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International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

OFFICE OF THE PROSECUTOR  
BUREAU DU PROCUREUR

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**INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR**

To: Animatta N'Gum, CMS Co-ordinator  
A: Trial Chamber III  
Date: 11 December 2006  
Ref: [Signature]  
From: [Signature]  
De: Madeleine Schwarz, Assistant Trial Attorney  
Subject: *Prosecutor v. Nchamihigo*, Case No. ICTR-01-63-I  
Objet: Second Revised Amended Indictment (in conformity with Trial Chamber III decision of 07 December 2006)

Further to the Decision of Trial Chamber III of 07 December 2006, attached please find the Second Revised Amended Indictment for filing.

In accordance with the Chamber's Decision, we have made the following changes (changes indicated by underline):

1. Title of Document – changed to “Second Revised Amended Indictment”.
2. Paragraph 10 – Paragraph 10 refers to a meeting held on or about 11 April 1994 which relates to Count 1 – Genocide. We have moved this paragraph into new paragraph 20(f) so that it is now contained in the concise statement of facts.
3. Paragraph 21 - amended as follows: “Such roadblocks included: a roadblock near the Banque de Kigali manned by Thomas Mubiligi, a roadblock near the Kamembe Market...”.
4. Paragraph 22 – amended as follows: “SIMEON NCHAMIHIGO spoke to Thomas Mubiligi and a group of young Hutu in Kamembe and ordered...”.
5. Paragraph 23 – amended as follows: “SIMEON NCHAMIHIGO arrived at a road block near the Banque de Kigali manned by Thomas Mubiligi and about 20 people...”
6. Paragraph 24 – amended as follows: “...in execution of SIMEON NCHAMIHIGO's order or instigation issued at a road block near the Banque de Kigali in Kamembe...”.

7. Paragraph 25 – amended as follows: “...**SIMEON NCHAMIHIGO** went to a roadblock near Paul Ndorimana’s house manned by the *Interahamwe*...”.

8. Paragraph 26 – amended as follows:

On an unknown date in May 1994, **SIMEON NCHAMIHIGO** went to the roadblocks in Kamembe, including the roadblocks near Cuyapa and the Banque de Kigali, and ordered or instigated the *Interahamwe* manning the roadblocks, including Vincent Mvuyekure alias *Tourné* and Thomas Mubiligi to kill a Tutsi priest of the Mibirizi Catholic parish, whose name he did not reveal but who, according to him, was expected to pass by the roadblock in a vehicle. **SIMEON NCHAMIHIGO** had issued similar instructions at all the roadblocks that he supervised and he had threatened to kill the *Interahamwe* if they let the Tutsi priest through. In the presence of **SIMEON NCHAMIHIGO**, the *Interahamwe* killed the priest later that day at the roadblock erected at the entrance to Kamembe next to the residence of the accused and manned by the *Interahamwe* Habirora Nehemi and Patrick Nsengumuremyi. Later on the Catholic priest was known to be Father Joseph Boneza.

9. Paragraph 54 – amended as follows: “On an unknown date in May 1994, **SIMEON NCHAMIHIGO** went to the roadblocks in Kamembe that he supervised, including the Cuyapa and the Banque de Kigali roadblocks, and ordered or instigated the *Interahamwe* manning the roadblocks, including Vincent Mvuyekure alias *Tourné* and Thomas Mubiligi, to kill a Tutsi priest of the Mibirizi Catholic parish, Father Joseph Boneza, who was expected to pass by the roadblock in a vehicle. **SIMEON NCHAMIHIGO** threatened to kill the *Interahamwe* if they let the Tutsi priest through.”
10. Paragraph 64 has been deleted as the only incident alleged in the indictment in connection with paragraph 64 is contained in paragraph 65.
11. The first word, “Thus”, has been deleted from paragraph 65.

I trust this is satisfactory. If you have any questions, please do not hesitate to contact me.

**THE PROSECUTOR**

v.

**SIMÉON NCHAMIHIGO****Case No. ICTR-2001-63-I**

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**SECOND REVISED AMENDED INDICTMENT****(In conformity with Trial Chamber III Decision dated 07 December 2006)**

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**I. THE CHARGES**

1. 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") charges:

**SIMEON NCHAMIHIGO** with the following crimes:

Count 1: **GENOCIDE**, pursuant to Articles 2 (3) (a) and 6 (1) of the Statute;

Count 2: **MURDER** as a **crime against humanity**, pursuant to Articles 3 (a) and 6(1) of the Statute;

Count 3: **EXTERMINATION** as a **crime against humanity**, pursuant to Articles 3 (b) and 6(1) of the Statute and

Count 4: **OTHER INHUMANE ACTS** as a **crime against humanity**, pursuant to Articles 3 (i) and 6(1) of the Statute.

**II. THE ACCUSED:**

2. **SIMEON NCHAMIHIGO** was born on 8 September 1960 in Gatare *commune*, Cyangugu Prefecture (Rwanda). He was *Substitut du Procureur* [Assistant Prosecutor] at the Cyangugu Court of First Instance from sometime in 1991 until 17 July 1994.

3. Between 1 January and 17 July 1994, **SIMEON NCHAMIHIGO** acted in his capacity of *Substitut du Procureur* in the Office of the Prosecutor of the Republic in Cyangugu on the basis

of a forged diploma which he produced sometime in 1991 in support of his application for the post of *Substitut du Procureur* in Rwanda. He was investigated by the Deputy Prosecutor General Ntakirutimana Charles in connection with the forged diploma, but the investigation was stopped when a pro-MRND Deputy Prosecutor General, Musekura Jean Damascene, was appointed to replace Ntakirutimana Charles.

4. On an unknown date around mid-April 1994, **SIMEON NCHAMIHIGO**, in his capacity of *Substitut du Procureur*, issued counterfeit warrants of arrest against Tutsi who had sought refuge at the Cyangugu Cathedral or at the Bishopric of Cyangugu, including Gapfumu, to enable and thus aid and abet officers from the office of the Prosecutor of the Republic, soldiers and *Interahamwe* to remove those refugees and kill them and they did so.

5. Similarly, on an unknown date around mid-April 1994, **SIMEON NCHAMIHIGO**, in his capacity as *Substitut du Procureur*, issued counterfeit warrants of arrest against Tutsi who had been transferred to Kamarampaka Stadium from various places. On or around the same date, the members of the prefecture security council, including **SIMEON NCHAMIHIGO**, brought outside the stadium those Tutsi. **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe* to kill those Tutsi, or otherwise aided and abetted the killing of those Tutsi, resulting in the killing of those Tutsi by the *Interahamwe*.

6. From about 1992 until 17 July 1994, **SIMEON NCHAMIHIGO**, although he was *Substitut du Procureur*, was also involved in political activities in Cyangugu Prefecture both for the MRND, President Juvénal Habyarimana's political party and the political party known as *La Coalition pour la Défense de la République*, or CDR. CDR was a Hutu extremist party and allied to MRND. It opposed parties that were in opposition to the MRND.

7. Between 1 January and 17 July 1994, **SIMEON NCHAMIHIGO** was also a member of a clandestine group of Hutu civil servants working in Cyangugu, called *Tuvindimwe*, which was formed in 1991 or thereabouts. This group supported the MRND and CDR. *Tuvindimwe* recruited its members from the Prefecture, the Appeals Court, the *parquet general* [Public Prosecutor's office at the Appeal Court], the Court of First Instance and the *parquet de la république* [Public Prosecutor's office at the Court of First Instance]. Tutsi and moderate Hutu who opposed the MRND were excluded from *Tuvindimwe* because they were considered accomplices of the *Inkotanyi*, a term applied to the Tutsi-dominated Rwandan Patriotic Front, or RPF.

8. Between 1 February and 17 July 1994, **SIMEON NCHAMIHIGO** was an *Interahaamwe* leader in Cyangugu Prefecture. He recruited many young Hutu men as *Interahamwe*, including Jean de Dieu Utabazi, Janvier Borauzima, Faustin Sinashebeje & Joseph Habineza and he instructed Habimana Jean Bosco alias Masudi, a former soldier, in collaboration with Sergeant Major Marc Ruberanziza, alias Bikomago, Christophe Nyandwi and caporal Aimé, to train these, among other *Interahamwe* in Karambo military camp, to enable them to kill the Tutsi. In addition, **SIMEON NCHAMIHIGO** allowed *Interahamwe* to stay in his house in Cyangugu and he provided them with food and drink. He ordered or instigated the *Interahamwe* to kill the Tutsi, or otherwise, aided and abetted the killing of Tutsi, as described below in the concise statement of facts relating to the charges.

9. Between 6 April and 17 July 1994, **SIMEON NCHAMIHIGO** acted as a member of the prefecture security council of Cyangugu and participated in its meetings. The following persons, among others, were members of the prefecture security council: Emmanuel Bakambiki, Prefect of Cyangugu; Samuel Imanishimwe, commander of the Cyangugu military camp; Vincent Munyarugerero, commander of the Cyangugu *gendarmerie*; Bernadin Bayingana, President of the Cyangugu Court of First Instance; Paul Ndorimana, the Public Prosecutor of Cyangugu, who was often represented by **SIMEON NCHAMIHIGO**, and sous-Prefects Emmanuel Kamonyo, Théodore Munyangabe and François Nzeyimana. The prefecture security council met regularly to discuss matters relating to security in Cyangugu Prefecture. The prefecture security council was particularly active from 6 April 1994, following the death of President Habyarimana, until 17 July 1994. During this time it met more often and made decisions concerning the setting of roadblocks in Cyangugu, the transfer of refugees to Kamarampaka Stadium from locations where they had sought to escape the violence, the drawing of lists of Tutsi and moderate Hutu and the selection of individual refugees for removal from the Kamarampaka Stadium, as described below in the concise statements of the facts relating to the charges.

10. Paragraph moved to paragraph 20(f).

### III. GENERAL ALLEGATIONS

11. Between 6 April and 17 July 1994, and during all the periods referred to in this indictment, Rwandan citizens were identified according to the following ethnic or racial classifications: Tutsi, Hutu and Twa.

12. Between 6 April and 17 July 1994, soldiers, *Interahamwe* and armed civilians attacked, killed or caused bodily or mental harm to members of the Tutsi ethnic group in Cyangugu Prefecture and throughout Rwandan, with intent to destroy, in whole or in part, the Tutsi ethnic group as such.

13. Between 6 April and 17 July 1994, in Cyangugu Prefecture and throughout Rwandan, *Interahamwe*, soldiers and armed civilians murdered individually identified or targeted people or committed widespread killings, as part of widespread or systematic attacks against Tutsi civilians and/or Hutu opponents. As result of these attacks, *Interahamwe*, soldiers and armed civilians killed hundreds of thousands of Tutsi civilians and Hutu political opponents in Cyangugu Prefecture and throughout Rwanda.

### IV INDIVIDUAL CRIMINAL RESPONSIBILITY

14. Pursuant to Article 6 (1) of the Statute, **SIMEON NCHAMIHIGO** is criminally responsible for the crimes of **genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity**, for planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation or

execution of the crimes of genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity. **SIMEON NCHAMIHIGO** ordered people over whom he had authority by virtue of his position described in paragraphs 2, 3, 4, 5, 6, 8, 9 and 10 of this indictment, to commit the crimes of genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity, and instigated or otherwise aided and abetted those who were not under his authority to commit the crimes of genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity.

15. In addition to his responsibility under Article 6(1) of the Statute for having planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the crimes of **genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity**, **SIMEON NCHAMIHIGO** knowingly and willfully participated in a **joint criminal enterprise**, in his role as set out in paragraphs 2, 3, 4, 5, 6, 8, 9, 10 and 15 of this indictment. The purpose of the joint criminal enterprise was the destruction of the Tutsi racial or ethnic group in Cyangugu prefecture through the commission of the crimes of genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity. This joint criminal enterprise came into existence on or about 6 April 1994 and continued until 17 July 1994.

16. **SIMEON NCHAMIHIGO** and the other members of the joint criminal enterprise shared the same intent to effect the common purpose. To fulfill the common purpose, **SIMEON NCHAMIHIGO** acted in concert with *Interahamwe* Christophe Nyandwi, Yusuf Munyakazi, Mubiligi Thompson, Pierre Munyandamutsa, alias *Pressé*, Mvuyekure Vincent, known as *Tourné*, Habimana Jean Bosco, alias Masudi, Bizimungu Anasthase, Nsengumuremyi Patrick, Sinashebeje Faustin, and Habirora Nehemi, among others, as well as other participants who were not *Interahamwe*, including Samuel Imanishimwe, commander of the Cyangugu military camp, Sergeant Major Marc Ruberanziza, alias Bikomago, Habimana Vedaste, and Prefet Ennamuel Bagambiki, among others.

17. In addition to his participation in a joint criminal enterprise as set out in paragraphs 15 and 16 above, **SIMEON NCHAMIHIGO** is responsible for the crimes of **genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity** on the basis that these crimes were the natural and foreseeable consequences of the execution of the common purpose of the joint criminal enterprise. **SIMEON NCHAMIHIGO** intended to further the common purpose of the joint criminal enterprise. In addition, it was foreseeable that the crimes of genocide, murder as a crime against humanity, extermination as a crime against humanity and other inhumane acts as a crime against humanity, might be perpetrated by one or other members of the group and **SIMEON NCHAMIHIGO** willingly took that risk.

18. The particulars that give rise to **SIMEON NCHAMIHIGO**'s individual responsibility for the crimes charged are set out in this indictment as follows:

- For the crime of **genocide** in paragraphs 19 through 43;
- For the crime of **murder as a crime against humanity** in paragraphs 44 through 55;
- For the crime of **extermination as a crime against humanity** in paragraphs 56 through 69 and
- For the crime of **other inhuman acts as a crime against humanity** in paragraphs 67 through 70.

## V CRIMES CHARGED AND CONCISE STATEMENT OF FACTS

### COUNT 1 : GENOCIDE

19. The Prosecutor of the International Criminal Tribunal for Rwanda charges **SIMEON NCHAMIHIGO** with **GENOCIDE**, a crime provided for in Article 2 (3) (a) of the Statute, in that between 6 April and 17 July 1994, in Cyangugu Prefecture (Rwanda), he was responsible for killing or causing serious bodily or mental harm to members of the Tutsi population, with the intent to destroy, in whole or in part, an ethnic or racial group as such, as described in the facts contained in paragraphs 20 through 43 of this indictment.

#### CONCISE STATEMENT OF THE FACTS RELATING TO COUNT 1

20. Following the death of the President of Rwanda, Juvenal Habyarimana, on 6 April 1994, the interim government formed on 8 April 1994 launched a national campaign aimed at mobilizing the government armed forces, civilian militia, *Interahamwe*, the local public administration and ordinary citizens to fight the Rwandan Patriotic Front, or RPF, a politico-military opposition group comprising mainly Tutsi. The Rwandan government armed forces and *Interahamwe* militia specifically targeted the Tutsi civilian population of Rwanda as domestic accomplices of an invading army, *ibytso*, or categorically as a domestic enemy. Under the pretext of ensuring national defence, ordinary citizens of Rwanda, mainly Hutu, mobilized into action by the authorities, killed Tutsi and political opponents and looted their property. Between 6 April 1994 and 17 July 1994 hundreds of thousands of Tutsi and moderate Hutu were killed as a result of this campaign. **SIMEON NCHAMIHIGO** participated in the organization and the implementation of this campaign as follows:

(a) On or about 14 April 1994, during meetings called by the Prefect Emmanuel Bakambiki in the MRND office in Cyangugu, all zone supervisors, including **SIMEON NCHAMIHIGO**, were requested to report on the ongoing massacres in their zones. During the meeting, **SIMEON NCHAMIHIGO** reported that he was facing difficulties in attacking the Shangi parish as so many Tutsi had sought refuge there and that, according to him, it was not possible to kill all of them with traditional weapons. He claimed that he needed fire arms, such as rifles and grenades. These were later given to him by Lieutenant Samuel Immanishimwe in Karampo military camp **SIMEON NCHAMIHIGO** distributed the weapons to the *Interahamwe* and ordered or instigated them to attack the Shangi parish and to kill the Tutsi and they did so some time in April 1994 with Yussuf Munyakazi and others.

(b) In late April 1994, **SIMEON NCHAMIHIGO** participated in a meeting at Gihundwe *secteur* office the purpose of which was to put in place security measures. Acting *bourgmestre*,

Manase Buvugamenshi, presided over the meeting, which was attended by Védaste Habimana, **SIMÉON NCHAMIHIGO** and Christophe Nyandwi, president of the *Interahamwe* in Cyangugu prefecture, among others. During the meeting, **SIMEON NCHAMIHIGO** enquired about the security situation in the *secteur* and whether there were more Tutsi in hiding to be killed. Védaste Habimana replied that three days would suffice to "mop up" the *secteur*. In the context of the meeting, "to mop up" was understood to mean "to finish killing all the Tutsi." The "mopping up" of the *secteur* did in fact continue. By his enquiries regarding the remaining Tutsi to be killed, **SIMEON NCHAMIHIGO** instigated and aided and abetted the killing of these Tutsi.

(c) Between 6 April and 17 July 1994, **SIMEON NCHAMIHIGO**, in collaboration with Sergeant Major Marc Ruberanziza, alias Bikomago, Christophe Nyandwi, president of the *Interahamwe* at the prefecture level, Habimana Jean Bosco, alias Masudi, a former soldier and caporal Aimé, among others, organized and supervised military training for *Interahamwe* in Cyangugu prefecture namely: Jean de Dieu Utabazi, Janvier Borauzima, Faustin Sinashebeje, Joseph Habineza amongst others to enable and thus to aid and abet them to kill the Tutsi.

(d) On unknown dates in April and May 1994 **SIMEON NCHAMIHIGO** was involved with Prefect Emmanuel Bakambiki, Lieutenant Samuel Immanshimwe, and others, in the drawing up of lists of influential Tutsi and Hutu political opponents, on the basis of which the prefecture security council, including **SIMEON NCHAMIHIGO**, identified persons to be killed. As a result, **SIMEON NCHAMIHIGO** planned, ordered, instigated or aided and abetted the *Interahamwe* and other Hutu civilians in killing many Tutsi and Hutu political opponents, as described further below in paragraphs 20(e), 23, 24, 25, 26, 29, 30, 31, 40, 41, 42 and 43 of this indictment.

(e) Between 6 April and 17 July 1994, **SIMEON NCHAMIHIGO** kept a stockpile of weapons in his residence in Cyangugu. He distributed weapons to the *Interahamwe* who included David Habanakwabo and Jeremy Nsengiyumva and others and ordered or instigated them to go and kill specifically named people, Tutsi and Hutu political opponents, or launch large-scale attacks against Tutsi, who were sometimes assembled in specific places, such as parishes and schools as described in paragraphs 28, 32, 33, 34, 35 and 37 of this indictment.

(f) On or about 11 April 1994 a meeting was called by the Prefect Emmanuel Bagambiki in the prefecture office which was attended by the Sous-Prefects, bourgmestres, religious authorities, prominent businessmen who financed the MRND political party, the *Interahamwe* leaders and political authorities of the MRND, CDR, MDR-power and PL -power parties. Civil servants, including **SIMEON NCHAMIHIGO**, were also present at the meeting. During this meeting, **SIMEON NCHAMIHIGO** and Callixte Nsabimana, manager of Shangasha Tea Factory, were appointed supervisors for the security of Gisuma and Gafunzo zones. At the end of the meeting, all zone supervisors, including **SIMEON NCHAMIHIGO**, went to Karambo military camp to receive weapons from Lieutenant Samuel Imanishimwe. Shortly thereafter, the zone supervisors, including **SIMEON NCHAMIHIGO**, distributed these weapons to Anasthase Bizimungu and other *Interahamwe* posted in their respective zones and ordered them to kill the Tutsi with those weapons.

21. Between 6 April and 17 July 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe* to erect several roadblocks in Cyangugu town and supervised the effective manning of these roadblocks. Such roadblocks included: a roadblock near the Banque de Kigali manned by Thomas Mubiligi, a roadblock near the Kamembe Market and the Pendeza roadblock on the road to the Airport as well as the Kadashya roadblock, manned by an *Interahamwe* leader, Pierre Munyandamutsa alias *Pressé*, an associate of **SIMEON NCHAMIHIGO**, the Cuyapa roadblock manned by Mvuyekure Vincent, alias *Tourné*, and the Gatandara roadblock, manned by an *Interahamwe*, Habimana Jean Bosco. The aim of the roadblocks was to stop the Tutsi and Hutu opponents from fleeing to safer areas and to kill them. **SIMEON NCHAMIHIGO** controlled and supervised the roadblocks by inspecting them several times a day, and he ordered or instigated the *Interahamwe* who manned the roadblocks to kill the Tutsi attempting to pass through. **SIMEON NCHAMIHIGO**'s *Interahamwe* killed many Tutsi at the roadblocks, sometimes in the presence of **SIMEON NCHAMIHIGO**. The Prefect of Cyangugu, Emmanuel Bakambiki appointed people like Ndagijimana Shabani to remove dead bodies at the roadblocks and throughout the Cyangugu city in this period. At the Gatandara roadblock, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe* to kill many Tutsi who had been selected in the Karampaka Stadium. The Cyapa roadblock was erected just next to **SIMEON NCHAMIHIGO**'s residence. **SIMEON NCHAMIHIGO** ordered, instigated or aided and abetted the killing of Tutsi at that roadblock, including the catholic priest, Father Boneza Joseph.

22. On or about 7 April 1994, **SIMEON NCHAMIHIGO** spoke to Thomas Mubiligi and a group of young Hutu in Kamembe and ordered or instigated them to look for all the Tutsi and RPF accomplices and hand them over to the *Interahamwe* and to set ablaze all the places where the opposition was well-established. Following **SIMEON NCHAMIHIGO**'s orders or instigation, the *Interahamwe* tracked down and killed many people, mostly Tutsi men, women and children, on or about 7 April 1994 and in the months that followed.

23. On or about 15 April 1994, in Kamembe, **SIMEON NCHAMIHIGO** arrived at a road block near the Banque de Kigali manned by Thomas Mubiligi and about 20 people, comprised of *Interahamwe* and young armed Hutu alike. He read out to these people names of Tutsi who were reportedly hiding in Kamembe town, and ordered or instigated that they be hunted down. The names read out from the list by **SIMEON NCHAMIHIGO** included Gasali Aloys, Emilien Nsengumuremyi, Isidore Kagenza and Judge Jean-Marie Vianney Tabaro. After reading out the names and before leaving the roadblock, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe* to look for Tutsi and to kill them and aided and abetted by providing them with two grenades. These *Interahamwe* then hunted down and killed the Tutsi.

24. On an unknown date in May 1994, in execution of **SIMEON NCHAMIHIGO**'s order or instigation issued at a road block near the Banque de Kigali in Kamembe on or about 15 April 1994, the *Interahamwe* including Mvuyekure Vincent alias *Tourné* found Emilien Nsengumuremyi and killed him. They continued to look for the other Tutsi whose names had been read out by **SIMEON NCHAMIHIGO**, in order to kill them.

25. On or about 28 or 30 April 1994, **SIMEON NCHAMIHIGO** went to a roadblock near Paul Ndorimana's house manned by the *Interahamwe*, including Ndorimana Martin, and ordered or instigated them to kill the accountant of Cyangugu Prefecture, Kayihura Canisus, a Tutsi, who

had supposedly managed to obtain an identity card indicating that he belonged to the Hutu ethnic group.

26. On an unknown date in May 1994, **SIMEON NCHAMIHIGO** went to the roadblocks in Kamembe, including the roadblocks near Cuyapa and the Banque de Kigali, and ordered or instigated the *Interahamwe* manning the roadblocks, including Vincent Mvuyekure alias *Tourné* and Thomas Mubiligi to kill a Tutsi priest of the Mibirizi Catholic parish, whose name he did not reveal but who, according to him, was expected to pass by the roadblock in a vehicle. **SIMEON NCHAMIHIGO** had issued similar instructions at all the roadblocks that he supervised and he had threatened to kill the *Interahamwe* if they let the Tutsi priest through. In the presence of **SIMEON NCHAMIHIGO**, the *Interahamwe* killed the priest later that day at the roadblock erected at the entrance to Kamembe next to the residence of the accused and manned by the *Interahamwe* Habirora Nehemi and Patrick Nsengumuremyi. Later on the Catholic priest was known to be Father Joseph Boneza.

27. On an unknown date in May 1994, at the Cyapa roadblock manned by the *Interahamwe* including Vincent Mvuyekure alias *Tourné*, Patrick Nsengumuremyi and the *gendarmes*, **SIMEON NCHAMIHIGO** took into the car he was driving two young Tutsi students, Uzier and Innocent, who were seeking a lift to go back home. **SIMEON NCHAMIHIGO** handed the two students over to the *Interahamwe* and ordered or instigated them to kill the Tutsi students, and they did so.

28. After President Juvénal Habyarimana's death on 6 April 1994, a large number of Tutsi and Hutu political opponents fleeing acts of violence and massacres, sought refuge in places considered safe in Cyangugu such as the main cathedral, Mibirizi parish, Hanika parish, Nkanka parish, Shangi parish, Nyamasheke parish, the Mibirizi hospital, the Gihundwe school and the Nyakanyinya school, among others. Other Tutsi and Hutu political opponents remained in their homes. **SIMEON NCHAMIHIGO**, in collaboration with Lieutenant Samuel Imanishimwe, Sergeant Major Marc Ruberanziza alias Bikomago, Sous-Prefet Theodore Muyengabe and Christophe Nyandwi, president of the *Interahamwe* at the prefecture level, ordered or instigated the *Interahamwe* including Kamenero to launch attacks against Tutsi and Hutu political opponents who had sought refuge in safe places and also on individuals in their homes. **SIMEON NCHAMIHIGO** personally led all these attacks, except the attack at Nkanka parish. During these attacks, **SIMEON NCHAMIHIGO** and the *Interahamwe* killed many people, as described in paragraphs 29 through 37 of this indictment.

29. On or about 7 April 1994, **SIMEON NCHAMIHIGO** led a group of *Interahamwe* including Christophe Nyandwi among others in an attack on the residence of Doctor NAGAFIZI, a Tutsi regional chief medical officer of Cyangugu and member of the *Parti Libéral*, allegedly with RPF leanings, and an attack on the residence of a businessman called Kongo, a Hutu and member of the PSD political party. During the attacks, the *Interahamwe*, led by **SIMEON NCHAMIHIGO** and ordered, instigated or aided and abetted by him, killed Doctor NAGAFIZI and Kongo.

30. On or about 7 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe*, namely Mubiligi Thompson, to attack the residence of Trojean Ndayisaba a Tutsi trader and member of the PSD political party and to kill him. Trojean Ndayisaba was accused of

receiving money from the RPF. During the attack, the *Interahamwe* killed the whole family of Trojean Ndayisaba and looted their house. The *Interahamwe* killed Trojena Ndayisaba himself afterwards on an unknown date between the end of April 1994 and early July 1994.

31. On or about 7 or 9 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe*, including Habineza Joseph, alias Sekuse, to kill Theoneste Karangwa, an influential Tutsi trader and member of the PSD political party in Cyangugu. **SIMEON NCHAMIHIGO** said that the *Interahamwe* should not to kill Karangwa's wife because she was not Tutsi. The *Interahamwe* then attacked and killed Theoneste Karangwa and his driver Iyakaremye. **SIMEON NCHAMIHIGO** seized Karangwa's vehicle and later took it to Bukavu in neighboring Zaire.

32. On or about 12 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe*, including Bizimungu Anasthase, and communal police, gendarmes and military reservists to attack the Nyakanyinka school and kill the Tutsi who sought refuge there. The attackers received from **SIMEON NCHAMIHIGO** grenades and rifles which were used during the attack and were thus aided and abetted by him in the attack. As a result, the *Interahamwe* and other attackers killed about 600 Tutsi.

33. On or about 12 April 1994, **SIMEON NCHAMIHIGO**, in collaboration with Samuel Imanishimwe, commander of Cyangugu military camp, and the Sous-Prefect *Kamonyo*, ordered or instigated the *Interahamwe* including Uwimana Jean Charles, alias Karoli, and a group of Hutu civilians, to attack the Hanika parish and kill all the refugees who were supposed to be Tutsi. As a result of **SIMEON NCHAMIHIGO**'s order or instigation, the attackers killed about 1,500 people, including children and the aged.

34. On a day sometime between 14 and 15 April 1994, at about 8 o'clock in the morning, **SIMEON NCHAMIHIGO** led a group of *Interahamwe* and *Impuzamugambi* (the militiamen of the CDR political party) including Ndorimana Martin, in an attack against Tutsi of the Gihundwe *Secteur*, particularly targeting Tutsi of Kabugi, Ruganda, Murindi and Murangi *Cellules*. During the attack, the *Interahamwe*, led by **SIMEON NCHAMIHIGO**, and ordered, instigated or aided and abetted by him, killed a large number of Tutsi and destroyed their houses.

35. On or about 18 April 1994, **SIMEON NCHAMIHIGO**, in collaboration with Lieutenant Samuel Imanishimwe, Sergeant Major Marc Rubenziza, alias Bikomago and Sous-Prefect Theodore Muyengabe, led a group of *Interahamwe* which included *Gendarme Mandela* and *Anathase Bizimungu*, among others, that attacked Mibirizi convent and Mibirizi hospital, where many Tutsi had sought refuge. During the attacks, the *Interahamwe*, led by **SIMEON NCHAMIHIGO**, and ordered, instigated or aided and abetted by him, massacred the Tutsi refugees and looted their property. After the attacks, **SIMEON NCHAMIHIGO** rewarded the killers with beer.

36. In late April or early May 1994, three young Tutsi girls, Mukashema Josephine, Marie and Helene, sought refuge in the residence of a certain Hutu named Jonas. **SIMEON NCHAMIHIGO** accused Jonas and his brother Niyikiza Jonathan of hiding *Inyenzi*. **SIMEON NCHAMIHIGO**, assisted by one of his *Interahamwe* namely Banga Kaboyi Johnson, removed

the three Tutsi girls from Jonas's house and took them away to an unknown place. On the same day, **SIMEON NCHAMIHIGO** told Niyikiza Jonathan that the *Inyenzi* had been killed and threatened Niyikiza Jonathan to kill him if he continued to hide Tutsi. By his actions, **SIMEON NCHAMIHIGO** committed, ordered, instigated or aided and abetted the killing of these Tutsi girls.

37. Between 20 and 25 June 1994 or thereabouts, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe* in his area, including Jean-Paul, Mvuyekure Vincent, alias *Tourné*, Nzeyimana, among others, to go to Kibuye together with Yusufu Munyakazi and his *Interahamwe*, and participate in a number of attacks to kill Tutsi who had sought refuge at Bisesero in Kibuye Prefecture. The *Interahamwe* travelled in an ONATRACOM bus to Bisesero and assisted the Kibuye *Interahamwe* in killing the Tutsi. Together, they killed many Tutsi. On the return of the *Interahamwe* from Kibuye after one or two days, **SIMEON NCHAMIHIGO** rewarded them with drinks and food at the Gihundwe school.

38. After President Juvénal Habyarimana's death on 6 April 1994, **SIMEON NCHAMIHIGO** and other members of the prefecture security council, including Prefect Emmanuel Bakambiki and Lieutenant Samuel Imanishimwe, the Cyangugu military camp commander, decided to move refugees from their places of refuge and assembled them at Kamarampaka Stadium in Cyangugu, ostensibly with the purpose of providing the refugees with better security but with the aim of eliminating those who were suspected of being accomplices of the *Inkotanyi*.

39. On or about 14 April 1994, **SIMEON NCHAMIHIGO**, Lieutenant Samuel Imanishimwe and other members of the prefecture security council including Emmanuel Bakambiki moved the refugees from the Gihundwe school to Kamarampaka stadium.

40. On or about 15 April 1994, **SIMEON NCHAMIHIGO**, Lieutenant Samuel Imanishimwe and other members of the prefecture security council including Emmanuel Bakambiki moved the refugees from Cyangugu Cathedral and took them to Kamarampaka Stadium. The refugees transferred to the stadium that day included Baziruwaha Marianne, Nkusi Georges, Albert Twagiramungu, Jean Fidèle Murekezi, his wife Kanyamibwa Christine and their children, among others.

41. On the 16<sup>th</sup> of April 1994, **SIMEON NCHAMIHIGO** and other members of the prefecture security council, including Prefet Emmanuel Bakambiki, Lieutenant Samuel Imanishimwe, Christophe Nyandwi, President of the *Interahamwe* at the Prefecture level, Major Munyarugerero, Theodeore Munyangabe, sous-prefect, Paul Ndorimana, Prosecutor, Simeon Remesh, Headmaster of Gihundwe Primary School, Ngagi, customs officer and Sergeant Major Marc Ruberanziza went to Kamarampaka Stadium. The commander of the gendarmerie camp, using a megaphone, called out names of civilians who were alleged to be *Inkotanyi* accomplices from a list that had been prepared by the prefecture security council, including **SIMEON NCHAMIHIGO**. The list included: Benoît Sibomana, Jean-Fidèle Murekezi, Apiane Ndorimana, Albert Mugabo, Albert Twagiramungu, Ibambasi, Bernard Nkara, Trojean Nzisabira, Rémy Mihigo, Dominique Gapeli, Albert Mugabo and Marianne Baziruwaha. All of the individuals named on the list were Tutsi, except for Marianne Baziruwaha who was a Hutu and an influential member of the PSD political party in Cyangugu. The individuals were asked to

come out, and were escorted out of the Stadium by **SIMEON NCHAMIHIGO** and the prefecture delegation. Outside the stadium, about four people of Tutsi origin, including Vital Nibagwire, Ananie Gatake, Jean-Marie Vianney Habimana alias Gapfumu, whom **SIMEON NCHAMIHIGO** and the other members of the prefecture delegation had brought from the cathedral, were waiting in vehicles. **SIMEON NCHAMIHIGO** and the prefecture delegation instructed soldiers to take the selected 16 people to the gendarmerie camp purportedly for questioning.

42. When, on or about 16 April 1994, **SIMEON NCHAMIHIGO** and other members of the prefecture security council took the 16 selected persons to the gendarmerie camp, they removed Marianne Baziruwaha from the group and instructed the drivers to proceed with the remaining 15, all Tutsi, to a place near Cyangugu prison. **SIMEON NCHAMIHIGO** then ordered or instigated the *Interahamwe* whom he had brought along with him from Mutongo Centre earlier the same day, including Bizimungu Anasthase and Jean Bosco Habimana to kill the 15 remaining Tutsi. Following **SIMEON NCHAMIHIGO**'s order or instigation, the *Interahamwe* killed the 15 Tutsi near Cyangugu prison and threw their dead bodies into a latrine in Gapfumu's compound.

43. On or about 18 April 1994, **SIMEON NCHAMIHIGO** went back to Kamarampaka Stadium in a delegation of the prefecture security council, comprising Prefet Emmanuel Bakambiki, Samuel Imanishimwe, and Sous-Prefet Emmanuel Kamonyo, among others. Bakambiki, using a megaphone, called out about 20 names from a list which the prefecture security council had drawn up. They took the listed people out of the stadium. Some people of Tutsi origin, such as Antoine Nsengumuremyi and Felicien, whose names had not been called out, were nevertheless taken out of Kamarampaka Stadium that day, together with the others. These people were subsequently killed and their bodies thrown into the Gataranga River or into mass graves. **SIMEON NCHAMIHIGO** and the prefecture delegation aided and abetted the killing of all those who had been taken out of the stadium.

## **COUNT 2: CRIME AGAINST HUMANITY: MURDER**

44. The Prosecutor of the International Criminal Tribunal for Rwanda charges **SIMEON NCHAMIHIGO** with **MURDER**, as a **CRIME AGAINST HUMANITY**, pursuant to Article 3 (a) of the Statute, in that between 6 April and 17 July 1994 he was responsible for the murder of a number of Tutsi and of people considered as Tutsis, as well as Hutu opponents, particularly in Cyangugu Prefecture, as part of a widespread or systematic attack against a civilian population on ethnic, racial or political grounds, as set out in paragraphs 45 through 55 of this indictment.

### **Concise statement of the facts relating to Count 2**

45. On or about 7 April 1994, **SIMEON NCHAMIHIGO** led a group of *Interahamwe* including Nyandwi Christophe in an attack on the residence of Doctor NAGAFIZI, a Tutsi regional chief medical officer of Cyangugu and member of the *Parti Liberal*, with RPF leanings, and an attack on the residence of a businessman called Kongo, a Hutu and member of the PSD political party.

During the attacks, the *Interahamwe*, led by **SIMEON NCHAMIHIGO** and ordered, instigated or aided or abetted by him, killed Doctor NAGAFIZI and Kongo.

46. On or about 7 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe*, namely Mubiligi Thompson, to attack the residence of Trojean Ndayisaba, a Tutsi trader and member of the PSD political party and to kill him. Trojean Ndayisaba was accused of receiving money from the RPF. During the attack, the *Interahamwe* killed the whole family of Trojean Ndayisaba and looted their house. The *Interahamwe* killed Trojena Ndayisaba himself afterwards on a unknown date between the end of April 1994 and early July 1994.

47. On or about 7 or 9 April 1994, **SIMEON NCHAMIHIGO** in collaboration with Nyandwi Christophe, an *Interahamwe* leader at the prefecture level, ordered or instigated *Interahamwe* including Joseph Habineza, among others to kill Zacharie Serubyogo, a Hutu trader and MDR political party member of Parliament, together with other people. The *Interahamwe* then killed Zacharie Serubyogo and many unknown people near Lake Kivu in the presence of **SIMEON NCHAMIHIGO**. After the killing of Zacharie Serubyogo, **SIMEON NCHAMIHIGO** ordered his *Interahamwe* to look for a Tutsi by the name of Theoneste Karangwa and kill him.

48. On or about 7 or 9 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated *Interahamwe*, including Habineza Joseph, alias Sekuse, to kill Théoneste KARANGWA, an influential Tutsi trader and member of the PSD political party in Cyangugu. **SIMEON NCHAMIHIGO** said that the *Interahamwe* should not to kill Karangwa's wife because she was not Tutsi. The *Interahamwe* then attacked and killed Théoneste Karangwa and his driver Iyakaremye. **SIMEON NCHAMIHIGO** seized Karangwa's vehicle and later took it to Bukavu in neighboring Zaire.

49. Deleted.

50. Between 15 and 17 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated a group of *Interahamwe* who included David Habanakwabo, Rusine and Nzeyimana, to kill a young Hutu student called Jean de Dieu Gakwandi, whom he had described as a traitor and an accomplice of the Tutsi. To this end, **SIMEON NCHAMIHIGO** gave a grenade to someone called David Habanakwabo, alias Vicky, and ordered him to join other *Interahamwe* in order to kill Jean de Dieu Gakwandi. The assailants hit Jean de Dieu Gakwandi with a club on the head. Jean de Dieu Gakwandi sustained serious injuries. The assailants left him there, unconscious, thinking he was dead.

51. On or about 28 or 30 April 1994, **SIMEON NCHAMIHIGO** went to a roadblock manned by *Interahamwe*, including Ndorimana Martin, and ordered or instigated them to kill the accountant of Cyangugu Prefecture, Canisius Kayihura, a Tutsi civilian, who had managed to obtain an identity card indicating that he belonged to the Hutu ethnic group.

52. In late April or early May 1994, three young Tutsi girls, Mukashema Josephine, Marie and Helene, sought refuge in the residence of a certain Hutu named Jonas. **SIMEON NCHAMIHIGO** accused Jonas and his brother Niyikiza Jonathan of hiding *Inyenzi*. **SIMEON NCHAMIHIGO** assisted by one of his *Interahamwe* namely Banga Kaboyi Johnson, removed

the three Tutsi girls from Jonas's house, took them away to an unknown place. On his return the same day, **SIMEON NCHAMIHIGO** told Niyikiza Jonathan that the *Inyenzi* had been killed and he threatened Niyikiza Jonathan to kill him if he continued to hide Tutsi. By his actions, **SIMEON NCHAMIHIGO** ordered, instigated or aided and abetted the killing of these Tutsi girls.

53. On an unknown date in May 1994, in execution of **SIMEON NCHAMIHIGO**'s order or instigation issued at a road block in Kamembe on or about 15 April 1994, the *Interahamwe* including Christophe Nyandwi, found Emilien Nsengumuremyi and killed him. They continued to look for the other Tutsi whose names had been read out by **SIMEON NCHAMIHIGO**, in order to kill them because of their Tutsi origin.

54. On an unknown date in May 1994, **SIMEON NCHAMIHIGO** went to the roadblocks in Kamembe that he supervised, including the Cuyapa and the Banque de Kigali roadblocks, and ordered or instigated the *Interahamwe* manning the roadblocks, including Vincent Mvuyekure alias *Tourné* and Thomas Mubiligi, to kill a Tutsi priest of the Mibirizi Catholic parish, Father Joseph Boneza, who was expected to pass by the roadblock in a vehicle. **SIMEON NCHAMIHIGO** threatened to kill the *Interahamwe* if they let the Tutsi priest through. Later that day and in the presence of **SIMEON NCHAMIHIGO**, the *Interahamwe* killed Father Joseph Boneza at the roadblock erected at the entrance to Kamembe next to the residence of the accused and manned by the *Interahamwe* Habirora Nehemi and Patrick Nsengumuremyi.

55. On an unknown date in May 1994, at the Cyapa roadblock manned by the *Interahamwe* including Nsengumuremyi Patrick and the *gendarmes*, **SIMEON NCHAMIHIGO** took into the car he was driving, two young Tutsi students, Uzier and Innocent, who were seeking a lift to go back home. **SIMEON NCHAMIHIGO** handed the two boys over to the *Interahamwe* and ordered or instigated them to kill the Tutsi students and they did so.

### COUNT 3: CRIME AGAINST HUMANITY: EXTERMINATION

56. The Prosecutor of the International Criminal Tribunal for Rwanda charges **SIMEON NCHAMIHIGO** with **EXTERMINATION** as a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3 (b) of the Statute, in that between 6 April and 17 July 1994,, particularly in Cyangugu prefecture, **SIMEON NCHAMIHIGO** was responsible for the large scale killing of Tutsi or of people considered as Tutsi and of Hutu opponents, as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, as described below in the concise statement of facts relating to the charges in paragraphs 57 through 65 of this indictment.

#### Concise statement of the facts relating to Count 3

57. Between 6 April and 17 July 1994, in particular from 7 April to the end of May 1994, **SIMEON NCHAMIHIGO**, in collaboration with Sergeant Major Marc Ruberanziza, alias Bikomago, and Christophe Nyandwi, president of the *Interahamwe* at the prefecture level,

ordered or instigated the *Interahamwe* amongst whom was Kamenero, to launch attacks against Tutsi civilians and Hutu opponents refugees in Hanika parish, Mibirizi parish, Mibirizi hospital, Nkanka parish, Shangi parish and Nyamasheke parish among other places where those people had sought refuge including their homes. **SIMEON NCHAMIHIGO** personally led all of these attacks, except the attack at Nkanka parish. During the attacks, the *Interahamwe* and other Hutu civilians led by **SIMEON NCHAMIHIGO** killed many civilians who thus were targeted as described in paragraphs 59, 60, 61, 62, 63, 64 and 65 of this indictment.

58. On or about 7 April 1994, **SIMEON NCHAMIHIGO** arrived at a road block manned by a group of young Hutu in Kamembe and ordered or instigated them to look for all the Tutsi and RPF accomplices and hand them over to the *Interahamwe* and to set ablaze all the places where the opposition was well-established. Following **SIMEON NCHAMIHIGO**'s orders or instigation, the *Interahamwe* tracked down and killed many civilians, mostly Tutsi men, women and children, after or around 7 April 1994.

59. On or about 7 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe*, namely Mubiligi Thompson, to attack the residence of Trojean Ndayisaba a Tutsi trader and member of the PSD political party and to kill him. Trojean Ndayisaba was accused of receiving money from the RFP. During the attack, the *Interahamwe* killed the whole family of Trojean Ndayisaba and looted their house. The *Interahamwe* killed Trojean Ndayisaba himself afterwards on an unknown date between the end of April 1994 and early July 1994.

60. On or about 12 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated *Interahamwe*, including Bizimungu Anasthase, and communal police, gendarmes and military reservists to attack the Nyakanyinka school and kill the Tutsi civilians who sought refuge there. The attackers received from **SIMEON NCHAMIHIGO** grenades and rifles which were used during the attack, and were thus aided and abetted by him in the attack. As a result, the *Interahamwe* and other attackers killed about 600 Tutsi civilians.

61. On a day sometime between 14 and 15 April 1994, at about 8 o'clock in the morning, **SIMEON NCHAMIHIGO**, leading a group of *Interahamwe* and *Impuzamugambi* (the militiamen of the CDR political party) including Ndorimana Martin, launched an attack against Tutsi of the Gihundwe *Secteur*, particularly targeting Tutsi of Kabugi, Ruganda, Murindi and Murangi *Cellules*. During the attack, the *Interahamwe* led by **SIMEON NCHAMIHIGO**, and ordered, instigated or aided and abetted by him, killed a large number of Tutsi and destroyed their houses.

62. On or about 15 April 1994 in Kamembe, **SIMEON NCHAMIHIGO** arrived at a road block manned by about 20 people comprised of *Interahamwe* and young armed Hutu alike. He read out to these people names of Tutsi who were reportedly hiding in Kamembe town, and ordered or instigated that they be hunted down. The names read out from the list by **SIMEON NCHAMIHIGO** included Gasali Aloys, Emilien Nsengumuremyi, Isidore Kagenza and Judge Jean-Marie Vianney Tabaro. After reading out the names and before leaving the road block, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe* to look for Tutsi and to kill them and aided and abetted by providing them with two grenades. These *Interahamwe* then hunted down and killed the Tutsi.

63. On an unknown date in April 1994, **SIMEON NCHAMIHIGO** led a group of *Interahamwe*, which included *Anathase Bizimungu* in their number, accompanied by *Gendarme Mandela*, in an attack on Mibirizi convent, where many Tutsi civilians had sought refuge. During the attack, the *Interahamwe*, led by **SIMEON NCHAMIHIGO**, and ordered, instigated or aided and abetted by him, massacred the Tutsi refugees and looted their property.

64. Deleted.

65. On or about 7 or 9 April 1994, **SIMEON NCHAMIHIGO** in collaboration with lieutenant Samuel Imanishimwe and Yusuf Munyakazi, went to Cyangugu prison and ordered the director of the prison to remove about 13 FAR soldiers who had been sent to jail for their alleged complicity with RPF. The detainees were taken to the Prefecture office. **SIMEON NCHAMIHIGO** then ordered, instigated or aided and abetted the killing of the 13 FAR soldiers. Following **SIMEON NCHAMIHIGO**'s order, instigation or aiding and abetting, the 13 FAR soldiers who were no longer combatants, were killed and their dead bodies thrown into a garden of the Prefecture near the lake. Later on the same day, **SIMEON NCHAMIHIGO** ordered or instigated other prisoners, including Ndamira Damien, to remove the dead bodies of the 13 FAR soldiers from the garden and bury them along with the dead bodies of 8 unknown persons found at the same place.

#### COUNT 4: CRIME AGAINF HUMANITY: OTHER INHUMANE ACTS

66. The Prosecutor of the International Criminal Tribunal for Rwanda charges **SIMEON NCHAMIHIGO** of **other inhumane acts** as a **crime against humanity**, a crime stipulated in Article 3 (i) of the Statute, in that between 6 April and 17 July 1994, throughout Rwanda, particularly in Cyangugu Prefecture, **SIMEON NCHAMIHIGO** was responsible for committing inhumane acts against Tutsi civilians or of people considered as Tutsi, and of Hutu opponents, as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, as outlined in paragraphs 67 through 70 of this indictment

#### Concise statement of the facts relating to Count 4

67. On or about 7 or 9 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated *Interahamwe*, including Habineza Joseph, alias Sekuse, to kill Theoneste Karangwa, an influential Tutsi trader and member of the PSD political party in Cyangugu. **SIMEON NCHAMIHIGO** said that the *Interahamwe* should not to kill Theoneste Karangwa's wife because she was not Tutsi. Following **SIMEON NCHAMIHIGO**'s order or instigation, the *Interahamwe* attacked and caught Theoneste Karangwa in his house. The *Interahamwe* then covered Theoneste Karangwa with his own mattress, poured fuel into the mattress and burnt Theoneste Karangwa, causing him great pain and suffering before his death. The *Interahamwe* also killed Theoneste Karangwa's driver by the name of Iyakaremye. **SIMEON NCHAMIHIGO** then seized Theoneste Karangwa's vehicle and later took it with him to Bukavu in neighboring Zaire, together with other vehicles and various items looted during the attacks.

1754

68. On or about 7 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated the *Interahamwe*, namely Mubiligi Thompson, to attack the residence of Trojean Ndayisaba, a Tutsi trader and member of the PSD political party and to kill him. Trojean Ndayisaba was accused of receiving money from the RFP. During the attack, the *Interahamwe* burnt the whole family of Trojean Ndayisaba inside their vehicle causing them great pain and suffering before their deaths. The *Interahamwe* killed Trojean Ndayisaba himself afterwards on an unknown date between the end of April 1994 and early July 1994.

69. Between 15 and 17 April 1994, **SIMEON NCHAMIHIGO** ordered or instigated a group of *Interahamwe* which included in their number David Habanakwabo, Rusine and Nzeyimana, among others, to kill a young Hutu student called Jean de Dieu Gakwandi, whom he had described as a traitor and an accomplice of the Tutsi. To this end, **SIMEON NCHAMIHIGO** gave a grenade to someone called David Habanakwabo, alias Vicky, and ordered him to join other *Interahamwe* in order to kill Jean de Dieu Gakwandi. The assailants hit Jean de Dieu Gakwandi with a club on the head causing him pain and suffering. Jean de Dieu Gakwandi sustained serious injuries. The assailants left him there, unconscious, thinking he was dead.

70. On 16 April 1994 or thereabouts, **SIMEON NCHAMIHIGO** and other members of the prefecture security council, including Lieutenant Samuel Imanishimwe and Christophe Nyandwi, removed from Karampaka Stadium about 15 Tutsi and 1 Hutu woman by the name of Marianne Baziruwaha, and took them to a place near the prison after dropping off Marianne Baziruwaha at the gendarmerie camp. Among the 15 Tutsi who were removed from the stadium by **SIMEON NCHAMIHIGO** and others, were Jean-Fidele Murekezi, Albert Twagiramungu and Gapfumu. **SIMEON NCHAMIHIGO** then ordered or instigated the *Interahamwe* whom he had brought along with him from Mutongo Centre earlier the same day, including Bizimungu Anasthase, to kill the 15 Tutsi. Following **SIMEON NCHAMIHIGO**'s order or instigation, the *Interahamwe* killed the 15 Tutsi near Cyangugu prison and threw their dead bodies into a latrine in Gapfumu's compound; before doing so the *Interahamwe* removed the genitals of Jean-Fidele Murekezi and Albert Twagiramungu and the heart of Gapfumu.

The acts and omissions of **SIMEON NCHAMIHIGO** set out herein are punishable pursuant to Articles 22 and 23 of the Statute.

Done at Arusha, Tanzania, on 11 December 2006

  
Hassan Bubacar Jallow  
Prosecutor



## TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

### COURT MANAGEMENT SECTION

(Art. 27 of the Directive for the Registry)

#### I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

|                                                             |                                                                                                              |                                                                                                                                                                              |                                                                                                |                                                                                               |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| To:                                                         | <input type="checkbox"/> Trial Chamber I<br>N. M. Diallo                                                     | <input type="checkbox"/> Trial Chamber II<br>R. N. Kouambo                                                                                                                   | <input checked="" type="checkbox"/> Trial Chamber III<br>A. N'Gum                              | <input type="checkbox"/> Appeals Chamber / Arusha<br>F. A. Talon                              |
|                                                             | <input checked="" type="checkbox"/> Chief, CMS<br>J.-P. Fomété                                               | <input type="checkbox"/> Deputy Chief, CMS<br>M. Diop                                                                                                                        | <input type="checkbox"/> Chief, JPU, CMS<br>M. Diop                                            | <input type="checkbox"/> Appeals Chamber / The Hague<br>R. Muzigo-Morrison<br>K. K. A. Afande |
| From:                                                       | <input type="checkbox"/> Chamber<br>(names)                                                                  | <input type="checkbox"/> Defence<br>(names)                                                                                                                                  | <input checked="" type="checkbox"/> Prosecutor's Office<br><b>Madeleine Schwarz</b><br>(names) | <input type="checkbox"/> Other:<br>(names)                                                    |
| Case Name:                                                  | The Prosecutor vs. Nchamihigo                                                                                |                                                                                                                                                                              |                                                                                                | Case Number: ICTR-2001-63-T                                                                   |
| Dates:                                                      | Transmitted: 11 December 2006                                                                                |                                                                                                                                                                              | Document's date: 11 December 2006                                                              |                                                                                               |
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| Title of Document:                                          | Objet: Second Revised Amended Indictment (in conformity with Trial Chamber III decision of 07 December 2006) |                                                                                                                                                                              |                                                                                                |                                                                                               |
| Classification Level:                                       |                                                                                                              | TRIM Document Type:                                                                                                                                                          |                                                                                                |                                                                                               |
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#### II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

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| CMS SHALL NOT take any action regarding translation.                                                                                  |    |                                                                                                                                                                      |  |
| <input type="checkbox"/> Filing Party hereby submits <b>BOTH the original and the translated version</b> for filing as follows:       |    |                                                                                                                                                                      |  |
| Original                                                                                                                              | in | <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda                                                                |  |
| Translation                                                                                                                           | in | <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda                                                                |  |
| CMS SHALL NOT take any action regarding translation.                                                                                  |    |                                                                                                                                                                      |  |
| <input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s):        |    |                                                                                                                                                                      |  |
| <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda                                 |    |                                                                                                                                                                      |  |
| KINDLY FILL IN THE BOXES BELOW                                                                                                        |    |                                                                                                                                                                      |  |
| <input type="checkbox"/> The OTP is overseeing translation.<br>The document is submitted for translation to:                          |    | <input type="checkbox"/> DEFENCE is overseeing translation.<br>The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): |  |
| <input type="checkbox"/> The Language Services Section of the ICTR / Arusha.                                                          |    | Name of contact person:                                                                                                                                              |  |
| <input type="checkbox"/> The Language Services Section of the ICTR / The Hague.                                                       |    | Name of service:                                                                                                                                                     |  |
| <input type="checkbox"/> An accredited service for translation; see details below:                                                    |    | Address:                                                                                                                                                             |  |
| Name of contact person:                                                                                                               |    | E-mail / Tel. / Fax:                                                                                                                                                 |  |
| Name of service:                                                                                                                      |    |                                                                                                                                                                      |  |
| Address:                                                                                                                              |    |                                                                                                                                                                      |  |
| E-mail / Tel. / Fax:                                                                                                                  |    |                                                                                                                                                                      |  |

#### III - TRANSLATION PRIORITISATION (For Official use ONLY)

|                                       |          |                                         |
|---------------------------------------|----------|-----------------------------------------|
| <input type="checkbox"/> Top priority | COMMENTS | <input type="checkbox"/> Required date: |
| <input type="checkbox"/> Urgent       |          | <input type="checkbox"/> Hearing date:  |



