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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

ICTR-97-31-1

Case No. ICTR-2002- -I

25-10-2002

(253-243)

THE PROSECUTOR
AGAINST
THARCISSE RENZAHO

JUDICIAL RECORD
RECORD
ICT

2002 OCT 25 P 12:22
Jury
D. J. J.

INDICTMENT

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

THARCISSE RENZAHO

with GENOCIDE, or alternatively COMPLICITY IN GENOCIDE; and with EXTERMINATION as a CRIME AGAINST HUMANITY; and with VIOLENCE TO LIFE, HEALTH AND PHYSICAL OR MENTAL WELL-BEING as a SERIOUS VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTION AND OF ADDITIONAL PROTOCOL II, offenses stipulated in Articles 2, 3 and 4(a) of the Statute of the Tribunal, as set forth herein:

II. **THE ACCUSED:**

1. **Tharcisse RENZAHO** was born in 1944 in Gasetza *secteur*, Kigarama *commune*, Kibungo *préfecture*, Rwanda.
2. **Tharcisse RENZAHO** was appointed *préfet* of Kigali-Ville *préfecture* ["PVK"] in October 1990, a post he retained until he abandoned Rwanda in July 1994. During 1994 **Tharcisse RENZAHO** was also a Colonel in the *Forces Armées Rwandaises* ["FAR"], the Rwandan Army.

III. CONCISE STATEMENT OF FACTS:

3. Between 1 January and 31 December 1994, citizens native to Rwanda were severally identified according to the following ethnic or racial classifications: Tutsi, Hutu and Twa.
4. Following the death of Rwandan President Juvénal Habyarimana on 6 April 1994, active hostilities resumed in the non-international armed conflict between the FAR and the Rwandese Patriotic Front ["RPF"], a predominantly Tutsi politico-military opposition group.
5. On 8 April 1994 an *Interim Government* was installed, consisting exclusively of MRND and MRND-aligned "Hutu Power" political party representatives. With guidance from Hutu "extremists" within the MRND and the military, the *Interim Government* and significant elements of the government armed forces, assisted by and including *Interahamwe* and other militias, began to target Rwanda's civilian Tutsi population as domestic accomplices of an invading army, *ibytso*, or as a domestic enemy in their own right: *inyenzi*. Thereafter, under the guise of national defense, ordinary citizens of Rwanda, primarily Hutu, were enlisted in a nationwide campaign of pillaging, murder, rape, torture, and extermination of the Tutsi.
6. During April, May, June and July of 1994 **Tharcisse RENZAHO** instigated Hutu civilians in Kigali-Ville and adjoining *préfectures* to separate themselves from their Tutsi neighbors and to kill them and ordered or instigated soldiers, *gendarmes*, communal police, militias and armed civilians to attack the Tutsi population at roadblocks on public thoroughfares and in places of public shelter, such as churches, resulting in thousands of deaths.
7. **Tharcisse RENZAHO** planned, ordered or instigated the killing of Tutsi civilians by relying on the administrative and political structures of governmental authority that he commanded as *préfet* and by invoking the immediate context of renewed hostilities between the FAR and the RPF.
8. Notably, **Tharcisse RENZAHO** planned, ordered or instigated the program of "civilian self defense" [also referred to as "civil defense"] through which *Interahamwe* and other militias were armed and authorized to participate in neighborhood patrols and to kill Tutsi civilians at roadblocks and in their neighborhoods and various hiding places. **Tharcisse RENZAHO's** facilitation and instigation of such measures began as early as 7 April 1994 and was managed and coordinated through various meetings of the *conseil de sécurité préfectoral* at the PVK office.
9. Meetings of the *conseil préfectoral de sécurité* or the *conseil préfectoral* and various other meetings and public gatherings took place at the PVK office, authorized or presided by the *préfet*, and included participation from military authorities, MRND party leaders, MRND political stalwarts, and *Interahamwe* militia leaders. During such meetings **Tharcisse RENZAHO**, among others, ordered or instigated local administrators and civil servants and common citizens

to participate in or facilitate or aid and abet the killing of Tutsi civilians. Such meetings took place with regularity throughout April, May and June of 1994.

10. **Tharcisse RENZAHO** used his control of the local political administration to prepare or execute the plan to kill the Tutsi by removing from office Tutsi administrators, or by dismissing those administrators deemed insufficiently aggressive in implementing or pursuing the plan of killing Tutsi civilians, and by replacing them with persons that were expected to execute the plan of killing the Tutsi.
11. The "civil defense" corps of volunteer militias and armed civilians and the system of patrols and roadblocks were inter-dependent aspects of a coherent plan to identify and kill Tutsi civilians. **Tharcisse RENZAHO** executed or facilitated the plan by issuing orders to local administrators and by making public announcements, often by radio broadcast, to require residents of Kigali-Ville to come outside of their homes or to risk being targeted as *accomplices of the enemy* if they were discovered to be hiding in their homes, thus enabling local administrators to identify or localize the Tutsi residents of their *secteurs* or *cellules* and legitimizing attacks on those that remained in hiding.
12. On other occasions **Tharcisse RENZAHO** also made public announcements to encourage Tutsi to abandon places of public shelter and to return to their homes, under the pretext that security had been restored. Such announcements were often a ruse to lure Tutsi civilians onto public thoroughfares and back into their neighborhoods where they could be identified and killed by the "civil defense" corps.
13. **Tharcisse RENZAHO** ordered or authorized and managed or supervised the erection of a network of roadblocks throughout PVK, particularly in Nyarugenge *commune* where the FAR maintained control, in furtherance of the plan to exterminate the Tutsi. Roadblocks were placed at major intersections and strategic locations and were manned by (i) soldiers or gendarmes; or (ii) militiamen; or (iii) local citizens and demobilized soldiers. The network of roadblocks was used to control the mobility of persons throughout PVK. **Tharcisse RENZAHO** ordered or instigated soldiers or militiamen or armed civilians manning the roadblocks to check the identity cards of persons passing through the roadblocks and to kill Tutsi civilians or to cause Tutsi civilians to be removed to other locations for execution, or was aware that such roadblocks were used for such purposes by such persons.
14. Aside from the distribution of weapons to local administrators and local residents through the PVK office and the Ministry of Defense, during April 1994 **Tharcisse RENZAHO** also directly participated in distributing firearms to militiamen and civilians, intending those weapons to be used to kill civilian Tutsi non-combatants.
15. As *préfet*, **Tharcisse RENZAHO** also controlled the distribution of various bonds and permits for the purchase of fuel and food and controlled the issuance of *laissez-passers* for safe passage through the various roadblocks within PVK. Consequently, **Tharcisse RENZAHO** used the resources and authority of his office to equip the *Interahamwe*, militiamen, soldiers and gendarmes and to facilitate their movements in furtherance of the plan to kill Tutsi civilians.

Conversely, persons without permits were subject to arrest, particularly at roadblocks where Tutsi were systematically identified and killed.

16. **Tharcisse RENZAHO**'s radio-broadcasts over Radio Rwanda, the government owned radio station, and over privately-owned *Radio Télévision Libre des Mille Collines* ["RTLm"] during April, May, and June of 1994 were direct appeals to the broad masses of Kigali's citizens. Aside from his appeals to the populace, **Tharcisse RENZAHO** directly addressed local administrators and public servants. Broadly stated, the purpose of many broadcasts was to characterize the Tutsi as the enemy [*inyenzi*], to motivate militias and local residents to target Tutsi for attack, to organize and legitimize the killing of Tutsi, and to mobilize attackers, public servants and local residents to conceal evidence of the killings.
17. As a result of **Tharcisse RENZAHO**'s call to action for the Hutu population to defend itself against, and to kill, the Tutsi, coupled with the distribution of weapons to Hutu civilians and the deployment of soldiers, militiamen and such armed civilians in neighborhood patrols and on roadblocks throughout PVK, numerous civilian Tutsis were killed at or near roadblocks and throughout the various neighborhoods of PVK during April, May and June of 1994. In addition, following orders from **Tharcisse RENZAHO**, local administrators and public servants organized or participated in systematic clean-up efforts to remove corpses from the public thoroughfares and to bury them in mass graves, thereby concealing and aiding and abetting the crimes.
18. Furthermore, during April, May and June of 1994 **Tharcisse RENZAHO** ordered, authorized, facilitated, participated in or aided and abetted the killing of Tutsi civilians in places of public shelter and the abduction or forcible removal of numerous civilian Tutsi non-combatants from places of public shelter for the purpose of killing them in other locations, as follows:
19. Between 7 April 1994 and 4 July 1994, cumulatively, over five thousand persons abandoned their homes and flocked to the Roman Catholic ecclesiastical complex of Ste. Famille Church, St. Paul Pastoral Center and the *Centre d'Education de Langues Africaines* ["CELA"], located on a slope of Rugenge *secteur* in Nyarugenge *commune* [collectively referred to as the Ste. Famille "church complex"]. The church complex also included school buildings, workshops and residential dormitories. The majority of Tutsi men, women, elderly and children were sheltered inside the church buildings, along with a number of Hutu that were vulnerable to attack because of their political opposition to the MRND. A larger number of Hutu civilians, fearful or displaced by the fighting between the FAR and the RPF, were housed on the perimeters of the complex.
20. **Tharcisse RENZAHO**, acting in concert with or providing assistance to or assisted by others, including Odette NYIRABAGENZI, conseiller of Rugenge *secteur*, and Angeline MUKANDUTIYE, school inspector in Nyarugenge *commune* and President of the *Interahamwe* in Rugenge *secteur*, among others, ordered, facilitated, authorized, instigated, or aided and abetted the removal of Tutsi civilians from the relative safety of the church complex for the purpose of killing them. Notably:

- (a) On or about 18 April 1994 Angeline MUKANDUTIYE, assisted by *Interahamwe* militias, forcibly removed over 50 young men between the

ages of 17 to 25 years from the St. Paul Pastoral Center to be killed at the Rugenge *secteur* office. **Tharcisse RENZAHO** had accompanied Angeline MUKANDUTIYE on a search of St. Paul's on the previous day, presumably looking for RPF lieutenants hidden among the civilians, and announced that no one else would be removed from the compound if the crowd would surrender the lieutenants.

- (b) On or about 22 April 1994, approximately a dozen soldiers and six hundred militiamen, attacked the group of approximately 500 civilians that were sheltered at CELA. **Tharcisse RENZAHO** was present during the attack. **Tharcisse RENZAHO**, accompanied and assisted by Odette NYIRABAGENZI and Angeline MUKANDUTIYE and the group of soldiers and militiamen, led the attack on CELA and forcibly removed a group of 40-60 men from CELA. The group was transported to nearby Rugenge *secteur* office for execution. Of the 40-60 or so persons that were taken away, at least 3 were Hutu males associated with the political opposition. The rest are believed to be Tutsis. Many persons in the group were killed later that same day near the Rugenge *secteur* office.
 - (c) On or about 14 June 1994, **Tharcisse RENZAHO**, accompanied and assisted by Odette NYIRABAGENZI, Angeline MUKANDUTIYE and a group of militiamen, arrived at St. Paul Pastoral Center and authorized the removal of approximately 60 boys that were later taken to the Rugenge *secteur* office and killed. Soldiers and militiamen forced the young men to display their identity cards and to remove their shoes and shirts and then bound them together with their own clothing prior to removing them from St. Paul's.
21. During the late night and early morning hours between 16 and 17 June 1994, RPF forces launched a rescue operation at the St. Paul Pastoral Center and managed to evacuate a large number of Tutsi non-combatants that had sought refuge on the church compound. During the rescue attempt RPF forces exchanged fire with the FAR and the *Interahamwe*. Later that day, on or about 17 June 1994, in an act of reprisal, **Tharcisse RENZAHO** participated in or aided and abetted killings of Tutsi civilians sheltered at Ste. Famille Church by soldiers, *Interahamwe* and militias. The attacks were in reprisal for the RPF rescue of non-combatants and were in furtherance of **Tharcisse RENZAHO**'s plan to kill persons presumed to be RPF accomplices. Over 100 non-combatants were killed.
 22. Killings of non-combatants in reprisal for the RPF's successful rescue of Tutsi civilians continued on the next day, on or about 18 June 1994, when Angeline MUKANDUTIYE, accompanied by soldiers and militiamen, arrived at Ste. Famille to check the identity papers of survivors and to search persons and corpses for metal objects, presumably to identify RPF soldiers among the bodies of the survivors. A group of young men were also taken away to be killed at another location.
 23. In continued acts of reprisal, abductions and killings of male youth non-combatants continued for several days thereafter at Ste. Famille Church, often facilitated by "writs of *capias*" endorsed by **Tharcisse RENZAHO**.

24. During April, May, June and July of 1994, cumulatively, hundreds of persons were killed on the premises of the Ste. Famille Church complex or in nearby locations shortly after they were forcibly removed from the church complex. The victims were usually Tutsi men and male youth, but also included a number of women and persons of Hutu ethnic or racial identity. A large number of the killings of Tutsi men and youth that were removed from the Ste. Famille Church complex took place in proximity to the Rugenge *secteur* office, a short distance down the slope from CELA. The victims were often shot and then buried in a mass grave in the area behind the Rugenge *secteur* office. The execution site and mass grave were so notorious that the location was referred to as "CND", a reference to the parliament building in Kigali where the RPF forces were cantoned. Over the course of April, May and June of 1994 thousands of victims were killed at buried at the site. A partial listing of the names and particulars of victims of the forced removals of civilians from the Ste. Famille Church complex or the killings near the Rugenge *secteur* office is contained in **Schedule A** appended hereto.
25. The killings of persons that were forcibly removed from the Ste. Famille Church complex and the disposal of their corpses was conducted in a manner that was so reliant on the structures of political administration in PVK that **Tharcisse RENZAHO** must have authorized such acts or must have knowingly tolerated such acts.
26. **Tharcisse RENZAHO's** plan of extermination and killings in Kigali-Ville *préfecture* during 1994 intended the destruction, in whole or in part, of the Tutsi. **Tharcisse RENZAHO's** intention to destroy the Tutsi as a group was manifested in many ways, including various statements that he made, orders that he issued, meetings that he chaired, as well as by his association with and support of other notorious participants in the widespread killings.

IV. INDIVIDUAL CRIMINAL RESPONSIBILITY:

Article 6(1) of the Statute of the Tribunal

27. **Tharcisse RENZAHO** is individually criminally responsible pursuant to Article 6(1) of the Statute of the Tribunal for the crimes referred to in Articles 2, 3 and 4 of the Statute of the Tribunal as alleged in this indictment in that he acted individually or in concert with other participants with a common purpose to plan, instigate, order, commit or otherwise aid and abet the planning, preparation or execution of the crimes charged.
28. The objective in the common purpose or plan was to kill persons identified as Tutsi and to kill persons deemed to be "*accomplices*" of the Tutsi by virtue of their political opposition to MRND and the MRND-aligned "Hutu Power" political parties. The killing of such persons was motivated by ethnic or racial bias, or was politically motivated, and was also a strategy of war against the RPF. The common purpose or plan was furthered through the commission of crimes that are punishable under Articles 2, 3, and 4 of the Statute of the Tribunal.

Tharcisse RENZAHO participated in the common purpose or plan as a co-perpetrator and as an aider and abettor.

29. Numerous individuals participated in this common purpose or plan. Each participant, by acts or omissions, significantly contributed to the overall objective of the common purpose or plan. **Tharcisse RENZAHO** worked in concert with or through other persons to execute the common purpose or plan, including, but not limited to, Odette NYIRABAGENZI, conseiller of Rugenge *secteur*; Angeline MUKANDUTIYE, school inspector in Nyarugenge *commune* and President of the *Interahamwe* in Rugenge *secteur*; Major BIVAMVAGARA, coordinator of the "civil defense" program in PVK; Robert KAJUGA, National President of the *Interahamwe*; and other military and political figures aligned with the MRND, particularly members of the *Interahamwe* militias, *among other unnamed persons*.
30. As *préfet* of Kigali-Ville **Tharcisse RENZAHO**, acting individually and in concert with other persons, participated in the common purpose or plan from no later than 7 April 1994 until at least 3 July 1994 in the following ways:
 - (a) Ordering, planning, preparing, facilitating, or executing a plan of extermination, which included acts of genocide, within PVK, by launching the program of "civilian self defense" [also referred to as "civil defense"] through which *Interahamwe* and other militias were armed and authorized to participate in neighborhood patrols and to kill Tutsi civilians or persons deemed to be their "*accomplices*" at roadblocks and in their neighborhoods and various places of hiding.
 - (b) Ordering, planning, preparing, facilitating, or executing a plan of extermination, which included acts of genocide, to kill Tutsi civilians or persons deemed to be their "*accomplices*" in places of public shelter, such as, though not limited to Ste. Famille Church, St. Paul's Pastoral Center and CELA.
 - (c) Ordering, planning, preparing, facilitating, or executing a protracted campaign of abductions or forced removals of displaced Tutsi civilians or persons deemed to be their "*accomplices*" from places of public shelter for purposes of killing them at other locations, particularly at Ste. Famille Church, St. Paul's Pastoral Center and CELA.
 - (d) Aiding and abetting the commission of the crimes, or instigating the commission of further or repeated crimes at different times and locations, by failing to investigate or to follow up on investigations or to punish his subordinates in the PVK territorial administration, including *bourgmestres*, *conseillers*, gendarmes, communal police, and *Interahamwe* militias incorporated in the "civil defense" corps, for crimes committed against Tutsi civilians or crimes committed against other civilians that were identified as "*accomplices*" of the Tutsi by virtue of their political opposition to the MRND and the MRND-aligned "Hutu Power" political parties.
31. **Tharcisse RENZAHO** knowingly and willfully participated in the common purpose or plan, while sharing the intent of other participants in the common purpose or plan, or having knowledge of the intent of other participants in the

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common purpose or plan, or being aware of the foreseeable consequences of their actions. On this basis, he bears individual criminal responsibility for these crimes under Article 6(1) of the Statute of the Tribunal in addition to his responsibility under the same Article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation, or execution of these crimes.

Article 6(3) of the Statute of the Tribunal

32. **Tharcisse RENZAHO**, while holding a position of superior authority, is also individually criminally responsible for the acts or omissions of his subordinates pursuant to Article 6(3) of the Statute of the Tribunal. In his capacity as *préfet* of Kigali-Ville *préfecture* **Tharcisse RENZAHO** exercised *de jure* or *de facto* command and control over the gendarmes, communal police and militias that were incorporated in the "civil defense" program that participated in the crimes alleged in this indictment. Furthermore, **Tharcisse RENZAHO** exercised *de jure* or *de facto* command and control over *bourgmestres* and administrative personnel at the level of the *commune* within the *préfecture*, including *conseillers de secteur*.
33. **Tharcisse RENZAHO**'s subordinates include, but are not limited to, the following individuals: Major BIVAMVARGARA, coordinator of "civil defense" for PVK; Odette NYIRABAGENZI, *conseiller* of Rugenge *secteur*; Angeline MUKANDUTIYE, school inspector of Nyarugenge *commune* and President of the *Interahamwe* in Rugenge *secteur*; and all PVK *bourgmestres* and *conseillers* that participated in the *conseil préfectoral de sécurité*.
34. **Tharcisse RENZAHO** knew or had reason to know that the crimes alleged in this indictment were about to be committed or had been committed by his subordinates and he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. **Tharcisse RENZAHO**'s duty to punish included an obligation to investigate and establish the facts of the crime, to put an end to the criminal activity, and to impose appropriate punitive measures on the perpetrator.
35. **Tharcisse RENZAHO** knew or should have known that by failing to prevent or punish breaches of international humanitarian law, he would be personally liable for such breaches of the law. Moreover, he knew or should have known that repeated failure to take action against such groups or individuals would make him an instigator or accomplice to such breaches of international humanitarian law.

V. GENERAL ALLEGATIONS

36. All acts and omissions charged in this indictment as crimes against humanity were part of a widespread or systematic attack directed against the Tutsi civilian population and against other civilians deemed to be "accomplices" of the Tutsi by virtue of their political opposition to the MRND and MRND-aligned "Hutu Power" political parties.

37. At all times relevant to this indictment, particularly between 1 January 1994 and 17 July 1994, there existed in Rwanda a state of non-international armed conflict within the meaning of Articles 1 and 2 of Protocol II Additional to the Geneva Conventions of 12 August 1949.
38. Between 6 April 1994 and 17 July 1994 the belligerents in the non-international armed conflict were FAR and RPF. During most of this period, the *préfecture* of Kigali-Ville was divided between the two belligerents. The FAR occupied Nyarugenge *commune*. The RPF occupied the eastern stretches of Kacyiru and parts of Kicukiro *communes*.
39. The FAR trained and armed the *Interahamwe*. Almost from its inception the *Interim Government* of 8 April 1994 endorsed a program of "civil defense" in which *Interahamwe* and other militias supported the FAR in its war efforts against the RPF. The gendarmerie and communal police in Kigali-Ville *préfecture* also supported the FAR in its war efforts against the RPF.
40. During April, May, June and July 1994 **Tharcisse RENZAHO**, a Colonel in the FAR, provided support in the FAR military campaign in a manner that characterizes him as a combatant in the non-international armed conflict between FAR and RPF pursuant to Article 1 of Protocol II Additional to the Geneva Conventions of 12 August 1949, requiring him to abide by the laws and customs governing the conduct of armed conflicts.

VI. THE CHARGES

COUNTS 1 and 2: GENOCIDE, or alternatively COMPLICITY IN GENOCIDE

By his acts and omissions, **Tharcisse RENZAHO** participated in:

Count 1: GENOCIDE, punishable under Articles 2(3)(a), 6(1) and 6(3), 22 and 23 of the Statute of the Tribunal; or alternatively

Count 2: COMPLICITY IN GENOCIDE, punishable under Articles 2(3)(e), 6(1) and 6(3), 22 and 23 of the Statute of the Tribunal.

41. From no later than 7 April 1994 until at least 4 July 1994 **Tharcisse RENZAHO**, acting individually or in concert with other participants with a common purpose, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the intentional destruction of the Tutsi ethnic or racial group, as such, throughout Rwanda, particularly in Kigali-Ville and adjoining *préfectures*.
42. As alleged in paragraph 41, above, **Tharcisse RENZAHO** participated in the common purpose or plan to destroy the Tutsi, as such, by (i) ordering or participating in or aiding and abetting the "civil defense" program whereby

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soldiers, gendarmes, communal police, militias, local administrators, public servants and armed civilians were directed to kill the Tutsi during neighborhood patrols and at roadblocks on public thoroughfares; and by (ii) ordering or participating in or aiding and abetting the killing of Tutsi displaced persons in places of public shelter or the forcible removal of such persons or groups of persons from places of public shelter to be killed in other locations.

43. From no later than 7 April until at least 4 July 1994, **Tharcisse RENZAHO** knew or had reason to know that the crimes alleged in paragraphs 41 and 42, above, were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

COUNTS 3 and 4: EXTERMINATION and MURDER

By his acts and omissions, **Tharcisse RENZAHO** participated in:

Count 3: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 3(b), 6(1) and 6(3), 22 and 23 of the Statute of the Tribunal; *and*

Count 4: Violence to life, health and physical or mental well-being, in particular Murder, a **SERIOUS VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTION AND OF ADDITIONAL PROTOCOL II**, punishable under Article 4(a), 6(1) and 6(3), 22 and 23 of the Statute of the Tribunal.

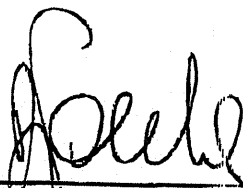
44. From no later than 7 April 1994 until at least 4 July 1994, **Tharcisse RENZAHO**, acting individually or in concert with other participants with a common purpose, planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the extermination and murder of Tutsi civilians and the extermination and murder of civilians of other racial or ethnic classifications deemed to be "*accomplices*" of the Tutsi by virtue of their political opposition to the MRND and MRND-aligned political parties. The extermination and murder was effected by killings during neighborhood patrols and at roadblocks on public thoroughfares and by attacking displaced persons in places of public shelter and by forcibly removing individuals or groups of persons from places of public shelter to be killed in other locations.

45. As alleged in paragraph 44, above, **Tharcisse RENZAHO** participated in the common purpose or plan to kill non-combatants as part of the war effort of the FAR against the RPF by (i) ordering or participating in or aiding and abetting the killing of non-combatant Tutsi men and male youth of "military subscription age" [between 17 – 25 years old] that were characterized as "*accomplices of the enemy*" or potential recruits for the enemy army; and by (ii) ordering or participating in or aiding and abetting the killing of non-combatant displaced persons sheltered at the Ste. Famille Church complex in acts of reprisal for the successful RPF rescue of non-combatants from the St. Paul's Pastoral Center on 16-17 June 1994.

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46. From no later than 7 April 1994 until at least 4 July 1994 ~~Thamase~~ RENZAHO knew or had reason to know that the crimes alleged in paragraph 44 and 45, above, were about to be committed or had been committed by his subordinates, and he failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.

Dated: The Hague, this 23rd day of October 2002:



Carlo Del Ponte
Prosecutor