

Rwanda

The information below is based on the Report of the Special Representative on the Situation of human rights in Rwanda (A/55/269), issued on 4 August 2017¹

10. [...]Another source of malaise reported to the Special Representative is the recent awareness of significant numbers of cases of sexual abuse of children of both sexes, especially young girls, in some cases in the belief that having sex with a young girl will cure HIV/AIDS.

The information below is based on Prosecutor v. Bagosora et. Al, Case No. ICTR-98-41-T, Judgement and Sentence, International Criminal Tribunal for Rwanda, issued on 18 December 2008²

976. According to the military observers, the Rwandan army blocked off access to the area that morning, and then gendarmes, carrying lists, moved methodically through it escorting or sending Tutsis to the church. Other Tutsis also fled to the church. The priests and military observers, who were at the residence, heard screams from the church and walked over to investigate. The gendarmes seized them and held them against the wall with gun barrels pressed to their throats. The gendarmes compared identity cards of the Tutsi refugees to the lists that they were carrying. The identity cards were then burned as the *Interahamwe* entered the church and began killing the refugees over the course of the next several hours. Beardsley recounted the crimes in detail:

Pregnant women had their stomachs slashed open, foetuses on the floor. Even a foetus was smashed. I remember -- just from the time I was there, I remember looking down, a woman obviously had tried to protect her baby. Somebody had rolled her off the baby. The baby was still alive and trying to feed on her breasts. She'd been -- her clothes had been ripped off. The killing that was done was not done, in their opinion, to kill the people immediately; it had been done to kill them slowly. Women's breasts, women vaginas had been cut with machetes; men's scrotum areas cut with machetes. Men had been hamstringed behind their Achilles' tendons so that they couldn't walk, but they would have to watch what was happening to their families. There was rape that had taken place. In addition to the killings, and the murder. The priests and military observers were forced to watch, and the gendarmes beat them with rifle butts if they averted their eyes from the killing. After a few hours, the gendarmes and militiamen became tired of the killing and left.³

1908. Civilian roadblocks were usually run by a soldier, policeman, gendarme or a civilian armed with a gun. The leader might also have grenades and, occasionally, a hand-held Motorola radio.⁴ The roadblocks manned by militia appeared to be the most dangerous, in particular after 8 or 9 April 1994.⁵ These locations were sites of open and notorious slaughter and sexual assault. Several witnesses, including Dallaire and Beardsley, observed dead men and women around roadblocks throughout Kigali, including children. The bodies of the dead were frequently piled near the roadblocks and at times were collected by local officials. Female victims were left lying on their back with their legs spread and stained with semen. Dallaire saw objects crushed or implanted in vaginas, breasts cut off, stomachs opened and the mutilated genitals of men. The only uniformed soldier among the dead whom Dallaire observed at a roadblock was one of his military observers.⁶

¹ Full text available [here](#)

² Full text available [here](#)

³ *Id.* pp. 44-45.

⁴ Beardsley provided illustration of this organisation when discussing his evacuation of a convent on 10 or 11 April 1994. Specifically, his vehicle drove through a roadblock being set up by 15 or 20 males primarily in their teens and twenties and a Rwandan soldier. When returning, the soldier, who seemed to be in charge because he was armed while the others only had machetes or clubs, stated: "It's good you're not Belgian because if you were, we would drink your blood and eat your flesh". Beardsley, who had his pistol on his waist, told the man that he would have a hard time doing that with a hole in his head. The soldier waved Beardsley's vehicle through. See T. 3 February 2004 p. 47.

⁵ *Id.* pp. 49-50.

⁶ Dallaire, T. 20 January 2004 pp. 29-32; T. 23 January 2004 p. 28; Beardsley, T. 3 February 2004 pp. 49-52; Witness ZA, T. 12 February 2004 pp. 16-22, 45-46, 50-51, 76-77; Witness BY, T. 2 July 2004 pp. 17-18, 39, 42-43; T. 5 July 2004 pp. 9-10, 13; T. 6 July 2004 pp. 51-52, 76; T. 8 July 2004 p. 31; T. 9 July 2004 pp. 17-19, 72, 76; Witness A, T. 1 June 2004 pp. 48-49, 52-53; T. 2 June 2004 pp. 81-82; T. 3 June 2004 pp. 79-

Bagosora

2224. The Chamber finds Bagosora guilty of other inhumane acts as a crime against humanity (Count 9) as a superior under Article 6 (3) in connection with the sexual assault of the Prime Minister, the torture and murder of Alphonse Kabiligi in front of his family, the stripping of female refugees at the Saint Josephite Centre and the sheparding of refugees to Gikondo Parish, where they were killed.

The information below is based on *Prosecutor v. Muhimana*, Case No. ICTR-95-1B-T, Trial Chamber Judgement, International Criminal Tribunal for Rwanda, issued on 28 April 2005⁷

441. Prosecution Witnesses AF,⁸ BE⁹ and AT¹⁰ all testified that they saw Kabanda's naked body and that his head and private parts had been severed. Witness BE also testified that Kabanda had been wounded in his right leg.¹¹

444. Witness AT testified that he heard that Kabanda's genitals had been hung on a stake in Gitarama. After the war, in October 1994, the witness was able to personally confirm this information.¹²

The information below is based on *Prosecutor v. Niyitegeka*, Case No. ICTR-96-14-T, Trial Judgement, International Criminal Tribunal for Rwanda, issued on 16 May 2003¹³

303. On 22 June 1994, Witness GGO saw the Accused from the woods by a ravine close to a cassiterite quarry at Cyamaraba¹⁴ on Kazirandimwe Hill, opposite the Accused's residence. He saw the Accused with Mika, Sikubwabo and Ndimbati, whom he identified as leaders. They wanted to surround the Tutsi in the pine forest. The Accused was about 50 metres away from the witness. The Accused told the attackers who were tired of killing, to work seriously. Therefore, the attackers remained and it was then that Assiel Kabanda was found. The attackers rejoiced at his capture - they had been looking for Kabanda for several days because he was an influential trader and well-liked. They shouted out that they had found Kabanda and were so happy that they stopped killing that day and returned home. Kabanda was killed after his capture but the witness could not see who shot Kabanda as all the attackers there had guns and there was a series of bullet shots. However, the witness stated that the Accused did not commit the killing. At this time, the Accused was about 70 metres from Kabanda. The witness then saw Mika cut off Kabanda's head with a machete, and castrate him. Kabanda's skull was pierced through the ears with a spike and carried away by two men, each holding one end of the spike with the skull in the middle. The Accused was standing close by throughout this incident and was jubilant and rejoicing while the acts were being perpetrated. Mika, Ruzindana, Sikubwabo and others left with the skull. The entire incident lasted 30 minutes to an hour. The witness heard Kabanda's head was subsequently displayed at Mika's shop in Gishyita. The genitals were hung on a spike until the witness and others found them and buried them. The witness saw his body without his genitals.¹⁵

312. Based on the totality of the evidence, the Chamber finds that on 22 June 1994, sometime in the afternoon after 3.00 p.m., at Kazirandimwe Hill, the Accused was with others leading an attack against Tutsi refugees. The attackers found a prominent Tutsi trader, Assiel Kabanda, for whom

80; Ruggiu, T. 16 June 2003 pp. 3, 5-6, 39-44; T. 17 June 2003 pp. 6-7, 14, 16, 44-47, 51-53; Witness AA, Prosecution Exhibit 397 (Rule 92 bis statement of 6 December 1997); Witness AU, Prosecution Exhibit 398 (Rule 92 bis statement of 24 November 1997).

7 Full text available [here](#)

8 T. 29 April 2004, p. 21.

9 T. 20 April 2004, p. 20.

10 T. 21 April 2004, pp. 6, 24.

11 T. 21 April 2004, p. 24.

12 T. 20 April 2004, p. 20.

13 Full text available [here](#)

14 The French spelling is favoured over the English ("Cyanaraba") as the first translation from the original Kinyarwanda – T. 28 Aug. 2002, pp.177-178 (Fr.); T. 28 Aug. 2002, pp. 111-112.

15 T. 28 Aug. 2002, pp. 106-119; T. 29 Aug. 2002, pp. 40-47, 80-93, 98-99.

attackers had been looking several days. The Accused and the others rejoiced when they found him. The Accused and others were jubilating when Kabanda was killed and subsequently decapitated and castrated, and his skull pierced through the ears with a spike. His genitals were hung on a spike, and visible to the public. Although the Accused did not personally kill Kabanda, the Chamber finds that he was part of the group that perpetrated these crimes, and rejoiced at the commission of these acts.

The information below is based on the Report of the Special Rapporteur on the situation of human rights in Rwanda, International Criminal Tribunal for Rwanda (E/CN.4/1996/68), issued on 29 January 1996¹⁶

18. The forms of rape similarly testify to their systematic nature. Two may be noted: gang rape and incest. The former, perhaps less common than individual incidents of rape, consisted in the victim being raped by several of her tormentors at one time. Many women who underwent this type of rape died as a result. The cases of incest are still more revealing of the systematic and abominable nature of the rape: direct relatives, or blood relatives, were forced to have incestuous intercourse. According to reliable testimony, militiamen forced fathers or sons to have sexual relations with their own daughters or mothers and vice versa. In addition to these atrocities the women were subjected to various brutalities which generally caused their death. Some were sexually humiliated: they were stripped and/or slashed and exposed to public mockery. Others had pieces of trees branches pushed into their vagina. Even more had their external genitals, their buttocks and their breasts cut off. These brutal atrocities cannot but have serious consequences for the survivors.

¹⁶ Full text available [here](#)