

ICTR-05-88-1
03-10-2007
(81-62)

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda



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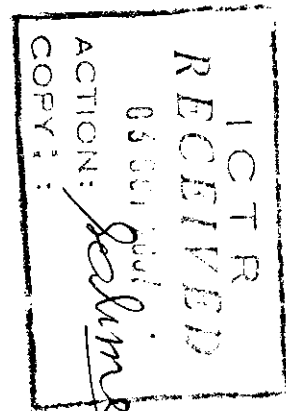
81

E. Adnan

OFFICE OF THE PROSECUTOR – BUREAU DU PROCUREUR

Date:	3 October 2007	Ref:	ICTR-2005-88-I
To:	Mr. Arthur VERCKEN (Defence Counsel)	From:	Christine GRAHAM (Prosecution Counsel)
Through:	Nouhou M. DIALLO (LO, Co-ordinator TC I)		
Cc:	Judge Erik MOSE (Presiding Judge, Trial Chamber I, <i>P. v. Callixte Kalimanzira</i>)		
Subject:	Request to admit certain facts		

1. Noting Rule 73 bis (B) (ii) of the Rules of Procedure and Evidence of the ICTR, the Prosecutor invites the Accused to admit facts plead in the Indictment dated 21 July 2005, in the case of the *Prosecutor v. Callixte Kalimanzira* (Case No. ICTR-2005-88-I).



INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2005-88-I

PROSECUTOR

v.

CALLIXTE KALIMANZIRA

REQUEST TO ADMIT CERTAIN FACTS*Noting Rule 73 bis (B) (ii) of the Rules of Procedure and Evidence*

PERSONAL/PROFESSIONAL INFORMATION ON CALLIXTE KALIMANZIRA

1. Kalimanzira was born in 1953 in Muganza Commune, Butare *préfecture*, Rwanda

☐ Admit☐ Deny

2. He was trained as an Agronomist

☐ Admit☐ Deny

3. He held several senior Government positions including that of

- i. *Sous Prefet* of Butare

☐ Admit☐ Deny

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ii. *Sous Prefet* of Bymuba

☐ Admit

☐ Deny

iii. Co-ordinator of Agricultural services in Kigali Prefecture

☒ Admit

☐ Deny

iv. Director of the Rural Development Section at the Presidency of the Republic

☐ Admit

☐ Deny

v. Secretary General of the Ministry of the Interior

☒ Admit

☒ Deny

vi. *Chef de Cabinet*, in the Ministry of Interior, a position he kept under the Interim Government

☒ Admit

☐ Deny

4. On certain dates between 6 April and 17 July 1994, he acted as Minister of the Interior

☒ Admit

☐ Deny

5. Between 6 April and 25 May 1994, he acted as Minister of the Interior

☐ Admit

☐ Deny

6. He was a member of the *Mouvement republicain national pour le Rwanda* (MRND)

☐ Admit

☐ Deny

7. He was a prominent member of the *Mouvement republicain national pour le Rwanda* (MRND)

☐ Admit

☐ Deny

8. He exercised *de jure* authority in Butare *prefecture* over:

- i. *Bourgmestres*

☐ Admit

☐ Deny

- ii. *conseillers de secteur*

☐ Admit

☐ Deny

- iii. *cellule* officials

☐ Admit

☐ Deny

- iv. *the Nyumbakumi*

☐ Admit

☐ Deny

- v. the administrative staff

☐ Admit

☐ Deny

- vi. *Gendarmes*

☐ Admit

☐ Deny

- vii. communal police

☐ Admit

☐ Deny

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viii. the *interahamwe*

☐ Admit

☐ Deny

ix. militiamen

☐ Admit

☐ Deny

x. civilians

☒ Admit

☐ Deny

9. He exercised *de facto* authority in Butare *prefecture* over:

i. *Bourgmestres*

☐ Admit

☐ Deny

ii. *conseillers de secteur*

☒ Admit

☐ Deny

iii. *cellule* officials

☐ Admit

☐ Deny

iv. the *Nyumbakumi*

☒ Admit

☐ Deny

v. the administrative staff

☒ Admit

☐ Deny

vi. *Gendarmes*

☐ Admit☐ Deny

vii. communal police

☐ Admit☐ Deny

viii. the *interahamwe*

☐ Admit☐ Deny

ix. militiamen

☐ Admit☐ Deny

x. civilians

☐ Admit☐ Deny

10. He could order the above mentioned [in paras 8 and 9] persons and officials, to commit or refrain from committing unlawful acts

☐ Admit☐ Deny

11. He could discipline them

☐ Admit☐ Deny

12. He could punish them for their unlawful acts or omissions

☐ Admit☐ Deny

INFORMATION ON BUTARE PREFECTURE AND RWANDA

13. Butare *préfecture* is situated in the south of Rwanda and stretches up to its border with Burundi

☐ Admit

☐ Deny

14. In 1994, it was noted for its dense Tutsi population

☐ Admit

☐ Deny

15. Butare *Prefecture* was a political stronghold of the *Parti Libéral* (PL)

☐ Admit

☐ Deny

16. The *Party Liberal* was opposed to the MRND

☐ Admit

☐ Deny

17. The *Interahamwe* were unable to establish a foothold in the Butare *prefecture*

☐ Admit

☐ Deny

18. In early April 1994, the *préfet* of Butare *prefecture*, Jean Baptiste Habyalimana, a Tutsi and pro-PL, publicly opposed the massacres which were taking place in Rwanda

☐ Admit

☐ Deny

19. During the entire period referred to in this indictment, there existed in Rwanda a minority ethnic group known as Tutsi

☒ Admit

☐ Deny

20. Officially identified as such by the government

☐ Admit

☐ Deny

21. During the entire period referred to in this indictment, there existed in Rwanda a majority ethnic group known as Hutu

☒ Admit

☐ Deny

22. Officially identified as such by the government

☒ Admit

☐ Deny

23. Between 6 April and 17 July 1994, throughout Rwanda and in Butare *prefecture*, in particular, *Interahamwe* militiamen, communal police, gendarmes, soldiers of the Rwandan Armed Forces (FAR) and armed civilians targeted and attacked members of a civilian population identified as belonging to the Tutsi ethnic or racial group or considered as sympathizing with the Tutsi

☒ Admit

☐ Deny

24. These attacks resulted in the death, and serious bodily and mental harm of, a large number of persons identified as members of the Tutsi ethnic or racial group

☐ Admit

☐ Deny

THE ACCUSED

25. Callixte Kalimanzira was present on at least one occasion in Butare *prefecture* between the months of March to July 1994

☐ Admit

☐ Deny

26. Kalimanzira was present on more than one occasion in Butare *prefecture* between the months of March to July 1994

☐ Admit

☐ Deny

27. On some of these occasions he was together with senior Interim Government dignitaries

☐ Admit

☐ Deny

28. including, President Théodore Sindikubwabo

☐ Admit

☐ Deny

29. Prime Minister Jean Kambanda

☐ Admit☐ Deny

30. Minister for Family and Women's Affairs, Pauline Nyiramasuhuko

☐ Admit☐ Deny

31. as well as senior local Government officials

☒ Admit☐ Deny

32. such as the *préfet*, Alphonse Nteziryayo

☒ Admit☐ Deny

33. and high-ranking officers of the Rwandan Armed Forces (FAR)

☐ Admit☐ Deny

34. including Col. Tharcisse Muvunyi

☐ Admit☐ Deny

35. Between April to July 1994, roadblocks were erected in Butare *prefecture*

71

☐ Admit

☐ Deny

36. Tutsi were killed at these roadblocks

☐ Admit

☐ Deny

37. Between April and July 1994, Kalimanzira was present on at least one occasion at a roadblock in Butare *prefecture*

☐ Admit

☐ Deny

38. Between April and July 1994, Kalimanzira was present on more than one occasion at a roadblock in Butare *prefecture*

☐ Admit

☐ Deny

39. Between April and July 1994, Kalimanzira supervised operations at roadblocks in Butare *prefecture*

☐ Admit

☐ Deny

40. Between April and July 1994, Hutu civilians were trained on how to use weapons in Butare *prefecture*

☐ Admit

☐ Deny

41. Between April and July 1994, Kalimanzira was present when Hutu civilians were trained on how to use weapons in Butare *prefecture*

☐ Admit

☐ Deny

42. Between April and July 1994, Kalimanzira supervised Hutu civilians being trained on how to use weapons in Butare *prefecture*

☐ Admit

☐ Deny

43. Between April and July 1994, the trained Hutu civilians killed Tutsi civilians

☐ Admit

☐ Deny

44. Between April and July 1994, weapons were distributed to Hutu civilians in Butare *prefecture*

☐ Admit

☐ Deny

45. Between April and July 1994, Kalimanzira supervised the distribution of weapons in Butare *prefecture*

☐ Admit

☐ Deny

46. Between April and July 1994, Kalimanzira personally distributed weapons in Butare *prefecture*

☐ Admit☐ Deny

47. Between April and July 1994, Kalimanzira provided weapons at the Muganza *commune* office

☐ Admit☐ Deny

48. Between April and July 1994 weapons distributed were used to kill Tutsi civilians

☐ Admit☐ Deny

49. The Ministry of Interior played a role in the execution of the "Civil Defence Program" in Rwanda, during all or some parts of the months from April to July 1994

☐ Admit☐ Deny

50. The broad purpose of the program was to use and equip persons, including civilians, to fight against an identified enemy

☐ Admit☐ Deny

51. Kalimanzira was present in Butare *prefecture* on 19 April 1994

☐ Admit☐ Deny

52. On 19 April 1994, President Theodore Sindikubwabo addressed the population at a meeting in the Butare *prefecture* at the location known as the “MRND Palace”

☐ Admit

☐ Deny

53. Interim Government dignitaries were also present

☐ Admit

☐ Deny

54. Prime Minister Jean Kambanda was present

☐ Admit

☐ Deny

55. *Bourgmestre* of Ngoma *commune* Joseph Kanyabashi was present

☐ Admit

☐ Deny

56. Minister for Agriculture, Straton Nsabumukunzi was present

☐ Admit

☐ Deny

57. Callixte Kalimanzira was present

☐ Admit

☐ Deny

58. He served as Master of Ceremonies at the meeting

☐ Admit☐ Deny

59. Participants at the meeting made speeches

☐ Admit☐ Deny

60. President Theodore Sindikubwabo made a speech

☐ Admit☐ Deny

61. Prime Minister Jean Kambanda made a speech

☐ Admit☐ Deny

62. *Bourgmestre* of Ngoma *commune* Joseph Kanyabashi made a speech

☐ Admit☐ Deny

63. Kalimanzira showed no disapproval to the speeches made

☐ Admit☐ Deny

64. Kalimanzira was present in Butare *prefecture* around 23 April 1994

☒ Admit☐ Deny

65. Around 23 April 1994, Kalimanzira was present in Ndora *commune*

☐ Admit☐ Deny

66. Around 23 April 1994, thousands of Tutsi civilians gathered on Kabuye hill, Ndora *commune*

☐ Admit☐ Deny

67. Around 23 April 1994, thousands of Tutsi civilians were killed by Hutu persons

☒ Admit☐ Deny

68. Around 23 April 1994, Kalimanzira was present at or near the Kabuye hill, Ndora *commune*

☒ Admit☐ Deny

69. Kalimanzira was present in Butare *prefecture* around late April 1994

☒ Admit☐ Deny

70. In late April 1994, Kalimanzira was present at or near a roadblock at River Buzana, at the border of Ngoma and Nyaruhengeri *communes*

☐ Admit☐ Deny

71. Kalimanzira was present in Butare *prefecture* around 5 June 1994

☐ Admit☐ Deny

72. Around 5 June 1994, Kalimanzira was present at or near the Gasagara Centre, Mugusa *secteur* [Note: Plead as “Muganza” *secteur* in the original French Indictment]

☐ Admit☐ Deny

73. Around 5 June 1994, Kalimanzira was at the Gikonko *commune* office [Note: Plead as “Gikondo” *commune* in the original French Indictment]

☐ Admit☐ Deny

74. Kalimanzira was present in Butare *prefecture* around 8 April 1994

☐ Admit☐ Deny

75. Around 8 April 1994, Kalimanzira was present in Kigembe *commune*

☐ Admit☐ Deny

76. Kalimanzira was present in Butare *prefecture* in May 1994

☐ Admit

☐ Deny

77. In May 1994, Kalimanzira was present at the Muganza *commune* office football field

☐ Admit

☐ Deny

78. Kalimanzira was present in Butare *prefecture* around late March 1994

☐ Admit

☐ Deny

79. Around late March 1994, Kalimanzira was present at the Gisagara commercial centre in Nyamigango *cellule*, Gisagara *secteur*, Ndora *commune*

☐ Admit

☐ Deny

80. Kalimanzira was present in Butare *prefecture* around 9 April 1994

☐ Admit

☐ Deny

81. Around 9 April 1994, Kalimanzira was present in Kanage *cellule*, Mukindo *secteur*, Kibayi *commune*

☐ Admit

☐ Deny

82. Kalimanzira was present in Butare *prefecture* around mid-April 1994

☐ Admit

☐ Deny

83. Around mid-April 1994, Kalimanzira was present at the Jaguar roadblock, located in front of the Gisagara Catholic Church

☐ Admit

☐ Deny

84. Kalimanzira was present in Butare *prefecture* around late April 1994

☐ Admit

☐ Deny

85. Around late-April 1994, Kalimanzira was present at a roadblock located at the border between Muganza/Remera *secteurs* and the Kirarambogo junction

☐ Admit

☐ Deny

86. Kalimanzira was present in Butare *prefecture* around late April or early May 1994

☐ Admit

☐ Deny

87. Around late April or early May 1994, Kalimanzira was present at the Nyabisagara football field in Kibayi *commune*

☐ Admit☐ Deny

88. Around late April or early May 1994, Kalimanzira was present at the Rwamiko primary school, Kibayi *commune* [Note: Plead as “Ramiko” in the original French Indictment]

☐ Admit☐ Deny

89. In May 1994, Kalimanzira was present at a roadblock at Sakindi’s house, Kibilizi *secteur* [Note: Plead at para 25 in the original French indictment as “...barriere situee a un endroit appele Sakindi au secteur de Kibinzi”]

☐ Admit☐ Deny



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Case Name:	The Prosecutor vs. Kalimanzira			Case Number: ICTR-2005-88-I
Dates:	Transmitted: 3 October 2007		Document's date: 3 October 2007	
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