, plus the former Muko (Cyobe plus Jimbu), Musenyi (plus Munini) and Mugano (Gitondorero), Yonde, Kanyengeyege, Sovu, (Nyaburondwe and Maso) sub-chiefdoms

#### V - Cyangugu prefecture

- 1.- KAMEMBE: Cyangugu commune plus Nkanka commune minus Gihundwe, plus Nkombo commune plus Rwahi, in Shagasha villages, and Cyibumba sub-chiefdom in Biguzi
2. – Shangi commune plus [illegible] commune
3. – GISUMA: Bumazi commune plus [illegible] commune minus Cyibumba, plus Shagasha minus Bigoto and Ruharambuga.
4. – KARENGERA: Mwezi commune plus Bigutu [illegible] in Shagasha, and [illegible] commune minus Mwegera.

5. KAGANO: Nyamasheke commune plus Nyamasheke sub-chiefdom plus [illegible] sub-chiefdom.
6. – KIRAMBO: Muramba commune minus Muramba sub-chiefdom plus Rwamba sub-chiefdom (Nyakabingo) minus Nyakabingo sub-chiefdom
7. – GATARE: To be demarcated by the Kigaya river, i.e. Buhoro plus Muramba
8. – NYAKABUYE: Nyakabuye commune plus Mibilizi sub-chiefdom minus Mibilizi hill, plus Nyarushishi village, in Shagasha
9. – CYIMBOGO: Mururu commune plus Murehe sub-chiefdom in Butare, plus Mibilizi hill and Cyato and Gihundwe sub-chiefdom
10. – GISHOMA: Butare commune minus Murehe sub-chiefdom plus Rukunguli sub-chiefdom in Mibilizi.
11. – BUGARAMA: Bugarama commune plus Mwegera sub-chiefdom

#### **VI – Kibuye prefecture**

1. – RWAMATAMU: Rwamatamu commune plus the former Ndaba sub-chiefdom and part of Nyagatare up to the Mugonero-Musomo river up to the Nyabihomo river
2. – GISOVU: Nyagatare commune minus the part added to Rwamatamu, plus Tema and Nyarutagara sub-chiefdoms plus Bigugu villages in Bisesero plus Kazirandimwe and Gitabura
3. – GITESI: Kibuye commune minus Kagunga plus Bubazi and Ruragwe sub-chiefdoms
4. – GISHYITA: Gishyita commune minus Bigugu, Kazirandimwe and Gitabura
5. – MWENDO: Mwendo commune plus Ntanga and Kagunga sub-chiefdoms plus Tongati village
6. – KAGANGARE: Birambo commune minus Tongati plus Cyanyanza sub-chiefdom and Kagangara village in Rukoko, plus Ngoma village, in Sanza
7. – KIVUMU: Nyange commune plus Sanza and Rukogo sub-chiefdoms minus Ngoma village, plus Bwira village
8. – RUTSIRO: Rutsiro commune minus Bwira, plus Gatoke commune
9. – MABANZA: Ruhengera commune minus Bubazi and Ruragwe sub-chiefdom, plus Mushubati commune

#### **VII – Gisenyi prefecture**

1. – RUBAVU: Gisenyi commune plus Rugorero sub-chiefdom, plus Gacuba and Rubavu sub-chiefdoms in Byahi

2. – RWERERE: Rwerere commune plus Kinyanzovu and Cyanzarwe sub-chiefdoms.
3. – MUTURA: unaltered except for the demarcation
4. – KANAMA: Kanama commune plus Mukondo and Kigarama sub-chiefdoms
5. – NYAMYUMBA: Nyamyumba sub-chiefdom plus Kigarama commune, plus Munanira sub-chiefdom in Nyundo commune, plus Busoro and Gahondo sub-chiefdoms
6. – KAYOVE: Gihinga commune plus Kinunu commune, plus Kigeyo sub-chiefdom
- 7 – RAMBA: Ramba commune plus Hindiro commune, minus Hindiro sub-chiefdom
8. – KIBIRIRA: Gatumba commune plus Rongi and Mikingo sub-chiefdom minus Mutezi and Murambi villages
9. – SATINSKI: Hindiro sub-chiefdom plus Rongi and Mikingo sub-chiefdom minus Mutezi and Murambi villages .
10. – GASEKE: Mwendo commune plus Kinanira sub-chiefdom
11. – KARAGO: Mwiyanke commune minus Akabalezi which goes up to Nkuli in Ruhengeri, plus Muhungwe commune
12. – GICIYE: Gihira commune and Bwanamwali commune

#### **VIII – Ruhengeri prefecture**

1. – NKULI: Nkuli commune minus half of Kabyaza and Nyabirehe plus Gatovu and Akabatezi (Gisenyi) commune
2. – MUKINGO: Mukingo commune plus Nyabirehe villages and half of Kabyaza
3. – KINIGI: Kinigi commune plus Mulinzi, Gasiza and Rukoro hills
4. KIGOMBE: Ruhengeri commune minus Gasiza, Rukoro and Mulinzi, plus Mubona, Musanze, Kiryi, Kabaya Rumonyi, as well as Gasaza and Gacaca, Nyarubuye and Kigarama I
5. NYAMUTERA: Cyanika commune plus Nyarutembe and Murama demarcated to the north by Kirehe
6. – NYAKIMANA: Murama commune minus Nyarutembe and Murama, plus Muguri, Kabere and Muko in the former Mubona commune
7. – RUHONDO: Rwaza commune plus Kigarama II, demarcated by Shobodo and Ruhangi, demarcated by the Murora swamp.
8. – NKUMBA: Kinoni commune minus Bulera, plus Giheta and Gakoro in the former Kigarama commune; plus Gahunga commune minus Kamanga, Ntarama, Rugarama and Gafumba
9. – KIDAHO: Kidaho commune plus Bulera, Kamanga, Ntarama, Rugarama and Gafumba.

- 10.- GATONDE: Gatonde *commune* plus Rutake and Kivune plus Mugandu hill in the former Kivuruga *commune*
11. – NDUSU: Janja *commune* minus Rutake and Kivune Take, plus the two Mataba, Mbizi, Munani, Tandagura and Buhunga in the former Kibali *commune*.
12. – CYABINGO: Rutare and Muramba *communes*
13. – NYARUTOVU: Kivunga *commune* minus Mugandu, plus Kabuye *commune* plus the rest of the former Kibali *commune*
14. – BUTARO: Runaba *commune* plus Kinyababa *commune*, minus Kabona, plus part of the former Bihita *commune* demarcated by the Gitare ka Banyerera river up to Rutangira, an arm of Rugizi
15. – CYERU: Kirambo *commune* plus Kabona, plus Mucaca *commune*
16. – NYAMUGALI: Rushali *commune* plus Mivumo minus Gitovu sub-chiefdom

### IX – Byumba prefecture

1. – KIVUYE: Buhita *commune* minus a part extending into Butaro plus Rwsa sub-chiefdom and Rutovu in Kinishya
2. – CYUMBA: Cyumba *commune* plus Rwambogo, Musenda, Busa and Buhinga villages
3. – CYUNGO: Rukozi *commune* plus Gitovu sub-chiefdom and Nborandi and Kinyihira villages, as well as Buraya, Kimilyh, Kirwa, Rugundu, Masogwe and the two Mpinga
4. – TUMBA Buramira *commune* plus Karama, Kadendegeri, Cyanya, Tumba, Runaga, Gisha, Ruvumba and Mwuli
5. (*Law of 23.1.1971*) – KIBALI: Gicumbi *commune* minus Gicumbi village plus Kinishya, Kigago, Nyankenke and part of Kinyihira *commune*: Rwagihura, Rwirute, Rumuli and Yaramba
6. – BUYOGO: Burenga *commune* minus Kigoma and Rubona, plus Busero, Murambi, Buyoga, Bukamba and Kagozi
7. – KINYAMA: Mugina *commune* plus Gicurabi, Kinyami, Ruvune, Gitaba, Bisika and Keya
8. – BWISIGE: Buhanga *commune* plus Gihuke.
9. – MUKARANGE: Mukarange *commune* plus Mukono
10. – KIYOMBE: Kamushuli *commune* plus Nkana *commune*
11. – GITUZA: Gituza *commune* plus Nyabiheke.
12. – GATSIBO: Gatsibo minus Nyabiheke, plus Kajumo, Nyagatare, Cyonyo, Kujajo (N.B. Hunting domain must be clearly demarcated)

13. – MUVUMBA: Gatunda commune plus Bweya, Kinjojo and Rugarama (N.B. Hunting area must be clearly demarcated)
14. – MUHURA: Rumuli commune plus Bibare sub-chiefdom minus Akarugaju plus Muhura and Gabora village, in the former Gasange sub-chiefdom
15. – RUTARE: Rutare commune plus Nyabahu sub-chiefdom, as well as Muko and Kirara and its extension (Bushwagara)
16. – GITI: Rwesero commune plus Gasange sub-chiefdom minus Agahara
17. – MURAMBI: Murambi plus Gakenke plus Akaragaju

### X – Kibungo prefecture

1. – SAKE: Nshuli commune plus Rubago commune
2. – MUGESERA: Kibare commune plus Zaza commune
3. – BIRENGA: Matongo commune plus Gahulire, Sakara, Kibaya, Mwumba and Kibungo
4. – KIGARAMA: Vumwe commune plus part of Kibungo, as well as Kinanira, Kinunga, Nyamugari, Kabare, Rubona, Nyagatovu and Karengye, plus part of Remera: Kabare, Gasetza, Remera, Rurenge and Muhulire
5. – RUKIRA: Rukira commune plus Ntaruka sub-chiefdom: Ntaruka, Gashiru, Nyamikoni, Matahiro, Gatonga, Rugoma and Mushikili
6. – RUSUMO: Kigima commune plus part of Nyarubuye: Nyarutenga, Nyarubuye, Nyabimuli, Nyakanazi, Kankobwa Nyakabungo, Nyamiyaga, Rwiyorere, Nyabitare, Gatunguru, Rugarama, Mponga, Nyabayama, Bicumbi and Mpanguhe
7. – KABARONDO: Kabarondo commune plus Remera minus Rwinkwavu
8. – KAYONZA: Kayonza commune plus Rwinkwavu
9. – RUTONDE: Rwamagana commune plus Nsinda and Nyarusange
10. – MUHAZI: Gata [?] commune plus Mukarange commune minus Nsinda and Nyarusange
11. – RUKARA: Unaltered

### Kigali-Ville prefecture (Law 29/90 of 28.5.1990)

NYARUGENGE COMMUNE: Beginning at the Nyabikoni gully along the Kigali-Butare road, thence the limits of the Kigali urban district on the Mount Kigali ridge up to Rwintare in Rugarama secteur, thence the Rwarutabura and Rampara valleys up to the Ruganwa valley separating Kacyiru

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from Rugenge. Thence the Ruganwa and Rwezandoro valleys up to Nyabugogo. Thence Nyabugogo up to limits of the urban districts. Thence the limits of the urban district up to Kigali at Mount Jari up to the starting point.

KICUKIRO COMMUNE: Starting point: Remera, boulevard de l'OUA, thence this road towards Gasharu, thence to Rugenge valley, thence up to its intersection with Rwampara, thence the Rwampara and Rwarutabura valley up to the limits of the Kigali urban district at Nyarurama. Thence the limits up to the starting point.

KACYIRU COMMUNE: Starting point: Nyabugogo valley, thence towards Byumba up to the limit of the Kigali urban district, thence up to the intersection with the boulevard de l'OUA, thence the boulevard up to Gasharu cellule, thence to the Rugenge valley, thence towards Nyabugogo, the starting