

*The Prosecutor vs. Callixte Kalimanzira*

Case No. ICTR-05-88-T

**SUMMARY OF JUDGEMENT**

Delivered Monday, 22 June 2009 at 10:00 a.m.

Today, the Chamber delivers its Judgement in the case of the Prosecutor versus Callixte Kalimanzira. A summary of the Judgement will now be read out. It is to be understood that the written Judgement, which will be distributed at the close of this hearing, is the only authoritative statement of the Chamber's findings and reasoning in the present case.

The Indictment charges Mr. Kalimanzira with three counts: genocide; or, in the alternative, complicity in genocide; and direct and public incitement to commit genocide. All of the alleged events on which these charges are based occurred from April through June 1994, in Butare *préfecture*.

Kalimanzira is a native of Butare *préfecture* and was born in 1953. The Prosecution alleges that, from 6 April to 25 May 1994, he acted, functionally, as the Minister of the Interior in Faustin Munyazesa's absence. He is also alleged to have been a high-ranking member of the MRND party and to have acted as the master of ceremonies at the MRND Palace meeting on 19 April 1994 aimed at triggering killings of Tutsis in Butare *préfecture* to parallel those already underway throughout the rest of country. Kalimanzira, who was well-liked and highly respected by the local population, is accused of abusing his authority to instruct, encourage and prompt the population of Butare *préfecture* to kill their Tutsi neighbours.

The Defence contends that Kalimanzira was not a political man, but someone who worked to develop and empower his local community, Tutsi and Hutu alike, through the use of agriculture. He is presented as having discharged his duties as a civil servant with honor and integrity, without ever having harbored any anti-Tutsi sentiment in his life. Upon becoming *Directeur de Cabinet* of the Ministry of the Interior, Kalimanzira insists he was merely a technocrat, without any political authority. Apart from a few specified

occasions, he claims to have remained in Gitarama *préfecture* throughout April and May 1994, and at home in Butare *ville* throughout June. This is Kalimanzira's alibi in defence of most of the incidents alleged by the Prosecution.

Before turning to the facts in this case, the Chamber will discuss some preliminary matters. In its Closing Brief, the Defence objects, among other things, to the vagueness of paragraph 15 of the Indictment relating to the erection and supervision of roadblocks, and to the introduction of several events for which it claims it did not have sufficient notice, including but not limited to Kalimanzira's participation in Butare Prefectural Security Council meetings, and his presence at the inauguration of Elie Ndayambaje.

The Chamber has considered the Defence's objections, and agrees that paragraph 15 was impermissibly vague. In some instances, the Chamber has *proprio motu* addressed possible lack of notice even where no specific objection has been made by the Defence, based on the organization and argumentation of the Prosecution Closing Brief. In most instances, the Chamber has found that the Defence was given clear, consistent and timely notice of the material facts underpinning the charges at paragraphs 8, 15, and 27 of the Indictment. The Chamber also considered that the cumulative effect of the defects cured did not prejudice Kalimanzira's ability to mount an adequate defence. These and other legal issues are discussed in greater detail in the written Judgement.

I now turn to the Chamber's findings.

Kalimanzira denies the allegations at paragraph 2 of the Indictment that he acted as Minister of the Interior in Munyazesa's absence, that he was a prominent member of the MRND party, that he was closely affiliated with the Interim President Théodore Sindikubwabo and Prime Minister Jean Kambanda, and that he held *de jure* or *de facto* authority over the people and officials of Butare *préfecture*.

The Chamber finds that while Kalimanzira was in the officer in charge of the Ministry of the Interior in the Minister's absence from 6 April to 25 May 1994, his delegated powers

did not exceed those concerning the Ministry's daily business. The political and initiative powers of the Minister would have been exercised by persons higher up in the political establishment of the Interim Government.

As to Kalimanzira's political affiliations, the Chamber finds that he was much more politically inclined than he admits. The evidence shows that he was indeed a prominent MRND member. As *Directeur de Cabinet*, Kalimanzira was the political advisor to the Minister of the Interior, who was also an MRND member. This suggests that Kalimanzira's MRND membership not only pre-dates, but also contributed to, his appointment. The evidence does not, however, show that Kalimanzira was a close ally of the Interim President or Prime Minister. Rather, Kalimanzira's allegiance was to his Minister, Faustin Munyazesa, with whom he had a long term working relationship, and who was most responsible for his rising career.

The Chamber finds that Kalimanzira exercised a certain *de jure* authority while he was the officer in charge of the Ministry of the Interior, but his authority was limited to day-to-day affairs. To the extent that he held some *de jure* authority over prefectural, communal, and other local officials, it follows that he would have also held a certain level of *de facto* power over them. With respect to his influence in Butare *préfecture* in particular, it is not disputed that Kalimanzira was well-liked, even loved, and highly respected. Kalimanzira's high standing and good reputation, not to mention the incrementally important governmental positions he held throughout his career, would undeniably imply an increased level of reverence from and influence over the population of Butare *préfecture*.

As previously mentioned, Kalimanzira offered an alibi defence. For reasons discussed more fully in the written Judgement, the Chamber does not believe his alibi. Kalimanzira's work in Murambi/Gitarama does not preclude him from having traveled to Butare at other times than those he admitted to, and his assertion that he stayed in his home in Butare *ville* throughout the month of June, except on a few specified occasions,

is equally untenable. The Chamber recalls that its disbelief in Kalimanzira's alibi does not relieve the Prosecution of its burden to prove its case beyond reasonable doubt.

The Prosecution accuses Kalimanzira of planning, ordering, instigating, committing, or otherwise aiding and abetting Genocide at several locations throughout Butare *préfecture* between April and July 1994. No evidence was led in relation to paragraph 11 of the Indictment accusing Kalimanzira of ordering killings and personally beating Tutsis to death at a roadblock near the Buzana River, and at Rango, a few kilometers away. Similarly, no evidence was led in relation to paragraph 16 accusing Kalimanzira of distributing weapons in Kigembe *commune* and periodically replenishing a weapons stockpile at the Muganza *commune* office. These charges are therefore dismissed.

With respect to Kalimanzira's alleged criminal conduct at the Sakindi roadblock described at paragraphs 13 and 25, the Chamber finds AZH's uncorroborated evidence lacks sufficient reliability to sustain a conviction. The Chamber also finds AZH to be insufficiently reliable to lend corroboration to AZC's testimony on Kalimanzira's alleged instigation on 5 June 1994 in Mugusa *commune*. With nothing else to lend credence or support to AZC's account, the Chamber finds that the Prosecution has failed to prove the allegations at paragraphs 12 and 14 of the Indictment beyond reasonable doubt.

With respect to the MRND Palace meeting on 19 April, which Kalimanzira admits he attended, the Chamber finds no criminal responsibility ensues from his role as what could be described the master of ceremonies. In the presence of such high-level dignitaries as the Interim President and Prime Minister, who were also natives of Butare, Kalimanzira's rank and authority were relatively insignificant. His failure to object to any portions of their allegedly inflammatory speeches could therefore not have substantially contributed to the commission of any of the crimes alleged to have resulted from these speeches.

With respect to the archery training session held at the Muganza *commune* football field in May 1994 pleaded at paragraph 17 of the Indictment, the Chamber heard credible and largely reliable evidence from BCA, BBB and BWI. However, the rally's purpose was to

train the local population to handle weapons in order to assist the Rwandan armed forces at the approaching front if the RPF were to arrive in the area. The Chamber considers this to have been a legitimate civil defence exercise. As such, Kalimanzira's attendance and participation at this meeting cannot form the basis of a criminal conviction.

In support of the allegations at paragraph 8 of the Indictment that Kalimanzira visited Butare *préfecture* on several occasions to incite the population to kill Tutsis and sensitize the population to the Government's genocidal policy, the Prosecution relies on AZM, BWI, FAC, AZT, BCA and BBB, who testified to five separate events. Although the Chamber believes AZM's testimony that Kalimanzira attended several meetings of the Butare Prefectural Security Council in May 1994, there is insufficient evidence to conclude that instigation occurred at the Security Council meetings. And although the Chamber accepts that Tutsis were killed by the thousands in Butare, there is no evidence to link the Security Council meetings to those killings.

BWI testified to another meeting at the Muganza *commune* football field, earlier than the one alleged at paragraph 17 of the Indictment, where Kalimanzira allegedly instructed the public not to loot the property of Tutsis, but rather to exterminate them. The Chamber finds that the Prosecution's failure to lead any evidence from BCA or BBB, who would also conceivably have attended or at least heard about this meeting, casts reasonable doubt on this allegation.

FAC testified to a rally at the cemetery near Butare University where Kalimanzira allegedly instructed some 2000 persons present to continue searching for Tutsis in hiding and flush them out, which they did. Oddly, however, FAC said that one hour *before* this rally, he participated in a search for Tutsis in the nearby forest, where they found nobody alive. FAC did not explain why the search would be undertaken before, or who might have given instructions to do so. Defence Witnesses Albert Barikwinshi and Jean de Dieu Rutabana confirmed the occurrence of the forest search, but indicated that they were looking for hidden RPF combatants. They denied the occurrence of any rally before,

during, or after the search. The Chamber considered FAC's testimony with caution and concludes that without corroboration, it lacks sufficient reliability to support a conviction.

AZT accused Kalimanzira of instigating the audience at a public rally in Nyabitare *secteur* to keep searching for Tutsis in hiding; he admits to participating in killings which followed. As an accomplice, his testimony was viewed with caution. The Defence called three witnesses who were also present at the same meeting, but who emphatically deny Kalimanzira's presence there, and assert that the meeting's content was limited to security issues and calls for killings to stop. The Chamber considers that the credible and consistent evidence adduced from Defence witnesses casts reasonable doubt on AZT's uncorroborated account.

BCA and BBB testified that Kalimanzira was present at Elie Ndayambaje's inauguration ceremony in June 1994, where the new *bourgmestre* of Muganza *commune* admonished those in attendance for continuing to hide Tutsis, using a metaphor of sweeping the dirt out of their homes. This led to the killings of Tutsi women, elderly and children, who had hitherto survived by being hidden. The Chamber places little weight on the Defence's implication that simply because no Defence witnesses saw Kalimanzira, he could not have been there. The Chamber finds that Kalimanzira's failure to reject Ndayambaje's inflammatory remarks amounted to official sanction and tacit approval thereof. In this way, Kalimanzira aided and abetted the killings of Tutsis that followed.

To prove the allegations at paragraph 15 of the Indictment that Kalimanzira called for the erection of roadblocks and supervised their operations to kill Tutsis, the Prosecution relies primarily on the evidence of BDJ, AZH, BXX and BXG. The Chamber finds that BXG's evidence on Kalimanzira's behavior at Mukabuga roadblock is irrelevant in relation to this charge. For the same reasons discussed in relation to his allegations at the Sakindi roadblock and the Mugusa *commune* office, AZH's uncorroborated testimony that Kalimanzira ordered the erection of a roadblock in Kabanga *cellule* to prevent Tutsis from fleeing the area is insufficiently reliable to sustain a conviction.

The Chamber believes BDJ's testimony, supported by Prosecution Exhibit 54, that on 10 June 1994, Kalimanzira attended a meeting at the Ndora *commune* office where he expressed anger that he had not seen roadblocks, thereby encouraging and instigating their erection and maintenance. However, there was no evidence regarding which roadblocks were erected upon Kalimanzira's instructions or, more notably, that any killings resulted from Kalimanzira's order at this late stage of the genocide. The Chamber therefore finds that the Prosecution has not proven beyond reasonable doubt that Kalimanzira's instructions substantially contributed to the commission of genocide.

BXK's evidence about the roadblock on the Butare-Gisagara road was credible and reliable. He testified that Kalimanzira stopped there around 22 April 1994, asked the men manning the roadblock why they had no weapons, and why they had instructed passing Tutsis to sit there instead of killing them. Kalimanzira then provided one of the men with a firearm, which was subsequently used to kill some of those very Tutsis at a nearby latrine pit. By these actions, Kalimanzira both instigated and aided and abetted the persons manning this roadblock to kill those Tutsis.

The allegations at paragraphs 9 and 10 of the Indictment, as well as the evidence adduced at trial, may be deconstructed into three categories of events: (1) sending Tutsis to Kabuye hill; (2) killings at Kabuye hill; and (3) supervising and discussing further killings at Kabuye hill. The Prosecution led evidence from several witnesses, as did the Defence. The fact that several thousands of Tutsis were massacred at Kabuye hill is not in dispute; both the Defence and the Prosecution led evidence from survivors of these horrors. The Defence relied primarily on Kalimanzira's alibi defence, supported by Defence Witness Marc Siniyobewe, which the Chamber does not believe. The Defence also relied on its witnesses whose evidence was largely limited to asserting that they did not see Kalimanzira there.

The Prosecution witnesses, however, gave abundant and compelling evidence that he was. BWO, BCF, BDC and BBO all testified to having seen Kalimanzira at Kabuye hill on or around Saturday, 23 April 1994. BXG witnessed Kalimanzira at a nearby roadblock

earlier that day. BWO, BCF, BDC and BXG are survivors of the attacks at Kabuye hill; BBO, however, participated in the attacks. The Chamber found that BBO's testimony could not be relied upon where it was uncorroborated. BWK's evidence, along with BDC and BCF's, proved beyond reasonable doubt that on 23 April 1994, Kalimanzira personally encouraged Tutsi civilians to take refuge at Kabuye hill, promising them protection. He did so both tacitly at the Gisagara marketplace, and expressly on the Kabuye-Gisagara road. Defence Witnesses AM14 and FCS failed to cast any doubt on the Prosecution evidence in this regard. BWO and FCS' combined evidence supports the conclusion that the expulsion of Tutsi refugees from the Gisagara marketplace to Kabuye hill took place in multiple stages.

BDC, BCF, and BWO gave credible and reliable evidence that Kalimanzira also came to Kabuye hill. There, he witnessed the massive gathering of Tutsi refugees, and brought armed reinforcements with him. BXG's account of Kalimanzira's behavior earlier the same day shows that he not only knew the Tutsis would be attacked and killed, but that he intended this to be so. The Defence led evidence from three survivors – FCS, AK11, and ACB6 – and four attackers – Ndamyumugabe, NGB, Nzabakirana, and Nsabimana – to shed doubt on Kalimanzira's participation in the killings at Kabuye hill. All of them stated that they did not see Kalimanzira there or ever hear of his involvement. Having reviewed the Defence evidence carefully, the Chamber finds it does nothing to contradict the Prosecution case; in fact, in many ways, it supports it, thereby providing a broader historical record of the killings at Kabuye hill. The body of evidence reveals that there were thousands upon thousands of refugees suffering battle and massacre from an indeterminate number of attackers over a large landscape and time span; no witness alone could amply describe everything that transpired or identify everyone who was present.

BDK was the only Prosecution witness to testify to the allegations at paragraph 10 of the Indictment whereby Kalimanzira and other local officials met at Fidèle Uwizeye's house to discuss further action to make up for their failure to eliminate the overwhelming number of Tutsis who had gathered at Kabuye hill. Defence Witness AX88 directly contradicted BDK's evidence. Though the Chamber does not believe AX88's testimony,

it is not entirely convinced by BDK's account either, and considers her sole evidence to be insufficiently reliable.

The Chamber concludes that on 23 April 1994, Kalimanzira came to Kabuye hill with soldiers and policemen. The Tutsi refugees had successfully repelled attacks with sticks and stones until that day, but they could not resist bullets. With significantly more civilian attackers on the ground, the Saturday attack proved successful and the Tutsi refugees were killed in the thousands, resulting in an enormous human tragedy. Kalimanzira's role in luring Tutsis to Kabuye hill and his subsequent assistance in providing armed reinforcements substantially contributed to the overall attack. The Chamber finds Kalimanzira guilty beyond reasonable doubt of aiding and abetting genocide at Kabuye hill.

Having found Kalimanzira guilty of Genocide under Count 1 of the Indictment, the Chamber dismisses Count 2, Complicity in Genocide.

Under Count 3, the Prosecution accuses Kalimanzira of committing several acts of Direct and Public Incitement to Commit Genocide. No evidence was led in relation to paragraph 19 of the Indictment accusing Kalimanzira of inciting the population in late March 1994 at the Gisagara marketplace to arm themselves and prepare to fight the enemy, encouraging those who could manufacture traditional weapons to do so, and promising to supply the people with firearms. This charge is therefore dismissed.

In relation to paragraph 20 of the Indictment accusing Kalimanzira of incitement at the Burundian refugee camp in Kanage *cellule*, the Chamber finds that BBO's uncorroborated evidence is not sufficiently reliable to sustain a conviction. The Chamber does not believe Kalimanzira's alibi that he stayed home in the days following the death of the President. For the same reasons, however, it doubts that Kalimanzira went to Kanage Camp. In the absence of additional information or explanation, it would seem likely that at such a critical time, and in the absence of his Minister, Kalimanzira would have had more important matters to attend to in Kigali.

Paragraph 21 of the Indictment alleges Kalimanzira distributed a rifle at the Jaguar roadblock in mid-April 1994 and incited the persons manning it to use the weapon to kill Tutsis. BWL, BCN, and BCK, gave corroborating, credible and reliable evidence to support this allegation. Defence Witnesses Niyonsaba and Harindintwali admitted to manning the roadblock but denied Kalimanzira's presence there at the time alleged. Both witnesses live in exile and have an interest in denying any criminal acts having occurred at the Jaguar roadblock. They fail to cast doubt on the Prosecution evidence. The Chamber finds that Kalimanzira's incitement to kill Tutsis was clear, direct, and made in a public place – the roadblock – to an indeterminate group of people – those manning it. As such, Kalimanzira is guilty of committing Direct and Public Incitement to Commit Genocide at the Jaguar roadblock.

BBB and BXH were called in support of the allegations at paragraph 22 of the Indictment in relation to the incitement at the Kajyanama roadblock. The Defence claims that AM05, AM02 and AM29's evidence that they did not hear of the incident to which BBB and BXH testified should be believed because in a community as small as Kajyanama *cellule*, even the passing of a car was a significant event, and the passage of Kalimanzira, a former *sous-préfet*, was something that everyone would have heard about. These arguments are not persuasive. After careful consideration the Chamber concludes that BBB is a reliable witness. His testimony was corroborated by BXH, whom the Chamber also believes. The Chamber therefore finds that in late April 1994, Kalimanzira reprimanded and then abducted a man at the Kajyanama roadblock for being unarmed, and exhorted those manning the roadblock to carry arms in order to “defend” themselves against “the enemy” who might pass through. Kalimanzira was understood to be calling for the killing of Tutsis, and the Chamber finds he intended to be understood as such. The incitement was disseminated in a public place – the roadblock – to an indeterminate group of people – those manning it and anyone else watching or listening. As such, the Chamber finds Kalimanzira guilty beyond reasonable doubt for committing Direct and Public Incitement to Commit Genocide at the Kajyanama roadblock.

BCZ was the Prosecution's sole witness to testify to the charges at paragraph 23 of the Indictment relating to Kalimanzira's alleged incitement at the Nyabisagara football field. Because he is an accomplice, the Chamber considered his testimony with caution. After careful consideration, the Chamber found that no motive or incentive to lie could be demonstrated. The Defence called four witnesses who testified to another meeting at the Nyabisagara football field and asserted that Kalimanzira was not there. Their evidence supports the inference that there was more than one meeting in Kibayi *commune* at the time. It therefore does nothing to rebut BCZ's evidence, which the Chamber considered to be credible and reliable. The Chamber therefore finds that in late May or early June 1994, Kalimanzira attended a public meeting at the Nyabisagara football field where he thanked the audience for their efforts at getting rid of the enemy, but warned them not to grow complacent, to remain armed at all times, and exhorted the crowd to keep searching for enemies hidden in the bush or in other persons homes, which they did. He also instructed them to destroy the homes of dead Tutsis and plant trees in their place, which they did. Kalimanzira's call for further elimination of Tutsis in hiding was direct, leading to immediate and commensurate action. It was disseminated in a public place to a large public audience. The Chamber therefore finds Kalimanzira guilty beyond reasonable doubt of committing Direct and Public Incitement to Commit Genocide at the Nyabisagara football field.

BCZ also testified to the allegations at paragraph 24 relating to Kalimanzira's alleged incitement at the Rwamiko Primary School. Though his testimony was largely uncorroborated, other witnesses, Defence and Prosecution alike, supported it in several particulars. The Chamber believes that a group of persons, including BCZ, congregated to decide how to share and distribute the property of dead Tutsis. The Chamber also believes that the meeting described by BCZ took place at the Rwamiko Primary School. However, the Prosecution failed to prove the public nature of this meeting beyond reasonable doubt. The Chamber therefore finds that Kalimanzira's presence and words to the "crisis committee" at the Rwamiko Primary School do not amount to Direct and Public Incitement to Commit Genocide.

The Prosecution relies mainly on BDE's evidence, as supported by BCZ's, to prove the allegations at paragraph 26 of the Indictment that Kalimanzira encouraged people manning the Nyarusange roadblock in May 1994 to continue checking everyone's identity cards and search for the Tutsi enemy. BDE was the Hutu motorcyclist Kalimanzira allegedly criticized and punished for not carrying a weapon with which to kill Tutsis. When Kalimanzira was at the Rwamiko Primary School, BCZ saw BDE and his motorcycle in Kalimanzira's vehicle parked outside. The Defence called AM52 (who is BDE's brother) and KUW, to refute different aspects of BDE's allegations. The Chamber found that neither Defence witness undermined BDE's account, which was credible and reliable. However, the Chamber does not find that this incident amounts to Direct and Public Incitement to Commit Genocide. In order to be criminal, the incitement must be both direct and public, and the Chamber finds that the first criterion is not met in this instance. There is insufficient evidence to conclude that BDE understood Kalimanzira's actions and speech to be a call for him to kill Tutsis, and the Chamber cannot infer that those manning the roadblock would have understood it as such. No conviction may be entered here.

Finally, in relation to paragraph 27 of the Indictment, the Prosecution relies on AZT, BCK, BDJ, BDK and AZC. While the Chamber believes AZT saw Kalimanzira slap an unarmed man at a roadblock in Nyarusange *cellule*, there is insufficient evidence to show that this amounted to Direct and Public Incitement to Commit Genocide. In a similar vein, the Chamber does not consider BCK's credible evidence that Kalimanzira beat Defence Witness Harindintwali with a club for failing to carry a weapon to amount to proof beyond reasonable doubt that Kalimanzira committed Direct and Public Incitement to Commit Genocide. The Chamber believed BDJ's testimony that in May 1994 Kalimanzira rebuked two persons at a roadblock in Kabuye *cellule* for failing to carry arms, and told them that unarmed persons were to be considered the enemy. However, in light of the statement's ambiguity, which seemed individualized to the two recipients only, the Chamber is not satisfied that the direct and public elements were proven beyond reasonable doubt.

BDK's evidence, which the Chamber accepts, was that at the end of May 1994 at a public meeting at the Gisagara marketplace, Kalimanzira criticized those in attendance for being unarmed and told them that they had not completely defeated the enemy. He rewarded a man who was carrying a club with spikes and an iron bar from a wrecked car. Kalimanzira went on to incite the crowd to kill young Tutsi girls who had hitherto been spared by being forced into marriages. BDK understood that by the enemy, Kalimanzira meant the Tutsi. The Chamber finds that this also would have been the understanding of the crowd at the meeting. This finding is supported by BDK's evidence that although there had been no attacks for a week before the meeting, they resumed afterwards and she named several people who were killed. The Chamber finds the only reasonable conclusion that can be drawn from this evidence is that Kalimanzira intended to incite the crowd to carry weapons in order to kill Tutsi civilians. Consequently, the Chamber finds Kalimanzira guilty beyond a reasonable doubt for committing Direct and Public Incitement to Commit Genocide at the Gisagara marketplace at the end of May.

The Chamber has found direct and circumstantial evidence that in committing his crimes, Kalimanzira held the requisite specific intent characterizing the crime of Genocide, which is the intent to destroy, in whole or in part, the Tutsi group, as such.

For the reasons set out in the Judgement, having considered all the evidence and arguments, the Trial Chamber finds unanimously in respect of Callixte Kalimanzira as follows:

Count 1: GUILTY of Genocide

Count 2: DISMISSED

Count 3: GUILTY of Direct and Public Incitement to Commit Genocide

The Chamber now determines the appropriate sentence.

The Prosecution submits that Kalimanzira should be sentenced to life imprisonment. The Defence has made no submissions on sentencing.

At this Tribunal, a life sentence is generally reserved for those who planned or ordered atrocities and those who participate in the crimes with particular zeal or sadism. Offenders receiving the most severe sentences also tend to be senior authorities.

In Kalimanzira's case, the Chamber takes into consideration his prominence and high-standing in Butare society as a former *sous-préfet*, and the fact that he was one of only three people from his area and generation to have received a university education. He was loved and appreciated for his efforts at empowering his community by agriculturally developing his native region. The influence he derived from this and his important status within the Ministry of the Interior made it likely that others would follow his example, which is an aggravating factor. Most significantly, by encouraging Tutsi refugees to gather at Kabuye hill where he knew they would be killed in the thousands, he abused the public's trust that he, like other officials, would protect them.

However, the Chamber notes that Kalimanzira's actions did not evidence any particular zeal or sadism. He did not personally kill anyone and only remained at the sites for a brief period. As far as mitigating circumstances, the Chamber finds there are few. Kalimanzira voluntarily surrendered to the Tribunal, and lived openly prior to his arrest. For much of his life prior to the genocide, Kalimanzira was engaged in the public service of his country. The Defence tried to show that he never harbored anti-Tutsi sentiment before the genocide, but such evidence can in no way exonerate Kalimanzira for his crimes.

The Chamber decides to impose a single sentence. Considering all the relevant circumstances, the Chamber **SENTENCES** Callixte Kalimanzira to

### **THIRTY YEARS IMPRISONMENT**

Kalimanzira shall receive credit for his time served since he was arrested in Nairobi on 8 November 2005. This amounts to three years, seven months, and 14 days. In accordance with Rules 102 (A) and 103, Kalimanzira shall remain in the custody of the Tribunal pending transfer to the State where he will serve his sentence.