

ICR-2001-75-I
11-9-2001
(109-103)

109
Hm

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
Case No. ICTR-2001-75-I

THE PROSECUTOR
AGAINST
JEAN-BOSCO UWINKINDI

2001 SEP 11 A 11:42
ICR
ORIGINAL PROSECUTOR'S OFFICE
ICTR

INDICTMENT

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

JEAN-BOSCO UWINKINDI

with **GENOCIDE; CONSPIRACY TO COMMIT GENOCIDE;** and **EXTERMINATION** as a **CRIME AGAINST HUMANITY;** offenses stipulated in Articles 2 and 3 of the Statute of the Tribunal, as set forth below:

II. **THE ACCUSED:**

Pastor Jean-Bosco UWINKINDI was born on 1951, at Rutsiro commune, Kibuye prefecture, Rwanda. During the events referred to in this indictment, Jean-Bosco UWINKINDI was Pastor in charge of the Pentecostal Church, located at Nyamata sector, Kanzenze commune, Kigali- Rural prefecture, Rwandan Republic.

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

Count I: GENOCIDE.

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Jean-Bosco UWINKINDI** with **GENOCIDE**, crimes stipulated in Articles 2(3)(a) of the Statute, in that on or between the dates of 7 April 1994 and July 1994 in Kigali-Rural prefecture, Rwanda, **Jean-Bosco UWINKINDI** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi population with intent to destroy, in whole or in part, a racial or ethnic group.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing of the crime charged.

Concise statement of facts for count 1:

1. During the events referred to in this indictment: Hutu, Tutsi and Twa were identified as ethnic or racial group.
2. During the events referred to in this indictment, Jean-Bosco **UWINKINDI** was Pastor, in charge of the Pentecostal Church of Kayenzi, located in Nyamata sector, Kanzenze commune, Kigali-Rural prefecture, Republic of Rwanda.
3. Before and during 1994 Pastor Jean- Bosco **UWINKINDI** was a collaborator of the extremist MRND party. He hated the Tutsi stating that they were "Inyenzi" who occupied his country, and Hutu must resist them. He also stated that he was a member of the Parmehutu political extremist party.
4. During the events referred to in this indictment, Pastor Jean-Bosco **UWINKINDI** lead a group of killers, to look for and exterminate Tutsi, in particular Tutsi civilians from Kanzenze commune. This group included among others, BAPFAKURERA (a Hutu businessman), BANGUKA, NIZEYE, KAYINAMURA, SEMANYENZI (all Hutu cultivators), RUSATSI, MUHUTU and CLAUDE. The group lived at the Kayenzi Church.
5. After 6 April 1994, (date of death of President HABIARYIMANA), BAPFAKURERA (one member of the group of **UWINKINDI**), sent armed messengers to the Hutu inhabitants of Kanzenze commune, at different *cellules* including the *cellule* of GATARE, and different sectors, inviting them to gather at Kayenzi Church, otherwise, they should be considered as accomplices of Tutsi.
6. Consequently, many Hutu arrived at Kayenzi Church. Pastor Jean-Bosco **UWINKINDI** and BAPFAKURERA, invited them to go to a meeting held by GATANAZI, the Bourgmestre of Kanzenze commune, at a public place, located near to the road to Kigali. At this meeting, which Pastor **UWINKINDI** attended, the Bourgmestre GATANAZI ordered Hutu to kill Tutsi who were assembled at Ntarama sector.
7. Pastor **UWINKINDI** was present at the meeting and not dissociate himself from the statements of the Bourgmestre.
8. On or about 7 April 1994, Pastor **UWINKINDI** went to the roadblock mounted before the Kayenzi Church, then addressed BANGUKA (one member of his group), SABERA, JUDA, GATSIMBANYI and others unknown to the prosecution, ordering them to prevent any Tutsi from passing through the roadblock.
9. Most of Tutsi civilians who tried to seek refuge at Kayenzi Church, during April 1994, were captured at that roadblock and brought to the Church where they were killed.

10. In early April 1994, some of the Tutsi civilians tried to take refuge at Kayenzi Church, but Pastor **UWINKINDI** and his group, after having identified their ethnic origin, refused to accept the Tutsi men.
11. The Tutsi women and children were admitted at Kayenzi Church, and kept by Pastor **UWINKINDI** and his group. Later most of these Tutsi refugees were killed.
12. On or about 8 April 1994, attacks against the Tutsi commenced during the night. A group of Hutu attacked the Tutsi civilians of Rwankeri cellule, killing a Tutsi named Paul **KAMANZI**. Two children of **KAMANZI** were taken to the Kayenzi Church to be killed, and some houses of Tutsi civilians were burned. Among the attackers were **SEMANYENZI**, **RUSATSI**, and **MUHUTU**, all from Pastor **UWINKINDI**'s group.
13. As consequence of the attack described above, many Tutsi civilians fled their houses to take refuge at the Kanzenze Communal office, the forest and in local swamps and other places.
14. Later, Pastor **UWINKINDI** accompanied by his group and others unknown to the prosecution, addressed the Tutsi civilians telling them that they had nothing in common to share, and that they will be killed. After these statements, Pastor **UWINKINDI** and his group launched attacks against Tutsi civilians who gathered at Biyimana and Rwankeri cellules to resist to the attacks. These attackers were armed with traditional weapons.
15. On or about 9 April 1994, in the morning, Pastor **UWINKINDI** who was accompanied by his group, returned back to Byimana and Rwankeri *cellules* to attack the Tutsi civilians inviting them to surrender.
16. Soon afterwards, the attacks begun again. The attackers, who numbered approximately 100, were incited, supervised and directed by Pastor **UWINKINDI**. The attacks lasted for approximately 2 hours resulting in the death of Sébastien **BANDOR** and many other Tutsi civilians.
17. To defeat completely the endurance of the Tutsi survivors, Pastor **UWINKINDI** called for the assistance of gendarmes, who with the use of guns, attacked the Tutsi refugees killing some of them. Among Tutsi victims were: **REBURA**, Jean **NGABO**, **MUZEZAYO**, **NDEKEZI**, sons of Charles **MUZEZAYO**, and **MUTIMURA**.
18. On or about 10 April 1994, during the morning, Pastor **UWINKINDI** accompanied by his group and also by interahamwe, launched attacks against the refugees of Cyugaro's swamps. They came on board of the vehicles belonging to **BAPFAKURERA** and **APOLLO**. Pastor **UWINKINDI** boarded the vehicle of **BAPFAKURERA**, a green truck. The killings and the attacks against Tutsi in Cyugaro's swamps, continued until the afternoon causing some hundred of victims among the Tutsi refugees.
19. In early April 1994, Pastor **UWINKINDI** and **BAPFAKUREKA** held a meeting with the Bourgmestre **GATANAZI**. Immediately after this meeting,

the Bourgmestre GATANAZI allowed interahamwe to attack the Tutsi refugees of the communal offices. Pastor **UWINKINDI** was present during these attacks.

20. During the attacks described above, many Tutsi civilians were killed. Among those killed, were a Tutsi woman named SAVERA and her four sons (Tamar, Jean-Pierre, Thérèse and Gaston).
21. The survivors, of the attacks described above, who fled to swamps and forests and others hiding places, were searched and attacked regularly every day, by **UWINKINDI** who was accompanied by interahamwe and militias living at Kayenzi Church. The refugees who were later found in these places, were immediately killed or brought to the Kayenzi Church to be killed there.
22. During the events described in this indictment, Pastor **UWINKINDI** held regularly meetings with his group and members of the extremist group "Group Power", including one member named BANGUKA. These meetings were held at a building near to the Kayenzi Church. At several occasion, immediately after these meetings, the group came to the Church to take some Tutsi from the Kayenzi Church and bring them to a place named CND, where they were killed.
23. Among those who were executed immediately after one of the said meetings were two Tutsi women, Christiane MUGOREWERA and one named DADHROSE.
24. During the events referred to in this indictment, interahamwe and militias came regularly to Kayenzi Church, to hunt the Tutsi refugees and kill them. In one occasion, they killed a woman by firing a gun, and then Pastor **UWINKINDI** came and ordered the interahamwe to kill the refugees with traditional arms and keep firearms to combat the *Front Patriotique Rwandais* (FPR).
25. In July 1994, when Pastor **UWINKINDI** fled Rwanda, approximately two thousand corpses were found near to the Church of Kayenzi, including the corpses of Tutsi Innocent KADILIGI, Déo NDASHENYE, his wife and his two children.

Count 2: CONSPIRACY TO COMMIT GENOCIDE:

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Jean-Bosco UWINKINDI** with **CONSPIRACY TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(b) of the Statute, in that on or between the dates of 7 April 1994 and July 1994 in Kanzenze commune, Kigali-Rural prefecture, Rwanda, **Jean-Bosco UWINKINDI** did agree with GATANAZI (the Bourgmestre of Kanzenze commune), BAPFAKURERA (a Hutu businessman), BANGUKA, NIZEYE, KAYINAMURA, SEMANYENZI (all Hutu farmers) and others not known to the prosecution, to kill or cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group.

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

26. During the events referred to in this indictment, Pastor **UWINKINDI** organized a group of killers, including, **BAPFAKURERA** (a Hutu businessman), **BANGUKA**, **NIZEYE**, **KAYINAMURA**, **SEMANYENZI** (all Hutu cultivators), **RUSATSI**, **MUHUTU** and **CLAUDE**, to exterminate all the Tutsi of Kanzenze commune. This group of killers lived at the Kayenzi Church.
27. On or about 7 April 1994, Pastor **UWINKINDI** held a meeting with **BAPFAKURERA**, **BANGUKA**, **NIZEYE**, **KAYINAMURA**, **CLAUDE** and **SEMANYENZI**, at a public place called "*le carrière*" near to Kayenzi Church. During this meeting, **CLAUDE** addressed one Tutsi telling him: "*The Tutsi believe themselves, courageous combatants, we ask help from authorities and they will see their fate*". Pastor **UWINKINDI** was present and not dissociates himself from the statements of **CLAUDE**.
28. Some days after 6 April 1994 (date of death of President **HABIARYIMANA**), Pastor **UWINKINDI** and **BAPFAKUREKA** called the Hutu people living in Kanzenze commune to attend a meeting, where the Bourgmestre **GATANAZI**, in presence of Pastor **UWINKINDI** and **BAPFAKUREKA** ordered those present to go to kill the Tutsi refugees of Ntarama sector, warning them that if they did not, they will be killed by the Tutsi
29. In the early of April 1994, Pastor **UWINKINDI** and **BAPFAKUREKA** held a meeting with the Bourgmestre **GATANAZI**. Immediately after the meeting, interahamwe attacked the refugees Tutsi at the Kanzenze communal offices. Pastor **UWINKINDI** was present during these attacks.
30. During the events described in this indictment, Pastor **UWINKINDI** held regularly meetings with his group and members of the extremist group "Group Power", including one member named **BANGUKA**. These meetings were held at a building near to the Kayenzi Church. At several occasion, immediately after these meetings, the group came to the Church to take some Tutsi from the Kayenzi Church and bring them to a place named **CND**, where they were killed.

Count 3: EXTERMINATION as a CRIME AGAINST HUMANITY:

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

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

31. During the events referred to in this indictment, Pastor **Jean-Bosco UWINKINDI** lead a group of killers, to look for and exterminate Tutsi, in particular Tutsi civilians from Kanzenze commune. This group included among others, BAPFAKURERA (a Hutu businessman), BANGUKA, NIZEYE, KAYINAMURA, SEMANYENZI (all Hutu cultivators), RUSATSI, MUHUTU and CLAUDE.
32. On or about 8 April 1994, attacks against the Tutsi commenced during the night. A group of Hutu attacked the Tutsi civilians of Rwankeri cellule, killing a Tutsi named Paul KAMANZI. Two children of KAMANZI were taken to the Kayenzi Church to be killed, and some houses of Tutsi civilians were burned. Among the attackers were SEMANYENZI, RUSATSI, and MUHUTU, all from Pastor **UWINKINDI**'s group.
33. On or about 8 April 1994, Pastor **UWINKINDI** and his group launched attacks against Tutsi civilians who gathered at Biyimana and Rwankeri cellules to resist to the attacks. These attackers were armed with traditional weapons.
34. On or about 9 April 1994, in the morning, Pastor **UWINKINDI** who was accompanied by his group, returned back to Byimana and Rwankeri *cellules* to attack the Tutsi civilians inviting them to surrender.
35. Soon afterwards, the attacks begun again. The attackers, who numbered approximately 100, were encouraged, supervised and directed by Pastor **UWINKINDI**. The attacks lasted for approximately 2 hours resulting in the death of Sébastien BANDOR and many other Tutsi civilians.
36. To defeat completely the endurance of the Tutsi survivors, Pastor **UWINKINDI** called for the assistance of gendarmes, who with the use of guns, attacked the Tutsi refugees killing some of them. Among Tutsi victims were: REBURA, Jean NGABO, MUZEZAYO, NDEKEZI, sons of Charles MUZEZAYO, and MUTIMURA.
37. On or about 10 April 1994, during the morning, Pastor **UWINKINDI** accompanied by his group and also by interahamwe, launched attacks against the refugees of Cyugaro's swamps. The killings and the attacks against Tutsi in Cyugaro's swamps, continued until the afternoon causing some hundred of victims among the Tutsi refugees.
38. In early April 1994, Pastor **UWINKINDI** and BAPFAKUREKA held a meeting with the Bourgmestre GATANAZI. Immediately after this meeting, the Bourgmestre GATANAZI allowed interahamwe to attack the Tutsi refugees of the communal offices. Pastor **UWINKINDI** was present during these attacks.

05/09 '01 15:41 FAX 0036733235961

UN ICTY SARAJEVO

002

002

04/09 '01 TUE 17:16 FAX 31705125358

PROSECUTOR ICTY

008

103

04/09 '01 17:25 FAX 5241

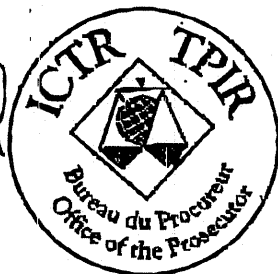
OTP ARUSHA

39. During the attacks described above many Tutsi civilians were killed. Among those killed, were a Tutsi woman named SAVERA and her four sons (Tamar, Jean-Pierre, Thérèse and Gaston).
40. The survivors, of the attacks described above, who fled to swamps and forests and others hiding places, were searched and attacked regularly every day, by Pastor UWINKINDI and his group living at Kayenzi Church. The refugees who were later found in these places were immediately killed or brought to the Kayenzi Church to be killed there.
41. During the months of April and May 1994, Pastor UWINKINDI held regularly meetings with his group and members of the extremist group "Group Power", including one member named BANGUKA. These meetings were held at a building near to the Kayenzi Church. At several occasions, immediately after these meetings, the group came to the Church to take some Tutsi from the Kayenzi Church and bring them to a place named CND, where they were killed.
42. Among those who were executed immediately after one of the said meetings were two Tutsi women, Christians MUGOREWERA and one named DADHROSE.
43. During the events referred to in this indictment, interahamwe and militias came regularly to Kayenzi Church, to hunt the Tutsi refugees and kill them. In one occasion, they killed a woman by firing a gun, and then Pastor UWINKINDI came and ordered the interahamwe to kill the refugees with traditional arms and keep firearms to combat the *Front Patriotique Rwandais* (FPR).

The acts and omissions of Jean-Bosco UWINKINDI detailed herein are punishable in reference to Articles 22 and 23 of the Statute of the Tribunal

Done in The Hague this 5 day of September 2001

Carla del Ponte
Prosecutor



7

04/09 '01 TUE 18:15 [TX/RX NO 8084]

05/09 '01 WED 15:39 [TX/RX NO 9089]

TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS
(Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

To:	<input type="checkbox"/> OIC, CMS J.P. Fomété	<input type="checkbox"/> Trial Chamber I A. N'Gum	<input type="checkbox"/> Trial Chamber II A. Mindua	<input checked="" type="checkbox"/> Trial Chamber III K. Affande	<input type="checkbox"/> Appeals Officer F. Talon / R. Muzigo-Morrison
From:	<input type="checkbox"/> Chamber (name)	<input type="checkbox"/> Defence (name)	<input checked="" type="checkbox"/> Prosecutors Office (name)	<input type="checkbox"/> Other: (name)	
Case Name:	The Prosecutor vs. MWINKINDI, J B			Case Number:	ICTR-2001-75-J
Date	Transmitted: 10 September, 2001		Document's date: Sept. 5th, 01	No. of Pages: 8	
Original / Transl.	Document is a(n):	<input type="checkbox"/> ORIGINAL: Fill sections below		<input type="checkbox"/> TRANSLATION into (original was filed on Sept. 10th, 01)	
		<input checked="" type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyarwanda			
Doc. Title	Indictment				

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

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

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

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