



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

TRIAL CHAMBER III

THE PROSECUTOR

v.

Mikaeli Muhimana
Case No. ICTR- 95-1B-T

SUMMARY OF JUDGEMENT

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SUMMARY OF JUDGEMENT

I. INTRODUCTION

1. The Chamber today delivers its oral summary in the case of The Prosecutor v. Mikaeli Muhimana. The full text of the Judgement will be available shortly. The Judgement itself, and not the present summary, is the authoritative text.
2. The trial commenced on 29 March 2004. In the course of 34 trial days, the Chamber heard 52 witnesses, 19 for the Prosecution and 33 for the Defence.
3. Mikaeli Muhimana, also known as Mika, was born on 24 October 1961 in Kagano *cellule*, Gishyita *secteur*, Gishyita *commune*, Kibuye *prefecture*, Rwanda. He was appointed *conseiller* of Gishyita *secteur* in 1990.
4. The Indictment, as amended on 21 January 2004, charges the Accused with four counts: genocide, alternatively, complicity in genocide; murder as a crime against humanity; and rape as a crime against humanity. All of the alleged events on which these charges are based occurred between April and June 1994, in the Bisesero area and in many locations in Gishyita *commune*, Kibuye *prefecture*.

II. FACTUAL AND LEGAL FINDINGS

5. I now move to the factual and legal findings.

6. **Under Count 1 of the amended Indictment, Genocide**, the Prosecution alleges the participation of Muhimana in several attacks against Tutsi civilians during the months of April, May, and June 1994. The attacks, which resulted in the deaths of numerous Tutsi victims, occurred in: Mubuga Church; Mugonero Complex; Uwingabo; Nyarutovu hills; Mutiti; Ngendombi hills; Kanyinya hills; Gitwa and Muyira hills. The Prosecution also alleges the involvement of the Accused in the mobilization of assailants and the distribution of guns and grenades between 14 and 15 April 1994. Finally the Prosecution alleges that, in June 1994, the Accused lured Tutsi civilians out of their hiding places in Kibuye *prefecture*, with the promise of medication. However, instead of humanitarian aid, the Accused brought armed assailants, who attacked the Tutsi civilians, killing more than two thousand.
7. The Defence asserts that, between 8 and 16 April 1994, when many of the alleged crimes occurred, the Accused did not leave his house, where he was mourning the death of his son, who had just died.
8. The Chamber has considered the Accused's alibi that he remained at home, between 8 and 16 April 1994, mourning his son's death, but finds that the alibi does not preclude the possibility that the Accused could also have been present at other places where, according to the testimonies of many Prosecution witnesses, he participated in crimes. Indeed, the Chamber notes that a Defence witness also saw the Accused near Mubuga Church, the site of a massacre on or about 15 April, at a time when, according to his alibi, the Accused remained exclusively at his home..

9. Having considered the evidence, the Chamber finds testimonies about the Accused's participation in brutal attacks of Tutsi civilians at Mubuga Church; Mugonero complex; Uwingabo; Nyarutovu hills, Ngendombi hills, Kanyiniya hills, Gitwa and Muyira hills to be reliable and credible. The Defence Witnesses' accounts of the attacks at these sites did not raise a reasonable doubt as to the credibility of the evidence regarding the involvement of the Accused in the events which occurred there
10. It is not in dispute between the Parties that in Rwanda, in 1994, the Tutsi were a group protected by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
11. Applying the legal standards detailed in the written judgement, the Chamber finds that the Accused committed the acts of killing, and causing serious bodily or mental harm to members of the Tutsi group :
 - a. By taking part in the attacks at Nyarutovu and Ngendombi hills, where he shot and wounded a Tutsi man called Emmanuel;
 - b. By taking part in the attack at Mubuga Church, where he shot at Tutsi civilians with his gun and threw a grenade into the church, killing a Tutsi man called Kayihura and seriously wounded many others within the church;
 - c. By taking part in the attacks at Mugonero Complex, where he raped Tutsi women and shot at Tutsi civilians with his gun;

- d. By taking part in the attacks at Kanyinya Hill, where he searched for and attacked Tutsi refugees, and shot a Tutsi man called Nyagihigi;
 - e. And, by taking part in the attacks at Muyira Hill, where he shot at and killed the sister of Witness W, a Tutsi.
- 12. In the course of these attacks, many Tutsi refugees died or were injured.
 - 13. The Chamber finds that these attacks were systematically directed against the Tutsi group. Before attacks occurred on Mubuga Church Hutu refugees, who were intermingled with the Tutsi, were instructed to come out of the church. Both Prosecution and Defence Witnesses testified that the refugees who had gathered on Kanyinya and Muyira hills were predominantly Tutsi.
 - 14. Factors such as the sheer scale of the massacres, during which a great number of Tutsi civilians died or were seriously injured, and the number of assailants who were involved in the attacks against Tutsi civilians leads the Chamber to the irresistible conclusion that the massacres, in which the Accused participated, were intended to destroy the Tutsi group in whole or in part.
 - 15. The Accused personally targeted Tutsi civilians during these attacks by shooting and raping Tutsi victims. He also raped a Hutu young girl, Witness BJ, whom he believed to be Tutsi, but later apologized to her when he was informed that she was Hutu.
 - 16. Consequently, the Chamber finds that the Accused intended to destroy in whole or in part the Tutsi group.

17. The Chamber therefore finds the **Accused, Mika Muhimana, GUILTY of GENOCIDE**, as charged under Count 1 of the Indictment.
18. The Prosecution also charges the Accused with Complicity in Genocide, under Count 2. Insofar as the Chamber has found the Accused guilty under Count 1 Genocide, the Chamber makes no finding on the count of complicity in genocide. Count 2 is therefore dismissed.
19. Under Count 3, Rape as a Crime against Humanity, the Prosecution alleges the participation of Muhimana in numerous rapes of Tutsi women between April and June 1994. It is alleged that Muhimana raped: Languida Kamukina, Goretti Mukashyaka, and Esperance Mukagasana in Gishyita town; Colette, Alphonsine, and Agnes Mukagatare, in Mubuga parish; Mukasine Kajongi and Amos Karera's daughters, other women named Mukasine, Murekatete, Johaneta, Teresa Mukabutera, Eugenia, Witness AU, Immaculee Mukabarore, Josephine Mukankwaro, and Bernadette in the Mugonero Hospital; Witness AX in Gishyita town; Pascasie Mukaremera in Nyakiyabo hill and Felicite Kankuyu in Gitwa. The Prosecution also alleges that the Accused permitted a member of the *Interahamwe* to abduct and rape Witness BG and that he offered Esperance Mukagasana to an *Interahamwe*, named Gisambo, to rape her.
20. The Chamber notes that both the Defence and the Prosecution in the present case endorse the *Akayesu* definition of rape.
21. The Prosecution invites the Chamber to consider that the disembowelment of Pascasie Mukaremera, shown by the evidence to

have been effected by using a machete to cut her from her breasts to her genitals, constitutes rape. In light of the peculiar factual circumstances of this case, the Chamber deems it useful to analyse the evolution of the definition of rape in international criminal law. The Chamber will now provide a summary of its analysis.

22. The first judgement in which an international criminal tribunal defined rape as a crime against humanity, and as an instrument of genocide, was issued on 2 September 1998, in the case *Prosecutor v. Akayesu*, by Trial Chamber I of the Tribunal. In the present case, rape is charged against the Accused as a crime against humanity. The *Akayesu* Judgement emphasized that “the central elements of the crime of rape cannot be captured in a mechanical description of objects and body parts”, and defined rape as:

a physical invasion of a sexual nature, committed on a person under circumstances which are coercive.

23. According to *Akayesu*,

Sexual violence, which includes rape, is considered to be any act of a sexual nature which is committed on a person under circumstances which are coercive.

24. Recognizing that rape has been historically defined in national jurisdictions as “non-consensual sexual intercourse”, the *Akayesu* Trial Chamber found this description too mechanical, insofar as “variations on the form of rape may include acts which involve the insertion of

objects and/or the use of bodily orifices not considered to be intrinsically sexual”. As an example, the *Akayesu* Trial Chamber referred to its factual finding that a piece of wood was thrust into the sexual organ of a woman as she lay dying -- a physically invasive act of the victim’s body, which it found to constitute rape.

25. The Chamber observes that the *Akayesu* definition of rape was endorsed by Trial Chamber I of this Tribunal in *Musema* and *Niyitegeka*, and by Trial Chamber II of the International Criminal Tribunal for the Former Yugoslavia in *Delalic*.
26. The Chamber further notes that the International Criminal Tribunal for the Former Yugoslavia, in the *Kunarac* Trial Chamber Judgement, referred to the *Akayesu* definition of rape briefly. It made no adverse comments on the definition and tacitly accepted it, but went on to focus on providing the elements of rape.
27. An analysis of the *Kunarac* Trial Chamber Judgement demonstrates clearly that it was dealing with the elements of rape. The *Kunarac* Trial Chamber’s articulation of the elements of the crime of rape was as follows:

The *actus reus* of the crime of rape in international law is constituted by: the sexual penetration, however slight:

- (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or
 - (b) of the mouth of the victim by the penis of the perpetrator;
- where such sexual penetration occurs without the consent of the

victim. Consent for this purpose must be consent given voluntarily, as a result of the victim's free will, assessed in the context of the surrounding circumstances.

The *mens rea* is the intention to effect this sexual penetration, and the knowledge that it occurs without the consent of the victim.

28. When the *Kunarac* Appeals Chamber stated that it concurred with the Trial Chamber's "definition", it is clear that it was approving the elements set out by the Trial Chamber. That was the issue before the Appeals Chamber. It was not called upon to consider the *Akayesu* definition.
29. In analyzing the relationship between consent and coercion, the *Kunarac* Appeals Chamber acknowledged that coercion provides clear evidence of non-consent.
30. Similarly, the Chamber also recalls that the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia in the *Furundžija* case acknowledged that "any form of captivity vitiates consent".
31. After having considered the jurisprudence on the definition and the elements of rape enunciated by both *ad hoc* Tribunals, the Chamber is persuaded that coercion is an element that may obviate the relevance of consent as an evidentiary factor in the crime of rape. The Chamber also agrees that circumstances prevailing in most cases charged under international criminal law, as either genocide, crimes against humanity,

or war crimes, will be almost universally coercive, thus vitiating true consent.

32. The Chamber notes that the definition of rape, as enunciated in *Akayesu*, has not been adopted *per se* in all subsequent jurisprudence of the *ad hoc* Tribunals. For example, the Trial Chambers of the Tribunal in *Semanza*, *Kajelijeli* and *Kamuhanda* described only the physical elements of the act of rape, as set out in *Kunarac*, and thus seemingly shifted their analysis away from the conceptual definition established in *Akayesu*.
33. The Chamber considers that the *Furundžija* and *Kunarac* Judgements issued by the International Criminal Tribunal for the Former Yugoslavia, which sometimes have been construed as departing from the *Akayesu* definition of rape - as was done in *Semanza* - actually are substantially aligned to this definition and provide additional details on the constituent elements of acts considered to be rape, as opposed to the offence of sexual violence.
34. The Chamber takes the view that the *Akayesu* definition and the *Kunarac* elements are not incompatible or substantially different in their application. Whereas *Akayesu* referred broadly to a “physical invasion of a sexual nature”, *Kunarac* went on to articulate the parametres of what would constitute a physical invasion of a sexual nature, amounting to rape.
35. On the basis of the foregoing analysis, the Chamber is of the opinion that the conceptual definition of rape established in *Akayesu* encompasses the elements set out in *Kunarac*.

36. Having considered both Prosecution and Defence evidence, the Chamber finds that during the months of April and May 1994, the Accused committed rape. He did so by the following actions:
- a. On 7 April 1994, in Gishyita town, the Accused took two women, Gorretti Mukashyaka and Languida Kamukina, into his house and raped them. Thereafter he drove them out of his house naked and invited *Interahamwe* and other civilians to see what naked Tutsi girls looked like;
 - b. During the first week after the eruption of hostilities, the Accused pushed Esperance Mukagasana onto his bed, stripped her naked, and raped her. He raped her in his home several times;
 - c. On 15 April 1994, the Accused, acting in concert with a group of *Interahamwe*, abducted a group of Tutsi girls and led them to a cemetery near Mubuga Church. The Accused then raped one of the abducted girls, Agnes Mukagatare;
 - d. On 16 April 1994, in the basement of Mugonero hospital, at Mugonero complex, the Accused raped Mukasine Kajongi;
 - e. On 16 April 1994, again in a room of the basement of Mugonero hospital, the Accused raped witness AU twice;
 - f. Still on 16 April 1994, in the basement of Mugonero hospital, the Accused raped Witness BJ, a young Hutu girl, whom he mistook for a Tutsi. He later apologized to her for the rape, when he was informed by an *Interahamwe* that BJ was a Hutu.

37. The Chamber finds that the Accused also *abetted* the commission of rape on other persons. He did so by the following actions:
- a. On 16 April 1994, at the same time and in the same area where the Accused raped Mukasine Kajongi in the basement of Mugonero Hospital, two soldiers, in his presence, raped the daughters of Amos Karera. By his presence while Amos Karera's daughters were raped, and by his own actions in raping Mukasine, the Accused encouraged the two soldiers to rape Amos Karera's daughters. This encouragement contributed substantially to the commission of these rapes;
 - b. On 16 April 1994, while the Accused was raping Witness BJ in the basement of Mugonero Hospital, two men, who accompanied him, were also raping two other girls named Murekatete and Mukasine. The Accused, by his actions, encouraged the other men to commit the rapes of Murekatete and Mukasine. This encouragement contributed substantially to the commission of these rapes;
 - c. On 22 April 1994, the Accused allowed an *Interahamwe* named Mugonero to take Witness BG away so that he could "smell the body of a Tutsi woman". The Witness was raped several times in Mugonero's residence over a period of two days. The Chamber finds that by allowing Mugonero to take Witness BG home, the Accused encouraged him to rape Witness BG. This encouragement contributed substantially to the commission of the rape.

38. The Chamber finds that the Accused knew that all of these rapes were part of a discriminatory, widespread and systematic attack against Tutsi civilians.
39. The Chamber finds that the Accused chose his rape victims because he believed that they were Tutsi. Whether the victims were in fact Tutsi or not **is irrelevant** in the determination of the Accused's criminal responsibility. The Chamber concludes, on the basis of the Accused conduct, that he raped his victims with the knowledge that the rapes formed part of a widespread and systematic attack on the Tutsi civilian population.
40. The Chamber found insufficient evidence to prove the allegations that the Accused bears criminal responsibility for:
 - a. the collective rape of Immaculee Mukabarore and Josephine Mukankwaro, who, according to the Prosecution, were raped by *Interahamwe* at the same time that the Accused raped Witness AU;
 - b. alleged killings, rapes and other atrocities which the Prosecution alleges were linked to a meeting held in the Accused's residence on 7 April 1994;
 - c. abetting the rape of Esperance Mukagasana in the Accused's house, by offering her to an *Interahamwe* named Gisambo;
 - d. the rape of Josiana, Mariana Gafurafura and Martha Gafurafura in Gishyita, following their abduction on 13 April 1994;

e. the rape of Johaneta, Teresa Mukabutera and Eugenia at the Mugonero hospital on 16 April 1994.

41. The Chamber finds also that the Accused bears **no** criminal responsibility for the rape of Felicité Kankuyu, because the evidence led by the Prosecution did not support the facts as pleaded in the Indictment.
42. The Chamber finds that the Accused bears no criminal responsibility for the rapes of Witness AX, because the Prosecution failed to plead the material fact of the date of the crime accurately, thus rendering the Indictment defective. The Chamber examined the Prosecution Pre-Trial brief and the witness statements and found that this defect was not cured by clear and consistent notice.
43. The Chamber finds that the Accused bears no criminal responsibility for the rape of Pascasie Mukaremera. In its factual findings, the Chamber has found that the Accused disemboweled Pascasie Mukaremera by cutting her open with a machete from her breasts to her vagina. The Chamber has carefully considered the Prosecution's submission to consider this act as rape, and concludes that such conduct cannot be classified as rape. Although the act interferes with the sexual organs, in the Chamber's opinion, it does not constitute a physical invasion of a sexual nature. However, the Chamber will return to consider this incident under its legal findings on murder.

44. The Chamber finds the Accused Mika Muhimana criminally liable for committing and abetting the rapes, as part of a widespread and systematic attack against a civilian population.
45. Consequently, the Chamber finds the Accused Mika Muhimana **GUILTY** of **RAPE AS A CRIME AGAINST HUMANITY**, under Count 3 of the Indictment.
46. Under Count 4 (Murder as a Crime against Humanity), the Prosecution alleges the participation of Muhimana in several murder of Tutsi civilians between April and June 1994. It is alleged that Muhimana killed, instructed to kill or participated in the killing of: Languida Kamukina, Goretti Mukashyaka, Esperance Mukagasana in Gishyita town; Kayihura at Mubuga Church; Colette and Alphonsine in Mubuga parish; the following women: Mukasine, Murekatete, Johaneta, Teresa Mukabutera, Eugenia, Immaculee Mukabarore, Josephine Mukankwero and Bernadette Mukangorero, at Mugonero Complex Hospital; Pascasie Mukaremera and Felicite Kankuyu in Nyakiyabo and a Tutsi businessman named Assiel Kabanda in Bisesero.
47. Having considered both Prosecution and Defence evidence, the Chamber finds that during the months of April, May and June 1994, the Accused committed murders. He did so by the following actions:
 - a. On the morning of 15 April 1994, the Accused removed a grenade from a box and threw it into the Mubuga Church where Tutsi refugees were gathered. This resulted in the death of a Tutsi man by the name of Kayihura. By his actions, the accused committed the murder of Kayihura;

- b. On 16 April 1994 assailants killed Mukasine Kajongi and Amos Karera's daughters. The assailants acted under the instructions and with the encouragement of the Accused, who was present. By his words and actions, the Accused instigated the murder of Mukasine Kajongi and Amos Karera's daughters. This instigation contributed substantially to the commission of these murders;
 - c. In mid-May 1994, the Accused told a gathering of *Interahamwe* that he was going to disembowel a pregnant woman called Pascasie Mukaremera so that he could see what the foetus looks like in its mother's womb. He then cut the woman from her breasts down to her genitals and removed the baby who cried for some time before dying. After disemboweling the woman, the assailants cut off her arms and stuck sharpened sticks into them. Having previously found that Pascasie died as a result of her injuries, the Chamber finds that the Accused committed her murder;
 - d. In June 1994, the Accused participated in the killing of a Tutsi businessman named Assiel Kabanda, who was hiding in the Bisesero hills. The Chamber finds that the Accused participated in the commission of his murder.
48. The Chamber found insufficient evidence to prove the following allegations that:
- a. On or about 7 April 1994, Languida Kamukina and Gorretti Mukashyaka were killed on the instructions, and in the presence of the Accused. Specifically, the Chamber found insufficient the evidence that the girls were in fact killed;

- b. On or about 14 April 1994, Esperance Mukagasana was killed on the instructions, and in the presence of the Accused. Specifically, the Chamber found insufficient evidence that she was in fact killed;
 - c. On or about 15 April 1994 at Mubuga Parish, two Tutsi girls called Alphonsine and Colette were disembowelled and killed on the orders, and in the presence of the Accused. Specifically, the Chamber found insufficient evidence that the girls were in fact killed.
 - d. On 16 April 1994 at Mugonero Hospital, Immaculate Mukabarore, Bernadette Mukagorero and Josephine Mukankwaro were killed collectively by the Accused and members of the *Interahamwe*. Specifically, the Chamber found no evidence that the girls were in fact killed.
49. Furthermore, the Chamber finds that the Accused bears **no** criminal responsibility for the killing of Felicité Kankuyu, since he had insufficient notice of this allegation.
50. Pursuant to Article 6(1) of the Statute, the Chamber finds the Accused, Mika Muhimana, criminally liable for committing and instigating the murder of civilians as part of a widespread and systematic attack against Tutsi civilians.
51. Consequently, the Chamber finds Mika Muhimana **GUILTY OF MURDER AS A CRIME AGAINST HUMANITY**, under Count 4.
52. Mr. Muhimana would you please stand up to receive the verdict.

III. VERDICT

53. FOR THE FOREGOING REASONS, having considered all the evidence and the arguments presented by the Parties,

54. THE CHAMBER finds you, Mikaeli Muhimana,

Count 1 (genocide): **GUILTY**

Count 3 (rape as a crime against humanity): **GUILTY**

Count 4 (murder as a crime against humanity): **GUILTY**

55. THE CHAMBER finds :

Count 2 (complicity in genocide): **DISMISSED**

IV: SENTENCING

56. Having found the Accused guilty as stated above, the Chamber now considers the appropriate sentence for the crimes for which he has been convicted.

57. Genocide and murder and rape as crimes against humanity rank amongst the gravest of crimes. The Chamber is in no doubt that principal perpetrators of such crimes deserve a heavy sentence.

58. Mika Muhimana was a conseiller and a well-known person in the Gishyita commune where most of the crimes were committed, and occupied a position of influence in the community. Instead of using, or

attempting to use, his position within the community to promote peace and reconciliation, he actively participated in the atrocities.

59. Mika Muhimana participated in attacks against Tutsi civilians who had sought refuge in churches and a hospital, traditionally regarded as places of sanctuary and safety. This constitutes an aggravating factor.
60. Mika Muhimana repeatedly raped and killed women whom he believed to be Tutsi with reckless disregard for human life and dignity. In assessing the existence of aggravating factors in relation to these acts, the Chamber considers the provisions of the Rwandan *Code pénal*, in effect in 1994. At the time that Mika Muhimana committed these criminal acts, the Rwandan Courts were directed to consider the following as aggravating factors in the crime of rape:
- where the victim is a child under sixteen years of age;
 - where the crime is committed by a civil servant or a public official who has used his position in order to commit the rape;
 - if the perpetrator was assisted in the execution of the crime by one or more persons;
 - if the crime has caused serious harm to the victim's health.
61. The Chamber recalls that one of Mika Muhimana's victims, Witness BJ, was only fifteen years old when Mika Muhimana raped her. The young age of the victim is an aggravating factor.

62. The Chamber has found that others, such as *Interahamwe*, were present, assisted, or participated in the following rapes committed by the Accused:
- Gorette Mukashyaka and Languida Kamukina, in Mika Muhimana's house;
 - Agnes Mukagatere, in the cemetery of Mubuga Church;
 - Mukasine Kajongi and the daughters of Amos Karera, in the basement of Mugonero Hospital;
 - Witness AU, in the basement of Mugonero Hospital;
 - Witness BJ, Murekatete and Mukasine, in the basement of Mugonero Hospital;
63. From the victim's perspective, to be raped in the presence of other people compounds the public humiliation and constitutes an aggravating factor. The Chamber finds this aggravating factor to exist in each of the above-mentioned rapes.
64. The Chamber also notes the particularly violent and cruel nature of the Accused's conduct. For example, while raping Witness AU, he repeatedly banged her head against the ground.
65. After raping two young Tutsi women in his home, Mika Muhimana led them out, paraded them naked, and invited onlookers to look at their naked bodies. This public humiliation is an aggravating factor.
66. The Chamber recalls the incident where the Accused used a machete to cut the pregnant woman Pascasie Mukarema from her breasts down to

her genitals and remove her baby, who cried for some time before dying. After disemboweling the woman, the assailants accompanying Muhimana then cut off her arms and stuck sharpened sticks into them. This savage attack upon a pregnant woman deserves condemnation in the strongest possible terms and constitutes a highly aggravating factor.

67. The atrocious crimes that Mika Muhimana committed against Tutsi women were calculated to degrade and humiliate them. This is an aggravating factor which weighs on his sentence.
68. The Chamber finds that Mika Muhimana's active participation in the decapitation of Assiel Kabanda, and the subsequent public display of his severed head, constitute an aggravating factor.
69. Mika Muhimana's actions have left many dead and others traumatized or with physical disabilities.
70. The Chamber finds no mitigating circumstances.
71. Considering the Chamber's findings in relation to the seriousness of the crimes committed and also Mika Muhimana's individual circumstances, the Chamber deems it appropriate to impose the maximum sentence.
72. For the foregoing reasons, the Chamber now sentences you, Mika Muhimana, as follows:

For Genocide (Count 1):

Imprisonment for the Remainder of Your Life

For Rape as a Crime against Humanity (Count 3):

Imprisonment for the Remainder of Your Life

For Murder as a Crime against Humanity (Count 4):

Imprisonment for the Remainder of Your Life

73. These sentences shall run concurrently.
74. Mika Muhimana's sentence shall be enforced immediately. In accordance with Rules 102(A) and 103, Mika Muhimana shall remain in the custody of the Tribunal pending transfer to the State where he shall serve his sentence.
75. If a notice of appeal is filed, enforcement of the sentence shall be stayed until a decision has been delivered on the appeal, with Mika Muhimana meanwhile remaining in detention by the Tribunal.
76. The Trial of Mikaeli Muhimana has now come to an end. The Chamber would like to thank the Learned Counsel for the Parties and the people who have assisted in the judicial process, particularly the Legal Officers for their able and effective assistance and contribution to the Bench. The Chamber would also like to thank the witnesses who have traveled to Arusha to tell their stories and to assist in understanding the truth and rendering justice.