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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR

To: Court Management Section
A:

Date: 20 July 2005

Through:

Ref: [Handwritten signature and stamp]
JUL 20 2005
P 3:51
ICTR

From: Wallace Kapaya
De: Senior Trial Attorney

Subject: Confirmation of Indictment against Wenceslas Munyeshyaka, No. ICTR-2005-87-I
Objet:

1. Pursuant to Rule 47(F), the reviewing Judge in this matter has requested the Prosecutor to provide additional material and/or to modify the Indictment.
2. The Prosecutor has elected to modify the original Indictment. Attached is the modified Indictment of 20 July 2005.
3. The Prosecutor has also elected to provide additional supporting material for some of the allegations. Attached is a modified Annotated Indictment of 20 July 2005. It describes the additional supporting material for the allegations in the Indictment.
4. The Office of the Prosecutor will be submitting any additional supporting material for the review of Judge Egorov *in camera* pursuant to Rule 66(C).
5. The Office of the Prosecutor will file a translation of the Indictment of 20 July 2005 as soon as possible. If the Prosecutor's application for non disclosure orders is granted, it is his intention to disclose to the defence, through CMS, all of the supporting material in redacted form pursuant to Rule 66(a)(i).
6. In the meantime, it is imperative that the Indictments and this memorandum be kept UNDER SEAL.

INDICTMENT

I. The Prosecutor of the United Nations International Criminal Tribunal for Rwanda ("The Prosecutor"), pursuant to authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the "Statute") charges:

Father Wenceslas MUNYESHYAKA

With:

- Count 1 - **GENOCIDE**, pursuant to Articles 2(3) (a) of the Statute;
- Count 2 - **RAPE** as a **CRIME AGAINST HUMANITY**, pursuant to Articles 3(g) of the Statute;
- Count 3- **EXTERMINATION**, as a **CRIME AGAINST HUMANITY**, pursuant to Articles 3(b) of the Statute; and
- Count 4- **MURDER** as a **CRIME AGAINST HUMANITY**, pursuant to Articles 3(a) of the Statute.

II. THE ACCUSED

1. Father Wenceslas MUNYESHYAKA was born on 30 July 1958 to Félicité MUKARUKAKA a Tutsi and Gabriel NGIRUWONSANGA, a Hutu, in Ngoma *commune*, Butare *prefecture*.
2. The accused, Father Wenceslas MUNYESHYAKA:
 - (a) studied at the Senior Seminary in Nyakibanda sector, Gishamvu *commune*, Butare *prefecture*, in the 1980s.
 - (b) was ordained a catholic priest and appointed Vicar of Ste. Famille parish, Kigali city in 1992.
 - (c) as stationed at the Ste. Famille parish in Rugenge sector, Nyarugenge *commune*, Kigali-ville *prefecture*, Kigali city from 1992 to 5 July 1994, when he fled Rwanda;
 - (d) was the priest in-charge of Ste. Famille parish in Kigali city from 10 April 1994 to 5 July 1994;
 - (e) assumed control over *Centre d'Education de Langues Africaines* [CELA] and St. Paul Pastoral Centre from 10 April 1994, in Rugenge sector, both of which were institutions of the Catholic Church under the Ste. Famille administrative structure in Kigali city;
 - (f) was armed with a pistol and wore a flak jacket during May, June and July 1994 in Ste. Famille parish, in CELA and in St. Paul Pastoral Centre in Kigali city.
3. By virtue of his position, calling and authority in the church Father Wenceslas MUNYESHYAKA was responsible for the security and well-being of refugees seeking refuge in Ste. Famille parish, CELA and St. Paul Pastoral Centre in Kigali city from 8 April 1994 to 5 July 1994. Father Wenceslas MUNYESHYAKA used his position and authority to commit the crimes alleged in this indictment.

4. Father Wenceslas MUNYESHYAKA derived power from his association with government, military and political leaders, such as Kigali-ville prefect Col. Tharcisse RENZAHU, Rugenge secteur counsellor Odette NYIRABAGENZI, school inspector Angeline MUKANDUTIYE, Rwandan Army military officer Col. Yusuf MUNYAKAZI and other members of the Rwandan army, gendarmes, presidential guards and *Interahamwe* militiamen in Ste. Famille parish, CELA and St. Paul Pastoral Centre in Kigali city from 8 April 1994 to 5 July 1994. Father Wenceslas MUNYESHYAKA used this power to commit the crimes alleged in this indictment.

III. CHARGES AND CONCISE STATEMENT OF FACTS

5. At all times referred to in this indictment there existed in Rwanda a minority ethnic or racial group known as Tutsis, officially identified as such by the government. The majority of the population was comprised of an ethnic or racial group known as Hutus, also officially identified as such by the government.
6. During 1994, in particular between 6 April 1994 and 5 July 1994, throughout Rwanda, soldiers, *Interahamwe* militiamen and armed civilians targeted and attacked Tutsi on the basis that they were Tutsi, with the intent to kill or cause serious harm to them as such and to destroy the Tutsi population in Rwanda in whole or in part. Hundreds of thousands of civilian Tutsis were killed.

Count I: GENOCIDE

The Prosecutor charges Father Wenceslas MUNYESHYAKA with **GENOCIDE**, a crime stipulated in Article 2(3) (a) of the Statute, in that between 6 April 1994 and 2 August 1994, throughout Rwanda, Father Wenceslas MUNYESHYAKA was responsible for killing, causing serious bodily or mental harm, or deliberately inflicting on Tutsi civilians conditions of life calculated to bring about their physical destruction, with the intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in paragraphs 7 through 32 of this indictment.

CONCISE STATEMENT OF FACTS FOR COUNT I

Individual Criminal Responsibility

7. Pursuant to Article 6(1) of the Statute, the accused, Father Wenceslas MUNYESHYAKA, is individually responsible for the crime of Genocide because he planned, instigated, committed or otherwise aided and abetted others in the planning, preparation or execution of the crime by virtue of his position as described in paragraphs 2 through 4 of this indictment. In addition, the accused wilfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the destruction of the Tutsi racial or ethnic group in Ste. Famille parish, CELA and St. Paul pastoral centre, located in Rugenge sector, Nyarugenge commune, Kigali-ville prefecture in Kigali city, Rwanda. To fulfil this criminal purpose, the accused acted with government, political and military leaders including Kigali-ville prefect Col. Tharcisse RENZAHU, Rugenge secteur counsellor Odette NYIRABAGENZI, school inspector Angeline MUKANDUTIYE, Rwandan Army military officer Lt. Col. Laurent MUNYAKAZI and other members of the Rwandan army, gendarmes, presidential guards and *Interahamwe* militiamen and other unknown participants, all such actions being taken either directly or through others, for at least the period of 6 April 1994 through 2 August 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 8 through 32 of this indictment.

8. On divers days between 8 April and 30 June 1994, in the course of his tour of Tutsi and Hutu refugees in Ste. Famille parish, St. Paul pastoral centre and CELA premises in Kigali city, Father Wenceslas MUNYESHYAKA referred to Tutsi refugees as "*Inyenzi*" before Hutu refugees and members of the *Interahamwe*, implying that they were enemies of the government.
9. On divers days between 8 April and the first week of July 1994 at Ste. Famille parish, Ste. Paul church and CELA Kigali city Father Wenceslas MUNYESHYAKA participated in meetings to plan killings and abductions of Tutsi civilians with Colonel Tharcisse RENZAHU, Odette NYIRABAGENZI, Angeline MUKANDUTIYE, Lt. Colonel Laurent MUNYAKAZI other soldiers and *Interahamwe* at Ste. Famille parish, St. Paul pastoral centre and CELA Kigali city, following which, Tutsi civilians seeking refuge in the aforesaid premises were killed in the aforesaid premises or abducted and killed outside the church premises in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.
10. Between 18 and 21 July 1994 Father Wenceslas MUNYESHYAKA held a discussion at the Bukavu *procure*, Congo in which he justified the handing over of Tutsis to *Interahamwe*, which he referred to as "*Inyenzi*," and the deprivation of food that occurred at Ste. Famille parish in Kigali city during his stay there in April, May and June 1994.
11. On or around 2 August 1994, in Goma, Congo, Father Wenceslas MUNYESHYAKA and twenty eight other Hutu Rwandan Catholic Priests sent a letter to Pope John Paul II in which they explained the killings of members of the Tutsi ethnic group that occurred during April, May and June 1994, in Rwanda on the grounds that they were provoked by the RPF's actions.

Events at Ste. Famille parish, Kigali city

12. On divers days between 8 April and 30 June 1994 in Ste. Famille parish, Kigali city Father Wenceslas MUNYESHYAKA aided and abetted Odette NYIRABAGENZI, Angeline MUKANDUTIYE and members of the *Interahamwe* to search for and identify particular Tutsi civilians who had sought refuge at Ste. Famille parish knowing that they were targeted for killing. Father Wenceslas MUNYESHYAKA identified several Tutsi civilians who were abducted and killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.
13. On or about 13 April 1994 in the Ste. Famille compound in Kigali city, Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, killed an eighteen-year-old Tutsi girl daughter of RWANGA Rose by shooting her to death.
14. On or about 13 April 1994 in the Ste. Famille compound in Kigali city, Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, killed a twenty-year-old Tutsi boy, son of RWANGA Rose by shooting him to death.

15. On or about 13 April 1994 in the Ste. Famille parish compound in Kigali city, Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, killed a twenty-two-year old Tutsi girl, daughter of RWANGA Rose by shooting her to death.
16. On or around 21 April 1994 Father Wenceslas MUNYESHYAKA aided and abetted an *Interahamwe* to rape HH a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish, in Kigali city with intent to destroy, in whole or in part, the Tutsi ethnic group, as such.
17. On or around 21 April 1994 Father Wenceslas MUNYESHYAKA aided and abetted an *Interahamwe* to rape BFY a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish, in Kigali city with intent to destroy, in whole or in part, the Tutsi ethnic group, as such.
18. On or around 21 April 1994 Father Wenceslas MUNYESHYAKA committed rape on GG a Tutsi civilian girl, in the Presbyterian rooms at Ste. Famille parish in Kigali city with intent to destroy, in whole or in part, the Tutsi ethnic group, as such.
19. Between late May and late June 1994 the government of Rwanda, the RPF and UNAMIR arranged to evacuate refugees seeking refuge at the Ste. Famille parish, Ste. Paul pastoral centre and CELA in Kigali city to Government or RPF controlled zones. However, on several occasions between these dates, killings of Tutsi refugees from these locations occurred. Father Wenceslas MUNYESHYAKA aided and abetted the killing of Tutsi civilians in that the Tutsis were identified and taken away by the *Interahamwe* in the presence of Father Wenceslas MUNYESHYAKA and with the knowledge that these individuals were marked for killing.
20. On or around 17 June 1994, Father Wenceslas MUNYESHYAKA aided and abetted the *Interahamwe*, Colonel Tharcisse RENZAHU and Odette NYIRABAGENZI in the killing of Tutsis that occurred at Ste. Famille parish Kigali city, which resulted in the deaths of several Tutsi civilians, including Alphonse RUZIGANA.
21. On divers days between 8 April and 30 June 1994 at Ste. Famille parish, Father Wenceslas MUNYESHYAKA planned to commit and did commit rape on Tutsi women with intent to destroy, in whole or in part, a racial or ethnic group, as such. At the same time he aided and abetted *Interahamwe* militia to commit rape on Tutsi women with intent to destroy, in whole or in part, a racial or ethnic group, as such.
22. In mid-June 1994 Father Wenceslas MUNYESHYAKA committed rape on BB a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish in Kigali city with intent to destroy, in whole or in part, the Tutsi ethnic group, as such.
23. In mid – June 1994 Father Wenceslas MUNYESHYAKA committed rape on EE, a Tutsi civilian girl, in the Presbyterian rooms at Ste. Famille parish, Kigali city with intent to destroy, in whole or in part, the Tutsi ethnic group, as such.
24. Following the massacre of Tutsi civilians on or around 17 June 1994 in Ste. Famille parish Kigali city Father Wenceslas MUNYESHYAKA instructed survivors of the said massacre to conceal the corpses from the eyes of International reporters and UNAMIR in order to deceive the international community that all was well at St. Famille church.

25. On or around 17 June 1994 at Ste. Famille parish in Kigali city Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, instigated an *Interahamwe* to kill a Tutsi girl named Hyacinthe RWANGWA alias bébé.
26. In late June 1994 Father Wenceslas MUNYESHYAKA committed rape on FF a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish in Kigali city with intent to destroy, in whole or in part, the Tutsi ethnic group, as such.

Events at St. Paul Pastoral Centre, Kigali city

27. On or around 24 April 1994 at the St. Paul pastoral centre in Kigali city Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, aided and abetted *Interahamwe* including Leonard BAGABO, to abduct seven Tutsi civilians, including Emmanuel RUKUNDO, a journalist, RUTSINDUKA Aresterique a construction engineer and MAZIMPAKA a student knowing that the said persons would be killed. The said persons were taken to Rugenge secteur office where they were killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The identification of the seven Tutsi civilians, the subsequent abduction, attack and killing were a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.
28. On or around 14 June 1994 Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, aided and abetted soldiers and *Interahamwe* to search for and identify particular Tutsi civilians who had sought refuge at St. Paul pastoral centre Kigali city, knowing that they were targeted for killing. In the course of the search sixty Tutsi civilians including Antoine MARIE, Zacharia GASARABWA a.k.a Gasindi, Charles RUTSITSI, Emmanuel NYARWAYA, Diogene RUGADUKA, Twaha SEBAJURA and Andre KAMEYA, who were identified by Father Wenceslas MUNYESHYAKA, were abducted by the assailants and killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The killing was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the killing was a foreseeable and natural consequence of the joint criminal enterprise.

Events at CELA, Kigali city.

29. On a day between 8 and 20 April 1994, at CELA in Kigali city Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, aided and abetted Colonel Tharcisse RENZAHU, *Interahamwe* militiamen and soldiers to identify and abduct ABOUT 40 Tutsi men and boys knowing that they were going to be killed. The said Tutsi men were loaded in buses and, vans and were taken away and killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The killing was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the killing was a foreseeable and natural consequence of the joint criminal enterprise.
30. On or around 22 April 1994, Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, aided and abetted

Colonel Tharcisse RENZAHU, Odette NYIRABAGENZI, Angeline MUKANDUTIYE, *Interahamwe*, communal policemen, soldiers and gendarmes to launch an attack on Tutsi civilians seeking refuge at CELA Kigali city. In the course of the said attack several Tutsi civilians were killed on the spot while others were loaded in vans and buses and taken to Bwahilimba cellule Rugenge secteur where many of them were killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing were a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.

31. Around the period 18 and 20 April 1994 members of the *Interahamwe*, soldiers and other co-perpetrators of Father Wenceslas MUNYESHYAKA, with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, attacked Tutsi civilians seeking refuge in CELA Kigali city premises. In the course of the attack several Tutsi civilians were killed, while others were taken to Muhima gendarmerie station where they were handed over to militiamen who killed some of them close to a toll station en route to Rugenge sector office in Kigali city in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.
32. On or about 22 April 1994 at the CELA in Kigali city Father Wenceslas MUNYESHYAKA with intent to destroy, in whole or in part, the Tutsi ethnic group, as such, instigated an *interahamwe* to kill Christophe SAFARI, a young Tutsi man.

Count II: RAPE as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal for Rwanda charges Father Wenceslas MUNYESHYAKA with **RAPE** as a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(g) of the Statute, in that between 6 April 1994 and 5 July 1994, at the Ste. Famille parish in Rugenge sector, Nyarugenge commune, Kigali ville prefecture, in Kigali city, Rwanda, Father Wenceslas MUNYESHYAKA was responsible individually and through the acts of others, for rape, as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds as outlined in paragraphs 33 through 40 of this indictment.

CONCISE STATEMENT OF FACTS FOR COUNT II

Individual Criminal Responsibility

33. Pursuant to Article 6(1) of the Statute, the accused, Father Wenceslas MUNYESHYAKA, is individually responsible for rape of Tutsi women as a crime against humanity because he planned, committed or otherwise aided and abetted others in the planning, preparation or execution of this crime by virtue of his position as described in paragraphs 2 through 4 of this indictment. In addition, the accused wilfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was rape as a crime against humanity against the Tutsi racial or ethnic group in Ste. Famille parish, Rugenge sector, Nyarugenge commune, Kigali ville prefecture, Kigali city, Rwanda. To fulfil this criminal purpose, the accused acted with government, political and military leaders including Kigali-ville

prefect Col. Tharcisse RENZAHU, Rugenge secteur counsellor Odette NYIRABAGENZI, school inspector Angeline MUKANDUTIYE, Rwandan Army military officer Col. Yusuf MUNYAKAZI and other members of the Rwandan army, gendarmes, presidential guards and *Interahamwe* militiamen and other unknown participants, all such actions being taken either directly or through others, for at least the period of 6 April 1994 through 5 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 34 through 40 of this indictment.

Events at Ste. Famille parish, Kigali city

34. During the period 8 April and 30 June 1994 at Ste. Famille parish, Father Wenceslas MUNYESHYAKA planned to commit and did commit rape on Tutsi women as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds. At the same time he aided and abetted *Interahamwe* militia to commit rape on Tutsi women as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds.
35. On or around 21 April 1994 Father Wenceslas MUNYESHYAKA committed rape on GG a Tutsi civilian girl, in the Presbyterian rooms at Ste. Famille parish in Kigali city.
36. On or around 21 April 1994 Father Wenceslas MUNYESHYAKA aided and abetted an *Interahamwe* to rape HH a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish, in Kigali city.
37. On or around 21 April 1994 Father Wenceslas MUNYESHYAKA aided and abetted an *Interahamwe* to rape BFY a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish, in Kigali city.
38. In mid-June 1994 Father Wenceslas MUNYESHYAKA committed rape on BB a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish in Kigali city.
39. In mid-June 1994 Father Wenceslas MUNYESHYAKA committed rape on EE, a Tutsi civilian girl, in the Presbyterian rooms at Ste. Famille parish, Kigali city.
40. In late June 1994 Father Wenceslas MUNYESHYAKA committed rape on FF a Tutsi civilian girl in the Presbyterian rooms at Ste. Famille parish in Kigali city.

Count III: EXTERMINATION as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal for Rwanda charges Father Wenceslas MUNYESHYAKA with **EXTERMINATION** as a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(b) of the Statute, in that between 6 April 1994 and 5 July 1994, at the Ste. Famille parish, St. Paul pastoral centre, and at CELA in Rugenge sector, Nyarugenge commune, Kigali ville prefecture, in Kigali city, Rwanda, Father Wenceslas MUNYESHYAKA was responsible individually and through the acts of others, for killing persons, or causing persons to be killed, during mass killing events, as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds as outlined in paragraphs 41 through 46 of this indictment.

CONCISE STATEMENT OF FACTS FOR COUNT III

Individual Criminal Responsibility

41. Pursuant to Article 6(1) of the Statute, the accused, Father Wenceslas MUNYESHYAKA, is individually responsible for extermination as a crime against humanity because he planned, instigated, committed or otherwise aided and abetted others in the planning, preparation or execution of this crime by virtue of his position as described in paragraphs 2 through 4 of this indictment. In addition, the accused wilfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was extermination as a crime against humanity against the Tutsi racial or ethnic group in Ste. Famille parish, Rugenge sector, Nyarugenge commune, Kigali ville prefecture, Kigali city, Rwanda. To fulfil this criminal purpose, the accused acted with government, political and military leaders including Kigali-ville prefect Col. Tharcisse RENZAHU, Rugenge secteur counsellor Odette NYIRABAGENZI, school inspector Angeline MUKANDUTIYE, Rwandan Army military officer Col. Yusuf MUNYAKAZI and other members of the Rwandan army, gendarmes, presidential guards and *Interahamwe* militiamen and other unknown participants, all such actions being taken either directly or through others, for at least the period of 6 April 1994 through 5 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 42 through 46 of this indictment.

Events at Ste. Famille parish, Kigali city

42. During the period 8 April and 30 June 1994 at Ste. Famille parish, Father Wenceslas MUNYESHYAKA planned to commit and did commit extermination as a crime against humanity as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds. At the same time he aided and abetted *Interahamwe* militia and other assailants to commit extermination as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds.
43. On or around 17 June 1994, over one hundred Tutsi civilians including Alphonse RUZIGANA were killed at Sainte Famille parish, Kigali city, in the course of an attack launched by the *Interahamwe*, Colonel Tharcisse RENZAHU and Odette NYIRABAGENZI in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing was part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds and was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.
44. On or around 19 June 1994, in the Ste. Famille parish in Kigali city Father Wenceslas MUNYESHYAKA aided and abetted Lt. Colonel Laurent MUNYAKAZI and Angeline MUKANDUTIYE to kill seventeen young Tutsi refugees in that the said refugees were identified and taken away by Lt. Colonel Laurent MUNYAKAZI and Angeline MUKANDUTIYE in the presence of Father Wenceslas MUNYESHYAKA, knowing that they were marked for killing. The said Tutsi refugees were killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The identification and killing of the aforementioned Tutsi refugees was part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds and was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas

MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.

Events at Ste. Paul Pastoral Centre, Kigali city.

45. On or about 14 June 1994, at Ste. Paul pastoral centre, Kigali city sixty Tutsi youths, including GASARABWE Antoine, NYARWAJA Emmanuel, RUBADUKA Diogene, SEBAJURA Twaha, LWABUKWISI Victor KANYARUTOKI Nicholas and RUTSITSI Charles were killed in the course of an attack launched by *Interahamwe* in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing was part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds and was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.

Events at CELA, Kigali city

46. On or around 22 April 1994, members of the *Interahamwe*, Colonel Tharcize RENZAHU, and soldiers launched an attack at CELA, in Kigali city in which several Tutsi men were killed and between sixty and one hundred men were abducted to Rugenge secteur where many of them were killed in furtherance of a joint criminal enterprise of which Father Wenceslas MUNYESHYAKA was a co-perpetrator. The attack and killing was part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds, and was a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the attack and killing were a foreseeable and natural consequence of the joint criminal enterprise.

Count IV: MURDER as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal for Rwanda charges Father Wenceslas MUNYESHYAKA with **MURDER** as a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(a) of the Statute, in that between 6 April 1994 and 5 July 1994, at the Ste. Famille parish, St. Paul pastoral centre, and at CELA in Rugenge sector, Nyarugenge commune, Kigali ville prefecture, in Kigali city, Rwanda, Father Wenceslas MUNYESHYAKA was responsible individually and through the acts of others, for the killing of persons, or causing persons to be killed, as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds as outlined in paragraphs 47 through 53 of this indictment.

CONCISE STATEMENT OF FACTS FOR COUNT IV

Individual Criminal Responsibility

47. Pursuant to Article 6(1) of the Statute, the accused, Father Wenceslas MUNYESHYAKA, is individually responsible for murder as a crime against humanity because he planned, instigated, committed or otherwise aided and abetted others in the planning, preparation or execution of this crime by virtue of his position as described in paragraphs 2 through 4 of this indictment. In addition, the accused wilfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was murder as a crime against humanity against the Tutsi racial or ethnic group in Ste. Famille parish, Rugenge sector, Nyarugenge commune, Kigali ville prefecture, Kigali city, Rwanda. To

fulfil this criminal purpose, the accused acted with government, political and military leaders including Kigali-ville prefect Col. Tharcisse RENZAHU, Rugenge secteur counsellor Odette NYIRABAGENZI, school inspector Angeline MUKANDUTIYE, Rwandan Army military officer Lt. Col. Laurent MUNYAKAZI and other members of the Rwandan army, gendarmes, presidential guards and *Interahamwe* militiamen and other unknown participants, all such actions being taken either directly or through others, for at least the period of 6 April 1994 through 5 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 48 through 53 of this indictment.

Events at Ste. Famille Church, Kigali city

48. On or about 13 April 1994 in the Ste. Famille compound in Kigali city, Father Wenceslas MUNYESHYAKA killed an eighteen-year old Tutsi girl daughter of RWANGA Rose by shooting her to death.
49. On or about 13 April 1994 in the Ste. Famille compound in Kigali city, Father Wenceslas MUNYESHYAKA killed a twenty-year old Tutsi boy, son of RWANGA Rose by shooting him to death.
50. On or about 13 April 1994 in the Ste. Famille parish compound in Kigali city, Father Wenceslas MUNYESHYAKA killed a twenty-two-year old Tutsi girl, daughter of RWANGA Rose by shooting her to death.
51. On or about 17 June 1994 at Ste. Famille parish in Kigali city Father Wenceslas MUNYESHYAKA instigated or aided and abetted an *Interahamwe* to kill a Tutsi girl named Hyacinthe RWANGA alias bébé.

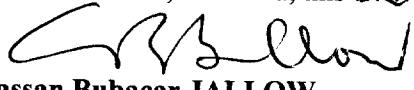
Events at Ste. Paul Pastoral Centre, Kigali city

52. On or around 24 April 1994 at the Ste. Paul pastoral centre in Kigali city Father Wenceslas MUNYESHYAKA aided and abetted the killings of seven Tutsi civilians, including Emmanuel RUKUNDO, a journalist and moderator of the MDR, RUTSINDUKA Aresterique a construction engineer, and MAZIMPAKA a student by his presence during the abduction by *Interahamwe*, including Leonard BAGABO, who took them to Rugenge secteur office where they were murdered. The abduction and killing were a natural and foreseeable consequence of the execution of the object of the joint criminal enterprise and Father Wenceslas MUNYESHYAKA was aware that the abduction and killing were a foreseeable and natural consequence of the joint criminal enterprise.

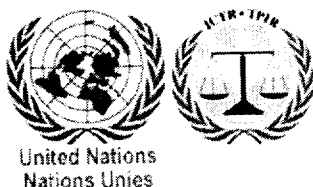
Events at CELA, Kigali ville

53. On or about 22 April 1994 at the CELA in Kigali city Father Wenceslas MUNYESHYAKA instigated or aided and abetted an *interahamwe* to kill Christophe Safari, a young Tutsi man.
54. The acts and/or omissions of Father Wenceslas MUNYESHYAKA charged in this indictment are punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

Dated at Arusha, Tanzania, this 20th day of July 2005.


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:	☐ Trial Chamber I N. M. Diallo	☐ Trial Chamber II R. N. Kouambo	☐ Trial Chamber III C. K. Hometowu	☐ Appeals Chamber / Arusha F. A. Talon
	☐ Chief, CMS J.-P. Fomété	☒ Deputy Chief, CMS M. Diop	☐ Chief, JPU, CMS M. Diop	☐ Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	☐ Chamber (names)	☐ Defence (names)	☒ Prosecutor's Office Wallace Kapaya (name)	☐ Other: (names)
Case Name:	The Prosecutor vs. Wenceslas Munyeshayka			Case Number: ICTR-2005-87-I
Dates:	Transmitted: 20/07/05		Document's date: 20/07/05	
No. of Pages:	27	Original Language: ☒ English ☐ French ☐ Kinyarwanda		
Title of Document:	Confirmation of Munyeshyaka Indictment			
Classification Level: ☒ Strictly Confidential / Under Seal ☐ Confidential ☐ Public		TRIM Document Type: ☒ Indictment ☐ Warrant ☐ Correspondence ☐ Submission from non-parties ☐ Decision ☐ Affidavit ☐ Notice of Appeal ☐ Submission from parties ☐ Disclosure ☐ Order ☐ Appeal Book ☐ Accused particulars ☐ Judgement ☐ Motion ☐ Book of Authorities		

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

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	☐ English	☐ French	☐ Kinyarwanda
Translation	in	☐ English	☐ French	☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☒ Filing Party **will be submitting the translated version(s)** in due course in the following language(s):
☐ English ☐ French ☐ Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

☐ The OTP is overseeing translation. The document is submitted for translation to: ☐ The Language Services Section of the ICTR / Arusha. ☐ The Language Services Section of the ICTR / The Hague. ☐ An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	☐ DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

☐ Top priority	COMMENTS	☐ Required date:
☐ Urgent		☐ Hearing date:
☐ Normal		☐ Other deadlines: