



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR- 2000-56-I

THE PROSECUTOR

AGAINST

**AUGUSTIN BIZIMUNGU
AUGUSTIN NDINDILYIMANA
PROTAIS MPIRANYA
FRANCOIS-XAVIER NZUWONEMEYE
INNOCENT SAGAHUTU**

INDICTMENT

(Amended in conformity with Trial Chamber II Decision dated 25 September 2002)

The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to the authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda ('the Statute of the Tribunal') charges:

AUGUSTIN BIZIMUNGU
AUGUSTIN NDINDILYIMANA
PROTAIS MPIRANYA
FRANCOIS-XAVIER NZUWONEMEYE
INNOCENT SAGAHUTU

with **CONSPIRACY TO COMMIT GENOCIDE, GENOCIDE, COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY, and VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II**, offences stipulated in Articles 2, 3 and 4 of the Statute of the Tribunal.

THE ACCUSED

Augustin Bizimungu

- 1.1 **Augustin Bizimungu** was born on 28 August 1952 in Byumba *préfecture*, Mukaranje *Commune*, Mugina *Secteur*, Nyange *Cellule*, Rwanda.
- 1.2 During the events referred to in this indictment, **Augustin Bizimungu** exercised the functions of Chief of Staff of the Rwandan Army. He was appointed to this position on 16 April 1994 and was promoted to the rank of Major-General at the same time. Before holding this office, he was Commander of Military Operations for Ruhengeri *préfecture*.
- 1.3 In his capacity as Chief of Staff of the Rwandan Army, **Augustin Bizimungu** exercised authority over the entire Rwandan Army.

Augustin Ndindiliyimana

- 1.4 **Augustin Ndindiliyimana** was born in 1943, in Nyaruhengeri *commune*, Butare *préfecture*, Rwanda.

- 1.5 During the events referred to in this indictment, **Augustin Ndindiliyimana** exercised the functions of Chief of Staff of the *Gendarmerie nationale*. He was appointed to this position on 2 September 1992.
- 1.6 In his capacity as Chief of Staff of the *Gendarmerie nationale*, **Augustin Ndindiliyimana** exercised authority over the entire *Gendarmerie nationale*.

Protais Mpiranya

- 1.7 **Protais Mpiranya** was born in Gitarama *préfecture*, Rwanda.
- 1.8 During the events referred to in this indictment, **Protais Mpiranya** exercised the functions of Commander of the Presidential Guard Battalion within the High Command of the Rwandan Army.
- 1.9 In 1993, **Protais Mpiranya** was second-in-command of military operations and intelligence (S2 and S3) in the Presidential Guard Battalion. He was appointed Commander of the Presidential Guard Battalion in the same year.
- 1.10 In his capacity as Commander of the Presidential Guard Battalion in the Rwandan Army, **Protais Mpiranya** exercised authority over the units of this Battalion.

François-Xavier Nzuwonemeye

- 1.11 **François-Xavier Nzuwonemeye** was born in Kigali-rural *préfecture*, Rwanda.
- 1.12 During the events referred to in this indictment, **François-Xavier Nzuwonemeye** exercised the functions of Commander of the Reconnaissance Battalion (RECCE) within the Rwandan Army.
- 1.13 In 1993, **François-Xavier Nzuwonemeye** exercised the functions of Commander of the 42nd Battalion. He was subsequently appointed Commander of the Reconnaissance Battalion.
- 1.14 In his capacity as Commander of the Reconnaissance Battalion of the Rwandan Army, **François-Xavier Nzuwonemeye** exercised authority over all the units of this Battalion.

Innocent Sagahutu

- 1.15 **Innocent Sagahutu** was born in Cyangugu *préfecture*, Rwanda.

- 1.16 During the events referred to in this indictment, **Innocent Sagahutu** exercised the functions of the second-in-command of the Reconnaissance Battalion (RECCE) within the Rwandan Army and the A company commander of the said Battalion. He had the rank of Captain.
- 1.17 In his capacity as second-in- command of the Reconnaissance Battalion of the Rwandan Army, **Innocent Sagahutu** exercised authority over all the units of this Battalion.

2. CONCISE STATEMENT OF FACTS: TERRITORIAL, TEMPORAL AND MATERIAL JURISDICTION

- 2.1 The crimes referred to in this indictment took place in Rwanda between 1 January and 31 December 1994.
- 2.2 During the events referred to in this indictment, Rwanda was divided into 11 *préfectures*: Butare, Byumba, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali-Ville, Kigali-Rural and Ruhengeri. Each *préfecture* was subdivided into *communes*, *secteurs* and *cellules*.
- 2.3 During the events referred to in this indictment, the Tutsi, the Hutu and the Twa were identified as racial or ethnic groups.
- 2.4 During the events referred to in this indictment, there were throughout Rwanda widespread or systematic attacks directed against a civilian population on political, ethnic or racial grounds.
- 2.5 During the events referred to in this indictment, a state of non-international armed conflict existed in Rwanda. The victims referred to in this indictment were protected persons, according to the provisions of Article 3 common to the Geneva Conventions and of Additional Protocol II.

3: CONCISE STATEMENT OF FACTS: THE POWER STRUCTURE

The Forces Armées Rwandaises

- 3.1 The *Forces Armées Rwandaises* (FAR) were composed of the *Armée Rwandaise* (AR) and the *Gendarmerie nationale* (GN). The *Forces Armées Rwandaises* did not have a unified command and came directly under the Minister of Defence. The Commander-in-Chief of the *Forces Armées Rwandaises* was the President of the Republic.
- 3.2 The General Staff of the Rwandan Army was headed by a Chief of Staff, assisted by four senior officers in charge of four bureaux: G-1 (Personnel and Administration), G-2 (Intelligence), G-3 (Military Operations) and G-4 (Logistics).
- 3.3 The territory of Rwanda was divided into various military operations sectors, each headed by a military sector commander. Also, there were elite units within the Rwandan Army, namely the Presidential Guard, Para-Commando Battalion and Reconnaissance Battalion. The troops were divided into companies within the sectors and the units.
- 3.4 By virtue of their rank and their functions, the officers of the Rwandan Army had the duty to enforce the general rules of discipline for all soldiers under their authority, even those not belonging to their units.
- 3.5 The General Staff of the *Gendarmerie nationale* was headed by a Chief of Staff, assisted by four senior officers in charge of four bureaux: G-1 (Personnel and Administration), G-2 (Intelligence), G-3 (Military Operations) and G-4 (Logistics).
- 3.6 The *Gendarmerie nationale* was responsible for maintaining public order and peace and the observance of the laws in force in the country.
- 3.7 The *Gendarmerie nationale* was under the Minister of Defence but could carry out its duties of ensuring public order and peace at the request of the local government authority having jurisdiction, namely the *Préfet*. In cases of emergency, this request could be made verbally, notably by telephone. Such requests had to be carried out immediately. In addition, the *Gendarmerie nationale* was obliged to transmit to the *Préfet* all information relating to public order. It had the duty to assist anyone in danger.

The Political Parties and The Militia

- 3.8 During the events referred to in this indictment, the main political parties in Rwanda were the MRND (*Mouvement Républicain National pour la Démocratie et le Développement*), the CDR (*Coalition pour la Défense de la République*),

the MDR (*Mouvement Démocratique Républicain*), and the PSD (*Parti Social-Démocrate*) and the PL (*Parti Libéral*) The RPF (Rwandan Patriotic Front) was a politico-military opposition organization.

- 3.9 Most of the political parties had created a youth wing. The MRND's youth wing was known as the "*Interahamwe*" and that of the CDR was known as the "*Impuzamugambi*". Most of the MRND and CDR youth wings' members subsequently received military training and were thus transformed from youth movements into militias.

4. CONCISE STATEMENT OF THE FACTS: PREPARATION

- 4.1 From late 1990 until July 1994, **Augustin Bizimungu**, **Augustin Ndindiliyimana**, **Protais Mpiranya**, **François-Xavier Nzuwonemeye** and **Innocent Sagahutu** conspired among themselves and with others to work out a plan with intent to exterminate the civilian Tutsi population and eliminate members of the opposition, so that they could remain in power. The components of this plan consisted of, among other things, recourse to hatred and ethnic violence, the training and distribution of weapons to militiamen as well as the preparation of lists of people to be eliminated. In executing the plan, they organized, ordered and participated in the massacres perpetrated against the Tutsi population and moderate Hutu.
- 4.2 In a letter dated 3 December 1993, certain FAR officers revealed to the UNAMIR Commander the existence of what they called a “Machiavellian plan” conceived by military personnel who were mainly from the North and who shared the extremist Hutu ideology. The objective of the Northern military was to oppose the Arusha Accords and keep themselves in power. The means to achieve this consisted in exterminating the Tutsi and their “accomplices”. Moreover, the letter indicated the names of political opponents to be eliminated, including the following: Faustin Twagiramungu (Prime Minister of the Broad-Based Transitional Government; Landoald Ndasingwa (Vice-President of the PL Party and Minister of Labour and Community Affairs); Dismas Nsengiyaremye; Boniface Ngulinzira (Minister of Foreign Affairs) and Felicien Gatabazi. Some of them were in fact killed such as; Landoald Ndasingwa on 7 April and Boniface Ngulinzira on 11 April 1994.
- 4.3 On 10 January 1994, UNAMIR was informed by an *Interahamwe* leader of the details of a plan to exterminate the Tutsi population and its “accomplices”.

Speeches and Incitement

- 4.4 The incitement to ethnic hatred and violence was a fundamental part of the plan put in place. It was articulated, before and during the genocide, by elements of the FAR on the one hand, and by members of the Government and local authorities on the other.
- 4.5 On 4 December 1991, President Juvénal Habyarimana set up a military commission. The commission was given the task of finding an answer to the following question: “ *What do we need to do in order to defeat the enemy militarily, in the media and politically?*” Lt. Col. Anatole Nsengiyumva and Major Aloys Ntabakuze were members of this commission, presided by Colonel Théoneste Bagosora.
- 4.6 In a letter dated 21 September 1992, the General Staff of the Rwandan Army ordered that an extract from the commission report be circulated among the

troops. The letter came from the office of the Chief of Intelligence (G-2), namely Lieutenant Colonel Anatole Nsengiyumva. The extract defined the main enemy as follows: “*Tutsis from inside or outside the country, who are extremists and nostalgic for power, who do not recognize and have never recognized the realities of the Social Revolution of 1959, and are seeking to regain power in Rwanda by any means, including taking up arms.*”

The secondary enemy was defined as: “*Anyone providing any kind of assistance to the main enemy*”. The document specified that the enemy was being recruited from within certain social groups, notably: “*the Tutsis inside the country, Hutus who are dissatisfied with the present regime, foreigners married to Tutsi women...*”. Among the activities the enemy was accused of, the document mentioned “*the diversion of national opinion from the ethnic problem to the socio-economic problem between the rich and the poor*”.

- 4.7 The document and the use made of it by the senior officers aided, encouraged and promoted ethnic hatred and violence. In fact, these officers adopted and used in their speeches, comments and statements the definition of the enemy contained in this document and encouraged its distribution to the troops.
- 4.8 As from January 1993, **Augustin Bizimungu** and others made statements wherein they identified the enemy as the Tutsi, and their sympathizers as the Hutu in the opposition. Notably, in January 1993 **Augustin Bizimungu** in his capacity as Commander of Military Operations for Ruhengeri, when addressing his troops, stated that the enemy was known, and the enemy was the Tutsi.
- 4.9 As part of the negotiations of the Protocol on the integration of the Armed Forces under the Arusha Accords, the officers from the North saw their powers eroded. This reality they could not accept made it opportune for them to exacerbate the discourse of ethnic hatred and violence.
- 4.10 Several senior officers in the Rwandan Army, including **Augustin Bizimungu** publicly stated that the extermination of the Tutsi would be the inevitable consequence of any resumption of hostilities by the RFF or if the implementation of the Arusha Accords. Furthermore, in February 1994 **Augustin Bizimungu**, stated that if the RPF attacked again he did not want to see one Tutsi alive in his sector of operations.
- 4.11 The characterization of the Tutsi as the enemy and of members of the opposition as their accomplices was echoed by politicians, notably by Léon Mugesera, MRND Vice-Chairman for Gisenyi *préfecture*, in a speech he made on 22 November 1992. Broadcasted on the state radio and therefore reaching a much larger audience, Léon Mugesera’s speech already at that time was an incitement to exterminate the Tutsi population and their “accomplices”.

The Militia Groups

- 4.12 The creation of the youth wings satisfied two of the political parties' concerns: to mobilize young people and to sensitize them to politics. The MRND and CDR
- 4.13 followed the example of the MDR and RPF, which had already institutionalized their youth movements. Political rivalries during the multi-party period exacerbated tensions. The '*Interahamwe*' and '*Impuzamugambi*' began to be drawn astray from the time they were used to oppose violently the political demonstrations organized by parties of the opposition.
- 4.13 In order to ensure that, when the time came, the extermination of the enemy and its "accomplices" would be carried out swiftly and effectively, it was necessary to create a militia that was structured, armed and complementary to the Armed Forces. For the militia to be represented nationally, *Interahamwe* committees were created at *préfecture* level.
- 4.14 As from 1993, and even before that date, anxious to radicalize the *Interahamwe* movement, the leaders of the MRND, in collaboration with officers of the FAR, decided to provide military training to those members most devoted to their extremist cause and to other idle youths. Furthermore, weapons were distributed to them.

Training of the Militia Groups

- 4.15 As from 1992, the training was supervised by military, including **Augustin Bizimungu** and **Protais Mpiranya** and civilian authorities. Training was conducted simultaneously in several *préfectures* around the country: Ruhengeri, Cyangugu, Gisenyi and Butare, as well as in the Mutara sector. Training also took place in military camps, particularly at the Gabiro, Gako, Mukamira and Bigogwe camps, as well as around these camps or in neighbouring forests.
- 4.16 In Ruhengeri *préfecture*, as far back as 1992, **Augustin Bizimungu** supervised the training of militiamen in collaboration, with the local civil authorities, such as bourgmestres and *conseiller* of sectors.
- 4.17 In 1993, after his appointment as Commander of Military Operations in the Mutara sector, Colonel Léonard Nkundiye supervised the training of the MRND militia, the *Interahamwe*, in collaboration with Major **Protais Mpiranya** who sent him some of his subordinates for this purpose.
- 4.18 Moreover, in 1993, the involvement of Colonel Léonard Nkundiye's men in the training was confirmed by internal inquiries which were ordered following a telegram sent to various units, as well as to the General Staff, by the Commander

of the Rwamagana military camp. The telegram revealed the involvement of soldiers from the Mutara sector in the training in question.

- 4.19 On 10 January 1994, a leader of the *Interahamwe* militia informed UNAMIR that 1,700 militiamen had undergone training and that they could eliminate 1,000 Tutsi every twenty minutes.
- 4.20 The secret training of the militiamen became more and more notorious. They could, on some occasions, be seen training in public places or on their way to the training sites, at times with element of the Presidential Guard, while chanting slogans inciting the extermination of the enemy.

Distribution of Weapons to the Militia Groups

- 4.21 In order to implement the plan for the extermination of the enemy and its “accomplices”, the militiamen were to receive weapons, in addition to military training. Hence, since late 1992 and early 1993, the military and civilian authorities distributed weapons to the militiamen and certain carefully selected members of the civilian population in various *préfectures* of the country.
- 4.22 In 1993, President Habyarimana declared in Ruhengeri that the *Interahamwe* had to be *equipped* so that, come the right time, “*ils descendent*”.
- 4.23 Before and during the events referred to in this indictment, **Augustin Bizimungu, Protais Mpiranya, Innocent Sagahutu** and others distributed weapons to the militiamen and certain carefully selected members of the civilian population with the intent to exterminate the Tutsi population and eliminate its “accomplices”.
- 4.24 From July 1993 to July 1994, the new Minister of Defence, Augustin Bizimana, encouraged and facilitated the acquiring of weapons for MRND militants by openly asserting that the Ministry of Defence was a Ministry of the MRND. This was in contrast to the policy followed by the former Minister, which favoured deterring the proliferation of weapons.
- 4.25 As early as 1992, **Augustin Bizimungu**, then Commander of Military Operations in Ruhengeri *Préfecture* distributed weapons to militiamen either by giving them directly or to his subordinates, bourgmestres and *conseillers* who, in turn, distributed them to militiamen. Notably, in 1993 **Augustin Bizimungu** personally gave Omar Serushago, one of the leaders of the *Interahamwe* in Gisenyi, a weapon and arms ammunition, in order to fight the enemy, the *Inyenzi-Tutsi*.
- 4.26 Furthermore, the distribution of weapons was sanctioned by the authorities, including General Deogratias Nsabimana, Chief of Staff of the Rwandan Army, notably in a meeting in February 1994 at the Muhoza Military camp, during which he reassured the soldiers about the distribution of weapons to the *Interahamwe*, alleging that it was to fight against the RPF in case of an attack.

- 4.27 Due to the proliferation of weapons in Kigali-ville *préfecture*, UNAMIR put in place a disarmament program, entitled Kigali Weapon Security Area (KWSA). The program came into effect in early 1994. Concurrently, in cooperation with the Chief of Staff of the Gendarmerie, **Augustin Ndindiliyimana**. UNAMIR organized search operations in Kigali. The effectiveness of the operations was compromised by General **Augustin Ndindiliyimana**. who gave advance information on the search target locations to Mathieu Ndirumpatse, MRND Chairman. The latter passed the information on to the *Interahamwe*, who immediately moved the weapons.
- 4.28 On 7 January 1994, **Augustin Ndindiliyimana** and other influential MRND members participated in a meeting at the MRND headquarters in opposition to the disarmament program. It was decided at the meeting to use all possible means to resist the implementation of the disarmament, and also to hide weapons at various locations.
- 4.29 On 10 January 1994, UNAMIR was informed by an *Interahamwe* leader of the existence of weapons caches in Kigali and of a plan to eliminate the Tutsi population. It instructed one of its officers to uncover the exact locations of the weapons. On 13 January 1994, that officer identified several caches throughout Kigali, in places controlled by members of the MRND, notably at the party headquarters in Kimihurura, in a house belonging to General **Augustin Ndindiliyimana**. During the search of that house, the UNAMIR officer discovered several firearms and cases of ammunition. The informer asserted that, as regards the military aspects of his duties, he was under the orders of MRND Chairman, Mathieu Ndirumpatse, and the Army Chief of Staff, Déogratias Nsabimana. Moreover, he informed UNAMIR that the weapons that were distributed had come from the Army.
- 4.30 To avoid the control of UNAMIR, under its disarmament programme, Major **François Xavier Nzuwonemeye**, had several armoured vehicles and several jeeps, equipped with machine guns of the Reconnaissance Battalion, hidden in Gisenyi and at the Presidential residence in Kiyovu. Those armoured vehicles were used as early as the night of 6 April 1994 to reinforce roadblocks set up by soldiers and to surround the residence of the Prime Minister.

Establishment of Lists

- 4.31 Having identified the Tutsi as the enemy and the members of the opposition as their accomplices, members of the Army General Staff, civilian authorities and militiamen drew up lists of people to be executed.
- 4.32 In 1992, at a meeting, Colonel Théoneste Bagosora instructed the two General Staffs to draw up lists of people identified as the enemy and its accomplices. The Intelligence Bureau (G-2) of the Rwandan Army prepared the lists under the

supervision of Anatole Nsengiyumva. The lists were regularly updated under the authority of Anatole Nsengiyumva and afterwards, of Aloys Ntiwiragabo.

- 4.33 In March 1993, following a traffic accident, a list of the type described above was found by General **Augustin Ndingiliyimana** in the vehicle of the Chief of Staff, Déogratias Nsabimana. During the events of April to July 1994, some of the people on that list were killed.
- 4.34 On 10 January 1994, an *Interahamwe* leader informed UNAMIR that he had received orders to draw up lists of Tutsi to be eliminated.
- 4.35 From 7 April to late July, military, gendarmes and *Interahamwe* massacred members of the Tutsi population and of moderate Hutu by means of pre-drawn lists, among other things.

Precursors Revealing A Deliberate Course of Action

- 4.36 The political and ethnic violence of the early 1990s was characterized by the use of the elements of the strategy which achieved its finality in the genocide of April 1994. The massacres of the Tutsi minority during that period, including those in Kibilira (1990), in Bagogwe (1991) and those of Bugesera (1992), were instigated, facilitated and organized by civilian and military authorities. On each occasion, a campaign of incitement to ethnic violence, conducted by local authorities, was followed by massacres of the Tutsi minority, perpetrated by groups of militiamen and civilians, armed and assisted by the same authorities and by certain military personnel. On each occasion, these crimes remained unpunished and the authorities implicated were generally not taken to task.
- 4.37 Cooperation between the *Interahamwe* and certain military personnel, particularly those in the Presidential Guard and the Para-Commando Battalion, was manifested again in early 1994, in opposition to the implementation of the institutions provided for under the Arusha Accords. On 5 January 1994, at the time of the swearing-in ceremony of the Broad-Based Transitional Government the *Interahamwe* organized a demonstration in cooperation with members of the Presidential Guard. On that occasion, Major **Protais Mpiranya**, despite several attempts made by UNAMIR to negotiate with him, prevented the access of political opponents into the premises of the *Conseil national de développement* (CND) particularly the members of the Liberal Party of Landoauld-Ndasingwa (Lando). The swearing-in of the members of the Government did not take place. In the end, only the President, Juvénal Habyarimana, was sworn in.
- 4.38 On 8 January 1994, the *Interahamwe*, in complicity with elements of the Presidential Guard and the Para Commando Battalion dressed in civilian clothes, again organized a demonstration near the CND. On that occasion, the *Interahamwe* had hidden weapons in the neighbourhood and were equipped with radios provided by the Presidential Guard. That demonstration was intended to

provoke and cause injury to the Belgian UNAMIR soldiers. However, no Belgian UNAMIR patrol was sent to the scene on the occasion.

Modus Operandi

- 4.39 Finally, as of 7 April 1994, throughout Rwanda, Tutsis and some moderate Hutus, began to flee their homes to escape the violence of which they were victims on their hills and to seek refuge in places where they had traditionally felt safe, notably churches, hospitals and other public buildings such as *commune* and *préfecture* offices. On several occasions, gathering points were indicated to them by the local authorities, who had promised to protect them. During the initial days, the refugees were protected by a few gendarmes and communal police in those various locations, but subsequently, the refugees were systematically attacked and massacred by militiamen, often assisted by the same authorities who had promised to protect them. During the numerous attacks on the refugees throughout the country, personnel of the FAR, military or gendarmes, who were supposed to protect them, prevented the Tutsi from escaping and facilitated their massacre by the *Interahamwe*. On several occasions, these FAR personnel participated directly in the massacres.
- 4.40 Furthermore, soldiers, militiamen and gendarmes abducted some Tutsi women and girls, and took them to other locations, where they raped or sexually assaulted them or committed other crimes of a sexual nature against them. These acts were commonly accompanied by verbal abuses, physical assault, degrading treatments and several cases of murder. Those crimes resulted in serious mental and physical injuries, permanent disabilities, including destruction of reproductive organs, unwanted pregnancies and sexually transmitted diseases, including AIDS.

5. CONCISE STATEMENT OF THE FACTS: OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

Power Crisis

- 5.1 On 6 April 1994 at about 8:30 p.m., the plane carrying, among other passengers, the President of the Republic, Juvénal Habyarimana, was shot down on its approach to Kigali Airport, Rwanda.
- 5.2 Following the crash of the President's plane, the *Forces Armées Rwandaises* were left without leadership. The President was dead, along with the Chief of Staff of the Rwandan Army, Colonel Déogratias Nsabimana. The Minister of Defence, Augustin Bizimana, and the Chief of Intelligence Services (G-2) in the Rwandan Army, Colonel Aloys Ntiwiragabo, were on mission in the Republic of Cameroon. They returned to the country in the days that followed. Gratien Kabiligi, the officer in charge of operations (G-3) in the Rwandan Army General Staff, was also on mission in Egypt and immediately returned to the Headquarters when he was briefed about the situation. In the absence of the Minister of Defence, Colonel Théoneste Bagosora, *directeur de cabinet*, asserted himself as the man of the moment capable of managing the crisis.

Military Takeover Attempt

- 5.3 During the night of 6 to 7 April, a first meeting mainly of officers of the two General Staffs was held at the Rwandan Army Headquarters in Kigali military camp. The meeting was also attended by UNAMIR's Commander in Chief, General Dallaire. During this meeting Colonel Théoneste Bagosora and other officers, including Major Kayumba, expressed their desire to take power. Despite the advice of some other people to involve Prime Minister Agathe Uwilingiyimana in managing the crisis, Colonel Théoneste Bagosora refused to consult her in any way, ceasing to acknowledge her authority.
- 5.4 In the early hours of the morning of 7 April 1994, the duty officer at the Rwandan Army headquarters, Major Kayumba, was informed that gunfire had been heard near the Prime Minister's residence. He told his interlocutor that he was aware of the situation, and said that: *"It's us trying to prevent the Prime Minister from going to the radio station."*
- 5.5 **General Augustin Ndindiliyimana.** Colonel Théoneste Bagosora and Lieutenant-Colonel Rwabalinda met the Ambassador of the United States of America at his residence on 7 April, at around 9:00 a.m. When the Ambassador asked them the reason why the Prime Minister was being prevented from making a radio address, Colonel Théoneste Bagosora was silent. However, to explain the shooting heard in the city, Colonel Théoneste Bagosora told the

Ambassador that the Presidential Guard soldiers were upset about the President's death and were shooting in the air.

- 5.6 In the morning of 7 April, another meeting of the FAR officers was held at the *Ecole Supérieure Militaire* (ESM); those participating included Major Aloys Ntabakuze, **Major François-Xavier Nzuwonemeye** and Lt. Col. Leonard Nkundiye. Also present were the commanding officers of the sectors of operation in Rwanda, the commanders of the military camps and officers of the General Staff (AR and GN). The Commander of the Presidential Guard, Major Mpiranya, did not attend that meeting. Meanwhile, his men were already perpetrating massacres. The meeting was chaired by Colonel Théoneste Bagosora. He reiterated his position, maintaining that the military should take over power. For the third time, Colonel Théoneste Bagosora refused that the Prime Minister be consulted, adding that he did not know if the Prime Minister was still alive. The meeting ratified the decision taken in the night to establish a "crisis committee" composed of senior military officers, including **General Augustin Ndindiliyimana**, Théoneste Bagosora and Tharcisse Renzaho.
- 5.7 While this meeting was going on, Prime Minister Agathe Uwilingiyimana was tracked down, arrested, sexually assaulted and killed by Rwandan Army personnel, more specifically, by members of the Presidential Guard under the command of **Major Protais Mpiranya**, the Para-Commando Battalion and the A Company of the Reconnaissance Battalion headed by **Captain Innocent Sagahutu** under the command of **Major François Xavier Nzuwonemeye**. Concurrently, members of the same units arrested, confined and killed important opposition leaders and prominent figures in the Tutsi community. Hence, the following people were killed: the President of the Constitutional Court, Joseph Kavaruganda; the Chairman of the PSD party and Minister of Agriculture, Frederic Nzamurambago; the Vice-Chairman of the PL party and Minister of Labour and Community Affairs, Landoald Ndasingwa; as well as a member of the Political Bureau of the MDR, the Minister of Information, Faustin Rucogoza. That same morning, the ten Belgian para-commandos from UNAMIR who were guarding the Prime Minister were murdered at Kigali military camp.
- 5.8 The elimination of political opponents made it impossible to establish the Broad-Based Transitional Government (BBTG), stipulated in the Arusha Accords. The murder of the Belgian soldiers prompted the withdrawal of most of UNAMIR's contingents. Those two events removed the two major obstacles to the pursuit of the massacres.

Formation of the Interim Government

- 5.9 Having failed in their attempt at a military takeover, military officers and leaders of the MRND opted to establish an Interim Government which would aid and abet the continuation of the massacres.

Scaling-Down of UNAMIR 's Personnel

- 5.10 UNAMIR was established in order to facilitate the peaceful establishment/putting in place of the institutions foreseen under the Arusha Accords. This United Nations military force was perceived as an obstacle to their retention of power, by certain members of the extremist political circles. Certain eminent figures in this circle thus adopted a strategy intended to provoke the Belgian military contingent, UNAMIR's most effective and best-equipped contingent. Their ultimate goal was to force them to withdraw.
- 5.11 Hence, a propaganda campaign against the Belgians was undertaken, notably with the aid of the media, such as *Radio Télévision Libre des Mille Collines* (RTLM) and the *Kangura* newspaper.
- 5.12 On 7 January 1994, **Augustin Ndindiliyimana** and other influential MRND members participated in a meeting at the MRND headquarters. On that occasion, they decided to provoke the Belgians by various means, notably during the demonstration which was to take place on 8 January 1994.
- 5.13 Indeed, on 8 January 1994, elements of the Presidential Guard under the command of **Protais Mpiranya** and of the Para-Commando Battalion in civilian clothes participated in the said demonstration with a number of *Interahamwe*. They had hidden weapons in the vicinity of the demonstration with the intention of killing some Belgian UNAMIR soldiers. However, no Belgian UNAMIR patrol was sent to the scene on the occasion.
- 5.14 During the night of 6 to 7 April 1994, a number of Belgian military personnel were ordered to go to the Prime Minister's residence and to escort her to the national radio station, where she was to make an address. When they arrived at the Prime Minister's residence at around 5:00 a.m., they were attacked by FAR personnel, including elements from the Presidential Guard, the Para-Commando Battalion and the A Company of the Reconnaissance Battalion headed by **Captain Innocent Sagahutu** under the command of **Major François-Xavier Nzuwumeneye**. Later, the ten Belgian para-commandos, along with the five Ghanaian soldiers who were guarding the Prime Minister, were disarmed and arrested. Despite the terms under which their surrender was negotiated and the promise to take them to a UNAMIR base, the Belgian and Ghanaian soldiers were taken to Kigali military camp.
- 5.15 As soon as they arrived at Camp Kigali at around 9:00 a.m., the UNAMIR soldiers were attacked and beaten by Rwandan soldiers including elements of the Music Battalion and the Reconnaissance Battalion headed by **Major François-Xavier Nzuwumeneye** and **Captain Innocent Sagahutu**, in front of Rwandan Army officers. Four of the Belgian soldiers were killed instantly. Meanwhile, the Ghanaian soldiers were set free. The six remaining Belgian soldiers withstood several attacks over some hours before finally being killed.
- 5.16 **Augustin Ndindiliyimana** was about 100 metres away, participating in a meeting at the staff college (*Ecole Supérieure Militaire*). He was informed by the Camp Commander, Lt. Nubaha, that the Belgian UNAMIR soldiers were

under risk of death at Kigali military camp. Other officers, including **Major François-Xavier Nzuwonemeye**, joined the meeting after leaving Kigali military camp while the assaults against the Belgian soldiers were still being perpetrated and four of them were already dead.

- 5.17 Informed of the danger faced by the Belgian soldiers at Kigali military camp, **Augustin Ndindiliyimana** and **François Xavier Nzuwonemeye** did not take any decision and carried on with the meeting until around 12:00 noon.
- 5.18 Due to the anti-Belgian propaganda and the murder of the ten Belgian para commandos, Belgium informed the Security Council on 13 April 1994 that it was withdrawing its contingent from Rwanda. A week later, the Security Council ordered a drastic reduction of UNAMIR's civilian and military personnel.

Perpetration of the Massacre and other crimes

- 5.19 As from 7 April 1994, massacres of the Tutsi population, which included on many occasions, rapes, sexual assaults and other crimes of a sexual nature, and the murder of numerous political opponents were perpetrated throughout the territory of Rwanda. These crimes, which had been planned and prepared for a long time by prominent civilian and military figures who shared the extremist Hutu ideology, were carried out by militiamen, military personnel and gendarmes on the orders and directives of some of these authorities, including **General Augustin Bizimungu**, **General Augustin Ndindiliyimana**, **Major Protais Mpiranya**, **Major François Xavier Nzuwonemeye** and **Captain Innocent Sagahutu**.
- 5.20 As of the night of 6 to 7 April, in the capital, elements of the Presidential Guard set-up roadblocks, reinforced with armoured vehicles from Companies of the Reconnaissance Battalion, on the major roads, controlling people's movements. Concurrently, groups of soldiers scoured the city and murdered civilians.
- 5.21 During the night of 6 to 7 April, at the meeting of the officers of the General Staff, UNAMIR's Commander in Chief recommended that the militias remain calm and that the Presidential Guard battalion return to camp. Colonel Théoneste Bagosora, who chaired the meeting, assured him of his cooperation. Moreover, **General Augustin Ndindiliyimana** agreed to strengthen the joint Gendarmerie-UNAMIR patrols in view of the situation. He did not subsequently give any orders to that effect.
- 5.22 During this meeting, Colonel Théoneste Bagosora withdrew several times to an adjacent room to receive calls. During this period, Colonel Théoneste Bagosora talked on the phone to Lieutenant-Colonel Anatole Nsengiyumva. Immediately following the said conversation, Lieutenant-Colonel Anatole Nsengiyumva gave the order to begin the massacres in Gisenyi *Préfecture*.

- 5.23 Despite the reassurances of **General Ndingiyimana's** among others, militiamen set up roadblocks of their own or joined those manned by gendarmes and soldiers of the Presidential Guard, the Para-Commando Battalion and the Reconnaissance Battalion headed by Major François-Xavier Nzuwomeye and Captain Innocent Sagahutu . At these roadblocks, people's identities were checked, by means of verification of identity cards, and the Tutsi or those identified as such were summarily executed.
- 5.24 On 7 April. an official representative of the RPF and certain FAR officers asked **General Augustin Ndingiyimana** and Col. Théoneste Bagosora as well as the General Staff of the Rwandan Army, to control the military personnel, notably the Presidential Guard, who were murdering civilians.
- 5.25 Following the meeting of the morning of 7 April 1994, Colonel Théoneste Bagosora blatantly ignored these requests and ordered Major Aloys Ntabakuze, Commander of the Para-Commando Battalion, Major **François-Xavier Nzuwomeye**, Commander of the Reconnaissance Battalion, and Lieutenant-Colonel Leonard Nkundiye, former Commander of the Presidential Guard, to proceed with the massacres. On the same day, groups of soldiers, including elements of the Presidential Guard and of the Para Commando Battalion, proceeded to carry out selective assassinations of people whose names were on lists.
- 5.26 On 7 of April 1994, the General Staff of the Rwandan Army sent a telegram ordering their troops to seek the assistance of the *Interahamwe* and of the people in identifying the Tutsi and to proceed to exterminate them.
- 5.27 After a radio broadcast, the same day, of a communique, asking people to remain at home and await further instructions, the systematic process of elimination of the civilian Tutsi and the moderate Hutu population by military personnel and militiamen was facilitated, in that most people were to be found in their homes or in their localities.
- 5.28 During the night of 6 to 7 April, **Major François-Xavier Nzuwomeye** ordered some of his soldiers to assist the Presidential Guard to assassinate the Prime Minister. In the morning of 7 April, at an assembly, Major François-Xavier Nzuwomeye ordered his soldiers to get rid of the "enemy and its accomplices".
- 5.29 In the morning of 7 April, after having received orders from his superiors, **Captain Innocent Sagahutu**, second-in-charge of the Reconnaissance Battalion, in the presence of **Major François Xavier Nzuwomeye**, ordered the soldiers based at the National radio to prevent the Prime Minister making her address to the nation. Belgian soldiers sent to secure the premises before the speech, were threatened by the soldiers of the Rwandan Army and were told "*that the Prime Minister was not working for them anymore and was unemployed*".
- 5.30 At the same time **Captain Innocent Sagahutu** ordered soldiers based at the Presidential residence in Kiyovu under the command of Adjutant Boniface

Bizimungu to prevent the Prime Minister leaving her house. In fact, as early as the first hours of the morning the residence of the Prime Minister had been surrounded and attacked by elements of the Rwandan Army.

- 5.31 Still in the morning of 7 April, Adjutant Bizimungu requested instructions on how to react to the opposition of the Belgian soldiers present at the Prime Minister's residence. **Captain Innocent Sagahutu** ordered him to use the armoured vehicles and to fire at the Belgian soldiers if they were preventing the Prime Minister's arrest. In fact, the ten Belgian soldiers present were disarmed, arrested and taken to Kigali Military Camp where, after several attacks over some hours, they were all killed.
- 5.32 After having tracked, located and arrested the Prime Minister, Adjutant Boniface Bizimungu asked **Captain Innocent Sagahutu** if he should bring the Prime Minister back to Kigali camp. Responding to this request **Captain Innocent Sagahutu** said "*for what reasons*". Shortly after the Prime Minister was killed at her residence.
- 5.33 Already, in the night of 6 to 7 April, in Kigali, the Presidential Guard (PG) had moved the MRND ministers and prominent members of the deceased President Habyarimana's circle. Some were taken to military camps. They were subsequently moved to the *Hôtel Diplomate*, where they were guarded by members of the Reconnaissance Battalion. In the morning of 7 April, elements of the Presidential Guard, the Para-Commando and Reconnaissance Battalion, under the orders of officers, including Captain Kabera from the Presidential Guards abducted and murdered political opponents.
- 5.34 During the morning of 7 April, **Major Protais Mpiranya**, upon being told by his soldiers that the Minister of Information, Mr. Faustin Rucogoza, who, together with his wife, was detained at the Presidential Guard camp, asked his soldiers why they were keeping them. Immediately after, the Minister of Information and his wife were assassinated by soldiers of the Presidential Guard inside their camp.
- 5.35 Thereafter, commanders of the Presidential Guard, **Major Protais Mpiranya**, of the Para-Commando Battalion, Major Aloys Ntabakuze and of the Reconnaissance Battalion. **Major François Xavier Nzuwonemeye**, were in communication with Colonel Théoneste Bagosora sometimes using a separate radio network.
- 5.36 On 7 April 1994, **General Augustin Bizimungu** was informed that the killings of the Tutsi population had started and that civilians had sought refuge at the Ruhengeri military camp. **Augustin Bizimungu** ordered his subordinates to expel these civilians and refuse access to any others. On his way out of the camp, two civilians begged **Augustin Bizimungu** to help them but he ordered his subordinates to push them back. These civilians were executed in the following minutes. Shortly after, a group of women and children were massacred by armed civilians and this, in the presence of **Augustin Bizimungu** who did nothing to protect them.

- 5.37 Between April and July 1994, several officers of the Rwandan Army, among others **General Augustin Bizimungu** ordered, encouraged and supported the massacres against the Tutsi population and the moderate Hutu. Furthermore, around the 18 May 1994, during a meeting at which, among others, **General Augustin Bizimungu**, were present, they praised the efficiency of militiamen and underlined the necessity to arm them better.
- 5.38 Furthermore, as early as 7 April 1994, **General Augustin Bizimungu** praised the “work” of a *Conseiller* of Mukamira *secteur*, encouraging her to continue her “work in exterminating the small cockroaches”.
- 5.39 Between 10 and 15 April 1994, many Tutsi who were fleeing from the massacres in their areas sought refuge in Ruhengeri *préfecture*. On the orders of **Augustin Bizimungu**, some of those refugees were taken to the Court of Appeal’s compound, in Ruhengeri, where their security should have been taken care of by the gendarmerie. In the following hours, the refugees were massacred by armed civilians. To conceal this massacre, **Augustin Bizimungu** ordered the broadcast of a communique on the radio, alleging that an attack by the RPF was responsible for the death of those refugees.
- 5.40 From April to July 1994, although Gendarmerie units assigned to combat duty came under the General Staff of the Rwandan Army, the other units were responsible for maintaining public law and order throughout Rwanda and were directly under **General Augustin Ndindiliyimana**, the Chief of Staff of the Gendarmerie.
- 5.41 From April to July 1994, **General Augustin Ndindiliyimana** received daily situation reports (SITREP) from his troops, notably during meetings held at the Gendarmerie Headquarters at Kacyiru camp, in Kigali. These reports outlined the scale and scope of the massacres being perpetrated against the civilian population. He also personally went to various *préfectures* to assess the situation.
- 5.42 Furthermore, from April to July 1994, the officers of the General Staff of the Army participated in daily meetings at which they were informed of the massacres of the civilian Tutsi population and the moderate Hutu. These meetings assembled the members of the General Staff and unit commanders, including, among others, the Chief of Staff of the Rwandan Army, **Major-General Augustin Bizimungu**, the Chief of Staff of the Gendarmerie, **General Augustin Ndindiliyimana**, **Major Francois-Xavier Nzuwonemeye**, Brigadier-General Gratien Kabiligi, as well as the *directeur du cabinet* in the Ministry of Defence, Colonel Théoneste Bagosora.

Extension of massacres and other crimes

- 5.43 From April to July 1994, by virtue of their position, their statements, the orders they gave and their acts, **General Augustin Bizimungu**, **General Augustin**

Ndindiliyimana, Major Protais Mpiranya, Major François Xavier Nzuwonemeye and Captain Innocent Sagahutu exercised authority over members of the *Forces Armées Rwandaises*, their officers and militiamen. The military, gendarmes and militiamen, as from 6 April 1994, committed massacres of the Tutsi population and of moderate Hutu and other crimes such as rapes and sexual assaults and other crimes of a sexual nature, which extended throughout the territory of Rwanda with the knowledge of **General Augustin Bizimungu, General Augustin Ndindiliyimana, Major Protais Mpiranya, Major François Xavier Nzuwonemeye and Captain Innocent Sagahutu**.

- 5.44 The massacres and crimes committed against the members of the Tutsi population and the moderate Hutu extended throughout the territory of Rwanda. In every *préfecture*, local civil and military authorities and militiamen espoused the plan of extermination and followed the directives and orders in order to execute it. They called on the civilian population to eliminate the enemy and its “accomplices”. They distributed weapons to civilians and militiamen. They gave orders to commit, aided, abetted and participated in such massacres and other crimes.
- 5.45 From April to July 1994, in all the regions of the country, members of the Tutsi population who were fleeing from the massacres in their areas sought refuge in locations they believed would be safe, often on the recommendation of the local civil and military authorities. In many of these places, despite the promise that they would be protected by the local civil and military authorities, the refugees were attacked, abducted and massacred, by soldiers, gendarmes and militiamen, often on the orders or with the complicity of those same authorities. Furthermore, in many of those places, soldiers and militiamen abducted, killed and raped or sexually assaulted Tutsi women. **Augustin Bizimungu**, in his capacity as Chief of Staff of the Rwandan Army and previously as Commander of Ruhengeri sector, **Augustin Ndindiliyimana**, in his capacity as Chief of Staff of the Gendarmerie, **Protais Mpiranya**, in his capacity of Commander of the Presidential Guard, **François Xavier Nzuwonemeye**, in his capacity of Commander of the Reconnaissance Battalion and **Innocent Sagahutu**, in his capacity of second in command of the Reconnaissance Battalion and as commander of the A Company of the said Battalion, knew or had reasons to know and that their subordinates were about to commit or had committed crimes and did nothing to prevent such crimes or to punish the perpetrators.

KIGALI

- 5.46 By virtue of the fact that Kigali was the capital of Rwanda, seat of the Government, and the location where the elite units of the Rwandan Army and the headquarters for both the Army and the Gendarmerie were situated, several

of the military and civilian figures who had planned and organized the massacres played a leading role in carrying out the massacres there.

- 5.47 On at least two occasions in April 1994, Tharcisse Renzaho, *Préfet* of Kigali and an officer on active service in the Rwandan Army attached to the Ministry of the Interior sent the *conseillers de secteur* and political leaders to collect weapons and ammunition from the Army Headquarters in order to distribute them at the roadblocks. Those roadblocks were used to exterminate the Tutsi population and eliminate its “accomplices”.
- 5.48 As of 7 April, in Kigali, elements of the Rwandan Army, Gendarmerie and *Interahamwe* perpetrated massacres of the civilian Tutsi population often in collaboration with one another. Numerous massacres of the civilian Tutsi population took place in places where they had sought refuge, and included on many occasions, sexual violence and rape of Tutsi women. **Augustin Bizimungu**, in his capacity as Chief of Staff of the Rwandan Army and previously as Commander of Ruhengeri sector, **Augustin Nindiliyimana**, in his capacity as Chief of Staff of the Gendarmerie, **Protais Mpiranya**, in his capacity of Commander of the Presidential Guard, **François Xavier Nzuwonemeye**, in his capacity of Commander of the Reconnaissance Battalion and **Innocent Sagahutu** in his capacity of second in command of the Reconnaissance Battalion and as commander of the A Company of the said Battalion, knew or had reasons to know and that their subordinates were about to commit or had committed crimes and did nothing to prevent such crimes or to punish the perpetrators.

St Charles Lwanga Church

- 5.49 On 8 April 1994, soldiers from the Presidential Guard and militiamen attacked St Charles Lwanga Church where numerous persons had sought refuge. Several refugees including women and children were murdered as they fled in panic out of the church building. On 10 June 1994, soldiers and militiamen attacked the church a second time. During this attack, refugees were forced by soldiers and militiamen to get into trucks and were taken in the direction of a site called Rwampara but were executed before arriving there.

Josephite Brothers compound

- 5.50 On the 8 April 1994, soldiers and militiamen surrounded and attacked the Josephite Brothers compound where many Tutsi had sought refuge. Many refugees were killed during this attack and some victims were raped before being killed. From May to June 1994, soldiers checked the identities and took

down the names of people recognized as being Tutsi who had taken refuge at that compound. Furthermore, during the same period soldiers and *Interahamwe* extorted money from the refugees. On 7 June 1994, soldiers surrounded the house, forced the occupants out and shot them dead.

ETO-Nyanza

- 5.51 As of 7 April 1994, many Tutsi sought refuge at the *Ecole Technique Officielle* (ETO), under the protection of UNAMIR, to escape the attacks against them. **General Augustin Ndindiliyimana** was informed personally and directly of the imminent withdrawal of the UNAMIR Belgian contingent. However, on 11 April 1994, immediately following the retreat of the UNAMIR Belgian contingent based at ETO, soldiers, including elements of the Presidential Guard and the Para Commando Battalion, and *Interahamwe*, rounded up a group of refugees and moved them to Nyanza. Théoneste Bagosora and Aloys Ntabakuze were present at the time. After forcing them to walk for two kilometres, the soldiers massacred the refugees. The survivors were finished off by militiamen on the soldiers' orders and few were able to escape.

St Andre College

- 5.52 On 13 April 1994 soldiers and gendarmes from Nyamirambo Territorial Brigade, together with militiamen, surrounded and attacked St. Andre College, where hundreds of people, mainly Tutsi, had sought refuge since 7 and 8 April 1994. The soldiers and gendarmes, having checked their identity, selected all the Tutsi men and killed them, leaving their bodies outside the gates of the school.

Centre Hospitalier de Kigali

- 5.53 When the massacres started, the *Centre Hospitalier de Kigali* (CHK) took in numerous wounded Tutsi from various areas of the city. Soldiers from the Reconnaissance Battalion headed by Major François-Xavier Nzuwumeneye and Captain Innocent Sagahutu were guarding the hospital. On several occasions, soldiers selected Tutsi patients and killed them on the spot. Furthermore, a list of the staff of Tutsi descent was drawn up and several of the people on the list were killed. Soldiers also selected and abducted Tutsi girls from within the hospital compound, and raped them, in several cases in kiosks situated at the hospital entrance. Each morning, the

officer in charge reported to MINADEF (Ministry of Defence) on the number of Tutsi who had been killed.

Conseiller's office

- 5.54 During April and May 1994, soldiers, including those of the Presidential Guard, and *Interahamwe* came to the *Conseiller's* compound in Kicukiro on a daily basis and abducted young Tutsi women and girls to nearby locations, particularly empty houses and to a forest nearby, where they subjected them to gang-rapes, rapes and other degrading acts. Those who showed any resistance were killed.
- 5.55 In April 1994, by written order of **Augustin Ndindiliyimana** the food supplies for Kacyiru camp, the Gendarmerie Headquarters, were increased to accommodate an additional 100 persons. A week later this number was increased to 150 persons. Following that order, from April to July 1994, at Kacyiru camp, about 100 to 150 militiamen received weapons, food and medical care from gendarmes. Furthermore, two non-commissioned officers were supervising roadblocks manned by militiamen situated near the camp. At these roadblocks numerous people were executed. Furthermore, during the same period several civilians sought protection at Kacyiru camp, but all the Tutsi and moderate Hutu who sought refuge there were systematically handed over by gendarmes to militiamen at the roadblocks to be executed.
- 5.56 During the month of April 1994, **Augustin Ndindiliyimana** went at least 4 times to Kacyiru camp while *Interahamwe* were present.

GITARAMA:

Kabgayi Primary school

- 5.57 Between April and June 1994, many people sought refuge in Kabgayi, Gitarama *préfecture*. Most of the refugees were concentrated in Kabgayi Primary School, known previously as Kabgayi Nursing School, which in fact is adjacent to Kabgayi Nursing School. Throughout this period, soldiers and *Interahamwe* came on a daily basis to the school and abducted and killed young men and boys who had sought refuge there. Furthermore, they selected and abducted Tutsi women and girls whom they raped in quarters where wounded soldiers were based or whom they took to the surrounding environs and forests to rape and sometimes kill.

Musambira Commune office and Dispensary Bureau

- 5.58 During April and May 1994, at Musambira *Commune* Office and Dispensary, Gitarama *Préfecture*, where numerous people sought refuge, soldiers and *Interahamwe* militiamen abducted and killed many Tutsi men and boys. Women and young girls were also regularly abducted to a nearby forest or location by soldiers and *Interahamwe*, brutally raped and humiliated, often by three or four soldiers in turn, and sometimes subsequently killed.

Trafipro

- 5.59 During April and May 1994, thousands of refugees gathered in the TRAFIPRO premises in Gitarama *Préfecture* to seek protection from ethnic violence in their different *communes*. During all this period, a large number of Tutsi men and young refugee boys were killed. During the same period Tutsi women and girls were abducted on a daily basis by soldiers and *Interahamwe* and taken to a nearby forest where they were subjected to sexual violence, including gang-rapes, sexual humiliation and insults. Commonly they were killed following the rapes.
- 5.60 Furthermore, many refugees who fled to those locations were often stopped at roadblocks, manned by soldiers and *Interahamwe*, where their identity was verified. Those identified as Tutsi were usually killed on the spot or taken away to be killed at other locations. Tutsi women suffered mostly the same fate but were often raped before being killed or occasionally allowed to go.
- 5.61 Informed of this situation, the Minister of Defense Augustin Bizimana, the Chief of Staff of the Rwandan Army, **Augustin Bizimungu** and the General Staff, did not take any effective steps to end the crimes once and for all.

BUTARE

- 5.62 The country's civil and military leaders, on becoming aware of the exceptional situation in Butare, took the necessary steps for the Tutsi population to be eliminated. Moreover, members of the Army including elements of the Presidential Guards and *Interahamwe* militiamen were sent in from Kigali as reinforcement to start the massacres. Like in other *préfectures* members of the Tutsi population sought refuge in locations they thought would be safe, often locations that had been indicated to them by the authorities, including Butare *préfecture* Office, *Eglise Episcopale au Rwanda* (E.E.R.) Gishamvu Church and

Nyumba Parish. At these locations, despite the promises given by authorities that they would be protected, soldiers and *Interahamwe* abducted and killed refugees. Rape and other acts of sexual violence were notoriously committed by soldiers and *Interahamwe* against Tutsi women and young girls. Furthermore, soldiers and *Interahamwe* abducted Tutsi women and young girls to isolated locations where they raped them and subjected them to various other acts of sexual violence, including degrading and humiliating treatment, such as exposure of sexual organs, nudity and derogatory and sexually abusive language.

GISENYI

- 5.63 During the night of 6 to 7 April 1994, in Gisenyi *préfecture*, Military Commander Anatole Nsengiyumva, ordered certain political leaders, local authorities and militiamen to meet at Gisenyi military camp. At this meeting, Anatole Nsengiyumva ordered the participants to kill all the RPF accomplices and all the Tutsi. At the end of the meeting, Anatole Nsengiyumva ordered his subordinates to distribute weapons and grenades to the militiamen who were present. Between April and July 1994, the militiamen, on the orders of Anatole Nsengiyumva, hunted down, abducted, raped and killed many members of the Tutsi and moderate Hutu population in Gisenyi.
- 5.64 In April 1994, on the orders of Appolinaire Biganiro the Gendarmerie Commander for Gisenyi, a subordinate of **General Augustin Ndindiliyimana**, Omar Serushago, Thomas Mugiraneza, Bernard Munyagishari, Hassan Gitoki, Damas, Michael Abuba and others, went to the Gisenyi military camp to get several Tutsi and moderate Hutu detained in the Gendarmerie station jail. In complicity with the guards present, they abducted them and took them to “*Commune Rouge*”, where they were killed by members of the group and by *Interahamwe* present on the site.
- 5.65 Between April and June 1994, on the orders of Appolinaire Biganiro, Omar Serushago, Bernard Munyagishari, Thomas Mugiraneza, Damas, Michel, Hassan Gitoki and others, went to the company Rwandex in Gisenyi to abduct and kill Tutsis who had sought refuge there. Upon their arrival, they beat to death a Tutsi man who was trying to stop them. Afterwards, they abducted four persons of Tutsi origin who were identified by the gendarmes present at the scene. They then took them to “*Commune Rouge*”, where they were killed. On this occasion, one of the Tutsi victims was raped on the orders of Bernard Munyagishari and in the presence of Omar Serushago.

CYANGUGU

5.66 In Cyangugu, as in all the regions of the country throughout this period, members of the Tutsi population sought refuge in locations they thought would be safe, often locations that had been indicated to them by the authorities, such as Kamparampaka Stadium and Nyarushishi Camp. At these locations, despite the promises given by authorities that they would be protected, soldiers and *Interahamwe* abducted and killed refugees. Rape and other acts of sexual violence were notoriously committed by soldiers and *Interahamwe* against Tutsi women and young girls. Soldiers and *Interahamwe* abducted Tutsi women and young girls to isolated locations where they were raped and subjected to various other acts of sexual violence, including degrading and humiliating treatment, such as exposure of sexual organs, nudity and derogatory and sexually abusive language.

Responsibility

5.67 From April to July 1994, several hundred thousand people were massacred throughout the territory of Rwanda. The majority of the victims were killed solely because they were Tutsi or appeared to be Tutsi. The other victims, nearly all Hutu, were killed because they were considered Tutsi accomplices, were linked to them through marriage or were opposed to the extremist Hutu ideology.

5.68 From 7 April 1994 most of the massacres around the country were perpetrated with the participation, aid and instigation of military personnel, gendarmes and militiamen. Certain units of the Para-Commando, Reconnaissance and Presidential Guard Battalions were the most implicated in these crimes in the capital and in other *préfectures*, often acting in concert with the militiamen.

5.69 Further, from April to July 1994, in the course of the massacres, some soldiers gave assistance to militiamen, notably by providing them logistical support, i.e. weapons, transport and fuel.

5.70 The massacres thus perpetrated were the result of a strategy adopted and elaborated by political, civil and military authorities in the country, such as **Augustin Bizimungu**, **Augustin Ndindiliyimana**, **Protais Mpiranya**, **François Xavier Nzuwonemeye** and **Innocent Sagahutu** who conspired to exterminate the Tutsi population. As from 7 April, other authorities at the national and local levels espoused this plan and joined the first group in encouraging, organizing and participating in the massacres of the Tutsi population and its “accomplices”.

5.71 During the events referred to in this indictment, rapes, sexual assaults and other crimes of a sexual nature were systematically and widely committed throughout Rwanda. These crimes were perpetrated by, among others, soldiers, militiamen

and gendarmes against the Tutsi population, in particular against Tutsi women and young girls.

- 5.72 Military officers, members of the Interim Government and local authorities aided and abetted their subordinates and others to exterminate the Tutsi population and eliminate its “accomplices”. Without the complicity of the local and national civil and military authorities, the principal massacres would not have occurred.
- 5.73 Knowing that massacres of the civilian population were being committed, the political and military authorities, including **Augustin Bizimungu**, **Augustin Ndingiliyimana**, **Protais Mpiranya**, **François Xavier Nzuwonemeye** and **Innocent Sagahutu** took no initiative or any measures to stop them. On the contrary, they refused to intervene to control and appeal to the population as long as a cease-fire had not been declared. This categorical refusal was communicated to the Special Rapporteur via the Chief of Staff of Rwandan Army, Major-General **Augustin Bizimungu**.
- 5.74 **Augustin Bizimungu**, **Augustin Ndingiliyimana**, **Protais Mpiranya**, **François Xavier Nzuwonemeye** and **Innocent Sagahutu** in their positions of authority, acting in concert with, notably Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, Augustin Bizimana, Anatole Nsengiyumva and Tharcisse Renzaho, participated in the planning, preparation or execution of a common scheme, strategy or plan, to commit the atrocities set forth above. The crimes were committed by them personally, by persons they assisted or by their subordinates, and with their knowledge or consent.

6. THE CHARGES

COUNT 1 :

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61
pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 to 5.60, and 5.62 to 5.66.
- 2) **Augustin Ndingiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.22, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, and 5.65
- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62

- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53

- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

conspired with Colonel Théoneste Bagosora, General Gratién Kabiligi, Lt-Colonel Anatole Nsengiyumva, Major Aloys Ntabakuze, Colonel Léonard Nkundiyé, President Théodore Sindikubwabo, Prime Minister Jean Kambanda and his Government, as well as members of Civilian Society, to kill and cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **CONSPIRACY TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(b) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 2:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61

pursuant to Article 6(3) paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 to 5.60, 5.62 to 5.66

- 2) **Augustin Ndindiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45.

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65

- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62

- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53

- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

are responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **GENOCIDE**, a crime stipulated in Article 2(3)(a) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

ALTERNATIVELY TO COUNT 2

COUNT 3:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61

pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 to 5.60, 5.62 to 5.66

- 2) **Augustin Ndingiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65

- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43

pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62

- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53

- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

are responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 4:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61
pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 a 5.60, 5.62 to 5.66
- 2) **Augustin Ndindiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65
- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62
- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53
- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

are responsible for the murder of persons as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(a) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 5:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Ndingiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15
- 2) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.13, 5.14
- 3) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.30, 5.31
- 4) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.30, 5.31
are responsible for the murder of the ten Belgian soldiers from UNAMIR as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(a) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 6:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61
pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 to 5.60, 5.62 to 5.66
- 2) **Augustin Ndingiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65

- 3) **Protais Mpiranya**: pursuant to Article 6(1) paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62
- 4) **François -Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45 pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53
- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

are responsible for the extermination of persons as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(b) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 7:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(3), paragraphs: 5.7, 5.50, 5.53, 5.54, 5.57 to 5.60, and 5.66
- 2) **Protais Mpiranya**: pursuant to Article 6(3), paragraphs: 5.7, 5.54
- 3) **François -Xavier Nzuwonemeye**: pursuant to Article 6(3), paragraphs: 5.7, 5.53
- 4) **Innocent Sagahutu**: pursuant to Article 6(3), paragraphs: 5.7, 5.53

are responsible for rape as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(g) of Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 8:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1) paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61
pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 to 5.60, 5.62 to 5.66
- 2) **Augustin Ndindiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65
- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62
- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53
- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45
pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53
are responsible for persecution on political, racial or religious grounds, as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(h) of Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 9:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61
pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 a 5.60, 5.62 to 5.66
- 2) **Augustin Ndindiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45

- pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65
- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45
- pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62
- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45
- pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53
- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45
- pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

are responsible for inhumane acts against persons as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(i) of Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 10:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Bizimungu**: pursuant to Article 6(1), paragraphs: 1.1 to 1.3, 4.1, 4.8, 4.10, 4.15, 4.16, 4.23, 4.25, 5.19, 5.36, 5.37 to 5.39, 5.42, 5.43, 5.45, 5.61
- pursuant to Article 6(3), paragraphs: 5.20, 5.23, 5.36, 5.43, 5.45, 5.48, 5.49, 5.50, 5.53, 5.54, 5.57 to 5.60, 5.62 to 5.66
- 2) **Augustin Ndindiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45
- pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.23, 5.45, 5.48, 5.55, 5.64, 5.65
- 3) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45
- pursuant to Article 6(3), paragraphs: 4.20, 4.37, 4.38, 5.7, 5.13, 5.14, 5.20, 5.23, 5.25, 5.33, 5.34, 5.45, 5.48, 5.51, 5.54, 5.62
- 4) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.11 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.32, 5.33, 5.45, 5.48, 5.53

- 5) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.20, 5.23, 5.30, 5.31, 5.45, 5.48, 5.53

are responsible for killing and causing violence to health and to the physical or mental well-being of civilians as part of an armed internal conflict, and thereby committed **SERIOUS VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II**, a crime stipulated in Article 4 (a) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 11:

By the acts or omissions described in the paragraphs referred to below:

- 1) **Augustin Ndindiliyimana**: pursuant to Article 6(1), paragraphs: 1.4 to 1.6, 4.1, 4.27, 4.28, 4.29, 4.33, 5.5, 5.6, 5.12, 5.16, 5.17, 5.19, 5.21, 5.23, 5.24, 5.40, 5.41, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15

- 2) **Protais Mpiranya**: pursuant to Article 6(1), paragraphs: 1.7 to 1.10, 4.1, 4.15, 4.17, 4.23, 4.37, 5.13, 5.19, 5.34, 5.35, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.13, 5.14

- 3) **François-Xavier Nzuwonemeye**: pursuant to Article 6(1), paragraphs: 1.1 to 1.14, 4.1, 4.30, 5.6, 5.16, 5.17, 5.19, 5.25, 5.28, 5.29, 5.35, 5.42, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.30, 5.31

- 4) **Innocent Sagahutu**: pursuant to Article 6(1), paragraphs: 1.15 to 1.17, 4.1, 4.23, 5.19, 5.29, 5.30, 5.31, 5.32, 5.43, 5.45

pursuant to Article 6(3), paragraphs: 5.7, 5.14, 5.15, 5.30, 5.31

is responsible for violence to life, health and physical well-being of persons, as part of an armed internal conflict and particularly the killing of the ten Belgian soldiers from UNAMIR, and thereby committed **SERIOUS VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II**, a crime stipulated in Article 4 (a) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.