

## SUMMARY OF JUDGEMENT

### I. Introduction

1. The accused in this case is Tharcisse Renzaho. During the events in 1994, he was prefect of Kigali-Ville prefecture and had the rank of colonel. The Prosecution has charged him with six counts: genocide, or, in the alternative, complicity in genocide as well as murder and rape, as crimes against humanity and war crimes.

2. The Defence disputes all charges. Renzaho was not in any way involved in the massacres after 6 April 1994; neither directly nor through others. The situation was uncontrollable. He did all he could to stop the violence.

3. The trial commenced on 8 January 2007 and closed on 6 September 2007. The parties presented 53 witnesses in the course of 49 trial days. Closing arguments were heard on 14 and 15 February 2008. The delivery of the judgement has been delayed because this Chamber has been involved in three other cases involving a total of six accused, including the time-consuming *Bagosora et al.* judgement.

4. The Chamber will now give a summary of its findings concerning the allegations against Renzaho. Only the written judgement is authoritative. It will be available soon. The Defence submissions concerning certain fair trial issues are discussed in the judgment and will not be addressed here.

### II. Encouragement of Militia Training

5. The Prosecution has alleged that Renzaho permitted and encouraged the military training of militia groups, at his home in Kanombe and elsewhere, between the middle of 1993 and July 1994. The Defence rejects this and also points to the prefect's obligation to observe neutrality in political matters.

6. The evidence has not established that Renzaho was involved in military training in 1994. He clearly knew that the *Interahamwe* received such training in 1993, and he was in favour of this. However, such knowledge and support does not in itself constitute a crime under the ICTR Statute, and it has not been established that the purpose of the training was to kill Tutsis. The evidence has not shown that Renzaho was involved in planning the genocide.

### III. Roadblocks

7. There is evidence that Renzaho held several meetings at the Kigali-Ville prefecture office in April 1994. Around 10 April, he convened a meeting that included local officials, such as *bourgmestres* and *conseillers*, and explained that the *Inkotanyi* or *Inyenzi* had shot down the President's plane. He instructed those present to erect roadblocks for the purposes of fighting the enemy, and referred to Tutsis as accomplices of the enemy. At this time, Renzaho was aware that Tutsi civilians were being targeted and killed based on their ethnicity.

8. The local officials in attendance followed Renzaho's directives and erected roadblocks in their respective communities within the prefecture. Their actions contributed to the slaughter of Tutsis or those identified as Tutsis. Renzaho reiterated his support for these roadblocks during at

least one additional meeting that month.

9. The Chamber has considered Renzaho's communiqués broadcast on Radio Rwanda during the events. His utterances about roadblocks were not clear. However, he never called for an end to the killing of Tutsi civilians, and calls for peace were usually accompanied by requests that the population continue to remain vigilant and encouragement in the fight against the *Inyenzi* or *Inkotanyi*. The Chamber finds that Renzaho supported the killings of Tutsi civilians at roadblocks.

#### **IV. Distribution of Weapons**

10. The Prosecution alleges that Renzaho distributed weapons to the *Interahamwe* and other militia groups, and that he also ordered weapons distribution. In relation to the first issue, Renzaho's own physical involvement, the main allegations related to the *Hôtel des Diplomates* in Kigali, where he allegedly collected weapons on 7 and 12 April 1994. Only one witness testified about this, and the Chamber has some doubts about these parts of his testimony. Neither has it been established that Renzaho distributed weapons in the night between 6 and 7 April in various sectors in Kigali, on 21 April from Angeline Mukandutiye's house to *Interahamwe*, or in Gitarama prefecture in late April or early May.

11. Turning to ordering of weapons distribution, Renzaho convened a meeting at the Kigali-Ville prefecture office around 16 April where he directed local administrative officials, including *conseillers*, to retrieve firearms from the Ministry of Defence. The officials went to the Ministry and obtained some firearms that were subsequently distributed to persons within their communities.

12. The Chamber is convinced that Renzaho's instructions to retrieve the weapons were accompanied by a further order to distribute them to persons in their communities. Those who ultimately received the firearms subsequently engaged in the killing of Tutsis. Although Renzaho did not give explicit instructions that these weapons be used to further the ongoing killings in Kigali-Ville prefecture, the only reasonable inference to be drawn are that these distributions, within the context of the ongoing killings of Tutsi civilians, demonstrated his support for such activities and contributed substantially to them. The Chamber is also convinced beyond a reasonable doubt that Renzaho gave his instructions with the knowledge that killings of Tutsi civilians would be furthered by this support.

#### **V. Facilitation of Movement**

13. The Prosecution argues that Renzaho facilitated movement of the *Interahamwe* who were participating in the killings. It is undisputed that a number of *laissez-passers*, signed by or on behalf of Renzaho, were issued by the Kigali-Ville prefecture office between April and July 1994. There is no direct evidence that they were given specifically to militia, soldiers or gendarmes. Neither is it proven that persons having received such documents committed killings. The possibility that violent groups also received such documents cannot in itself lead to a finding that the *laissez-passer* system facilitated the movement of killers.

14. There is evidence that the prefecture office was involved in the distribution of fuel through the use of coupons or vouchers. The office had some degree of control over who would receive fuel, and a sub-prefect within the prefecture administration was given the task of administering vouchers. At least from 13 April until about 3 May 1994, vouchers signed by the prefect were

being used at a petrol station, mainly to provide fuel to the *Interahamwe*. However, the evidence is not strong enough to find criminal responsibility.

## **VI. Killings at Akajagali**

15. The Indictment asserts that, around 9 April 1994, Renzaho led armed *Interahamwe* to an area called Akajagali in Kigali, where they entered houses of Tutsis and killed them. The Prosecution evidence is insufficient to establish this allegation.

## **VII. Dismissal of Moderates**

16. The Prosecution maintains that, at the end of April 1994, Renzaho dismissed, among other persons, *conseiller* Célestin Sezibera, because he was believed to be opposed to the killing of Tutsis. Sezibera was then replaced with someone who allegedly supported the killings. The Defence argues that Renzaho was not at the origin of the dismissal and disputes that this was the reason for it.

17. It is undisputed that Renzaho signed Sezibera's dismissal letter, but there is no evidence that he appointed the new *conseiller*. Whether the idea of dismissing Sezibera was initially formulated by Renzaho or at a lower level, for instance the *bourgmestre*, is also unclear. The Chamber has therefore not found any criminal liability in respect of this allegation.

## **VIII. CELA**

18. During the events in 1994, a large number of Tutsis sought refuge in three sites which were near each other in Kigali. The Chamber will address them in turn, starting with the *Centre des Etudes de Langues Africaines*, or CELA. On 22 April, a considerable number of refugees were there. According to the Prosecution, Renzaho was involved in selecting some of them, who were subsequently killed. The Defence submits that he went there to protect persons under threat.

19. The Chamber accepts the evidence of several witnesses that Renzaho supervised a selection process in which *Interahamwe* separated about 40 Tutsis from the other refugees. Among those chosen were Charles Rwanga and his sons Wilson and Déglote. In Renzaho's presence, one of the militia leaders gave instructions that they should be taken to one of the mass graves. Renzaho told the remaining refugees to go home. It is clear from the evidence that the approximately 40 persons were subsequently killed.

## **IX. Saint Paul Pastoral Centre**

20. Saint Paul Pastoral Centre was the second place with a large number of mainly Tutsi refugees. The *Interahamwe* carried out several attacks against the Centre from April to June 1994. One of them took place on 14 June. It resulted in the abduction and subsequent killings of about 40 to 50 Tutsis. From early May, Renzaho knew of attacks by *Interahamwe* against refugees there but did not act to stop them. The evidence does not show, however, that he was liable for the attacks, including the one on 14 June.

## **X. Sainte Famille Church**

21. The third site where many refugees sought refuge was the Sainte Famille church. It is undisputed that, on 17 June, shortly after the Rwandan Patriotic Front had evacuated some Tutsi

refugees from the Saint Paul Pastoral Centre, the *Interahamwe* attacked and killed refugees at the Sainte Famille church. Again, the question for the Chamber is whether Renzaho was involved.

22. The Chamber finds that the attack started before noon. Renzaho was present before it began, as well as toward its end. An *Interahamwe* read out names of refugees to be killed. Those whose names were called were killed in the church's garden. In addition to these specific individuals, also other Tutsis were killed. The evidence demonstrates that Renzaho played an important part in connection with the commencement and cessation of the operation. Over 100 Tutsi refugees were killed. He was also involved in the removal of the bodies.

#### **XI. Killings in Nyarugenge**

23. The Indictment states that Renzaho ordered *Interahamwe* to find and kill nine Tutsis, including François Nsengiyumva, Rutiyomba, Kagorora and his two children, Aimable and Emile. The Chamber accepts that, around 28 April 1994, *Interahamwe* killed several Tutsis at the house of an *Interhamwe* leader, including these five persons. According to the only Prosecution witness who testified about this, one of the *Interahamwe* had with him a document that he said was signed by Renzaho and their leader. The Prosecution evidence is insufficient to establish Renzaho's criminal liability for this event.

#### **XII. Killing of André Kameya**

24. According to the Indictment, Renzaho ordered the killing of André Kameya, a journalist critical of the Interim Government, on or about 15 June 1994. One witness testified that Kameya was found at Sainte Famille, handed over to a *conseiller* who was an *Interahamwe* leader, and abducted. He did not see the killing and placed the event in April or May. Another witness did not observe the event, but heard the *conseiller* leader mention the killing between 19 April and mid-May. Once again, the Chamber has found that the evidence is insufficient to sustain a conviction.

#### **XIII. Meeting at Hotel Kiyovu**

25. According to the Prosecution, Renzaho attended a meeting close to the Hotel Kiyovu in mid-June 1994. Colonel Théoneste Bagosora and other prominent leaders were also present. Renzaho allegedly identified Tutsis as the enemy and told the participants that they had to defend themselves. Some 20 metres away, four Tutsis were killed with machetes and clubs. Renzaho purportedly witnessed this, and did nothing to prevent these killings.

26. Only one Prosecution witness testified about the meeting. Several issues of credibility arise as to the description of this event. The Chamber does not find that this event has been proven beyond reasonable doubt.

#### **XIV. Sexual Violence**

27. During the period between April and July 1994, multiple rapes were committed by *Interahamwe*, soldiers and policemen against Tutsi women and girls at Sainte Famille and various houses in Kigali-Ville. The victims were civilian refugees selected on the basis of their actual or presumed Tutsi ethnicity.

28. The Chamber finds that Renzaho was aware of rapes taking place in his prefecture during this period. The evidence shows that, on separate occasions and in certain specific locations, such as a sector office, he made remarks encouraging the sexual abuse of women. Rape took

place following his remarks, and the Chamber finds him criminally responsible.

## **XV. Findings**

29. The Trial Chamber finds in respect of Tharcisse Renzaho as follows:

Count 1: Genocide: Guilty.

Count 2: Complicity in Genocide: Not Guilty.

Count 3: Murder as a Crime against Humanity: Guilty.

Count 4: Rape as a Crime against Humanity: Guilty.

Count 5: Murder as a Violation of Common Article 3 (war crimes): Guilty.

Count 6: Rape as a Violation of Common Article 3 (war crimes): Guilty.

## **XVI. Sentencing**

30. The Chamber has considered the gravity of each of the crimes for which Renzaho has been convicted as well as aggravating and mitigating circumstances mentioned by the parties. The Chamber has the discretion to impose a single sentence and chooses to do so. Considering the relevant circumstances discussed in the judgement, the Chamber sentences Renzaho to a single sentence of life imprisonment.

31. In accordance with Rules 102 (A) and 103, Renzaho shall remain in the custody of the Tribunal pending transfer to the state where he will serve his sentence.

32. This marks the end of the summary of the judgement. The trial proceedings in this case have come to an end. The court is adjourned.

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