

XV. Annex 2: Analysis of RPA prosecutions by the Rwandan government for crimes committed in the year 1994

Information about prosecutions by the military justice service of crimes allegedly committed by RPA soldiers in 1994 is incomplete and sometimes contradictory. The table below summarizes that information and notes possible inconsistencies.

Total number of crimes prosecuted:	21
Total number of persons prosecuted:	32
Total number of victims listed	92
(or 91, see no. 5)	
Total convicted and sentenced to prison:	14
Terms of imprisonment:	
Life, reduced on appeal to 6 years	1
Terms between 3 and 4 years	5
Term of 2 years	7
Indeterminate term	1
(no 4: 5 years or 18 months?)	
Total apparently not brought to trial:	11
Total acquitted	4
(no. 9: died before judgment?)	
Total trials with no judgment:	3
(1 died, 2 no appearance)	

RPA Soldiers Prosecuted in Rwanda for Crimes Committed in 1994

Name	1994 list	1998 list	2002 List	2007 List
1. Lt Arthur Butare	Murder (revenge)		Inflicting Grievous Harm Acquitted	Murder Acquitted
2. Cpl Abubakar Safari	Murder of civilian Gamaliere			
3. Pte Frank Sekubumba	Murder of civilian Gamaliere (as above)	Sentence: 5 years (12/8/97)	Assassination of Gamaliyeri Sentence: 2 years	Murder of Gamaliyeri Sentence: 2 years (22/7/97)
4. Pte Rurisa Kizito	Murder (revenge) of 5 neighbors	Sentence: 5 years (12/8/97)	Murder of 6 people armed with pangas in the forest Sentence: 18 months (12/8/97)	Murder of 6 people armed with pangas in a deserted area whom he thought were militia Sentence: 18 months (12/8/97)
5. Pte Kabera Augustin	Murder of 2 alleged militia; he admitted the killings Extrajudicial act			
6. Cpl Ngarambe Joseph	Murder of 4 civilians and children; he admits killing militia			
7. Cpl Jean de Dieu Safari	Murder of 2 alleged militia who had intent to poison another person Extrajudicial act			

8. Cpl Hikirukwayo Thomas	Murder of 2 alleged militia who had intent to poison another person (as above)			
9. Sgt. Rubimbura Jean-Baptiste	Murder of 10 people fleeing to Tanzania who had killed his family (revenge)		Assassination in Murambi (Mutara) Died before court appearance	Murder of 10 armed militia who killed his family Acquitted (self-defense)
10. Cpl Niyonsenga Innocent	Murder of 15 persons who had killed his family	Sentence: 3 years in prison (12/8/97)	Murder of 15 militia Sentence: 3 years in prison	Murder of 15 alleged militia who had supposedly killed his family Sentence: 2 years (12/8/97)
11. Pte Karegeya Boniface	Murder Killed one of a group armed with sticks/stones	Sentence: 2 years in prison (24/7/97)	Murder of Nyirabagenzi (n.b. name of a woman) Sentence: 2 years in prison	Shot at a group armed with spears at night, killed Nyirabagenzi Mitigating factors: time of insecurity and his inexperience Sentence: 2 years
12. Sgt. Higirot Claude	Murder Kidnapping of Rukara Pleads innocent			
13. Karangwa Appolinaire no rank given	Murder of 3 Revenge killing			
14. Cpl. Ndanga	Murder beat Munyaneza, suspected militia to death			

15. Pte Kanyangoga Jean Bosco	Murder beat Munyaneza, suspected Interahamwe, to death (as above)			
16. Sgt. Rwitare Sam [later lists spell name: Rwitatira]	Murder of Musa, a businessman		Assassination of Rwamuhama Musa and Tharcisse Acquitted	Heard Musa and Tharcisse saying RPF no better than previous govt. and killed them. Acquitted claimed to have been tortured to confess and no other evidence
17. Cpl. Nzigiyе Augustine	Murder of Musa, a businessman (as above)		Assassination of Rwamuhama Musa and Tharcisse Acquitted	Heard 2 men in a bar saying RPF no better than previous govt. and killed them Acquitted claimed to have been tortured to Confess and no other evidence
18. Pte Mushumba	Murder of 7 militia			
19. Pte Mwumvaneza Vincent	Murder of alleged militia			
20. Pte Girukwayo (no other name given)	Murder of alleged militia	Pte Thomas Igirukwavo Sentence: 3 years (6/8/97)		

21. Mjr Bigabiro Sam	Handwritten Name and rank only at end of typed list; no other details	Sentence: life in prison (30/1/98)		Murder of 30 civilians Ordered his guard to kill alleged militia Sentence: life in prison reduced to 6 years by Supreme Court (unspecified mitigating factors)
22. Cpl Gato Denis				Murder of 30 noncombatant civilians on orders of Bigabiro; pleaded guilty (mitigating circumstances, following orders Sentence: 3 years, 9 months)
23. Sgt. Muhirwa Albert				Murder of unidentified suspected genocide perpetrator who tried to escape Pleaded guilty (mitigating factors: time of war; only military could establish justice) Sentence: 2 years

24. Sgt. Mugabo John			Murder Aiding and Abetting criminals Sentence: 3 years and 3 months	Murder of unidentified armed person Pleaded guilty to having ordered escaping prisoner shot Sentence: 3 years and 3 months
25. Cpl. Africa Damascene			Murder Aiding and Abetting criminals Sentence: 3 years and 3 months	Murder of unidentified armed person Not guilty of murder; guilty of failure to report crime Sentence: 3 years and 3 months (as above)
26. Pte Giseka Byagatonda			Murder Aiding and Abetting criminals Sentence: 3 years and 3 months	Murder of unidentified armed man Pleaded guilty (mitigating factors: obeying orders) Sentence 3 years and 3 months (as above)
27. Sgt. Rujugiro Innocent				Murder of suspected militia Did not appear in court
28. Sgt. Ngamije Pie				Murder of suspected militia Sentence: 2 years (as above)

29. Cpl Uwamungu Jacques				Murder of suspected militia Died before court appearance (as above)
30. Pte Rutsindura Epimaque				Murder of suspected militia Did not appear in court (as above)
31. Pte Havugimana Emmanuel				Murder of suspected militia Sentence: 2 years (as above)
32. Cpl Kamugunga Innocent				Murder (with Cpl Uwamungu (no. 29) of suspected killer of Uwamungu's family Pleaded not guilty to murder but guilty of non assistance (mitigating factors) Sentence 2 years

Sources:

1. Two page document entitled "Capital Offences" and listing 21 accused persons (the last added in script at the end of the list), provided by Rwandan authorities in November 1994.
2. One page document, untitled, provided by the Auditorat Militaire, dated 3 June 1998.
3. International Federation of Human Rights Leagues (FIDH), "Victims in the Balance, Challenges ahead for the International Criminal Tribunal for Rwanda," found at <http://www.fidh.org/afriq/rapport/2002/rw34a.pdf>, (accessed November 18, 2006), particularly pp. 16-17 and annexes.
4. Rwanda Military Prosecution, "RPA Soldiers Who Committed Crimes of Revenge During and After 1994 Genocide and Were Prosecuted Before Rwandan Military Courts," April 2007.