



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

ICTR-05-86-T  
17-09-2009  
(2452-2447)

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**TRIAL CHAMBER III**

**Before:** Honorable Judge Vagn Joensen, Presiding  
Honorable Judge Bakhtiyar Tuzmukhamedov  
Honorable Judge Gberdao Gustave Kam

**Registrar:** Mr. Adama Dieng

**Date Filed:** September 17<sup>th</sup>, 2009

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**The PROSECUTOR**

**v.**

**Michel BAGARAGAZA**

***Case No. ICTR-2005-86-T***

**AMENDED INDICTMENT**

**(As amended on September 17<sup>th</sup>, 2009)**

The Prosecutor of the United Nations 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:

**Michel BAGARAGAZA,**

with **Complicity in Genocide**, a crime stipulated in Article 2(3) (e) of the Statute.

**(A) THE ACCUSED**

1. **Michel BAGARAGAZA** was born in 1945 in Bushiru region Giciye *Commune*, Gisenyi *Préfecture*, Republic of Rwanda.
2. **Michel BAGARAGAZA** as at all times referred to in this Indictment, unless otherwise stated below is A senior public official who was-
  - i. the Director General of OCIR/Thé, the government office that controlled the tea industry, one of the most important industrial enterprises in Rwanda. In this capacity, he had eleven (11) Tea Factories under his authority with approximately Fifty Five Thousand (55 000) employees.
  - ii. the vice-president of Banque Continentale African au Rwanda (BACAR);
  - iii. a member of the MRND political party in Gisenyi *Préfecture* and a member of the Prefectural committee of the MRND political party in Gisenyi *Préfecture*, that established and controlled the *Interahamwe* militia in Gisenyi *Préfecture*.
3. In his position as a Director of OCIR-The, a vice-president of BACAR, a member of the MRND political party in Gisenyi *Préfecture* and a member of the Prefectural committee of the MRND political party in Gisenyi *Préfecture*, Michel Bagaragaza formed part of a powerful and tight group of people who exercised substantial political and financial power in the Republic of Rwanda known as the "*Akazu*". These included the President's family members and persons from Michel Bagaragaza's region, being the Bushiru region, and the northern provinces of Gisenyi and Ruhengeri.

**(B) CHARGE: COMPLICITY IN GENOCIDE**

4. The Prosecutor of the International Criminal Tribunal for Rwanda charges Michel Bagaragaza with **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute, in that from 1 January 1994 to 31 December 1994, throughout Rwanda, particularly in Gisenyi *Prefecture*, Michel Bagaragaza with knowledge that other people intended to destroy, in whole or in part, the Tutsi ethnic group, as such, by his participation he was complicit in the crime of genocide, as outlined in the paragraphs below.

***Individual Criminal Responsibility pursuant to Article 6(1) of the Statute.***

5. Pursuant to Article 6(1) of the Statute, the Accused, Michel Bagaragaza, is individually responsible for the crimes of Complicity in Genocide because with knowledge that specified individuals were committing genocide, he aided and abetted them in the preparation or execution of the crime of genocide. Those individuals included military and civilian leaders and members of the *Interahamwe* militia, including Thomas Kuradusenge, who was also the assistant bourgmaster of Giciye commune, the chief of the *Interahamwe* militia, members of the President Guard, military personnel and staff of the Rubaya and Nyabihu Tea factories, whose names are not known and other unknown participants. All such actions were taken either directly or through others, for at least the period of January 1994 through July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 6(Six) to 12 (Twelve) below.

**(C) CONCISE STATEMENT OF FACTS**

6. Michel Bagaragaza knowingly aided and abetted specific individuals composed of military and civilian leaders, members of the *Interahamwe* militia, including the chief of the *Interahamwe* Thomas Kuradusenge, who was also the Assistant Bourgmaster of Giciye commune, members of the Presidential Guard, staff

members of the Rubaya and Nyabihu tea factories and other unknown participants who were committing Genocide between 7<sup>th</sup> and 13<sup>th</sup> April 1994.

7. In 1993, Michel Bagaragaza was requested by the Army Chief of Staff, General Deogratias Nsabimana, to hide heavy weapons for the Rwandan army. Thereafter he instructed the management of the Rubaya tea factory and Nyabihu tea factory to conceal the weapons as requested. The management subsequently confirmed the arrival of those arms and the presence of soldiers at their respective tea factories to Michel Bagaragaza. These arms were, with the knowledge and consent of Michel Bagaragaza used by the *Interahamwe* and other Hutu civilians to kill members of the Tutsi ethnic group in Gisenyi prefecture between April 1994 and July 1994.
8. On a date between 7 and 9 April 1994, Michel Bagaragaza knowingly authorized employees of the tea factory of Rubaya to provide the *Interahamwe* militia and other Hutu civilians with fuel for their vehicles, arms from the army stockpile at the Rubaya and Nyabihu Tea factories, and additional personnel from the factory to facilitate in the massacre of between eight hundred and one thousand five hundred members of the Tutsi ethnic group who had sought refuge at Kesho hill. Through these actions Michel Bagaragaza substantially contributed to the killings of members of the Tutsi ethnic group through his support and encouragement and was thereby complicit in the killing of the Tutsi ethnic group.
9. On or about 8 April 1994, Michel Bagaragaza met with Thomas Kuradusenge who was the chief of the *Interahamwe* and Assistant *bourgmestre* in Giciye commune and Mr. Gahinjori the *bourgmestre* of Giciye commune. Michel Bagaragaza was privy to a discussion in which Mr. Gahinjori and Thomas Kuradusenge agreed that Thomas Kuradusenge would organise and lead the attacks against members of the Tutsi ethnic group in Kesho hill and Nyundo Cathedral in Gisenyi Prefecture, and that reinforcements would continue to be

sent to persons attacking Tutsi civilians at Kesho hill in the Kabaya area and Nyundo Cathedral in Bugoyi area

10. On or about 8 April 1994, Michel Bagaragaza authorized Mr. Gahinjori and Mr. Kuradusenge, to use vehicles and fuel from Rubaya and Nyabihu tea factories to transport members of the *Interahamwe* to attack and kill the Tutsi civilians at Kesho Hill and Nyundo Cathedral. Through these actions Michel Bagaragaza substantially contributed to the killings of members of the Tutsi ethnic group through his support and encouragement and was thereby complicit in the killing of Tutsis.
11. Between 9 and 13 April 1994, Michel Bagaragaza was visited by Mr. Kuradusenge two to three times and he informed Michel Bagaragaza that members of the *Interahamwe militia* needed motivation to continue with the killing. He requested Michel Bagaragaza for money to buy alcohol for the *Interahamwe* in order to motivate them to continue with the killings. Michel Bagaragaza gave Mr. Kuradusenge a substantial amount of money in order to encourage and motivate the *Interahamwe* in the killings of members of the Tutsi ethnic group in the Kabaya and Bugoyi areas. Through these actions Michel Bagaragaza substantially contributed to the killings of members of the Tutsi ethnic group through his support and encouragement and was thereby complicit in the killing members of the Tutsi ethnic group.
12. Michel Bagaragaza, assisted members of the *Interahamwe* militia in the killing of between eight hundred and one thousand five hundred Tutsi at Kesho hill on or around 8 April 1994 and several hundred Tutsi at Nyundo Cathedral on or around 10 April 1994 by facilitating in the provision, of fuel, transport, arms and factory personnel, which he authorized to be used in the killings at Kesho hill and Nyundo Cathedral. Through these actions Michel Bagaragaza substantially contributed to the killings of members of the Tutsi ethnic group through his

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support and encouragement and was thereby complicit in the killing of members of the Tutsi ethnic group.

The acts of Michel Bagaragaza detailed herein are punishable, pursuant to Articles 22 and 23 of the Statute of the Tribunal

Signed at Arusha this 17<sup>th</sup> day of September 2009.

A handwritten signature in black ink, appearing to read 'H. Jallow', written in a cursive style.

**Mr. 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)

|                                                                                                                                                                                         |                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                                                                                          |
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| <b>To:</b>                                                                                                                                                                              | <input checked="" 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>C. K. Hometowu                                          | <input type="checkbox"/> Trial Chamber III<br>A. N'Gum                                                   |
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| <b>From:</b>                                                                                                                                                                            | <input type="checkbox"/> Chamber<br>(names)                           | <input type="checkbox"/> Defence<br>(names)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> Prosecutor's Office<br><b>Faria Rekkas</b><br>(names)                        | <input type="checkbox"/> Other:<br>(names)                                                               |
|                                                                                                                                                                                         |                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                                                                                          |
| <b>Case Name:</b>                                                                                                                                                                       | The Prosecutor vs. <del>Nirabatware, Augustin</del> <b>Bagaragaza</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Case Number:</b> ICTR-0586T                                                                                   |                                                                                                          |
| <b>Dates:</b>                                                                                                                                                                           | Transmitted: <b>September 17<sup>th</sup>, 2009</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Document's date: <b>September 17<sup>th</sup>, 2009</b>                                                          |                                                                                                          |
| <b>No. of Pages:</b>                                                                                                                                                                    | <b>6pp</b>                                                            | <b>Original Language:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda |                                                                                                          |
| <b>Title of Document:</b>                                                                                                                                                               | <b>Amended Indictment</b>                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                                                                                          |
| <b>Classification Level:</b>                                                                                                                                                            |                                                                       | <b>TRIM Document Type:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                  |                                                                                                          |
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### II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

**CMS SHALL** take necessary action regarding translation.

☒ Filing Party hereby submits only the original, and **will not submit** any translated version.

☐ Reference material is provided in annex to facilitate translation.

Target Language(s):

☐ English                                    ☒ French                                    ☐ Kinyarwanda

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