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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre  
P.O. Box 6016, Arusha, Tanzania

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INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR

**STRICTLY CONFIDENTIAL**

**STRICTLY CONFIDENTIAL**

To: Mr. Roger Kouambo-Tchinda  
A: Legal Officer

Date: 14 October 2011

Through Ms. Holo Makwaia  
pp Senior Appeals Counsel

*Sharifah*

Ref:

From: Sharifah Adong  
De: Case Manager

*Sharifah*

Subject: **The Prosecutor v Protais Mpiranya: Disclosure of English Translations of  
Objet: **Gacaca Documents to the Defence.****

UNICTR  
JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
2011 OCT 14 A 11: 29

1. On 26 September 2011, the Prosecution disclosed Gacaca documents, which were in French and or Kinyarwanda having forwarded a request for translation of the same into English.
2. Now being in receipt of the English translation of the previously disclosed documents, the Prosecution hereby forwards to the Defence the said Documents relating to Prosecution Witnesses **SDPM15, SDPM32, and SDPM74** as indexed.

Best regards.

**DISCLOSURE INDEX OF ENGLISH TRANSLATIONS OF GACACA DOCUMENTS**

NO.	WITNESS PSEUDONYM	ERN NO.	DATE OF DOCUMENT	NO. OF DOCUMENTS
1	SDPM74	K0488778 - K0488782 (E)	N/A	2
		K0488783 - K0488784 (E)	N/A	
2	SDPM32	K0488785 - K0488787 (E)	5 <sup>th</sup> Feb 1987	4
		K0488788 - K0488790 (E)	30 <sup>th</sup> Jan 1997	
		K0488791 - K0488792 (E)	10 March 1999	
		K0488793 - K0488795 (E)	16 <sup>th</sup> March 1999	
3	SDPM15	K0488796 - K0488797 (E)	1 <sup>st</sup> Sep 1994	2
		K0488794 - K0488795	19 <sup>th</sup> Sept 1994	

K0488778

**Jean-Baptiste Ugirashebuja**  
Gasabo District  
Kimihurura *Secteur*  
Rugarama *Cellule*  
Bloc 1

The Chair of the *Gacaca* Court Coordination Committee, Rugarama *cellule*.

C/O The Director of Kigali Main Prison  
By order DAA<sup>1</sup> (signed)  
[Stamp of Kigali Main Prison]

**Subject:** Additional explanation to my admission of guilt,  
testimony and more information

The Chair,

Following my statement of admission and guilty plea which I submitted to you on 12 December 2004, *Gacaca* Court sessions have been held in Kigali Main Prison to gather information. During those sessions, I became aware for the first time, of the circumstances under which some of the crimes I was accused of were committed. The reason for this statement is therefore to provide you information about the commission of the crimes and to list the names of the people who participated in the attack in which the Murenzis were killed.

My name is Jean-Baptiste Ugirashebuja, son of Antoine Ngirabanzi and of Immaculée Nyirabazungu. My parents are natives of the former Tumba commune, Gihinga *secteur*. In 1994, I lived in Kacyiru commune, Kimihurura *secteur*, Rugarama *cellule*.

**Crimes I am accused of and which I admit**

- I. Murder of the Murenzis
- II. Illegal possession of a firearm
- III. Illegally wearing a military uniform

**I. Murder of members of the Murenzi Family**

On 10 April 1994, attackers led by soldiers including Warrant Officer Rulinda, Warrant Officer Nshizimpumu, Corporal Jean Habyarimana and others whose names I do not know, came to my home and took me along for an attack.

When we reached the wood located close to the Presidential Guard camp, we met many soldiers who had a wad of money. One of them asked me to remain there and look after the

<sup>1</sup> Translator's Note: DAA: Directeur des Affaires Administratives – Director of Administrative Affairs

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wad. They showed me to a place to sit down and assigned four soldiers to watch me. They ordered them to open fire on me if I dared to run. The other soldiers entered the woods in which they killed members of the Murenzi family. I was unable to go to the crime scene because I remained where I had been asked to sit.

I only recalled the names of some of the people who took part in the attack during subsequent discussions with other people. Also included are the names of people who were mentioned during the *Gacaca* Court sessions in the information gathering phase. These are:

1. [illegible name] (Head of the *Interahamwe*)
2. Apollinaire Mbonyangiye
3. Serinda
4. Innocent Mbarushimana
5. Védaste Musasira
6. Makuza (Major Nkundiye's brother-in-law)
7. Safari (Simoni's son)
8. Vianney (Pasteur Biziyaremye's servant)
9. Zairois (who worked with Vianney in Pasteur's house)
10. Gaston Ntazinda
11. Habimana (Apollinaire's brother-in-law)
12. Albert (who lived at Apollinaire's house)
13. Théodore (*alias* Zairois [Zarian])
14. Pascal
15. Kalisiti Urimubenshi
16. Joseph Muhakwa
17. Aloys Harelimana (*alias* Karabaye)
18. Dieudonné Kavunderi
19. Joseph (who lived close to the woods near Semananga's house)
20. Two men who lived in Apollinaire's house, one of whom was a secret service agent.
21. Pascal's younger brother.

The names above are those of assailants who took part in that attack and which I remember well. There were many other assailants whose faces I did not recognise and whose names I did not know. Regarding the soldiers who participated in the attack, Harelimana is best placed to list their names. He knows them, having lived with them at the Presidential Guard camp. As for Joseph Muhakwa, he only arrived later, led by a soldier.

After having killed the people, the soldiers came back and collected their wad of dollars which they went and shared. They however, gave me 4,100 dollars. Afterwards, civilians who were at that location were battered. I slipped away. The said soldiers ran after me and seized the dollars that they had just given me, leaving me with 400 dollars only.

That is how the atrocious acts against the Murenzi family were committed. From the bottom of my heart, I ask for forgiveness from the Government of Rwanda, all Rwandans and, in particular, and, survivors in the Murenzi family.

**II. Illegal possession of a firearm**

In the evening of 10 April 1994, soldiers brought us weapons and told us that we needed them for our security during night rounds. That is the day when we started to carry out night rounds. It is not by design that we carried firearms, and we never used them to commit any reprehensible acts. In fact, no crimes were committed during the night rounds that we carried out. When we were about to flee, I was asked to hand back the firearm which I had and I did so. From the bottom of my heart I ask for forgiveness for having been in illegal possession of a firearm

**III. Illegally wearing a military uniform**

Later, after we had started carrying out night rounds, soldiers squatted in my employer, Broom's house. They wanted to use a generator which was there, to recharge the walkie-talkies they used. They brought belongings and kept them in the house. Since I was the guard there, they ordered me to remain there. They gave me a military uniform which I could not refuse. That is how I got to illegally wear a military uniform. However, allow me to state that I never used it to commit any form of reprehensible act. From the bottom of my heart I ask for forgiveness for having illegally worn a military uniform.

**My testimony regarding other crimes I am accused of but in which I was not involved**

**I. Kalisiti Kayiranga's murder**

At the time of Kayiranga's murder, I was not in my locality. I was in detention at the Presidential Guard camp having been accused of being the accomplice of my employer, who was a Belgian. All my neighbours are aware of the detention. I only learnt about the murder after I was released. Subsequently, during the information gathering phase and during the *Gacaca* Court sessions in Kigali Main Prison, clear and adequate information about the murder was provided.

Here are the statements of various witnesses regarding the murder: Kayiranga was killed on 9 April 1994. It was reported that the murder was committed in the woods which was near the Presidential Guard camp. Witnesses such as Chadrack Mbanziriza, Sébastien Ngendahimana and others described it before the *Gacaca* Court. For example, Mathias Ntamuvurira listed the names of assailants whom he saw taking away the victim, stating that they went past close to the place where he was. Innocent Mbarushimana acknowledged involvement in the assault, further stating that he and other assailants found the victim in front of Mathias' house. Here is the list of people who are alleged to have been implicated in the murder:

- 1. Apollinaire
- 2. Pascal
- 3. Vianney (Pasteur's son)
- 4. Eliyasi (former gendarme)

5. Théodore (*alias* Zairois[Zarian])
6. Noël Kavunderi
7. Albert (Apollinaire's servant)
8. Habimana (Apollinaire's brother-in-law)
9. Corporal Jean Habyarimana
10. Kayibanda (Driver)
11. Matabaro
12. Ndalibitse (Policeman)
13. Two men who lived in Apollinaire's house, one of whom was a secret service agent
14. Soldiers identified only as such.

## **II. Rusezera's murder**

As explained by the witnesses, Rusezera was killed on 8 April 1994. On that day, I was inside the enclosure. I only heard about the murder when I came out and the assailants had already dispersed. Hence I could not see them. I only learnt that he had been killed and that his body had been buried close to Valens Kajeguhakwa's house. I only heard the names of the murderers during the information gathering phase and during the *Gacaca* sessions. Witnesses stated that he had been killed between 10 a.m. and 12 noon. Hereunder is the list of people alleged to have taken part in the attack:

1. Vianney (Pasteur's son)
2. Pascal
3. Apollinaire
4. Noël Kavunderi
5. Habimana (Apollinaire's son)
6. Albert (who lived in Apollinaire's house)
7. Elie (formergendarme)
8. Théodore, *alias* Zairois [Zarian]
9. Gaston Ntazinda
10. Pascal's younger brother
11. Selinda
12. Innocent Mbarushimana. He however claimed that at the time he arrived the crime scene, Rusezera had already been killed.

## **III. The murder of Emmanuel ... [name illegible] and of Bizumuremyi**

During the *Gacaca* Court sessions, eyewitnesses testified as follows: Jean Hitabatuma stated that he saw Vianney (Pasteur's servant at the time) and Pascal chasing both victims. He stated that they chased them right into Rubare's property where they killed and buried them. I only learnt later that these people had been killed, and I have no hand in the murder.

## **IV. The murder and the rape of members of the Murego family**

On that day I was going down to *établissement* ADRA in search of food. When I reached the road that was downhill from Ruzindana's house, I saw people staring towards an area downhill

from that road. They were saying the members of the Murego family were going to be killed, adding that assailants had raped them all night long. I glanced at that area and, suddenly, I saw Phoibe's children. I called out to them and they approached me. We immediately made an about turn and I led them home, hence dropping my plan to go to *établissement* ADRA. I do not know under what circumstances those victims were murdered.

During the *Gacaca* Court sessions, witnesses testified about the murder. One of the witnesses even acknowledged that he was one of the assailants who had raped the young girls and their mother all night long. He is the witness who told us how the crimes were committed and who gave us the names of the co-perpetrators of the acts, namely:

1. Dieudonné Kavunderi
2. Kayibanda (Driver)
3. Buroko
4. Muzehe, son of Ngomanzungu
5. Kabanda
6. Safari
7. Faranga
8. Védaste Musasira
9. Noël Kavunderi (Leader of the *Interahamwe*).

The same witness stated that the following morning, Kavunderi handed over those people, namely the said young girls, their mother and two little boys who were with them to the soldiers. The soldiers led them to the woods that was close to the Presidential Guard camp where they were killed.

That is the information I was able to obtain regarding the murders of the people I mentioned above. I am accused of involvement in those killings whereas I have no hand in them.

I wish to reiterate my request for forgiveness for the crimes in which I was involved, to all the survivors, the Rwandan Government and all Rwandans.

[Signed]

J. Baptiste Ugirashebuja

10488783

Rugarama *Cellule*  
Kimihurura *Secteur*  
Kacyiru District  
Bloc 01

To: The President of the  
Kigali Court of First Instance

c/o The Director,  
Kigali Main Prison  
[signature + stamp]

Subject: Confession, guilty plea and apologies  
RMP: 8539/S12  
RP: 203/CSK

Dear Sir,

Since I opted for the confession and guilty plea procedure in 1998, and given that I understand the advantages that recourse to this procedure offers to both parties, I, Jean-Baptiste Ugirashebuja, son of Antoine Ngirabanzi and of Immaculée Nyirabazungu, born in Tumba *commune*, Byumba, Gihinga *secteur*, resident in Rugarama *cellule*, Kimihurura *secteur*, Kacyiru *commune*, and detained at the Kigali main prison from 5 March 1998, write you this letter to confirm my confession whose substance is as follows:

On 10 April 1994, a group of assailants found me at home and its members forced me to join them. The group was led by the following soldiers who were based at the Presidential Guard camp: (1) Warrant Officer Rulinda, (2) Corporal Habyarimana, (3) Warrant Officer Ushizimpumu and other soldiers whose names I do not know. When we reached a place where there was a wood, we found other soldiers there with a bag containing money. One soldier said: "Give the bag to this old man, show him where to sit, and kill him if he attempts to flee". They then left four soldiers there to guard me, and went back into the wood to kill members of the Murenzi family. I was unable to go to the site of the killing because I had remained behind.

These are the people I saw together with the soldiers: (1) Noël Kavunderi who was leading the *Interahamwe*, (2) Apollinaire Mbonyengiye, (3) Serinda, (4) Mbarushimana, (5) Biniga, *alias* Maso, (6) Makuza, (7) Safari, (8) Vianney and (9) Ndaruhutse. It is Vianney who killed Rusezera, together with his colleague who worked with him at the home of Pasteur. I did not see Marie Mukangerageze take part in these attacks.

Witnesses Aloys Harelimana and Joseph Muhakwa can testify that I was not at the location where the said victims were killed because they passed by me when they were running there.

WS11-0212 (E)  
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They knew me well and also knew those soldiers with whom, besides, they had lived at the Presidential Guard camp.

When the said soldiers returned after killing the victims in question, I gave them back their bag, from which they took 400 dollars which they gave me. So I then left the location, while the local inhabitants who had remained there were being beaten up. My job was to recharge the batteries of the walkie-talkies belonging to the soldiers, with the help of my boss' electricity generator.

I also confess to having been in possession of a firearm, a grenade, as well as a military uniform which soldiers had given us during the night patrols. However, I did not kill anyone with that firearm which, besides, was taken back by soldiers when they also took back the grenade at the time we fled.

My confession is sincere and I ask the courts and the Rwandan society for forgiveness for these offences. I also request, Your Honour, that you accept my confession which is the truth and nothing but the truth. I reiterate my support to the *Gacaca* courts and commit to working in collaboration with them whenever the need shall arise.

Thank you.

[Signed]  
Jean Baptiste Ugirashebuja

Copy for information:

- The Public Prosecutor  
Kigali Office of the Prosecutor
- The Chairman  
Coordination Committee  
Rugarama *Cellule Gacaca* Court

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10488785

Ministry of Justice  
Public Prosecutor's Office  
Kigali

*PRO-JUSTITIA*

*This 5<sup>th</sup> day of February 1987 [sic], pre-identified accused person appeared before me, Edouard Kayihura, Legal Officer at the First Instance Court of Kigali, here present in Kigali.*

**RECORD OF INTERVIEW OF THE ACCUSED**

- Q1: Where were you from beginning to end of the April 1994 war?  
A: I was in Rugarama/ Kimihurura when the war broke out and I fled to Zaire when it ended. I left Giticyinyoni on the morning of 5 July 1994.
- Q2: Why did you flee when the war had ended? Why did you not return to your village?  
A: We were forced to flee as we were told that we might be killed.
- Q3: Who forced you to flee and who was going to kill you?  
A: The Presidential Guard soldiers forced us to flee, saying that we might be killed by the *Inkotanyi*.
- Q4: Why are you detained?  
A: I am detained for murder and I would like to explain myself. On 12 April 1994, I was in my house when I saw some people including some Presidential Guard soldiers and *Interahamwe* passing somewhere above my house. They were taking away some people whom I did not know. Then, they went down to a Presidential Guard's wooded area. Shortly after, they came and asked us to bring two shovels. When we reached the scene, they asked us to cover with soil the bodies of the victims they had just killed.
- Q5: Who were those victims?  
A: They were said to be persons who had been abducted from Murenzi's house.
- Q6: Where did you bury their bodies?  
A: I cannot locate the exact place.
- Q7: Can you tell us the circumstances in which you committed the killings and about the co-perpetrators of the crime?  
A: [Illegible].
- Q8: Can you tell us the circumstances and motive of the murder?  
A: I killed him on 12 April 1994 in a wooded area in Kimihurura. He was a Tutsi.
- Q9: What weapon did you use?  
A: I killed him with a machete.

WS11-0208 (E)  
K051-5330-K051-5332

- Q10: Was that the only person you killed from beginning to end of the war?  
A: Yes, and it was on the soldiers' orders.
- Q11: Whom among the soldiers do you know by name?  
A: I would mention Habyarimana, whose wife was called Cécile. I do not remember Cécile's maiden name.
- Q12: Why are the persons that you admitted you killed are not the ones you have just mentioned?  
A: These other persons were killed by Noël Kavumera, Jean-Baptiste Birahaha who is in his house in Tumba/Byumba, Charles Koroli, Biniga, Safari who is in Gisenyi and has a house in Rugarama/Kimihurura, as well as Munyengango who is in Buyoga/Byumba.
- Q13: Are there others?  
A: I do not remember anyone else.
- Q14: What charges were levelled against your co-detainees?  
A: They were *Interahamwe*.
- Q15: How many times did you take part in attacks?  
A: Twice.
- Q16: How many times did you man roadblocks?  
A: I manned a roadblock set up near my house on the Presidential Guard's land. The roadblock was set up between [a place called] "*cadastre*" and a wooded area belonging to the Presidential Guard.
- Q17: Who were the people stopped and killed at that roadblock?  
A: People rarely passed through it.
- Q18: You admitted to killing only one person. What happens if it is proven that you killed many others?  
A: [Illegible].
- Q19: What weapons did you carry at the roadblock?  
A: I had an *Uzi* firearm and I was in the company of Rutabana, Mugambake, Kavutse and Safari. Kavutse, our leader, had an R4 firearm while Safari carried a Kalashnikov.
- Q20: How many grenades did you have?  
A: I had no grenade. Safari had one M26 grenade.
- Q21: Who were the people you killed with those weapons?  
A: Nobody was killed at the roadblock that we manned.
- Q22: Who gave you those weapons and where are the weapons currently?

A: Before fleeing, I left my weapon with Safari, who was the leader at the roadblock. Safari is currently at Simon Nzabanita's house in Gisenyi, Nyamyumba commune.

Q23: Is there anything you would have forgotten to mention?

A: Some people were killed, including Mukagasana who was killed by a Presidential Guard soldier and Gatarayiha who was strangled by a certain Vincent. Vincent is a native of Gikongoro and was my neighbour.

Q24: How did he strangle him?

A: I have no idea. We were alerted by Emmanuel Kavutse, and Gatarayiha was already dead by the time we arrived at the scene.

Q25: Do you have anything to add to your statement?

A: No.

Q26: Do you know how to read?

A: No.

*I declare that the above, which has been read to me, is true and correct.*

[Fingerprint]  
*Innocent Mbarushimana*  
*Deponent*

Wherefore, this document is duly established  
[Signed]  
*Edouard Kayihura*  
*Legal Officer*

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Republic of Rwanda  
Ministry of Defence  
National Gendarmerie  
Kigali Legion  
Remera Brigade

10488788

PRO-JUSTITIA

On 30 January 1997, now appearing before me, André Butobwintobo, Judicial Police Officer with general jurisdiction within my province, while at the Remera brigade, Kigali legion, the person known as Innocent Mbarushimana, son of Kaberuka and of Mukarugomwa, born in 1967 in Rugarama *cellule*, Kimihurura *secteur*, Kacyiru, Kigali Ville *préfecture*, of Rwandan nationality, widower, with no children, driver, owner of a house in Kimihurura, with no known criminal record, accused of murder, who answered my questions in Kinyarwanda, the language of his choice.

RECORD OF THE INTERVIEW OF ACCUSED INNOCENT MBARUSHIMANA

Q1: Where were you at the beginning of the genocide?

A: I was at home in Kimihurura when the war broke out in April 1994.

Q2: What do you know about the killings in Kimihurura?

A: I killed the members of Murenzi's family, namely, five children and their mother.

Q3: Do you know the names of the victims?

A: No.

Q4: Did you kill them by yourself?

A: I collaborated with Ndabamenye, Nkeshuwimye, Hassan Mberimana, Noël Kavunderi, Karoli, Biniga, Gasasira, Munyengango, Jean Birahaha, a corporal of the Presidential Guard named Habyarimana, Safari - Simon's son, a corporal of the Presidential Guard called Harerimana, Venansi Ntagozera and his wife Daphrose.

Q5: Were the six victims that you mentioned the only ones you killed from the beginning to the end of the war, in collaboration with the people you just mentioned?

A: No other incident occurred in our area, except the murder of a girl named Mukagasana. She was shot by a member of the Presidential Guard and a bullet pierced the hand of an old woman who was hiding her. Subsequently, the other people who were in the old woman's house came to hide in Simon's house where I lived and stayed there to escape the Presidential Guard soldiers who wanted to kill them.

There is also an old man called Gatarayiha who was strangled to death by one Vincent (Gikongoro). His neighbour, Emmanuel Kavutse, alerted us and we went to the scene of the murder. We buried him the next day, having failed to find out who killed him. I was with Emmanuel Kavutse, Jean-Batiste Kagaba and Simon Nzabamwita.

Q6: What weapons did you use to kill the people you mentioned? Where and when did you kill them?

A: We killed them in Kimihurura, in the Presidential Guard wood on 12 April 1994. We used machetes and guns.

Q7: You just said you killed the victims by shooting them or by hitting them with machetes. What weapon were you personally carrying during the killings?

A: I had an Uzi-type gun that Noël Kavunderi had given me.

Q8: Are there other co-perpetrators of the killings who were carrying guns?

A: Yes. Jean-Batiste Birahama, Charles and Felicien, who is in custody, had an R4 rifle each. Mugambage had a firearm similar to the hunting guns used by the whites. Safari, who was in charge of our roadblock, had an Uzi-type firearm, while Kavutse had a Kalashnikov.

Q9: Where are the people you just mentioned?

A: Safari, Félicien and Birahama no longer live in the area, while Mugambake, Kavutse and Rutabana, who had a Kalachnikov each, still live there.

Q10: Where did you put the guns which you had?

A: We left them at the roadblock with Rutabana, Kavutse and Mugambake. These people have never left the area and must therefore show where the weapons are.

Q11: In which area are these people?

A: They are in Rugarama/Kimihurura.

Q12: Do you know the following people: Jean Kagaba, Gervais Ndabamenye, Hassan Mberimana, Ntagozera, Karemera, Elina Nyirahabimana, Ugirumurera, Nyiranzabamwita, Christine Mukamurara, Xaverine Mukamana, Nkeshuwimye and Béate Mukanteko?

A: Yes, apart from the three women.

Q13: Could you indicate those whom you know?

A: I have already mentioned them above, apart from Elina Nyirahabimana who was involved in the murder of his brother, David Habimana and his wife, Ayisha. Elina had fallen out with his sister-in-law because she was a Tutsi. It was in that context that her cousin Eriyakimu was also killed at David Habimana's house.

Nyiranzabamwita handed over a man called Kimonyo, who was subsequently killed.

Mukamurara used to go to Zaïre often, although she did not flee during the war. One day, she left my younger sister in Gisenyi, which made them quarrel. My younger sister then came to live in my house in Kimihurura. Her name is Nyirarukundo and she is 12 years old.

Karemera killed Kimonyo. Mbelimana took part in the genocide together with me.

Q14: Do you confirm having committed the acts you have talked about or having personally witnessed them?

A: I talked about the acts that I personally committed and those that I personally witnessed. My account of the facts is true and I am ready to repeat it if necessary.

Q15: Do you confirm that you were not under duress when you gave this statement?

A: I was not under duress at all and I am willing to repeat my statement whenever necessary.

Q15: Do you wish to add anything to your statement?

A: No.

I declare that this is a true record.

[Signed]

Innocent Mbarushimana  
Accused

[Signed]

André Butobwintobo  
Judicial Police Officer

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Public Prosecutor's Office  
Kigali

*PRO-JUSTITIA*

*This 10th day of March 1999, I, Sandrine Mukamugema, Criminal Investigations Officer with general jurisdiction in Kigali préfecture where we currently are, interviewed Innocent Mbarushimana, identified earlier, as a deponent who responds to my questions as follows:*

**Interview record of Innocent Mbarushimana**

- Q1: Where were you at the beginning of the April 1994 war?  
A: I was in Rugarama *cellule*, Kimihurura *secteur*. On 14 July, I took refuge in the Kaindu area in Zaïre.
- Q2: When were you arrested and who is bringing charges against you?  
A: I was arrested on 27 January 1997 by Kabarira, *alias* Gatuku, *responsable* of Rugarama *cellule*.
- Q3: What acts are you confessing to? Can you tell us the names of the victims and co-perpetrators of the acts?  
A: Personally, I did not kill anybody. Rather, I will talk about the incidents that I witnessed. A soldier of the Presidential Guard named Harerimana, Jean Biraha and Félicien Gatabarwa attacked Jean Murenzi's family. They abducted members of that family and killed them in the Presidential Guard military camp woods. Harerimana took me and someone named Muhakwa to bury the bodies of the victims in the woods in question. All these people who are implicated in the crime are being held in Kigali-main prison.
- Q4: Do you know Ndabamenya, Mberimana, Ntamuvurira, Kagaba, Habyarimana, Mutabazi, Ngiruwonsanga, Ntagozera and Erina Nyirahabimana?  
A: [Illegible line]...I know nothing about them other than that Ntagozera died in that prison in Gikondo and that Gervais Ndabamenye killed Kimonyo further down from his house in Rugarama [*cellule*].
- Q5: You have been accused of participating, along with the above-mentioned attackers, in the attack during which Kayiranga was killed. Do you admit to committing this act?  
A: I know the people who perpetrated the murder. They are Matabaro, who was forced to do so by soldiers because his wife was Tutsi. The soldiers asked him to choose between killing his wife and Kayiranga.
- Q6: What role did you play in the killings committed in your *cellule*?  
A: None, other than burying the bodies of the victims mentioned above.
- Q7: Who are the people who are familiar with the way that you behave?

A: There is Catherine, a genocide survivor and wife of Ngirabatware, as well as Kavutse and Kankindi. The last two people live in Rugarama *cellue*.

Q8: Do you have anything to add to your statement?

A: I am asking for forgiveness.

*I declare true and correct the above record, which has been read to the Deponent who places his fingerprint on the document.*

*I swear that the present interview record is genuine.*

[Finger print]  
*Mbarushimana*  
Deponent

[Signed]  
*Sandrine Mukamugema*

*Interviewing Criminal Investigation Officer*

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10488793

REPUBLIC OF RWANDA  
OFFICE OF THE PUBLIC PROSECUTOR  
KIGALI

**Record of information to the accused on his right and interest to opt for the confession and guilt plea procedure**

**Record No...**

**File no. /R.M.P.**

**Case: Innocent  
Mbarushimana**

**Charge: Genocide**

This 16th day of March 1999, at ... hours, I, Ndibwami Rugambwa<sup>1</sup>, Legal Officer at the Kigali Court of First Instance, acting in conformity with Article 21 of the Code of Criminal Procedure and Article 44(2), of Organic Law No. 8/96 of 30 August 1996 on the organization of prosecutions for offences constituting the crime of genocide or crimes against humanity committed since 1 October 1990, within of the context of preliminary investigation, interviewed Innocent Mbarushimana, son of Kaberuka and of Mukarugomwa, born in 1967 in Rugarama *cellule*, Kimihurura *secteur*, Kacyiru commune, Kigali-Ville *préfecture*, of Rwandan nationality, married, small-scale farmer, with known criminal record (génocide), owner of a house, as a suspect.

Hereby state that after explaining to the suspect in Kiyarwanda, the language of his choice, the contents of aforementioned Organic Law No. 8/96 of 30 August 1996 and particularly Articles 4, 5, 6, 7, 8, 9, 14, 15, 16, 17 and 18 thereof, I informed him of his right and interest in opting for the confession and guilty plea procedure and asked him if he was ready or not to benefit from this procedure.

The suspect responded that he is ready to opt for the confession and guilty plea procedure.

I declare true and correct the above record, which has been read to the Deponent who signed it (or who has affixed his fingerprint thereto) at ...hours, approving a cancelled word and ...words added.

WHEREFORE, THIS DOCUMENT IS DULY ESTABLISHED

[Finger print]  
Mbarushimana  
Suspect

[Signed]  
Ndibwami Rugambwa  
Legal Officer

<sup>1</sup> This is a form. The "Monotype Corsiva" font shows information filled by hand in the original document.

**PRO-JUSTITIA**

On 19 September 1994, now appearing before me, Jean-Baptiste Sibomana, Legal Officer with the Public Prosecutor's Office at the Kigali Court of First Instance, the person known as Aloys Harelimana, son of Jean-Berchmans Bitegetsimana and of Gaudence Nyirakarema, a native of Nyamyumba-Gisenyi, Kabilizis secteur, Rukukumbo cellule, living in Kanserege, Gikondo, secteur, Kicukiro commune, Kigali préfecture, aged 30, employee of MINITRAPE [Ministry of Public Works and Energy], owner of a house, with no known criminal record, who gave the following statement in Kinyarwanda:

**Record of Accused's interview**

Q1: You are accused of involvement in the genocide committed in Rwanda from 6 April 1994. What is your reaction to this allegation?

A: I never played any role in the genocide.

Q2: You admitted before the Judicial Police Officer that you manned the roadblock and were in possession of a firearm. For what reasons do you deny involvement in the massacres?

A: I admit having manned the roadblock, but I was not given any firearm. I do not even know the person who kept the firearm in question. However, the firearm was handled by everyone who manned the roadblock, including myself.

Q3: Where was the roadblock which you manned?

A: It was in Kimihurura, below the Presidential Guard camp, beside the wood, in front of the house of the manager of the Commercial Bank [of Rwanda]. It was he who gave us the firearm when we were at the roadblock.

Q4: Were any victims killed at the roadblock?

A: No. I manned the roadblock for a week and then took refuge in Gitarama, in Kabuga cellule, Gifumba secteur, Mushubati commune. When the war reached Gitarama, I took refuge in Rukukumba, in Kabilizi secteur, Nyamyumba commune. I then left Rukukumba to return to my home in Kigali, in Kanserege, Gikondo, to be more exact.

Q5: Did you serve in the army?

A: Yes. I was a soldier with the Presidential Guard. In 1990, I was arrested and placed in custody for 12 months for complicity [with the RPF]. I subsequently worked at MINITRAPE, up to today. I was also appointed advisor on matters relating to the slaughter of animals in Gikondo secteur, and I was chosen by the population of that secteur under the RPF regime.

Q6: To what political party did you belong?

A: I was a member of PSD.

- Q7: Which of your neighbours in Kimihurura are still alive?  
A: There is Kavutse, with whom I manned the roadblock, and his younger brother's wife. The others have not yet returned.
- Q8: How long did you serve in the army?  
A: For nearly five years.
- Q9: Why were you living in Kimihurura while you had a house in Gikondo?  
A: I was getting RWF 5,000 as rent [per month] for my house, while I rented another house at RWF 1,000 [per month] in Kimihurura where I lived, and which was closer to my place of work.
- Q10: Could you tell me why you said that you were going to sell your property in order to join the others in Zaïre, since, according to you, the country belongs to the *Inyenzi*?  
A: That is a lie against me. I am ready to be convicted on this charge if it is proven.
- Q11: You refute this accusation. Are you ready to admit the charge and to be punished if there is evidence to prove it?  
A: Yes.
- Q12: Is there anything you wish to add to your statement?  
A: I request justice.

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K0488796

REPUBLIC OF RWANDA  
MINISTRY OF DEFENCE  
SPECIAL FORCE  
GIKONDO BRIGADE

Transmitted on 1 September 1994

PRO-JUSTITIA

*This 1st day of September 1994, I, Sergeant Gatera Evariste, Judicial Police Officer with general jurisdiction in Kigali-Ville Préfecture, here in Gikondo interviewed, Harerimana Aloys, son of Bitegetsimana Berekimasi and of Nyirakarema Gaudence, born in 1964 in Nyamyumba-Gisenyi, residing in Gikondo, a suspect, who states as follows in Kinyarwanda.*

Q1: Why are you here at the Brigade?

A: I do not know.

Q2: What was your job before the war?

A: I was a soldier with the Presidential Guard before the war of 1990.

Q3: Where were you on 9 April 1994 during the war?

A: I was in Kimihurura - Kigali.

Q4: With whom were you at the roadblock set up in Kimihurura?

A: Of all the people who were at the roadblock with me, only Kavutse is in Kigali.

Q5: What type of weapon were you carrying?

A: There were about ten of us and we had LAR (light automatic rifles).

Q6: When was the last time you went to Kicukiro?

A: I went there about three days ago to see my brother-in-law.

Q7: Did you still have the rifle?

A: ... [one illegible line]

Q8: How would you react if testimonies are produced about the things that you said in a bar?

A: I will accept whatever punishment is meted out. However, such witness should also be punished if the testimony turns out to be false.

Q9: Why is it that you failed to inform the relevant authorities for such a long time that you were a soldier?

A: I tried in vain to meet Major Rwigamba whom I know. However, I sent him a message through other soldiers I knew and whose addresses I had.

Q10: Do you have anything to add to your statement?

A: I request that justice be served. Moreover, Kavutse could be heard for he can tell you how we worked at the roadblock. I would like to go back to the Army if found innocent.

WS11-0215 (E)  
K0515342-K0515343

K0488797

*I declare true and correct the above record which has been read to the Deponent who signed along with me.*

*I swear that the present record is true.*

*[Signed]*  
*Aloys Harerimana*  
Deponent

*[Signed]*  
*Sergeant Gatera Evariste*  
*Interviewing Judicial Police Officer*

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**PRO-JUSTITIA**

*On 19 September 1994, now appearing before me, Jean-Baptiste Sibomana, Legal Officer with the Public Prosecutor's Office at the Kigali Court of First Instance, the person known as Aloys Harelimana, son of Jean-Berchmans Bitegetsimana and of Gaudence Nyirakarema, a native of Nyamyumba-Gisenyi, Kabilizis secteur, Rukukumba cellule, living in Kanserege, Gikondo, secteur, Kicukiro commune, Kigali préfecture, aged 30, employee of MINITRAPE [Ministry of Public Works and Energy], owner of a house, with no known criminal record, who gave the following statement in Kinyarwanda:*

**Record of Accused's interview**

- Q1: You are accused of involvement in the genocide committed in Rwanda from 6 April 1994. What is your reaction to this allegation?
- A: I never played any role in the genocide.
  
- Q2: You admitted before the Judicial Police Officer that you manned the roadblock and were in possession of a firearm. For what reasons do you deny involvement in the massacres?
- A: I admit having manned the roadblock, but I was not given any firearm. I do not even know the person who kept the firearm in question. However, the firearm was handled by everyone who manned the roadblock, including myself.
  
- Q3: Where was the roadblock which you manned?
- A: It was in Kimihurura, below the Presidential Guard camp, beside the wood, in front of the house of the manager of the Commercial Bank [of Rwanda]. It was he who gave us the firearm when we were at the roadblock.
  
- Q4: Were any victims killed at the roadblock?
- A: No. I manned the roadblock for a week and then took refuge in Gitarama, in Kabuga cellule, Gifumba secteur, Mushubati commune. When the war reached Gitarama, I took refuge in Rukukumba, in Kabilizi secteur, Nyamyumba commune. I then left Rukukumba to return to my home in Kigali, in Kanserege, Gikondo, to be more exact.
  
- Q5: Did you serve in the army?
- A: Yes. I was a soldier with the Presidential Guard. In 1990, I was arrested and placed in custody for 12 months for complicity [with the RPF]. I subsequently worked at MINITRAPE, up to today. I was also appointed advisor on matters relating to the slaughter of animals in Gikondo secteur, and I was chosen by the population of that secteur under the RPF regime.
  
- Q6: To what political party did you belong?
- A: I was a member of PSD.

- Q7: Which of your neighbours in Kimihurura are still alive?  
A: There is Kavutse, with whom I manned the roadblock, and his younger brother's wife. The others have not yet returned.
- Q8: How long did you serve in the army?  
A: For nearly five years.
- Q9: Why were you living in Kimihurura while you had a house in Gikondo?  
A: I was getting RWF 5,000 as rent [per month] for my house, while I rented another house at RWF 1,000 [per month] in Kimihurura where I lived, and which was closer to my place of work.
- Q10: Could you tell me why you said that you were going to sell your property in order to join the others in Zaïre, since, according to you, the country belongs to the *Inyenzi*?  
A: That is a lie against me. I am ready to be convicted on this charge if it is proven.
- Q11: You refute this accusation. Are you ready to admit the charge and to be punished if there is evidence to prove it?  
A: Yes.
- Q12: Is there anything you wish to add to your statement?  
A: I request justice.

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## TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

### I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

<b>To:</b>	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowno
	<input type="checkbox"/> OIC, JLSD P. Besnier	<input type="checkbox"/> OIC, JPU C. K. Hometowno	<input type="checkbox"/> F. A. Talon (Appeals/Team IV)
<b>From:</b>	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office <b>Sharifah Adong</b> (names)
			<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. <b>Protais Mpiranya</b>		<b>Case Number:</b> ICTR-2000-56A- Rule 71bis
<b>Dates:</b>	Transmitted: <b>14/10/2011</b>		Document's date: <b>14/10/2011</b>
<b>No. of Pages:</b>	<b>24</b>	<b>Original Language:</b>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of Document:</b>	The Prosecutor v Protais Mpiranya: Disclosure of English Translations of Gacaca Documents to the Defence.		
<b>Classification Level:</b>		<b>TRIM Document Type:</b>	
<input type="checkbox"/> Ex Parte		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties	
<input checked="" type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties	
<input type="checkbox"/> Confidential		<input checked="" type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars	
<input type="checkbox"/> Public		<input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities	

### II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

<b>CMS SHALL</b> take necessary action regarding translation.			
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and <b>will not submit</b> any translated version.			
<input type="checkbox"/> Reference material is provided in annex to facilitate translation.			
Target Language(s):			
<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda	
<b>CMS SHALL NOT</b> take any action regarding translation.			
<input type="checkbox"/> Filing Party hereby submits <b>BOTH the original and the translated version</b> for filing, as follows:			
Original	in	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Translation	in	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	

<b>CMS SHALL NOT</b> take any action regarding translation.	
<input type="checkbox"/> Filing Party <b>will be submitting the translated version(s)</b> in due course in the following language(s):	
<input type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>KINDLY FILL IN THE BOXES BELOW</b>	
<input type="checkbox"/> <b>The OTP</b> is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> <b>DEFENCE</b> is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:

### III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	<b>COMMENTS</b>	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: