

Indictment IT-96-23	Indictment against Dragoljub Kunarac and Radomir Kovač
Indictment IT-96-23/1	Indictment against Zoran Vuković
Indictments	Indictments IT-96-23 and IT-96-23/1
International Tribunal or Tribunal or ICTY	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
<i>Jelisić</i> Appeal Judgement	<i>Prosecutor v Goran Jelisić</i> , Case No. IT-95-10-A, Judgement, 5 July 2001
<i>Kambanda</i> Appeal Judgement	<i>Jean Kambanda v Prosecutor</i> , Case No. ICTR-97-23-A, Judgement, 19 October 2000
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Kova~	Radomir Kova~
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<i>Krnojelac</i> Amended Indictment Decision	<i>Prosecutor v Milorad Krnojelac</i> , Case No. IT-97-25-PT, Decision on Preliminary Motion on Form of Amended Indictment, 11 February 2000
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Kunarac	Dragoljub Kunarac
<i>Kunarac</i> and <i>Kova~</i> Reply Brief	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23-A & IT-96-23/1-A, Appellants' Reply on Prosecutor's Consolidated Respondent's Brief, 4 September 2001 (confidential) (public version filed on 20 October 2001)
<i>Kunarac</i> Appeal Brief	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23-A & IT-96-23/1-A, Appellant's Brief for the Acused [sic] Dragoljub Kunarac Against Judgement of 22 February 2001, 16 July 2001 (public)
<i>Kunarac</i> Evidence Decision	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23-T & IT-96-23/1-T, Decision on Prosecution's Motion for Exclusion of Evidence and Limitation of Testimony, 3 July 2000

<i>Kupre{ki}</i> Appeal Judgement	<i>Prosecutor v Zoran Kupre{ki} et al.</i> , Case No. IT-95-A, Judgement, 23 October 2001
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<i>Kvo~ka</i> Indictment Decision	<i>Prosecutor v Miroslav Kvo~ka et al.</i> , Case No. IT-98-30/1-PT, Decision on Defence Preliminary Motions on the Form of the Indictment, 12 April 1999
<i>Kvo~ka</i> Trial Judgement	<i>Prosecutor v Miroslav Kvo~ka et al.</i> , Case No. IT-98-30/1-T, Judgement, 2 November 2001 (currently under appeal)
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<i>Nikoli}</i> Rule 61 Decision	<i>Prosecutor v Dragan Nikoli}</i> , Case No. IT-94-2-R61, Review of Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 20 October 1995
para	Paragraph
paras	Paragraphs
Prosecution Consolidated Respondent's	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-Brief 23 & 23/1-A, Prosecution's Consolidated Respondent's Brief, 15 August 2001 (confidential) (public version filed on 9 October 2001)
Prosecution Respondent's Brief	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23 & 23/1-A, Prosecution Respondent's Brief in Relation to "Appellant's Brief for the Accused Zoran Vuković against Judgement of 22 February 2001", 13 August 2001 (confidential) (public version filed on 9 October 2001)
Respondent and Prosecutor	The Office of the Prosecutor
Rules	Rules of Procedure and Evidence of the International Tribunal
SFRY	Socialist Federal Republic of Yugoslavia
Statute	Statute of the International Tribunal

T	Transcript page. All transcript page numbers referred are from the unofficial, uncorrected version of the transcript. Minor differences may therefore exist between the pagination therein and that of the final transcript released to the public
<i>Tadić</i> Appeal Judgement	<i>Prosecutor v Duško Tadić</i> , Case No. IT-94-1-A, Judgement, 15 July 1999
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<i>Tadić</i> Rule 115 Decision	<i>Prosecutor v Duško Tadić</i> , Case No. IT-94-1-A, Decision on Appellant's Motion for the Extension of the Time-Limit and Admission of Additional Evidence, 15 October 1998
<i>Tadić</i> Sentencing Appeal Judgement	<i>Prosecutor v Duško Tadić</i> , Case No. IT-94-1-A & IT-94-1-Abis, Judgement in Sentencing Appeals, 26 January 2000
<i>Tadić</i> Sentencing Judgement	<i>Prosecutor v Duško Tadić</i> , Case No. IT-94-1-T, Sentencing Judgement, 14 July 1997
<i>Tadić</i> Trial Judgement	<i>Prosecutor v Duško Tadić</i> , Case No. IT-94-1-T, Judgement, 7 May 1997.
Torture Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984 by the United Nations General Assembly, in force as of 26 June 1987
Trial Judgement	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23-T & IT-96-23/1-T, Judgement, 22 February 2001
Trial Transcript	Transcript of trial in <i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23 & IT-96-23/1 T.
Vuković	Zoran Vuković
<i>Vuković</i> Appeal Brief	<i>Prosecutor v Dragoljub Kunarac et al.</i> , Case No. IT-96-23-A & IT-23/1-A, Appellant's Brief for the Accused [sic]

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ANNEX 2:

Prosecutor v Rutaganda, Judgement and Sentence, Case No. ICTR-96-3-T, Trial Chamber I,
6 December 1999.

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

Judgement and Sentence

The Prosecutor v. Georges Anderson Nderubumwe Rutaganda

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1. INTRODUCTION

1.1 The International Tribunal

1. This Judgement is rendered by Trial Chamber I of the International Criminal Tribunal for Rwanda (the “Tribunal”) composed of Judge Laïty Kama, presiding, Judge Lennart Aspegren, and Judge Navanethem Pillay, in the case of *The Prosecutor v. Georges Anderson Nderubumwe Rutaganda*.

2. The Tribunal was established by the United Nations Security Council, pursuant to resolution 955 of 8 November 1994, after it had considered United Nations Reports¹ which indicated that genocide and systematic, widespread and flagrant violations of international humanitarian law had been committed in Rwanda. The Security Council determined that this situation constituted a threat to international peace and security, and was convinced that the prosecution of persons responsible for serious violations of international humanitarian law would contribute to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda. The Security Council established the Tribunal, under Chapter VII of the United Nations Charter.

3. The Tribunal is governed by its Statute (the “Statute”) annexed to Security Council

¹ Preliminary Report of the Commission of Experts established pursuant to Security Council resolution 935 (1994), Final Report of the Commission of Experts established pursuant to Security Council resolution 935 (1994) (Document S/1994/1405) and Reports of the Special Rapporteur for Rwanda of the United Nations Commission on Human Rights (Document S/1994/1157, annexes I and II).

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Case No: ICTR-96-3-T

Resolution 955, and by its Rules of Procedure and Evidence (the “Rules”), which were adopted by the Judges, on 5 July 1995 and subsequently amended.²

² The Rules were successively amended on 12 January 1996, 15 May 1996, 4 July 1996, 5 June 1997, 8 June 1998, and 4 June 1999.



1.2 The Indictment

4. The Indictment (the “Indictment”) against Georges Anderson Nderubumwe Rutaganda (the “Accused”) was submitted by the Prosecutor on 13 February 1996 and was confirmed on 16 February 1996. The Indictment is set out here in full:

“The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to his authority under Article 17 of the Statute of the Tribunal charges:

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

with **GENOCIDE, CRIMES AGAINST HUMANITY** and **VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS**, as set forth below:

Background

1. On April 6, 1994, a plane carrying President Juvenal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed at Kigali airport, killing all on board. Following the deaths of the two Presidents, widespread killings, having both political and ethnic dimensions, began in Kigali and spread to other parts of Rwanda.

The Accused

2. Georges RUTAGANDA, born in 1958 in Masango commune, Gitarama prefecture, was an agricultural engineer and businessman; he was general manager and proprietor of Rutaganda SARL. Georges RUTAGANDA was also a member of the National and Prefectoral Committees of the *Mouvement Républicain National pour le Développement et la Démocratie* (hereinafter, “MRND”) and a shareholder of *Radio Télévision Libre des Mille Collines*. On April 6, 1994, he was serving as the second vice president of the National Committee of the Interahamwe, the youth militia of the MRND.



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General Allegations

3. Unless otherwise specified, all acts set forth in this indictment took place between 1 January 1994 and 31 December 1994 in the prefectures of Kigali and Gitarama, territory of Rwanda.

4. In each paragraph charging genocide, a crime recognized by Article 2 of the Statute of the Tribunal, the alleged acts were committed with intent to destroy, in whole or in part, a national, ethnical or racial group.

5. The victims in each paragraph charging genocide were members of a national, ethnical, racial or religious group.

6. In each paragraph charging crimes against humanity, crimes punishable by Article 3 of the Statute of the Tribunal, the alleged acts were committed as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

7. At all times relevant to this indictment, a state of internal armed conflict existed in Rwanda.

8. The victims referred to in this indictment were, at all relevant times, persons taking no active part in the hostilities.

9. The accused is individually responsible for the crimes alleged in this indictment. Under Article 6(1) of the Statute of the Tribunal, individual criminal responsibility is attributable to one who plans, instigates, orders, commits or otherwise aids and abets in the planning, preparation or execution of any of the crimes referred to in Articles 2 to 4 of the Statute of the Tribunal.

Charges



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10. On or about April 6, 1994, Georges RUTAGANDA distributed guns and other weapons to Interahamwe members in Nyarugenge commune, Kigali.

11. On or about April 10, 1994, Georges RUTAGANDA stationed Interahamwe members at a roadblock near his office at the "Amgar" garage in Kigali. Shortly after he left the area, the Interahamwe members started checking identity cards of people passing the roadblock. The Interahamwe members ordered persons with Tutsi identity cards to stand on one side of the road. Eight of the Tutsis were then killed. The victims included men, women and an infant who had been carried on the back of one of the women.

12. In April 1994, on a date unknown, Tutsis who had been separated at a roadblock in front of the Amgar garage were taken to Georges RUTAGANDA and questioned by him. He thereafter directed that these Tutsis be detained with others at a nearby building. Later, Georges RUTAGANDA directed men under his control to take 10 Tutsi detainees to a deep, open hole near the Amgar garage. On Georges RUTAGANDA's orders, his men killed the 10 Tutsis with machetes and threw their bodies into the hole.

13. From April 7 to April 11, 1994, thousands of unarmed Tutsi men, women and children and some unarmed Hutus sought refuge at the Ecole Technique Officielle ("ETO school") in Kicukiro sector, Kicukiro commune. The ETO school was considered a safe haven because Belgian soldiers, part of the United Nations Assistance Mission for Rwanda forces, were stationed there.

14. On or about April 11, 1994, immediately after the Belgians withdrew from the ETO school, members of the Rwandan armed forces, the gendarmerie and militia, including the Interahamwe, attacked the ETO school and, using machetes, grenades and guns, killed the people who had sought refuge there. The Interahamwe separated Hutus from Tutsis during the attack, killing the Tutsis. Georges RUTAGANDA participated in the attack at the ETO school, which resulted in the deaths of a large number of Tutsis.



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15. The men, women and children who survived the ETO school attack were forcibly transferred by Georges RUTAGANDA, members of the Interahamwe and soldiers to a gravel pit near the primary school of Nyanza. Presidential Guard members awaited their arrival. More Interahamwe members converged upon Nyanza from many directions and surrounded the group of survivors.

16. On or about April 12, 1994, the survivors who were able to show that they were Hutu were permitted to leave the gravel pit. Tutsis who presented altered identity cards were immediately killed. Most of the remainder of the group were attacked and killed by grenades or shot to death. Those who tried to escape were attacked with machetes. Georges RUTAGANDA, among others, directed and participated in these attacks.

17. In April of 1994, on dates unknown, in Masango commune, Georges RUTAGANDA and others known to the Prosecutor conducted house-to-house searches for Tutsis and their families. Throughout these searches, Tutsis were separated from Hutus and taken to a river. Georges RUTAGANDA instructed the Interahamwe to track all the Tutsis and throw them into the river.

18. On or about April 28, 1994, Georges RUTAGANDA, together with Interahamwe members, collected residents from Kigali and detained them near the Amgar garage. Georges RUTAGANDA and the Interahamwe demanded identity cards from the detainees. A number of persons, including Emmanuel Kayitare, were forcibly separated from the group. Later that day, Emmanuel Kayitare attempted to flee from where he was being detained and Georges RUTAGANDA pursued him, caught him and struck him on the head with a machete and killed him.

19. In June 1994, on a date unknown, Georges RUTAGANDA ordered people to bury the bodies of victims in order to conceal his crimes from the international community.

Counts 1-2
(Genocide)
(Crimes Against Humanity)