

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-00-59-I
CHAMBER II

THE PROSECUTOR
OF THE TRIBUNAL
v.
JUVÉNAL RUGAMBARARA

FRIDAY, 13 JULY 2007
0930H
FURTHER APPEARANCE

Before the Judges:

Asoka da Silva, Presiding
Taghrid Hikmet
Seon Ki Park

For the Registry:

Mr. Roger Kouambo
Mr. John Kiyeyeu
Mr. Abraham Koshopa

For the Prosecution:

Mr. Charles Adeogun-Philips
Mr. Peter Tafah

For the Accused Juvénal Rugambarara:

Mr. Maroufa Diabira
Mr. Boubou Diabira

Court Reporters:

Mr. Sheriffo Jammeh
Ms. Regina Limula
Mr. Haruna Farage

PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, everybody.

4

5 Can you call the case?

6 MR. KOUAMBO:

7 Thank you, Your Honour.

8

9 Trial Chamber II of the International Criminal Tribunal for Rwanda, composed of Judge Asoka Da Silva,
10 presiding, Judge Taghrid Hikmet and Judge Seon Ki Park, is now sitting in open session, today,
11 Friday, the 13th of July 2007, for a further appearance in the matter of the Prosecutor versus
12 Juvénal Rugambarara, Case No: ICTR-00-59-I.

13

14 Thank you, Your Honour.

15 MR. PRESIDENT:

16 I invite the parties to enter their appearances.

17

18 Prosecution, please.

19 MR. ADEOGUN-PHILIPS:

20 Good morning, Your Honours. Mr. Tafah and myself represent the Office of the Prosecutor. I am
21 Charles Adeogun-Philips. I am grateful, Your Honour.

22 MR. PRESIDENT:

23 Thank you.

24

25 Defence, please.

26 MR. DIABIRA:

27 Good morning, Mr. President and Your Honours. The Defence is made up of our investigators,
28 Celestine Kagango; Ms. Sarah Lichtermann, our legal assistant; Mr. Boubou Diabira, of the Mauritanian
29 Bar Association, co-counsel; and myself, Maroufa Diabira, former chairman of the Bar Association of
30 Mauritania.

31 MR. PRESIDENT:

32 Registrar, can you ask the Accused to come to the witness box, please?

33 MR. KIYEYEU:

34 Yes, My Lord.

35 MR. PRESIDENT:

36 Registrar, can you ask the Accused to identify himself?

37

1 MR. KOUAMBO:

2 Yes, Your Honour.

3

4 Can you give your identity to the Chamber, please?

5 THE ACCUSED RUGAMBARARA:

6 Thank you very much, Mr. President. My name is Juvénal Rugambarara. I was born in the former,
7 Bumba *secteur*, Kigali *préfecture*. I am head of family; married with six children. I am a medical -- I am
8 in the medical profession, and for now, I am before you.

9

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 Registrar, please read the indictment against the Accused?

13 MR. KOUAMBO:

14 Thank you, Your Honour.

15

16 International Criminal Tribunal for Rwanda, Case No: ICTR-200-59-I (*sic*), the Prosecutor versus
17 Juvénal Rugambarara, amended indictment.

18

19 The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to the authority stipulated
20 under Article 17 of the Statute of the International Criminal Tribunal for Rwanda, the Statute of the
21 Tribunal, charges Juvénal Rugambarara with extermination as a crime against humanity of the Statute
22 of the Tribunal.

23

24 1. The events set out hereinafter occurred in Mwulire, Mabare and Nawe *secteur* in Bicumbi *commune*,
25 Kigali-Rural *préfecture*, Republic of Rwanda, between 7th and 20th of April 1994 as otherwise
26 stipulated.

27

28 THE ACCUSED:

29

30 2: Juvénal Rugambarara was born in 1959, in Bumba *secteur*, Tare *commune*, Kigali-Rural *préfecture*
31 in the Republic of Rwanda. Juvénal Rugambarara lived most of his adult life in Bicumbi *commune*,
32 where he worked as a medical officer.

33

34 3: Juvénal Rugambarara was appointed *bourgmestre* in Bicumbi *commune*, Kigali-Rural *préfecture* on
35 4th August 1993, having succeeded Mr. Laurent Semanza. Juvénal Rugambarara served as the
36 *bourgmestre* of Bicumbi *commune* from 16th September 1993 until 20th April 1994.

37

1 4: Juvénal Rugambarara was appointed as *bourgmestre* of Bicumbi *commune* by the president of the
2 Republic of Rwanda upon recommendation of the minister of the interior, who was also his hierarchical
3 superior.

4
5 5: As *bourgmestre* of Bicumbi *commune*, Juvénal Rugambarara had administrative authority over
6 Mwulire, Mabare and Nawe *secteur* which were all located in Bicumbi *commune*, where the crimes he
7 is charged of were committed by his subordinates over who he had effective control.

8
9 6: As *bourgmestre* of Bicumbi *commune*, Kigali-Rural *préfecture*, between 7th and 20th April 1994,
10 Juvénal Rugambarara was the highest ranking civilian authority in the said *commune*, and in that
11 regard, had both the authority to serve as the chief administrator, as well as the chief law enforcement
12 officer in Bicumbi *commune*.

13
14 7: As *bourgmestre* of Bicumbi *commune*, Juvénal Rugambarara had administrative authority over the
15 entire *commune*, and in that regard, was responsible for the enforcement of laws and regulations.

16
17 8: Juvénal Rugambarara was also responsible for ensuring peace, public order, safety of persons and
18 property and implementing government programmes. Juvénal Rugambarara was also responsible for
19 informing the central government of any situation worthy of interest in Bicumbi *commune*.

20
21 9: As *bourgmestre* of Bicumbi *commune*, Juvénal Rugambarara was a representative of the central
22 government at the central -- at the *communal* level and thus the embodiment of *communal* authority
23 therein. To that end, Juvénal Rugambarara had hierarchical authority over all *conseillers*, *communal*
24 policemen and local government officials.

25
26 10: In that regard, a superior subordinate relationship existed between Juvénal Rugambarara and all
27 the *conseillers*, *communal* policemen, local administrators and armed militia men located in Mwulire,
28 Mabare and Nawe *secteur* in Bicumbi *commune* between the 7th and 20th of April 1994.

29
30 11: In addition, as *bourgmestre* of Bicumbi *commune*, Juvénal Rugambarara had effective control over
31 these categories of persons who were responsible for perpetrating attacks on Tutsi civilians at various
32 locations in Mwulire, Mabare and Nawe *secteurs* in Bicumbi *commune* between the 7th and
33 20th of April 1994, as outlined in the indictment.

34
35 12: Based on his position as the highest ranking civilian authority in Bicumbi *commune*,
36 Juvénal Rugambarara subsequently came to know that the category of persons who had participated in
37 attacks resulting in the death of thousands of Tutsi civilians in various locality -- locations in Mwulire,

1 Mabare and Nawe *secteurs* of Bicumbi *commune* between the 7th and 20th April 1994, where his
2 subordinates over whom he had effective control.

3
4 13: In that regard, Juvénal Rugambarara, in his position as the highest ranking civilian authority in
5 Bicumbi *commune*, in addition to his duties to enforce, amongst other things, the laws and regulations,
6 had a duty to take necessary and reasonable measures to commission investigations into crimes
7 committed by people who were his subordinates and over whom he had effective control with a view to
8 apprehending and referring the perpetrators to of such crimes to the competent authorities for
9 appropriate punishment, but failed to do so.

10
11 THE CHARGES:

12
13 COUNT 1: EXTERMINATION AS A CRIME AGAINST HUMANITY PURSUANT TO ARTICLE 3(B) OF
14 THE STATUTE OF THE TRIBUNAL.

15
16 14: Between the 7th and 20th of April 1994, Juvénal Rugambarara, through the criminal acts of his
17 subordinates was responsible, pursuant to Article 6(3) of the Statute for killing or causing persons to be
18 killed during mass killings, events in Mwilire, Mabare and Nawe *secteur* in Bicumbi *commune* of
19 Kigali-Rural *préfecture*, Republic of Rwanda, as part of a widespread and systematic attack against the
20 civilian population on political, ethnic or racial grounds.

21
22 15: The Accused, Juvénal Rugambarara, is charged with extermination as a crime against humanity by
23 virtue of the fact that having subsequently known that subordinates under his effective control had
24 committed one or more of the acts referred to in Article 3(B) of the Statute of the Tribunal,
25 Juvénal Rugambarara failed in his duty to take a reasonable measure to commission an investigation
26 into the said crimes with a view to apprehending and referring the perpetrators thereof to the competent
27 authorities for appropriate punishment pursuant to article 6(3) of the Statute.

28
29 16: Furthermore, as a consequence of Juvénal Rugambarara's acts and omissions, thousands of Tutsi
30 civilian men, women and children were in Mwilire, Mabare and Nawe *secteurs* of Bicumbi *commune*
31 between the 7th and 20th April 1994.

32
33 PARTICULARS OF THE OFFENCE:

34 EVENTS IN MWULIRE *SECTEUR*, BICUMBI *COMMUNE*:

35
36 17: On or about 18th April 1994, Juvénal Rugambarara, came to know that several attacks had been
37 launched on the Tutsi refugees gathered in the Mwilire camp *secteur* in Bicumbi *commune* between

1 the 13th and 18th April 1994, resulting in the death of hundreds of Tutsi refugees.

2
3 18: On or about 18th April 1994, Juvénal Rugambarara came to know that several civil public offices
4 including *conseillers* and *communal* policemen employed at Bicumbi *communal* office, acting in concert
5 with armed militia men from the said *commune*, had participated in the attacks against Tutsi refugees
6 gathered at Mwulire camp in Mwulire *secteur* in Bicumbi *commune*.

7
8 19: In particular, on or about 18th April 1994, Juvénal Rugambarara came to know that the attacks on
9 the Tutsis gathered at Mwulire had been organised by Theodore Nsengiyumva, the assistant
10 *bourgmestre* of Bicumbi *commune*, François Fugamesa, the *conseiller* of Muyumbu *secteur* Deo
11 Nkuyungoma, the *conseiller* of Bicumbi *secteur*, Mathias Karuhige, the *conseiller* of Murama,
12 Ngabosinzaza, *conseiller* of Rubona *secteur*, Sekimonyo, *conseiller* of Mabare *secteur* and several
13 policemen from Bicumbi *commune* among who were Mathias Gasana, Rwabugabo, Sabahiro
14 Munyakayanza.

15
16 20: In that regard, having subsequently known of the attack on the Tutsi refugees gathered in Mwulire
17 camp as described above, Juvénal Rugambarara, as *bourgmestre* of Bicumbi *commune* failed to take
18 the necessary and reasonable measures to commission an investigation into the said crimes with a
19 view to apprehending and referring his subordinates who perpetrated these criminal acts that resulted
20 in the death of hundreds of Tutsi refugees to the competent authorities for appropriate punishment.

21
22 21: On or about the 18th of April 1994, Juvénal Rugambarara came to know that on or about
23 13th April 1994, the *conseiller* of Bicumbi *secteur*, one Mukulingoma and a *communal* policeman from
24 Bicumbi *commune* named Munyakayansa and militia men armed with traditional weapons left for
25 Mwulire *secteur* office following which they launched an attack on the Tutsi refugees gathered at the
26 *secteur* office resulting in the death of hundreds of Tutsi refugees.

27
28 22: In that regard, as *bourgmestre* of Bicumbi *commune*, Juvénal Rugambarara, having subsequently
29 known that these crimes had been committed failed to take necessary and reasonable measures to
30 commission an investigation into the said crimes with a view to apprehending and referring his
31 subordinates who were responsible for these criminal acts at Mwulire *secteur* office which resulted in
32 the death of several Tutsi civilians to the competent authorities for appropriate punishment.

33
34 23: On or about 18th April 1994, Juvénal Rugambarara came to know that between 12th and
35 18th April 1994, several attacks were launched on Tutsi civilians in Mabare *secteur*, Bicumbi *commune*,
36 which resulted in the death of hundreds of Tutsi civilians.

1 24: On or about the same date, 18th April 1994, Juvénal Rugambarara further knew that the said
2 attacks on Tutsi civilians located at Mabare *secteur* in Bicumbi *commune* which took place between
3 12th and 18th April 1994, were led by armed *communal* policemen and militia men over whom he
4 exercised effective control.

5
6 25: Having become aware that his subordinates had committed crimes in Mabare *secteur*,
7 Juvénal Rugambarara, as *bourgmestre* of Bicumbi *commune* failed to take the necessary and
8 reasonable measures to commission an investigation into the said crimes with a view to apprehending
9 and referring his subordinates responsible for these criminal acts which resulted in the death of
10 hundreds of Tutsi civilians to the competent authorities for appropriate punishment.

11
12 EVENTS AT THE MABARE MOSQUE LOCATED IN MABARE *SECTEUR*:

13
14 26: On or about 18th April 1994, Juvénal Rugambarara came to know that attacks had been launched
15 on several Tutsi civilians gathered at the Mabare mosque, located in Mabare *secteur*, Bicumbi
16 *commune* between 16th and 18th April 1994 resulting in the death of hundreds of Tutsi refugees.

17
18 27: On or about 18th April 1994, Juvénal Rugambarara also knew that the Tutsi refugees gathered at
19 the Mabare mosque and who had initially resisted the attacks launched upon them by armed militia
20 men, were subsequently overpowered and killed with the assistance of armed *communal* policemen from
21 Bicumbi *commune*, who provided reinforcements to the armed militia men.

22
23 28: On or about 18th April 1994, Juvénal Rugambarara came to know that the Tutsi refugees gathered
24 at the Mabare mosque were attacked by persons who, in his capacity as *bourgmestre* of Bicumbi
25 *commune*, were his subordinates and over whom he had effective control.

26
27 29: Having known that his subordinates had committed attacks at the Mabare mosque between 16th
28 and 18th April 1994, Juvénal Rugambarara, as *bourgmestre* of Bicumbi *commune*, failed in his duty to
29 take the necessary and reasonable measures to commission an investigation into the said crimes with
30 a view to apprehending and referring his subordinates responsible for these criminal acts which
31 resulted in the death of hundreds of Tutsi refugees to the competent authorities for appropriate
32 punishment.

33
34 EVENTS IN NAWÉ *SECTEUR*:

35
36 30: On or about 18th April 1994, Juvénal Rugambarara came to know that Jean-Baptiste Gatete, a
37 census officer employed at the Bicumbi *communal* office, had, on or about 8th April 1994, publicly

1 instigated and encouraged members of the civilian Hutu population in Nawe *secteur* to exterminate their
2 Tutsi counterparts in order to revenge the death of the president of Rwanda, following which
3 Jean-Baptiste Gatete himself led attacks against Tutsi in Nawe *secteur* often in concert with *communal*
4 policemen and militia men.

5
6 31. In that regard, on or about 18th April 1994, Juvénal Rugambarara also came to know that
7 Jean-Baptiste Gatete had led three policemen employed by Bicumbi *commune*; namely, Shabahiro,
8 Rwabugabo and Ntabara, and many armed militia men in attacks on Tutsi civilians located in Nawe
9 *secteur* on or about 8th April 1994. The said attacks resulted in the death of hundreds of Tutsi civilians
10 in Nawe *secteur* in Bicumbi *commune*.

11
12 32: As *bourgmestre* of Bicumbi *commune*, Juvénal Rugambarara had effective control over
13 Jean-Baptiste Gatete, the *communal* policeman and the militia men who were involved in the said
14 attacks in Nawe *secteur*.

15
16 33: Having known of the criminal acts of his subordinates, Juvénal Rugambarara, as *bourgmestre* of
17 Bicumbi *commune* failed in his duty to take the necessary and reasonable measures to commission an
18 investigation into the said crimes with a view to apprehending and referring his subordinates who were
19 responsible for the massacres of Tutsi civilians in Nawe *secteur*, Bicumbi *commune* on or about 8th
20 April 1994 to the competent authorities for appropriate punishment.

21
22 34: The acts and omissions of Juvénal Rugambarara herein are punishable under Articles 22 and 23 of
23 the Statute of the Tribunal. Signed at Arusha, this 2nd day of July 2007, the Prosecutor,
24 Hassan Bubacar Jallow."

25
26 I have finished, Mr. President.

27 MR. PRESIDENT:

28 Mr. Rugambarara, did you understand the charge that was leveled against you in the indictment?

29
30 Sit, sit, sit.

31 THE ACCUSED RUGAMBARARA:

32 I would like to seek the assistance of the interpreter, because I am more fluent in Kinyarwanda
33 language.

34
35 I would also wish to crave your indulgence, Mr. President, for having forgotten to mention the fact that I
36 was the *bourgmestre* of the Bicumbi *commune* as from the 16th of September, 1993, right up to the
37 20th of April 1994.

1 MR. PRESIDENT:

2 Yes, in Kinyarwanda.

3 THE ACCUSED RUGAMBARARA:

4 Mr. President, I have fully understood the indictment that was read out and I plead guilty; and I am
5 really sad as a result of what happened.

6 MR. PRESIDENT:

7 Mr. Rugambarara, for the purpose of clarity, I will summarise a gist of the charges against you, that is
8 the Prosecutor is charging you for the crime of extermination pursuant to Article 3(B) and 6(3) of the
9 Statute, for your failure to take steps to investigate and punish the crimes that were committed by you,
10 your subordinates, after you had become aware of -- that such crimes had been committed; do you
11 understand? How do you plead to this charge?

12 THE ACCUSED RUGAMBARARA:

13 I have fully well understood that and I plead guilty.

14 MR. PRESIDENT:

15 Do you know the consequences of your guilty plea? By pleading guilty, you are renouncing certain
16 rights that accrue to you, such as, if you don't plead guilty, the Prosecutor has to prove the case beyond
17 reasonable doubt, and you will get the opportunity to cross-examine any witness who comes here to
18 testify against you. And if you plead guilty, you will be renouncing all those rights that is accrued to you.
19 You still want to plead guilty?

20 THE ACCUSED RUGAMBARARA:

21 Mr. President, let me confirm my guilty plea. I know this fully well because my counsel has provided me
22 with sufficient explanations in that regard.

23 MR. PRESIDENT:

24 Yes, Mr. Rugambarara, it may be so, but we also have a duty to ask you all these questions before we
25 accept your guilty plea. That is why I am asking.

26

27 Was there any pressure or coercion for you to accept this plea by anybody?

28 THE ACCUSED RUGAMBARARA:

29 Thank you, Mr. President.

30

31 If my -- if I am pleading guilty today, that has been dictated by my conscience.

32 MR. PRESIDENT:

33 So, in other words, you say that you are voluntarily pleading guilty in your own free will? Is that the
34 position?

35 THE ACCUSED RUGAMBARARA:

36 I am pleading guilty of my own will, because that has been dictated by my conscience.

37

1 MR. PRESIDENT:

2 Mr. Rugambarara, this Chamber is in possession of a guilty plea agreement you had signed with the
3 Prosecutor. Do you accept that?

4 THE ACCUSED RUGAMBARARA:

5 Yes, Mr. President, I do recognise that such an agreement was drafted. Let me take the opportunity to
6 thank the Prosecutor and all those who worked with him in preparing that document, and they include
7 my counsel and those who assisted him.

8 MR. PRESIDENT:

9 Do you also understand that if you plead guilty, still you will have to serve in jail, for some time, your
10 sentence?

11 THE ACCUSED RUGAMBARARA:

12 Thank you, Mr. President.

13

14 I agree with all the explanations you have provided. I have taken time to think about this, and
15 moreover, I hope you will afford me the opportunity to say something to my countrymen and women in
16 Rwanda; those of the Bicumbi *commune*. I will plead with you to allow me that opportunity. And I thank
17 you in advance.

18 MR. PRESIDENT:

19 Yes, we will give you that opportunity later, but first I have to ask certain questions from you.

20

21 When you signed this guilty plea with the Prosecutor, other than what is stated in the plea -- guilty plea
22 agreement, were you given any other promises?

23 THE ACCUSED RUGAMBARARA:

24 Thank you, Mr. President.

25

26 The Prosecutor has made no promises to me. I signed that document of my own free will with the
27 Prosecutor.

28 MR. PRESIDENT:

29 Were you advised, to your satisfaction, by your lawyers about the consequences of your guilty plea?

30 THE ACCUSED RUGAMBARARA:

31 Yes, my counsel provided me with adequate explanations, and now that I am even addressing the
32 Court, I take the opportunity to thank him and to thank all those who assisted me -- assisted him in
33 providing me with those explanations.

34 MR. PRESIDENT:

35 Do you also understand that by this -- by accepting a guilty plea that you will have no longer a right for a
36 trial? Do you know that?

37

1 THE ACCUSED RUGAMBARARA:

2 I am fully aware that there will be no trial in the course of which I might have to go back on my guilty
3 plea.

4 MR. PRESIDENT:

5 You still have time if you have any doubts about the guilty plea to ask questions from -- questions about
6 the charges. Do you have any matters to be clarified in the indictment?

7 THE ACCUSED RUGAMBARARA:

8 Thank you, Mr. President.

9
10 I am satisfied with the explanations provided me. I think I don't have anything to add, but for the short
11 statement that I want to make and address to the people of the Bicumbi *commune*.

12 MR. PRESIDENT:

13 You also -- do you understand that whatever the agreement you had with the Prosecutor with regard to
14 the sentence, it is not binding on the Chamber? Do you know that?

15 THE ACCUSED RUGAMBARARA:

16 I fully understand that only the Chamber that will set a penalty against me.

17 MR. PRESIDENT:

18 Do you still think that you don't want to change or challenge any of the facts mentioned in the
19 indictment?

20 THE ACCUSED RUGAMBARARA:

21 Let me say what I acknowledged in the course of this -- that indictment in Bicumbi, Mwulire and Nawe.
22 Crimes of genocide were committed by people under my authority. I agree I wasn't able to commission
23 investigations to ensure that those criminals are brought before the courts so that they are punished. I
24 do recognise that those were the charges incorporated in the indictment.

25 MR. PRESIDENT:

26 I am asking you this because you will not get another turn to come and challenge anything that is said
27 in the indictment. That is why I am asking you. You will no longer get a chance to challenge the
28 indictment again. Do you understand that?

29 THE ACCUSED RUGAMBARARA:

30 I fully understand that, Mr. President.

31 MR. PRESIDENT:

32 Yes, Mr. Prosecutor, and I invite both sides to say anything, if you have anything to say with regard to
33 the guilty plea agreement.

34

35 Do you have anything to add?

36 MR. ADEOGUN-PHILIPS:

37 We don't, Your Honour.

1 MR. PRESIDENT:

2 Defence?

3 MR. DIABIRA:

4 Obligated, Mr. President.

5
6 I merely wish to point out or provide some clarifications. I wish to thank the Bench for the emphasis it
7 has placed in its attempt to seek and clarify these procedures.

8
9 My client, whose determination is not in doubt, has been clear in that regard, in the indictment which
10 was read out.

11
12 I merely wish to point out that in paragraph 19, at the end of line 4, mentioned is made of
13 François Fungameza, the *conseiller* of Muyumba *secteur*. The correction is only in the French version
14 actually. It is Muyumbu, instead of "Muyumba", as written in French. That needs to be corrected.

15
16 Let me also take the opportunity to say that in your decision dated 28th of June -- let me indicate, on
17 the second page, in the introduction, that the answer or reply by the Defence was to a motion by the
18 Prosecutor -- Office of the Prosecutor, that reply was provided on the 13th of June 2007; not on the
19 13th of September 2007.

20
21 Apart from that, Mr. President, Your Honours, I merely wish to state that in the demeanour of
22 Mr. Rugambarara, you must have noticed his desire to say something, and I would urge the
23 Trial Chamber to allow him to do so.

24 MR. PRESIDENT:

25 We will take a short adjournment to consider the plea.

26 MR. ADEOGUN-PHILIPS:

27 Your Honour, if I can just -- you had asked if we had any comments in relation to the plea agreement.
28 The only observation I had is that the agreement is currently under seal, Your Honour. You are invited
29 to unseal the document if my learned friends have no objection.

30
31 I am grateful.

32 MR. PRESIDENT:

33 Yes, Mr. Rugambarara, you said that you wanted to say something to this Court. You are permitted to
34 do so now.

35 THE ACCUSED RUGAMBARARA:

36 I am most obliged to you, Mr. President.

37

1 Mr. President, Your Honours, I have been waiting anxiously for this day in order to clear my conscience
2 that has been tarnished and darkened by my involvement in acts of extermination which occurred in my
3 *commune* during the genocide, and other war crimes, as well as the massacres which took place
4 between April and June 1994 in Rwanda, the cherished land with which we have been endowed by
5 God.

6
7 Dear brothers and sisters of Bicumbi, in September 1993, you placed your trust in me to lead our
8 common endeavour intended to achieve our common happiness in unity and harmony, as well as the
9 economic, social and cultural development of our *commune*, one of the largest and richest regions in
10 Rwanda.

11
12 Contrary to that, during the limited period of 216 days of my tenure of office as your *bourgmestre*, you,
13 my fellow countrymen and women and especially our Tutsi brothers and sisters, fell victim to humiliating
14 acts of extermination.

15 THE ENGLISH INTERPRETER:

16 Mr. President, could the Accused (*inaudible*) to read at dictation speed? It can't be followed by the
17 interpreter.

18 (*Pages 1 to 12 by Sheriffo Jammeh*)
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1 1015H

2 MR. PRESIDENT:

3 Mr. Rugambarara, please, can you say what you have to say slowly, because there are officers
4 recording what you are saying? So, please go slow.

5 THE WITNESS:

6 Obligated, sir.

7 THE WITNESS:

8 Today, Friday, July 13th, 2007, full of contrition, and from the bottom of my heart, I pay sincere tribute
9 to all the innocent victims of the shameful cowardice, and humbly now and plead for -- and let me
10 emphasise this, humbly bow and plead for forgiveness from the bottom of my heart.

11
12 I also plead you join me in condemning those acts committed during the genocide, the crimes and
13 massacres that were committed in April 1994. The widows and orphans of the Bicumbi *commune*, I
14 do acknowledge the crimes that I committed against you, and I pray God that he welcomes your
15 souls. I recognise and plead guilty to the fact that I wasn't in a position to commission investigations
16 so as to bring my subordinates before the courts -- my subordinates who had committed crimes. I
17 plead guilty so that the truth can be brought to the fore and reconcile us all -- all the people of
18 Rwanda. I plead guilty to the role that I played in the course of the genocide and the massacres
19 against the people whom I had to lead. I also plead guilty so as to be able to work with you and to
20 reconcile with our humanity. Same as Cain; I hear the voice deep inside me, which keeps reminding
21 me that I too lost humanity during those 100 days, those 100 days that were marked by the howls of
22 crimes of genocide, crimes against humanity and war crimes.

23
24 Dear brother, Paul Kagame, the President of our country, Rwanda, which has been saddened by pain
25 because of these crimes -- heinous crimes, I call on you, from the bottom of my heart, to staple up this
26 trouble for the reconciliation of all the people of Rwanda, so that Hutus Tutsis and Twas may forever
27 live together like the white and black pupils of the eye. In this struggle for the unity of our people, in
28 this wonderful land of Rwanda, a Rwanda that is hugely beautiful, I have decided -- I have made a
29 commitment to be a soldier at the side of those seeking justice and to say "never again". Once more,
30 in pleading guilty, I accept the impending sanction. It is my hope to be able to recover my human
31 dignity. I do believe that I shall be forgiven by all the victims of this tragedy. I am most grateful to
32 you, Mr. President.

33
34 This statement is made by myself, Juvénal Rugambarara, today, July 13th, 2007. Let me thank you
35 again.

36 MR. PRESIDENT:

37 Yes. For the consideration of what you said and what counsel said, we will adjourn for 15 minutes

1 and come back to make an order on your guilty plea.

2
3 Court is adjourned for 15 minutes.

4 (*Court recessed from 1040H to 1055H*)

5 MR. PRESIDENT:

6 This is the decision of the Chamber.

7
8 Having heard the answers given by the Accused with regard the requirements in Rule 62B, the
9 Chamber is satisfied that at the Accused has made his plea -- guilty plea freely and voluntarily, and
10 that it was informed and equivocal (*sic*).

11
12 Upon the review of the plea agreement, jointly submitted by the parties, the Chamber is further
13 satisfied that the plea is based on sufficient facts for the crime and his participation in it.

14 The Chamber finds no material disagreement between the parties about the facts of the case. The
15 Chamber, therefore, finds the Accused, Juvénal Rugambarara, guilty of extermination as a crime
16 against humanity. In accepting the guilty plea, the Chamber disposes of the joint motion to consider
17 the guilty plea submitted on 13th June 2007. At this point, the Chamber unseals the joint motion and
18 the plea agreement and orders that they be made available to the public. The Chamber also orders
19 that Rugambarara be held in custody under conditions which will safeguard his security.

20
21 Earlier, I think it was -- inadvertently it was -- I said "equivocal" -- I said "equivocal", but it should be
22 unequivocal.

23
24 At this stage, we would like to enquire from the parties as to when we should have the sentencing
25 hearing. Is it all right if we suggested the 3rd of September?

26 MR. ADEOGUN-PHILLIPS:

27 It is fine for us.

28 MR. PRESIDENT:

29 Yes, Mr. Defence counsel, is it okay with you?

30 MR. CHODHA:

31 Thank you, Mr. President.

32
33 Mr. President, Your Honour, above all, I would like to say that the process that we have gone through
34 has been long. With the absence of a clear orientation at the beginning in our investigations, we
35 contacted a number of witnesses on the field, who, of course, were a bit unwilling, in the sense that
36 the Defence strategy was not very clear, but thank God, over the past few days on account of our own
37 commitment, we have a more sustained and direct contact with a number of witnesses which appear

1 to be extremely important for us, whom we intend to call before your Chamber or whose statements
2 we intend to produce in support of the mitigating circumstances that we intent to submit in our
3 Defence.

4
5 In that regard, we wish that the sentencing session be held in the week of the 17th to 23rd
6 September, so as to be able to make -- go over some contacts. We have submitted a work
7 programme, and on this occasion, I would like to state that I am gratified by the support that we got
8 from the registry. Support which has always been there, but on this occasion, and as I told you in the
9 beginning, you know, Mr. President, that it is not easy today to get witnesses, particularly when you
10 take into account the victims that we have in this case, for such witnesses to accept to appear in this
11 case. That is why we would like to take advantage of this period to fine-tune -- but I can assure you
12 that we are not going to clog the procedure with too many witnesses, but there are a number of
13 persons that we are in contact with and whom we would like to call to appear. That is why we would
14 like to request, from our colleagues from the Office of the Prosecutor, to support us in this request.

15
16 But beyond this, let me say a few words in relation to our success of our negotiations. I would like to
17 congratulate the Office of the Prosecutor for the attitude that they have adopted. An attitude that was
18 imbued with honesty, seriousness and which led us to this agreement.

19
20 I would like to congratulate them because we started with an indictment with nine charges, and today
21 we have come to an indictment which has a single charge. I have always said that in my career, in
22 my practice as a lawyer, it is satisfying to meet colleagues who are able to say, in all honesty, that we
23 have seen this person, and that today we do not have the evidence to prove the charges, and that is
24 why I would like to publicly congratulate the Office of the Prosecutor for their seriousness and the
25 quality of their work and the honesty that they have shown in the course of their work.

26
27 Thank you very much, indeed.

28 MR. PRESIDENT:

29 Thank you, Counsel. The Chamber would also like to know, is Defence only meant for character
30 witnesses that will be called? Can we take it that way? Is that all right?

31 *(Pages 13 to 15 by Regina Limula)*

1 1200H

2 MR. DIABIRA:

3 Thank you, Mr. President. At this stage, on account of the progress of the case, it would just be
4 witnesses of character. But at the same time, you will understand the difficulty, even for character
5 witnesses to leave Rwanda to appear before you. And that is why we have completed our request for
6 protection of witnesses and we wish the Chamber to accept that request.

7 MR. PRESIDENT:

8 Counsel for the Defence, how many days do you think will take your character witnesses to testify. Is it
9 one day enough or two days?

10 MR. DIABIRA:

11 Mr. President, I believe that it should be about a day, not more than that.

12 MR. PRESIDENT:

13 Okay. Then sentencing will be fixed for the 17th of September -- sentencing hearing; okay, will be fixed
14 for the 17th of September.

15

16 Court is adjourned till 17th of September.

17 *(Court adjourned at 1202H)*

18 *(Page 16 by Haruna Farage)*

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CERTIFICATE

We, Sheriffo Jammeh, Regina Limula and Haruna Farage, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in no way interested in the result of said cause.

Sheriffo Jammeh

Regina Limula

Haruna Farage