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

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 27 2504207-11 2504367-72 or 1 212 963 2850 Fax: 255 27 2504000/2504373 or 1 212 963 2848/49

ICTR-98-44-T
18-02-2004
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IN TRIAL CHAMBER III

Before: Hon. Andréia Vaz,
Presiding Judge

Registrar: Mr. Adama Dieng

Date Filed: 18 February 2004

2004 FEB 18 P 6:10
[Signature]

THE PROSECUTOR

v.

**EDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA
ANDRE RWAMAKUBA**

Case No. ICTR-98-44-I

**PROSECUTOR'S FILING IN COMPLIANCE WITH THE TRIAL CHAMBER III
DÉCISION RELATIVE À LA REQUÊTE DU PROCUREUR AUX FINS D'ÊTRE
AUTORISÉ A MODIFIER L'ACTE D'ACCUSATION DU 13 FEVRIER 2004**

For the Prosecutor:

Mr. Don Webster
Ms. Dior Fall
Ms. Holo Makwaia
Ms. Simone Monasebian
Ms. Ayo Fadugba (Case Manager)

For the Accused:

Mme. Dior Diagne for Edouard Karemera
Mr. Peter Robinson for Joseph Nzirorera
Mr. Charles Roach and Mr. Frederick Weyl for Mathieu Ndirumpatse
Mr. David Hooper and Andreas O'Shea for Andre Rwamakuba

**PROSECUTOR'S FILING IN COMPLIANCE WITH THE TRIAL CHAMBER III
DÉCISION RELATIVE À LA REQUÊTE DU PROCUREUR AUX FINS D'ÊTRE
AUTORISÉ À MODIFIER L'ACTE D'ACCUSATION DU 13 FEVRIER 2004**

Prosecutor's submission:

1. The Prosecutor hereby submits an *Amended Indictment of 18 February 2004*, filed in compliance with the Trial Chamber III Order of 13 February 2004. The *Amended Indictment of 18 February 2004* is appended hereto as Annexure B.
2. The *Amended Indictment of 18 February 2004* incorporates certain modifications ordered by the Trial Chamber wherein it:
 - II. *REJETTE la modification au regard des allegations figurant aux paragraphes 34.2 et 53.1 de l'acte propose, eu égard à la presence de l'accusé Karemera lors d'attaques contre les Tutsi réfugiés dans les collines de Bisesero en mai 1994;*
 - III. *ORDONNE au Procureur de modifier le paragraphe 22 en enlevant les allegations envers Nzirorera, Karemera et Rwamakuba;*
3. The text of the revised proposed amended indictment of 23 January 2004 is modified as follows:
 - (i) The last sentence in paragraph 22 where "*the accused*" are alleged to have "*created and privately financed the RTLM radio station ...*" is replaced by a specific reference to Mathieu NGIRUMPATSE. Consequently, Karemera, Nzirorera and Rwamakuba are no longer included in the allegation of having privately financed the RTLM, as ordered by the Trial Chamber in paragraph 35 of its *Decision* of 13 February 2004.
 - (ii) The references to the presence of Edouard KAREMERA during attacks against Tutsi in Bisesero in May 1994 in paragraphs 34.1 and 53.1 have been removed. Instead, the modified paragraphs 34.1 and 53.1 in the amended indictment of 18 February 2004 refer to "*national and regional government authorities from Kibuye that were known to collaborate with Edouard KAREMERA, and who were present for Edouard KAREMERA's address during the meeting at the Kibuye prefecture office on 3 May 1994 ...*". This modification comports with paragraph 33 of the Trial Chamber III *Decision* of 13 February 2004 where it is noted that "*aucun paragraphe de l'acte en vigueur, et aucun passage des pieces justificatives, laiss[ent] a penser qu'il pourrait être allégué à l'encontre de l'Accusé Karemera qu'il avait été present à des attaques survenues à Bisesero au mois de mai 1994 ...*"
4. The modifications wrought by the *amended indictment of 18 February 2004* are set forth in a comparative table, appended hereto as Annexure A, in which the corresponding paragraphs from the revised proposed amended indictment of 23 January 2004 appear side by side, and are highlighted in gray, for ease of comparison.
5. Furthermore, in response to paragraph 27 of the Trial Chamber III *Decision* of 13 February 2004 that notes the Prosecutor's neglect to provide the date and the origin of the *Memorandum on the Organization of the Civil Defense*, the Prosecutor submits as follows:

- (i) The Prosecutor made consistent efforts to trace the origin and the date of the memorandum on *l'Organisation de l'Auto-Defense Civile* over the past several weeks. These efforts involved contacting certain persons that are known to the Prosecutor, but not employed by his Office, some of whom reside abroad. Our efforts also included backtracking through a number of files in the OTP Evidence Unit and Archives.
- (ii) These efforts have borne fruit only within the last 24 hours. The Prosecutor was particularly concerned to address the Trial Chamber's criticisms in paragraph 27 of its *Decision* of 13 February 2004, and emphasized the urgency of the issue to persons that would provide the needed information.
- (iii) Recent information now indicates that the memorandum on *l'Organisation de l'Auto-Defense Civile* was seized from Jean Kambanda when he was arrested in Nairobi on 9 July 1997. The document was simply one of a number of documents that were transferred from the national authorities of Kenya to the UN ICTR on 18 July 1997.
- (iv) Jean Kambanda refers to the document in an interview with OTP investigators that took place on 29 May 1998 [audio-cassette #83]. The memorandum on *l'Organisation de l'Auto-Defense Civile* appears to have been authored by an unidentified individual sometime between 5 January 1994 and 17 February 1994. The purported author is described as being "someone in the government".
- (v) Even though it is now clear that the memorandum on *l'Organisation de l'Auto-Defense Civile* was in the custody of the UN ICTR *before* the confirmation of the original indictment against *Karemera et al.* in August 1998, the document itself only became available to prosecution counsel on the *Karemera et al.* trial team sometime after 12 October 2000 when materials that were sent to the ICTY Evidence Unit in The Hague for safe-keeping were returned to the ICTR in Kigali.
- (vi) By this submission the Prosecutor seeks to correct the mis-statement made before Trial Chamber III on 27 January 2004 in response to an inquiry during the informal meeting of the parties of that date.
- (vii) In light of the Trial Chamber's comment in paragraph 27 of its *Decision* of 13 February 2004 that, "*Le fait que le Procureur n'ait pas établi la date et l'origine du Mémorandum constitue un manqué de diligence de sa part qui aurait porté préjudice aux Accusés, et fait que ce document ne peut être retenu au support de ces allégations, en l'état,*" it would appear that the *discovery* that the document was initially recovered by the Office of the Prosecutor in 1997, and not well after August 1998 as previously represented, should *not* disturb the Trial Chamber's ruling on the proposed amended indictment.
- (viii) The Prosecutor makes this submission in the interest of fully disclosing all relevant information on the memorandum on *l'Organisation de l'Auto-Defense Civile* at the earliest opportunity, and respectfully corrects his previous submission. The error was unintentional. Prosecution counsel on

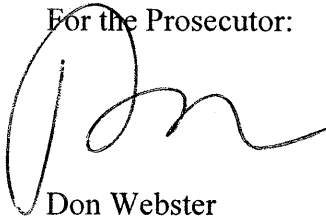
the *Karemera et al.* team were under the mistaken impression that the document was made available to the OTP for the first time during the period *after* October 2000.

WHEREFORE, the Prosecutor requests that this Trial Chamber issue a ruling that the *amended indictment of 18 February 2004*, appended hereto, fully complies with its Order of 13 February 2004.

Respectfully submitted.

Dated: Arusha, this 18th day of February 2004

For the Prosecutor:


Don Webster
Senior Trial Attorney



1C12-98-44-T 9474
18-02-2004
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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-98-44-I

THE PROSECUTOR

against

**EDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA
ANDRÉ RWAMAKUBA**

2004 FEB 18 P 6:10
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19/02/2004

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR MOI

NAME / NOM: **CONSTANTIN V. AMATUMANA**
SIGNATURE: *[Signature]*
DATE: **19-02-2004**

AMENDED INDICTMENT

of 18 February 2004 filed pursuant to Trial Chamber III Order of 13 February 2004

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

**EDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA
ANDRÉ RWAMAKUBA**

Pursuant to Article 2 of the Statute of the Tribunal, with:

- (i) **CONSPIRACY TO COMMIT GENOCIDE,**
- (ii) **DIRECT AND PUBLIC INCITEMENT TO GENOCIDE, and**
- (iii) **GENOCIDE, or alternatively**
- (iv) **COMPLICITY IN GENOCIDE**

Pursuant to Articles 3 of the Statute of the Tribunal, with:

- (v) **RAPE, and**
- (vi) **EXTERMINATION, as CRIMES AGAINST HUMANITY**

Pursuant to Article 4 of the Statute of the Tribunal, with:

- (vii) **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II.**

THE ACCUSED

I. Particulars of the Accused

1. **Edouard KAREMERA**, *alias RUKUSANYA*, was born in Mwendo *commune*, Kibuye *préfecture*, in 1951. **Edouard KAREMERA** was trained as a lawyer and was Minister of the Interior in the Interim Government of 8 April 1994, taking the oath of office on 25 May 1994 and continuing in that capacity until the Interim Government fled from Rwanda in July 1994. During 1994 **Edouard KAREMERA** was also First Vice-President of the MRND political party and a member of the party's Steering Committee, serving in that capacity since July 1993.
2. **Mathieu NGIRUMPATSE** was born in 1939 in Tare *commune*, Kigali-rural *préfecture*, Rwanda. **Mathieu NGIRUMPATSE** was trained as a lawyer and during 1994 was President of the MRND political party and a member of the party's Steering Committee, serving in that capacity since July 1993. **Mathieu NGIRUMPATSE** previously served as Minister of Justice in Rwanda's first "multi-party" government of 31 December 1991, and was also Secretary-General of the MRND from May 1992 through July 1993 and a member of its Steering Committee. Previously he was also Ambassador to Germany and Ethiopia, Director General for Foreign Affairs in the President's office and general manager of SONARWA, an insurance company.
3. **Joseph NZIRORERA** was born in 1950 in Mukingo *commune*, Ruhengeri *préfecture*, Rwanda. During 1994 **Joseph NZIRORERA** was National-Secretary of the MRND political party and a member of its Steering Committee, serving in that capacity since July 1993. **Joseph NZIRORERA** was also a member of the *Chambre des Députés* in the *Assemblée Nationale*, representing the MRND and Ruhengeri *préfecture* in that capacity, and served as *President* of the *Assemblée Nationale* in the Interim Government of 8 April 1994. Previously **Joseph NZIRORERA** was Minister of Public Works in the MRND government of 15 January 1989 and was Minister of Industry, Mines and Artisanry in the MRND governments formed on 9 July 1990 and on 4 February 1991. **Joseph NZIRORERA** was a member of the MRND Steering Committee throughout the period 1992 – 1994 and even prior to 1991.
4. **André RWAMAKUBA** was born in 1950 in Gikomero *commune*, Kigali-rural *préfecture*, Rwanda. **André RWAMAKUBA** was trained as a physician and was Minister of Primary and Secondary Education in the Interim Government of 8 April 1994, taking the oath of office on 9 April 1994 and continuing in that capacity until the Interim Government fled from Rwanda in July 1994. **André RWAMAKUBA** also served as "spokesman" for the Interim Government and was a member of the MDR political party, associated with that party's "Hutu Power" wing.

II. Authority and Legal Duties of the Accused

5. **Mathieu NGIRUMPATSE, Joseph NZIRORERA, Edouard KAREMERA** constituted the national executive leadership of the MRND political party and, along with Second Vice-President Ferdinand KABAGEMA, comprised its Steering Committee. In their respective capacities as President, National-Secretary, and First and Second Vice-Presidents they participated in the MRND Political Bureau [*made up of the Steering Committee and the MRND Chairmen at the prefectural level*] and the MRND Central Committee [*made up of the Steering Committee and five members from every préfecture*].
6. On the basis of their executive, leadership positions in the MRND, **Mathieu NGIRUMPATSE, Joseph NZIRORERA** and **Edouard KAREMERA** exercised authority over government officials in the territorial administration that were also MRND party members. Governmental authority, as mediated by the territorial administration, either complemented or was subordinate to structures of authority in the MRND in those *préfectures* or *communes* controlled by the MRND.
7. **Mathieu NGIRUMPATSE, Joseph NZIRORERA** and **Edouard KAREMERA** exercised effective control over the *Interahamwe*, the youth wing of the MRND political party, through structures of authority in the MRND party at the level of the *préfecture*. As President of the MRND, **Mathieu NGIRUMPATSE** exercised the ultimate authority over the MRND and the *Interahamwe*.
8. **Edouard KAREMERA** was Minister of the Interior in the Interim Government during the period after 25 May 1994. In that capacity he exercised *de jure* and *de facto* authority and effective control over the regional territorial administration of *préfets*, *sous-préfets*, and *bourgmestres* throughout Rwanda. Furthermore, as Minister of Interior **Edouard KAREMERA** (i) was responsible for appointments of *préfets* and *bourgmestres* nationwide; and (ii) received regular reports from *préfets* and *bourgmestres* on security in their respective administrative constituencies.
9. Collectively, the national leadership in the MRND political party, particularly its Steering Committee, and the Ministry of the Interior and the Ministry of Defense, both of which were controlled by the MRND political party, initiated and exercised authority over the “civil defense program”. Particularly after 6 April 1994 **Mathieu NGIRUMPATSE, Joseph NZIRORERA** and **Edouard KAREMERA** exercised effective control over the network of national and regional leaders in the “civil defense program” and the *Interahamwe* militias.
10. In this context, the following persons or classes of persons were subordinates of **Mathieu NGIRUMPATSE, Joseph NZIRORERA** and **Edouard KAREMERA** and were subject to their command responsibility: members of the *Interahamwe* militias, particularly those members of its leadership that were already in place by 6 April 1994, including Robert KAJUGA, Georges RUTAGANDA, Joseph SETIBA, Bernard MANIRAGABA, among others; *préfets*, *bourgmestres* and *conseillers* that were members of the MRND, and members of their respective *conseils de sécurité* at prefectural and communal levels; commanders of the “civil defense program”, particularly those military officials that held appointments in the territorial administration, such as Butare *préfet* Col. Alphonse NTEZIRYAYO, Kigali *préfet* Col. Tharcisse RENZAHU, and Gitarama *préfet* Maj. Damascene UKULIKIYEZU; and

administrative personnel in the ministries controlled by the MRND, such as Callixte KALIMANZIRA, *Directeur de cabinet* in the Ministry of Interior.

11. **André RWAMAKUBA** was a member of the MDR political party, identifying with that party's "Hutu Power" wing. During the period that he served as Minister of Primary and Secondary Education in the Interim Government, he also served as one of the coordinators of the "civil defense program". In that capacity he exercised command responsibility and effective control over regional and local leaders of the "civil defense force", particularly over *Interahamwe* and related militias in Gikomero, his home *commune*, and militiamen that were present in and around the Butare University Hospital.

CHARGES, including a CONCISE STATEMENT OF FACTS

Count 1: CONSPIRACY TO COMMIT GENOCIDE

The Prosecutor charges **Edouard KAREMERA**, **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, and **André RWAMAKUBA** with **CONSPIRACY TO COMMIT GENOCIDE** pursuant to Articles 2 and 6(1) of the Statute of the Tribunal in that over a period of at least one year leading up to and including 6 April – 17 July 1994 ***all named accused***, conspired together, and with others, to destroy in whole or in part, the Tutsi racial or ethnic group, committed as follows:

12. Unless otherwise stated all events detailed in present indictment, including the acts and omissions of the accused, took place in Rwanda between 1 January and 31 December 1994.
13. Over the course of several years leading up to and including 1994, particularly after 1992, **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, **Edouard KAREMERA**, and **André RWAMAKUBA** conspired among themselves, and with numerous others, meeting severally at various locations on disparate occasions in the context of their political party and official government activities, to plan and prepare the destruction of Rwanda's Tutsi population, particularly the killing of persons identified as Tutsi.
14. Among those conspiring and acting in concert with ***all named accused*** were (i) **military authorities**, including Augustin BIZIMANA, Minister of Defense; Col. Theoneste BAGOSORA, *Directeur de cabinet* in the Ministry of Defense; Lt. Col. Anatole NSENGIYUMVA, *commandant de place* in Gisenyi; Col. Tharcisse RENZAHU, *préfet* of Kigali-ville; Augustin BIZIMUNGU, Army Chief of Staff, and Augustin NDINDILIYIMANA, Chief of Staff of the Gendarmerie, among others; (ii) **political authorities at the national and regional level**, particularly those ministers participating in the Interim Government of 8 April 1994, including Callixte NZABONIMANA, Minister of Youth and Sports; Pauline NYIRAMASUHUKO, Minister of Family and Gender; Eliézer NIYITEGEKA, Minister of Information; Justin MUGENZI, Minister of Commerce; Casimir BIZIMUNGU, Minister of Health; and Jérôme-Clément BICAMUMPAKA, Minister of Foreign Affairs, among others; and regional officials such as Clément KAYISHEMA, *préfet* of Kibuye; Sylvain NSABIMANA, *préfet* of Butare; Juvenal KAJELIJELI, *bourgmestre* of Mukingo; and

Laurent SEMANZA, *bourgmestre* of Bicumbi, among others; (iii) **influential businessmen and political party leaders affiliated with "Hutu Power"** including Jean Bosco BARAYAGWIZA, a leader of the CDR political party; Ferdinand NAHIMANA, an academic; Felicien KABUGA, a businessman, among many unnamed others; and (iv) **leaders of the *Interahamwe* and *Impuzampagambi* political party "youth wing" militias and the "civil defense" program** including, though not limited to, Robert KAJUGA, national president of the MRND-*Interahamwe*; Georges RUTAGANDA, first vice-president of the MRND-*Interahamwe*; Bernard MANIRAGABA, an *Interahamwe* leader in Kigali; Yusuf MUNYAKAZI, an *Interahamwe* leader in Cyangugu; Col. Aloys SIMBA, leader of the "civil defense" in Gikongoro; Col. Alphonse NTEZIRYAYO, *préfet* and leader of the "civil defense" in Butare; Col. RWAGAFILITIA, leader of the "civil defense" in Kibungo; Bernard MUNYAGISHARI, President of the *Interahamwe* in Gisenyi; and Omar SERUSHAGO, an *Interahamwe* leader in Gisenyi; among others.

Prior to 8 April 1994

Formation of the Interahamwe; meetings & public speeches; financing, military training, stockpiling of firearms and weapons distributions for militias:

15. Over the course of 1993 and 1994 **Mathieu NGIRUMPATSE, Joseph NZIRORERA and Edouard KAREMERA** agreed among themselves, and with others, and collectively undertook initiatives that were intended to create and extend their own personal control, and that of the MRND Steering Committee, over an organized, centrally commanded corps of militiamen that would respond to their call to attack, kill and destroy the Tutsi population.
 - 15.1 Sometime during 1992 **Mathieu NGIRUMPATSE** initiated or supported the proposal that the MRND should establish a "youth wing" that would be called the *Interahamwe*. This MRND "youth wing" would compete with rival "youth wings" of opposition political parties to recruit members for the MRND. Over time, the MRND-*Interahamwe* "youth wing" attracted and incorporated unemployed, delinquent youth that often engaged in illegal activity under the auspices of "multi-party politics" and *kibuhoza*.
 - 15.2 In July 1993 **Mathieu NGIRUMPATSE** became the national President of the MRND political party. During a MRND national congress held sometime around June or July 1993 the MRND Central Committee, at that time including **Mathieu NGIRUMPATSE, Joseph NZIRORERA and Edouard KAREMERA**, authorized and founded MRND-*Interahamwe* committees at the prefectural level throughout Rwanda, thereby extending the illicit activities of the *Interahamwe* and bringing the MRND "youth wing" squarely under the control of the MRND prefectural chairmen, who themselves were subject to the authority of the MRND Steering Committee.
 - 15.3 Starting in 1993 **Mathieu NGIRUMPATSE** and other national leaders of the MRND political party conspired among themselves, and with civilian authorities in the territorial administration and military authorities in the Ministry of Defense and the FAR, to provide military training and arms to *Interahamwe* militias, and to stockpile firearms from the Ministry of Defense

for later distribution to *Interahamwe* militias, intending that *Interahamwe* militias would be deployed to kill and harm Rwanda's Tutsi population.

- 15.4 In this regard **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA** and **Edouard KAREMERA** were aware of, and complicit in, decisions taken by Minister of Defense Augustin BIZIMANA and Ministry of Defense *Directeur de cabinet* Theoneste BAGOSORA and certain FAR military officers to provide military training to the *Interahamwe* militias in military camps in Kigali, Cyangugu, Gisenyi and Butare, as well as in the Mutara sector, notably at Gabiro, Gako, Mukamira and Bigogwe camps and in neighboring forests, including Gishwati in Gisenyi and Akagera in Umutara.
- 15.5 In furtherance of this conspiracy **Mathieu NGIRUMPATSE** ordered, facilitated or assisted the distributions of weapons to *Interahamwe* during 1993 and in early 1994 and also ordered or assisted the concealing of stockpiled firearms so that they would not be removed pursuant to the KWSA [*Kigali Weapons Secure Area*], a disarmament initiative launched by UNAMIR, intending that such weapons would later be distributed to MRND-*Interahamwe*.
- 15.6 During this period, and continuing through early 1994, **Mathieu NGIRUMPATSE** participated in meetings of the MRND party at the prefectural level in Kigali-rural, Kibungo and in several other *préfectures*, during which he presented and endorsed local leaders of the *Interahamwe* to the various regional constituencies of the MRND. Such efforts were a means to expand membership in the *Interahamwe* and to exercise control over the militias through structures of authority in the MRND party.
- 15.7 **Mathieu NGIRUMPATSE** and **Joseph NZIRORERA** participated in fundraising activities for the *Interahamwe*. Particularly noteworthy are several meetings organized under the auspices of the MRND political party to arrange collections of money from businessmen and wealthy party members. On or about 27 February 1994 **Joseph NZIRORERA** organized a fundraising banquet for the *Interahamwe* at the Hotel Rebero in Kigali. Persons in attendance included President Juvénal HABYARIMANA, Seraphin RWABUKUMBA, Augustin NGIRABATWARE, Robert KAJUGA, among many other notable MRND party-members, several of whom made congratulatory speeches, including the President of the Republic who praised the *Interahamwe* and encouraged participants to donate funds for their support.
16. Over the course of 1993 and early 1994 **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, and **Edouard KAREMERA** often participated in various MRND political party meetings and addressed public gatherings and rallies where they characterized the Tutsi as "the enemy". These various meetings and gatherings were intended to indoctrinate MRND party members, particularly the MRND-*Interahamwe* "youth wing", with anti-Tutsi sentiment and to generate fear and loathing of the Tutsi as a group among Rwanda's Hutu population. These initiatives were consistent with recommendations made in report from a Special Military Commission chaired by Théoneste BAGOSORA to devise an agenda to "*defeat the enemy militarily, in the media and politically*" that Juvénal HABYARIMANA, at that time Commander in Chief of the *Forces Armées Rwandaises* (FAR) as well as Rwandan Head of State, established in December 1991. Army Chief of Staff Déogratias NSABIMANA caused the report to be circulated among FAR military officers in September 1992.

- 16.1 On or about 23 October 1993, in particular, **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, Jean-Bosco BARAYAGWIZA, among others, participated in a rally at Nyamirambo stadium in Kigali where they made speeches that characterized the Tusti as accomplices of "the enemy". The rally included *animation* and pageantry by *Interahamwe*.
- 16.2 On or about 27 October 1993 **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA** and **Edouard KAREMERA**, along with Col. Theoneste BAGOSORA, Augustin NGIRABATWARE, among other high-level officials of the MRND, participated in a rally with thousands of persons in attendance at Umuganda Stadium in Gisenyi. Again, those that addressed the crowd, including **Mathieu NGIRUMPATSE** and **Edouard KAREMERA**, opposed the Arusha Accords and exhorted the crowd to "*combat the enemy*". *Interahamwe* in kitenge uniforms provided security and animation for the event.
- 16.3 Toward mid-February 1994 **Mathieu NGIRUMPATSE** addressed a rally at Nyamirambo Stadium in Kigali. The rally assembled leading politicians that espoused the cause of "Hutu Power" and ended with chants of "*Tubatsembembe*" ["*Let us exterminate them*"], referring to the Tutsi. Members of the *Interahamwe* participated in the rally.
17. On or about 29 March 1994 Army Chief of Staff Déogratias NSABIMANA held a meeting with the *préfet* of Kigali and the *commandant de secteur* for the city of Kigali to fine tune the structure and organization of a "civil defense" plan. Elements of the plan included: establishing the *cellule*, an administrative unit in the territorial administration, as the organizational equivalent of the platoon; drawing up lists of reservists resident in Kigali at the level of the *cellule* that would be available to work with soldiers; training civilians to work with reservists and soldiers; stockpiling weapons and ammunitions at the level of the *cellule*; instructing civilians on the use of swords, spears, machetes, bows and arrows; etc. Other documentation of the "civil defense" plan from the same period emphasized the need for secrecy and close collaboration between military commanders, the national *gendarmerie* and political parties "defending the principle of the Republic and Democracy", a reference to the MRND.
18. Over a period of several months leading up to 6 April 1994, **Joseph NZIRORERA** made regular, weekly weekend trips to Mukingo *commune*. During those visits **Joseph NZIRORERA** held meetings with local political and military officials at his mother's Busogo *secteur* residence. Persons that attended those meetings, including Juvenal KAJELIJELI, Casimir BIZIMUNGU and Augustin BIZIMUNGU, among others, agreed that they would combat the RPF and oppose the Arusha Accords by exterminating the Tutsi and prepared for attacks against the local Tutsi population by organizing military training for the *Interahamwe* and by stockpiling weapons and munitions and by distributing weapons to *Interahamwe* militiamen for use in future attacks.
19. Following an extraordinary congress of the MDR political party at Kabusunzu in Kigali on or about 26 July 1993 **André RWAMAKUBA** became associated with the party's extremist "Hutu Power" wing as a member of its executive team, along with Froudouald KARAMIRA, a leader of the party, and Jean KAMBANDA, a leading politician who would subsequently become Prime Minister in the Interim Government

of 8 April 1994. Thereafter **André RWAMAKUBA** traveled about his home *commune* in Gikomero in Kigali-rural *préfecture* and chaired meetings in Nduba, Shago and Kayanga *secteurs* and in neighboring *communes* in Rutongo, Rubungo and Kanombe, where he called upon the Hutu majority to oppose the Arusha peace agreement and to exterminate the Tutsi.

After 8 April 1994

An Interim Government policy of genocide:

20. The assassinations of President Juvénal HABYARIMANA and Army Chief of Staff Déogratias NSABIMANA on the evening of 6 April 1994 created a crisis of leadership for Rwandan civilian and military authorities. When Théoneste BAGOSORA was unable to take control through structures of authority in the Ministry of Defense or the FAR, extremist elements in the military and the MRND and "Hutu Power" political parties, including **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, **Edouard KAREMERA** and **André RWAMAKUBA**, agreed among themselves to impose an *interim civilian government* to fill the power vacuum. **Mathieu NGIRUMPATSE**, Col. Théoneste BAGOSORA, **Edouard KAREMERA**, **Joseph NZIRORERA**, **André RWAMAKUBA**, Donat MUREGO, Froudouald KARAMIRA, Hyacinthe Rafiki NSENGIYUMVA conspired amongst themselves and with other leading members of the MRND and "Hutu Power" opposition parties to assemble the Interim Government of 8 April 1994 with the intention of using the apparatus and resources of the state, and the legitimacy of state authority, to execute the destruction of Rwanda's Tutsi population.
- 20.1 The various participants in the conspiracy, including **Mathieu NGIRUMPATSE**, **Edouard KAREMERA**, **Joseph NZIRORERA** and **André RWAMAKUBA**, convened in meetings with Théoneste BAGOSORA at the Ministry of Defense on morning and afternoon of 8 April 1994, by which time Presidential Guard soldiers loyal to Col. Théoneste BAGOSORA, and subject to his effective control, had already killed Prime Minister Agathe UWILINGIYIMANA, *Parti Social Democrat* party chairman Frederick NZAMURAMBAHO, *Parti Liberal* party chairman Landouald NDASINGWA, Constitutional Court President Joseph KAVARUGANDA, all of who would otherwise have assumed control of the government or whose participation would have been required to constitute a new civilian authority under the terms of the Broad Based Transitional Government anticipated by the Arusha Accords or the 1991 Constitution, facts known to all members of the conspiracy by the afternoon of 7 April 1994.
- 20.2 **Mathieu NGIRUMPATSE**, **Edouard KAREMERA**, **Joseph NZIRORERA**, **André RWAMAKUBA**, Justin MUGENZI, Frodouald KARAMIRA, Jean KAMBANDA, among others, agreed among themselves and with others to place structures of authority in the MRND and "Hutu Power" political parties at the service of the Interim Government, through the Ministry of Interior and the territorial administration, and the military, through the Ministry of Defense and the FAR, as a means to mobilize extremist militiamen in the *Interahamwe* and

Impuzamugambi militias and armed civilians to attack, kill and destroy Rwanda's Tutsi population.

- 20.3 This agreement was manifested in various orders, directives and instructions issued to *préfets* and *bourgmestres* and to the general population during the course of April, May and June 1994, among them (i) the *Prime Minister's Instructions to restore security in the country* of 27 April 1994; (ii) the *Directives of the Prime Minister to All Préfets on the Organization of Civil Defense* of 25 May 1994; (iii) the *letter to All Préfets on the Implementation of the Prime Minister's directive on the organization of Civil Defense* of 25 May 1994; (iv) the *Ministerial Instructions to the Préfets of the Préfectures on the Use of Funds Earmarked for the Ministry of Interior and Communal Development for Civil Self-Defense* of mid-June 1994; and (v) the *letter to Commandant de Secteur Anatole NSENGIYUMVA for the Opération de ratissage à Kibuye* of 18 June 1994, among others, all of which were issued on the basis of unanimous agreement [*consensus*] during various cabinet meetings [*conseils des ministres*] of the Interim Government and derived from recommendations from the MRND Steering Committee, including **Mathieu NGIRUMPATSE**, **Edouard KAREMERA** and **Joseph NZIRORERA**.
21. These various agreements and initiatives in furtherance of the agreements were intended to galvanize anti-Tutsi fear and loathing among the Hutu population and to mold it into a lethal apparatus, in the form of militias trained and armed with resources from the state, for deployment in a campaign of destruction against the Tutsi as a group.

Count 2: DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE

The Prosecutor charges **Edouard KAREMERA**, **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, and **André RWAMAKUBA** with **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE** pursuant to Articles 2, 6(1) and 6(3) of the Statute of the Tribunal in that during the period 1 January – 17 July 1994 **all named accused**, directly and publicly incited other persons to destroy in whole or in part, the Tutsi racial or ethnic group, committed as follows:

22. **All named accused** prepared or otherwise aided and abetted in the planning, preparation and execution of a campaign of propaganda to instigate and incite the broad masses of Hutu subsistence farmers, particularly the members of the political party "youth wing" militias, to target Tutsi for attack or to join in or support the killing of the Tutsi population. **All named accused** participated in public meetings and rallies and made public statements, some of which were broadcast in the mass media, that were intended to foment fear and loathing of the Tutsi among Rwanda's Hutu citizens. Furthermore, **Mathieu NGIRUMPATSE**, among others, participated in the creation and the financing of the RTLM radio station, which served as a vehicle for disseminating their extremist ideology.
23. Over the course of January through June 1994 **Mathieu NGIRUMPATSE** made statements at various public meetings and gatherings, or publicly associated himself with statements or acts by other persons at such gatherings, that characterized all Tutsi

as "the enemy" or as "accomplices of the enemy" or as "accomplices of the RPF" intending to instigate those in attendance to "fight the enemy" and to physically attack, harm and destroy the Tutsi as a group.

- 23.1 On a date uncertain during February 1994 **Mathieu NGIRUMPATSE** addressed a rally at Nyamirambo Stadium in Kigali. The rally assembled leading politicians that espoused the cause of "Hutu Power" and ended with chants of "*Tubatsembasembe*" [*"Let us exterminate them"*], referring to the Tutsi. Members of the *Interahamwe* participated in the rally.
- 23.2 On or about 8 April 1994 **Mathieu NGIRUMPATSE** participated in a meeting with local MRND party officials in Gitega *secteur* in Kigali-ville *préfecture* during which he exhorted those in attendance to "*work harder now that the President was dead*". Immediately thereafter several groups of *Interahamwe* militiamen in attendance were dispatched to Gitarama, Kibuye, and Gisenyi to commence the killing of the Tutsi population.
24. Over the course of January through June 1994 **Joseph NZIRORERA** made statements at various public meetings and gatherings, or publicly associated himself with statements or acts by other persons at such gatherings, to instigate and incite those in attendance to "fight the enemy" and to destroy the Tutsi as a group. Furthermore after 6 April 1994 **Joseph NZIRORERA** often publicly congratulated groups of militiamen for having killed Tutsis, thereby instigating and inciting militiamen and other armed civilians to participate in further attacks against the Tutsi population.
 - 24.1 On or about the evening of 6 April and the morning of 7 April 1994 **Joseph NZIRORERA** participated in meetings in Mukingo and Nkuli *communes* and delivered firearms to militiamen and exhorted them to start killing the Tutsi population in Ruhengeri. **Joseph NZIRORERA** went so far as to instruct that the killings should begin with one of his own daughters born of NYABUHU, a Tutsi woman, to incite participants to kill all Tutsi without exception.
 - 24.2 On one particular occasion sometime after 6 April 1994 during a grandiose "passing out" ceremony for newly trained *Interahamwe* militias **Joseph NZIRORERA** publicly thanked military instructors and further praised the *Interahamwe*, urging the militiamen to continue in their mission and acknowledging their accomplishments since no single Tutsi in the *commune* had survived.
 - 24.3 On a date unknown between 6 April and 30 April 1994 **Joseph NZIRORERA** along with several Presidential Guard soldiers arrived at the Canadian Embassy in Kigali searching for the wife of President of the Supreme Court Joseph KAVARUGANDA. Failing to locate her, **Joseph NZIRORERA** shouted, "*All Tutsis who are here should die!*" loud enough to be heard by militiamen at a nearby roadblock, referring to persons sheltered in the Embassy. Later that same day those same militiamen killed several Tutsi youth that had taken shelter in the courtyard of the Canadian Embassy, exclaiming, "*Now that Nzirorera has given us the order to kill all the Tutsi we must eliminate you.*"
 - 24.4 On or about 30 April 1994 at a meeting of the *conseil de sécurité* in Kigali **Joseph NZIRORERA** publicly thanked the *Interahamwe* of Kigali for the good work that they were doing and offered them money for the purchase of beer.

Tharcisse RENZAHU and Laurent SEMANZA, among others, also participated in the meeting. All participants were aware that *Interahamwe* in Kigali were systematically killing Tutsi residents at roadblocks and in neighborhood patrols. When a participant at the meeting asked for an explanation of who the enemy was, **Joseph NZIRORERA** responded that "*a Hutu who joined the RPF is our fool, while a Tutsi who joined the MRND is now the enemy of the country*", concluding that "*a Tutsi is the enemy of Rwanda.*" Such remarks were intended to, and had the consequence of, inciting attacks upon all Tutsi.

- 24.5 On or about 6 May 1994 **Joseph NZIRORERA** participated in a large meeting with high level government officials, including Prime Minister Jean KAMBANDA, in Ruhengeri *préfecture*. The Prime Minister encouraged the audience to work their fields, but with gun in hand in case of an attack, and explained that the government was negotiating for assistance to win the war. By that time massive killings of Tutsi civilians in Ruhengeri had already substantially eliminated the Tutsi population in the region. **Joseph NZIRORERA**'s public association and endorsement of Interim Government ministers and policies were intended to, and had the consequence of, inciting further attacks upon the Tutsi.
- 24.6 Also sometime in May or June 1994 **Joseph NZIRORERA**, along with Minister of Foreign Affairs Jérôme-Clément BICAMUMPAKA, participated in a ceremony at the Mukingo *bureau communal* for the re-investiture of Juvenal KAJELIJELI as *bourgmestre*. *Interahamwe* militiamen assembled and paraded for the delegation, whereupon **Joseph NZIRORERA** thanked them for the "excellent work" that they had done, referring to the killings of Tutsis. Such remarks incited militiamen and armed civilians to participate in further attacks against the Tutsi population.
25. During April, May and June 1994 **Edouard KAREMERA** made statements at various public meetings and gatherings, or publicly associated himself with statements from other MRND and "Hutu Power" politicians, or publicly championed policies of the Interim Government intended to characterize all Tutsi as "the enemy" or as "accomplices of the enemy" or as "accomplices of the RPF", thereby instigating and inciting those in attendance to "fight the enemy" and to physically attack and to destroy the Tutsi as a group.
 - 25.1 On or about 3 May 1994 **Edouard KAREMERA** participated in a large meeting called by Interim Government officials at the Kibuye *bureau communal*. Prime Minister Jean KAMBANDA addressed the gathering and promoted "civil defense" as a means to combat the RPF, reporting that the war was in "all *communes*" in Rwanda. Eliezer NIYITEGEKA made comments that characterized Tutsi children as "the enemy". **Edouard KAREMERA** also addressed the gathering and paid tribute to the *Interahamwe* and called upon them to "*flush out, stop and combat the enemy*" in collaboration with the "youth wings" of the other parties. The speeches and some of the commentary from that meeting were re-broadcast to the nation by Radio Rwanda several days later on or about 9 May 1994.
 - 25.2 On or about 16 May 1994, President SINDIKUBWABO, accompanied by **Edouard KAREMERA**, held a "security" meeting in Kibuye during which he

thanked Kibuye *préfet* Clement KAYISHEMA for accomplishing his mission, referring to the killings of Tutsi in Kibuye.

- 25.3 Attacks against the Tutsi population in Kibuye escalated after the 3 May 1994 meeting and after the Radio Rwanda re-broadcast of that meeting under circumstances in which **Edouard KAREMERA** knew or had reason to know or must have known and intended that his subsequently repeated public statements, associations and endorsements would incite further killings of Tutsis in Kibuye.
26. During the period from January through June 1994 **André RWAMAKUBA** made statements at various public meetings and gatherings in Gikomero *commune*, or publicly associated himself with statements or acts by other persons at such gatherings, that characterized all Tutsi as “the enemy” or as “accomplices of the enemy” or as “accomplices of the RPF” as a means of inciting those in attendance to “fight the enemy” and to physically attack and destroy the Tutsi as a group. Furthermore after 6 April 1994 **André RWAMAKUBA** often praised and publicly congratulated militiamen for having killed Tutsis, thereby instigating and inciting militias and other armed civilians to participate in further attacks upon the Tutsi population.
 - 26.1 During those “sensitization” campaigns in Gikomero in early 1994 **André RWAMAKUBA** occasionally circulated in a vehicle equipped with a public address system exhorting Hutus to unite in order to get rid of the Tutsi, repeatedly making statements such as “*the time has come for the Hutus to get rid of the enemy*”.
 - 26.2 On a date unknown between 6 – 12 April 1994 **André RWAMAKUBA** traveled to Gikomero *commune* to instigate local residents to commence or to participate in killing the Tutsi population. On that occasion he instigated a crowd gathered near the Gikomero *bureau communal* to kill several persons among them that were identified as Tutsi.
 - 26.3 On a date unknown between 8 and 30 April 1994 **André RWAMAKUBA** was appointed spokesman for the Interim Government and in that capacity delivered radio addresses and communiqués on Radio Rwanda and RTL M encouraging the *Interahamwe* to continue the hunt for Tutsis. Furthermore, **André RWAMAKUBA** regularly returned to Kigali to assess the situation and the activities of the *Interahamwe*. Throughout May and June 1994 **André RWAMAKUBA** made regular radio broadcasts where he appealed to *Interahamwe* militiamen to continue to hunt down the Tutsis wherever they were hiding and to exterminate them.

Count 3: GENOCIDE

The Prosecutor charges **Edouard KAREMERA**, **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, and **André RWAMAKUBA** with **GENOCIDE** pursuant to Articles 2, 6(1) and 6(3) of the Statute of the Tribunal in that during the period 1 January – 17 July 1994 **all named accused** were responsible for killing or causing serious bodily or mental harm to members of the Tutsi population, or deliberately inflicting conditions of life upon the Tutsi

population that were calculated to bring about its physical destruction, with the intent to destroy, in whole or in part, the Tutsi racial or ethnic group, committed as follows:

27. During 1994, particularly between 6 April and 17 July, **Mathieu NGIRUMPATSE, Joseph NZIRORERA, Edouard KAREMERA, and André RWAMAKUBA** planned, instigated, ordered, participated in [*committed*], or otherwise aided or abetted a campaign of destruction against the Tutsi throughout Rwanda. In so doing ***all named accused***, individually and severally, and acting in concert with others in the nature of a joint criminal enterprise, mobilized the physical and logistical resources of their respective political parties and the Interim Government ministries controlled by those parties, and the military, to target Rwanda's Tutsi population as "the enemy" or as "accomplices of the enemy" and to attack, kill and destroy the Tutsi as a group.
28. In furtherance of the objectives of the joint criminal enterprise, ***all named accused*** participated in creating, organizing and exercising control over political party "youth wing" militias. These militias responded to their authority as senior officials in the MRND or MDR-"Power" political parties. The accused, directly or indirectly, provided military training to the militias, caused weapons to be distributed to the militias, and participated in indoctrinating the militias with anti-Tutsi propaganda, intending that the militias would lead or participate in killing and harming the Tutsi population in response to their orders and instructions.
29. ***All named accused*** participated in formulating, articulating, publicizing, and legitimizing policies of the Interim Government of 8 April 1994 that were used to dismantle any resistance to the campaign of violence against the Tutsi population in the territorial administration and in civil society, including the dismissal and replacement of *préfets* and *bourgmestres* and civil servants that did not support the campaign of violence against the Tutsi population.
30. ***All named accused***, individually and severally, and acting in concert, organized or authorized a state-endorsed program of "civilian self defense" whereby officials in the territorial administration [*préfets, bourgmestres* and *conseillers*] and officials in the MRND and MDR-"Power" political parties recruited civilians, usually local Hutu youth, and consolidated them with political party "youth wing" militias under the authority of retired military officers and reservists. In so doing ***all named accused*** collaborated with segments of the military and enlisted the resources and logistics of the Ministry of Defense and the *Forces Armées Rwandaises* and structures of authority in the territorial administration, governed by the Ministry of the Interior, to distribute firearms to political party "youth wing" militias and to legitimize and control the setting up of roadblocks and the tracking and killing of civilians at such roadblocks. Furthermore, this "civilian self defense" corps was deployed in armed patrols to identify, search out and kill the Tutsi population.
31. As the RPF pushed the line of battle against the FAR southward and westward, ***all named accused*** enlisted structures of authority in the MRND and "Hutu Power" political parties and the territorial administration to recruit, organize and deploy militiamen and armed civilians, supported by soldiers, *gendarmes* and communal police, to target and kill Rwanda's Tutsi population and to kill persons deemed to be political opponents. These systematic attacks against the Tutsi occurring between 6 April and 17 July 1994 claimed the lives of over 75% of the Rwanda's Tutsi population; over 500,000 persons, including men, women, children and the elderly. Furthermore, thousands of Hutu that were deemed or presumed to be "accomplices" of

the Tutsi because of their political opposition to "Hutu Power" or their resistance to the campaign of violence against the Tutsi were targeted in attacks and were also killed.

- 31.1 Over the weekend of 8 – 10 April 1994 soldiers and militiamen set up roadblocks in Kigali and checked the identity cards of passers-by and killed most of those who were identified as Tutsi. **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA** and **Edouard KAREMERA** exercised control over *Interahamwe* at the roadblocks and were aware of the killings, as demonstrated by their directions to militiamen to stop the killings temporarily when international journalists present in Kigali began to issue reports on the widespread killing that criticized the government.
- 31.2 On or about 10 April 1994 **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA** and **Edouard KAREMERA** convened a meeting with the national leadership of the *Interahamwe* at the *Hotel des Diplomates* that included participation from the recently appointed Interim Government ministers. **Mathieu NGIRUMPATSE** directed the *Interahamwe* leaders to control their men and to invoke the authority of the Interim Government to organize the removal corpses from the streets. The campaign was deemed one of "*pacification*", though essentially, and practically, it was a means of exerting control and direction over *Interahamwe* militias so that the killings would be focused on the most important targets first, the Tutsi intellectuals, and so that the killings would proceed with greater discretion.
- 31.3 Even as they attempted to control the killings at roadblocks, **Mathieu NGIRUMPATSE** and **Joseph NZIRORERA** made arrangements with Theoneste BAGOSORA to obtain firearms from the Ministry of Defense and caused such weapons to be distributed to militiamen in Kigali, intending that they be used to attack and kill the Tutsi population.
- 31.4 On or about 11 April 1994 **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, **Edouard KAREMERA**, and **André RWAMAKUBA** participated in a meeting of the Interim Government with all *préfets* at the *Hotel des Diplomates* in Kigali, intending to mobilize the territorial administration in the campaign of destruction against the Tutsi. During that meeting the *préfets* in attendance made reports on the situation of "security" in their respective regions. Butare and Gitarama *préfectures* were labeled inactive because the killings of Tutsi had not advanced.
- 31.5 By 12 April 1994 soldiers and militiamen responding to orders and instigations of attacks from national leaders of the MRND and highly placed government officials, including **Mathieu NGIRUMAPTSE**, **Joseph NZIRORERA**, **Edouard KAREMERA**, and **André RWAMAKUBA**, had killed thousands of civilians in Kigali and throughout Rwanda. The victims were primarily of Tutsi ethnic or racial identification but also included persons deemed to be political opponents to "Hutu Power". Cumulatively *all named accused* are responsible for the killings by virtue of their control and authority over militiamen that perpetrated the attacks and as a result of their instigation and incitement of anti-Tutsi violence among militiamen and armed civilians responding to their authority and because they failed to prevent or halt such attacks, or to punish the perpetrators thereof, when they had the material capacity to do so.

- 31.6 On the morning of 12 April 1994 **Mathieu NGIRUMPATSE, Joseph NZIRORERA, Edouard KAREMERA, and André RWAMAKUBA** accompanied the Interim Government in its flight to Gitarama as RPF troops descended upon Kigali from the north.
- 31.7 Over the course of the next two months, until early June 1994, the Murambi Training School in Gitarama served as the temporary headquarters of the Interim Government. High level officials of those political parties represented in the Interim Government, including **Mathieu NGIRUMPATSE, Joseph NZIRORERA, Edouard KAREMERA, and André RWAMAKUBA** convened on a regular basis throughout that period, with each party meeting separately to consider policy matters, after which the various ministers of the respective parties convened in the *conseils des ministres* to set the policy for the government. The *conseils des ministres* or various other meetings of Interim Government ministers convened on numerous occasions throughout that period, almost on a daily basis, but notably on 16, 17, 18, 21, 22, 23 and 27 April 1994 and 25 May.
- 31.8 During these numerous cabinet meetings the Interim Government adopted directives and issued instructions to the *préfets* and the *bourgmestres*. The decisions, which were then passed on to the general public, were intended to instigate and aid and abet further attacks against the Tutsi population. In order to ensure that the directives and instructions were carried out Jean KAMBANDA's Interim Government designated a minister from each *préfecture* to be responsible for what was termed "*pacification*". Interim Government ministers were dispatched to their *préfectures* of origin to incite further killings and to exercise control over the militias. During several *conseils des ministres* the various ministers made requests for weapons to distribute in their respective home *préfectures*, knowing and intending that the weapons would be used to attack and kill the Tutsi population.
- 31.9 On or about 17 April 1994 the *conseil des ministres* of the Interim Government convened to review the status of office-holders in the territorial administration. They removed the *préfets* of Butare and Kibungo, both of whom were known to have opposed the attacks upon the Tutsi population, and appointed several new *préfets* that embraced the Interim Government's policy of targeting Tutsi civilians as "the enemy". These decisions on appointments of *préfets* were broadcast to the nation in a Radio Rwanda communiqué read by Minister of Information Eliézer NIYITEGKA on or about that same day. The new office-holders would be installed on 19 April.
- 31.10 The Interim Government also controlled the appointments, promotions and transfers of military officers throughout the country. Officers in the *gendarmerie* that were perceived as not supporting the Interim Government policy of attacking the civilian Tutsi population were transferred from the interior of the country, where they were duty-bound to maintain security, to the battlefield with the RPF in or near Kigali, so that the attacks against the Tutsi in Butare, Kibuye and elsewhere would not be impeded. The Interim Government also recalled into active service certain retired military officers that were closely associated with extremist currents in the Habyarimana government. These retired colonels were then installed as regional managers of the "civil defense".

- 31.11 On or about 18 April 1994 **Mathieu NGIRUMPATSE**, **Edouard KAREMERA**, **André RWAMAKUBA**, Justin MUGENZI, Eliezer NIYITEGEKA, Jean-Bosco BARAYAGWIZA, among others, participated in a meeting at the Murambi Training School during which the *préfet* and several *bourgmestres* from Gitarama *préfecture* requested Prime Minister Jean KAMBANDA to provide reinforcements to protect the Tutsi population and to restore order in the region. Instead, several Interim Government ministers and political party leaders, notably **Mathieu NGIRUMPATSE**, **Edouard KAREMERA** and Justin MUGENZI, pressured the Gitarama delegation to stop protecting the Tutsi population and instead to allow killings of Tutsi civilians by *Interahamwe* to proceed.
- 31.12 On or about 19 April 1994, Interim President SINDIKUBWABO addressed a public rally in Butare *préfecture* and encouraged those that did not adopt the government program to “*step aside*”. Thereafter, killings of Tutsi civilians started or accelerated in Butare. The rally was also the occasion on which the Interim Government publicly deposed the only Tutsi *préfet* in Rwanda, Jean-Baptiste HABYALIMANA of Butare, a member of the *Parti Liberal*, and replaced him by Sylvain NSABIMANA.
- 31.13 On or about 19 April 1994 Justin MUGENZI, representing the Interim Government, traveled to Kibungo *préfecture* to participate in the public installation of Anaclet RUDAKUBANA as *préfet*. On or about 20 April 1994, Justin MUGENZI traveled to Gisenyi to participate in a rally at Umuganda Stadium to install a new Gisenyi *préfet*. Speaking on behalf of the Interim Government Justin MUGENZI ordered or instigated attacks against the Tutsi population, emphasizing the new *préfet*’s mission as the elimination of the Tutsis.
- 31.14 On or about 25 April 1994 **Mathieu NGIRUMPATSE**, **Edouard KAREMERA**, and Anatole NSENGIYUMVA, among others, participated in a meeting in Gisenyi called by Felicien KABUGA to create a *Fonds de Défense Nationale* to support the Interim Government in “*combating the enemy and its accomplices*.” By 25 April 1994 **all named accused** knew or had reason to know that militiamen armed by the military were incorporated in systematic attacks against the Tutsi population in Gisenyi and throughout Rwanda and that the *Fonds de Défense Nationale* was intended to re-provision the militias. The funds were deposited in an account in the *Banque Commerciale de Rwanda* to be used for the purchase of weapons for the army and the *Interahamwe*. Shortly thereafter Lt. Col. Anatole NSENGIYUMVA distributed weapons to militiamen in Gisenyi that were used to kill Tutsi men, women and children.
- 31.15 On 27 April 1994 the *conseils des ministres* again addressed the “civil defense”. By letter of the same date Prime Minister Jean KAMBANDA issued “*Instructions to restore security in the country*”, also addressed to *All Préfets*, reiterating the Interim Government policy of making all citizens responsible for “*unmasking the enemy and its accomplices*” and ordered or authorized the setting up of roadblocks, knowing that the roadblocks were being used to identify the Tutsi and their “accomplices” for the purpose of killing them. The *conseil des ministres* convened again on 29 and 30 April.

- 31.16 On or about 3 May 1994 **Edouard KAREMERA** participated in a large meeting called by Interim Government officials at the Kibuye *bureau préfectoral*. Prime Minister Jean KAMBANDA addressed the gathering and again promoted “civil defense” as a means to combat the RPF, reporting that the war was in “all *communes*” in Rwanda. **Edouard KAREMERA** also addressed the gathering and paid tribute to the MRND-*Interahamwe* and called upon them to “*flush out, stop and combat the enemy*” in collaboration with “youth wings” of the other parties. The speeches and some of the commentary from that meeting were re-broadcast to the nation by Radio Rwanda several days later on or about 9 May 1994.
- 31.17 On a date unknown between 1 May – 30 June 1994 **Joseph NZIRORERA**, along with Interim Minister of Foreign Affairs Jérôme-Clément BICAMUMPAKA, participated in a ceremony at the Mukingo *bureau communal* for the re-investiture of Juvenal KAJELIJELI as *bourgmestre*. *Interahamwe* militiamen assembled and paraded for the delegation, whereupon **Joseph NZIRORERA** thanked them for the “excellent work” that they had done, referring to the killings of Tutsis.
- 31.18 Throughout April, May and June 1994 local officials in the MRND and MDR-“Power” political parties and the territorial administration organized attacks against the Tutsi that took refuge in the Bisesero hills, resulting in the deaths of tens of thousands of Tutsi men, women and children. Groups of *Interahamwe* and *gendarmes* brought in from Gisenyi, Cyangugu and Kigali reinforced local attackers in Kibuye during several large scale attacks in mid-May. Well-coordinated attacks on 13 and 14 May 1994 that caused the deaths of several thousands of persons are particularly noteworthy. **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA**, **Edouard KAREMERA**, and **André RWAMAKUBA** knew or had reason to know of these attacks against civilians committed by persons over whom they exercised effective control and failed to take the necessary and reasonable measure to prevent such crimes or to punish the perpetrators.
- 31.19 On or about 16 May 1994, President SINDIKUBWABO, accompanied by **Edouard KAREMERA**, held a “security” meeting in Kibuye during which he thanked Kibuye *préfet* Clement KAYISHEMA for accomplishing his mission, referring to the killings of Tutsi in Kibuye.
- 31.20 On or about 17 May 1994, during a meeting of the *conseil des ministres*, the Interim Government implemented measures to manage the “civil defense force”, formally entrusting the Minister of Defense [Augustin BIZIMANA], the Minister of the Interior [**Edouard KAREMERA**], the Minister of Primary and Secondary Education [**André RWAMAKUBA**], the Minister of Youth and Sports [Callixte NZABONIMANA], the Minister for Family Affairs [Pauline NYIRAMASUHUKO], and the Minister of Tourism [Gaspard RUHUMULIZA] with responsibility for the “civil defense program”.
- 31.21 On or about 25 May 1994 **Edouard KAREMERA** was sworn in as Minister of the Interior. Jean de Dieu KAMUHANDA was also sworn in as Minister of Higher Education, replacing Daniel MBANGURA, who became a special advisor to the President.

- 31.22 Also on or about 25 May 1994 the Ministry of the Interior issued a *letter to All Préfets on the Implementation of the Prime Minister's directive on the organization of Civil Defense*. Its purpose was to legalize the distribution of weapons to the militiamen on the one hand and to legitimize the massacres of the civilian population on the other. As part of the "civil defense" program, the Interim Government, by ministerial decision, appointed several military officers to lead the "self defense committees" established in each *préfecture*. Some of these officers took an active part in the massacres, including Col. Alphonse NTEZIRYAYO in Butare, who subsequently replaced Sylvain NSABIMANA as Butare *préfet* when the Interim Government yet again deemed authorities in Butare insufficiently aggressive in the campaign of violence against the Tutsi.
- 31.23 Among the newly appointed regional leaders of the "civil defense" was Maj. Damascene UKULIKIYEYEZU, designated for Gitarama *préfecture*. When the Interim Government appointed several new *sous-préfets* for Gitarama, Interim Government Minister for Youth and Sports Callixte NZABONIMANA, originally from Gitarama, and the new appointees supported Maj. Damascene UKULIKIYEYEZU, then operating as *de facto préfet* in Gitarama, in directing the resources of the *préfecture* toward the ends of the "civil defense": extermination of the Tutsi in Gitarama. The Interim Government deposed the former *préfet* of Gitarama in early June 1994, after which he went into hiding, one of the few deposed *préfets* that managed to escape the wrath of the Interim Government's campaign of violence. Both Jean-Baptiste HABYALIMANA, of Butare, and Godfroide RUZINDANA, from Kibungo, were killed shortly after the Interim Government removed them.
- 31.24 Throughout April and May the Interim Government met regularly in *conseils des ministres* to attend to the affairs of state, which at that time included war with the RPF and systematic attacks against Rwanda's domestic Tutsi population. Cabinet meetings were held on or about 20, 25, 30 and 31 May 1994.
- 31.25 The Interim Government retreated to Gisenyi sometime after 5 June 1994. The arrival of the Interim Government in Gisenyi provoked a fresh wave of killings of Tutsi civilians in Gisenyi. A number of influential Tutsis that had managed to survive until then by hiding in the Meridien Hotel were forced to vacate the hotel and were eventually killed.
- 31.26 On several occasions on dates unknown in June 1994 **Mathieu NGIRUMPATSE**, **Edouard KAREMERA** and **Joseph NZIRORERA** participated in meetings with influential businessmen linked to the MRND political party and "Hutu Power". The purpose of the meetings was to raise funds to buy weapons to be distributed to soldiers, *Interahamwe* and other militias. At that time *all named accused* knew or had reason to know that *Interahamwe* and other militias were systematically attacking the civilian Tutsi population in Gisenyi and throughout Rwanda and that re-provisioning of militiamen would lead to further killings of civilians.
- 31.27 On or about 17 June 1994 the Interim Government convened in a *conseil des ministres*, whereupon it decided to request reinforcements from Gisenyi *commandant de secteur* Lt. Col. Anatole NSENGIYUMVA for further attacks upon surviving Tutsi in the Bisesero hills in Kibuye *préfecture*. Minister of

Interior **Edouard KAREMERA** participated in the *conseil des ministres* and made the formal written request to Lt. Col. NSENGIYUMVA the following day. Attacks against those Tutsi that had survived the major attacks in May and early June continued with reinforcements of *Interahamwe* from Gisenyi, Cyangugu and Kigali, causing many deaths.

- 31.28 During June and July 1994 the Interim Government assembled regularly in *conseils des ministres* and various other meetings to manage the affairs of state, which at that time included provisioning militias and the army for continued attacks against the Tutsi population.
- 31.29 *All named accused*, individually and severally, exercised effective control over the *Interahamwe* militias and the expanded corps of militiamen that were incorporated under the authority of the territorial administration and the “Hutu Power”-affiliated political parties, including the MRND, in the “civil defense program”.
- 31.30 *All named accused* were regularly apprised of the killings and the widespread violence against the Tutsi population committed by militiamen subject to their control. Each accused knew or had reason to know that crimes were about to be committed or had been committed by their subordinates. The circuits of information that brought news of the widespread killings were the same that provided structures of authority for effective control of the militiamen: the territorial administration and MRND and MDR-“Power” political parties.
- 31.31 Furthermore, the killings of Tutsi civilians and of political opponents or others deemed to be “accomplices” of the enemy were so widespread and were committed so openly that each accused must have known, or ought to have been aware of the attacks.
- 31.32 *All named accused* had the material capacity to halt or prevent killings by militiamen, or to punish or sanction those that committed such acts, but failed to take the necessary and reasonable measures to prevent such killings or to punish the perpetrators thereof. Moreover, both practically and legally, the Interim Government exercised authority over the military. Given the procedures established for decision-making and enforcement in the Interim Government, the MRND dominated policy-making for the Interim Government and retained substantial influence over high-level military officers, affording **Mathieu NGIRUMPATSE**, **Joseph NZIRORERA** and **Edouard KAREMERA**, through the Ministries of Defense and the Interior, the means to call upon the army, the *gendarmerie* and communal police to halt, prevent or punish militiamen that were committing attacks upon the civilian population, or failing that, making it incumbent upon them to denounce the killings and those that committed them. The accused did neither. Furthermore the accused (i) employed structures of authority in the territorial administration to dispose of the corpses of victims of the killings expeditiously, attempting to conceal such crimes from international media scrutiny; (ii) used their control of the mass media to mischaracterize the killings, all the while encouraging or tacitly abetting the killings, and (iii) dispatched emissaries of the Interim Government, or themselves undertook missions abroad, to purchase weapons and provisions for the army and the militias and to misinform the world and legitimize the Interim Government, and its crimes, in international forums.

32. In furtherance of the joint criminal enterprise to destroy the Tutsi population throughout Rwanda, **Mathieu NGIRUMPATSE** planned, prepared, ordered, and aided and abetted attacks against the Tutsi population in Kigali-ville, Cyangugu and Kibuye *préfectures*.
- 32.1 On or about 1 January 1993 **Mathieu NGIRUMPATSE**, André NTAGERURA, Casimir BIZIMUNGU and Yusuf MUNYAKAZI, among others, participated in a meeting in Nyakabuye *commune* in Cyangugu *préfecture* where **Mathieu NGIRUMPATSE** officially propounded the new ideology of the *Interahamwe*, which gave "the green light to combat with arms the Tutsi enemy wherever he was found".
- 32.2 On or about 5 July 1993 **Mathieu NGIRUMPATSE** traveled to Cyangugu and gave money to Yusuf MUNYAKAZI to purchase guns and boots for the *Interahamwe* there. Around two weeks later **Mathieu NGIRUMPATSE** returned to Yusuf MUNYAKAZI's Cyangugu home and inspected the guns and boots and promised to provide monthly payments to the *Interahamwe*.
- 32.3 Sometime in July 1993 **Mathieu NGIRUMPATSE** participated in a meeting in Karengera *commune*, Cyangugu *préfecture*, along with André NTAGERURA, Yusuf MUNYAKAZI, army lieutenant NDAMUKIZE and the *bourgmestre* of Karengera, among others, where he told a group of approximately 70 new *Interahamwe* recruits that they were being prepared to combat the "Tutsi enemy", who should be "encircled and exterminated" if the Arusha Accords were signed.
- 32.4 On or about 15 April 1994 **Mathieu NGIRUMPATSE** contacted Yusuf MUNYAKAZI by telephone and ordered him to send reinforcements to Kibuye. Immediately thereafter Yusuf MUNYAKAZI gathered together a large number of *Interahamwe* militiamen, soldiers and armed Burundi refugees and traveled to Bisesero aboard ONATRACOM buses where they launched attacks against the Tutsi population. The attacks continued the next day with additional reinforcements in men, guns, grenades and munitions.
- 32.5 Sometime in early June 1994 **Mathieu NGIRUMPATSE** returned to Cyangugu *préfecture* with an Interim Government delegation and addressed a gathering at the MRND Palace where he asked the population to search for Tutsi survivors and exterminate them.
33. In furtherance of the joint criminal enterprise to destroy the Tutsi population throughout Rwanda, **Joseph NZIRORERA** undertook specific initiatives in Ruhengeri, his *préfecture* of origin. Even prior to January 1994, and continuing through to late June 1994, **Joseph NZIRORERA** made regular weekend trips to Mukingo and Nkuli *communes* to plan, prepare and organize the killing of the Tutsi population.
- 33.1 To this end **Joseph NZIRORERA** held meetings in Ruhengeri with local and regional civilian and military authorities, including Casimir BIZIMUNGU, president of the MRND in Ruhengeri, Col. Augustin BIZIMUNGU, *commandant de secteur* in Ruhengeri, Juvenal KAJELIJELI, intermittently *bourgmestre* of Mukingo *commune*, Esdras BAHEZA, a businessman in Mukingo, among others.

- 33.2 The meetings usually took place at the Busogo *secteur* residence of **Joseph NZIRORERA**'s mother or at **Joseph NZIRORERA**'s Mukingo *commune* residence. Meetings were also held at the ISIMBI building in Busogo *secteur*, the local headquarters of the *Interahamwe*, and at the residences of other MRND leaders. During those meetings **Joseph NZIRORERA** and others present agreed to combat the RPF and to oppose the Arusha Accords by exterminating the Tutsi population.
- 33.3 During those meetings **Joseph NZIRORERA** and others agreed to provide financial support, weapons, uniforms, provisions, and logistical and administrative support for the creation, military training, indoctrination and organization of *Interahamwe* militias.
- 33.4 From mid-1993 onwards **Joseph NZIRORERA** also participated in the formation of the AMIHINDURE, a related group of militiamen in Nkuli and Mukingo *communes* within the broader category of the *Interahamwe*. Juvenal KAJELIJELI became responsible for recruiting, training and organizing the AMIHINDURE, who were regarded as owing personal loyalty to, and operating under the control of, **Joseph NZIRORERA** and Juvenal KAJELIJELI.
- 33.5 Prior to April 1994 the AMIHINDURE ["Volcanic Lava Force"] was composed of approximately 80 young men. All members were of Hutu racial or ethnic identity. The AMIHINDURE wore *Interahamwe* kitenge uniforms, provided by **Joseph NZIRORERA**, and received military training and firearms from FAR officers from the nearby Mukamira military camp. **Joseph NZIRORERA** regularly supervised the military training of the AMIHINDURE and addressed the recruits in various meetings and gatherings, at which time he explained that their mission was to exterminate all Tutsi throughout Ruhengeri *préfecture* and to combat the RPF.
- 33.6 After 6 April 1994 the AMIHINDURE expanded in number to almost 700 members. During April, May and June of 1994 **Joseph NZIRORERA** continued to provide material and logistical support, including military training, weapons, provisions, and indoctrination to AMIHINDURE and *Interahamwe* militiamen in Mukingo and Nkuli *communes*. **Joseph NZIRORERA** addressed the expanded corps of militiamen during numerous meetings, gatherings and rallies, at which times he instigated them to exterminate the Tutsi population.
- 33.7 **Joseph NZIRORERA** participated in decisions taken at a meeting at his mother's Busogo *secteur* residence on the evening of 6 April 1994 or the morning of 7 April 1994 or both. Other participants at one or the other of those meetings were Casimir BIZIMUNGU, Augustin BIZIMUNGU, and Juvenal KAJELIJELI. During the meeting that took place on or about the early morning of 7 April 1994 **Joseph NZIRORERA** agreed with the other participants and ordered that *Interahamwe* militias and locally recruited armed civilians should attack and kill the Tutsi population in Mukingo and Nkuli *communes*.
- 33.8 Some time thereafter, Juvenal KAJELIJELI circulated about Mukingo and Nkuli *communes* and ordered and instigated *Interahamwe* militias and armed civilians, including his own band of AMIHINDURE, to attack and kill the Tutsi

population, killing hundreds of unarmed Tutsi men, women, children and elderly persons and burning their homesteads. NYABUHU, a Tutsi woman, and the daughter she bore for **Joseph NZIRORERA** were among the first victims that were killed that morning, as he had previously instructed.

- 33.9 During the course of 7 April 1994 Juvenal KAJELIJELI, among others, executed the decisions taken with **Joseph NZIRORERA**, Casimir BIZIMUNGU and Augustin BIZIMUNGU earlier that morning by ordering and commanding members of the *Interahamwe* and other militiamen and armed civilians to attack and kill persons sheltered in the Busogo parish church.
- 33.10 Following those generalized attacks on the Tutsi in Ruhengeri of 7 April 1994 **Joseph NZIRORERA** made regular telephone calls to the Mukingo *bureau communal* for updates on the progress of the killings and to order further attacks against the Tutsi population. On or about 9 April 1994 **Joseph NZIRORERA** telephoned the *sous-préfecture* office in Busogo to find out if any Tutsi were hiding there. A few days later a group of *Interahamwe* armed with firearms attacked the *sous-préfecture* office and killed over 40 persons.
- 33.11 On or about 14 April 1994 gendarmes and *Interahamwe* militiamen attacked displaced Tutsi civilians that were sheltered in the Court of Appeals building in Kigombe *commune*, killing over 80 Tutsi men, women and children. **Joseph NZIRORERA**, along with *commandant de secteur* Col. Augustin BIZIMUNGU and other regional authorities, were responsible for ordering the attack and knew or had reason to know of the attack and that the perpetrators were persons over whom they exercised effective control. Subsequent to the killings **Joseph NZIRORERA** participated in public gatherings with *Interahamwe* militiamen and local and regional civilian and military authorities in Ruhengeri, many of who were known to have authorized or participated in the attack. On those occasions **Joseph NZIRORERA** praised militiamen for the killings of Tutsi throughout the *préfecture*.
- 33.12 Furthermore, sometime thereafter, on or about 16 April 1994 when Col. Augustin BIZIMUNGU was appointed Army Chief of Staff **Joseph NZIRORERA** traveled to Ruhengeri to congratulate Col. Augustin BIZIMUNGU personally on his appointment. This visit was one of the many trips that **Joseph NZIRORERA** made to Ruhengeri. He regularly visited Mukingo *commune* on the weekends in order to assess the situation and to monitor and supervise the military training of the *Interahamwe* militiamen.
34. In furtherance of the joint criminal enterprise to destroy the Tutsi population throughout Rwanda, **Edouard KAREMERA** planned, prepared, ordered, and aided and abetted attacks against the Tutsi population in Kibuye *préfecture*.
 - 34.1 Toward the end of April 1994 **Edouard KAREMERA** arrived in Mwendo *commune*, Kibuye *préfecture*, and addressed local administrative authorities and a small crowd that gathered to greet him, whereupon he explained that Tutsis in Bisesero were attacking Hutus and "... now that [they had] finished Tutsis of this area and the problem is there in Bisesero ..." that they should go to Bisesero to help Hutus there to kill Tutsis.

- 34.2 Sometime in mid-May 1994, on or about 13 May 1994, national and regional political authorities from Kibuye that were known to collaborate with **Edouard KAREMERA**, and who were present for **Edouard KAREMERA**'s address during the meeting at the Kibuye *préfecture* office on 3 May 1994, arrived in Bisesero. Among them were Minister of Information Eliezer NIYITEGEKA, Kibuye *préfet* Clement KAYISHEMA, businessman Obed RUZINDANA, among other authorities, including several *bourgmestres* and *conseillers*, accompanied by *Interahamwe* militiamen, soldiers and *gendarmes*. These same authorities ordered, instigated and directed large-scale attacks against Tutsi civilians in Bisesero over the course of several days. Militiamen and soldiers taking orders from such authorities surrounded, searched out and combed the hills to kill Tutsis with firearms, machetes and clubs.
- 34.3 Attacks against the Tutsi of Bisesero continued through late June 1994, particularly after 17 June 1994 when Minister of Interior **Edouard KAREMERA**, on behalf of the Interim Government, requested military authorities to send reinforcements from Gisenyi to eliminate any surviving Tutsis in Bisesero. The requested "*ratissage*" ["mopping up" operation] was intended to destroy the Tutsi of Kibuye completely and to conceal the crimes of preceding months that would be revealed by the accounts of survivors.
35. In furtherance of the joint criminal enterprise to destroy the Tutsi population throughout Rwanda, **André RWAMAKUBA** planned, prepared, ordered, and aided and abetted attacks against the Tutsi population in his *commune* of origin in Gikomero. **André RWAMAKUBA** also ordered and instigated killings of Tutsi patients and displaced persons sheltered at Butare University Hospital.
- 35.1 On a date unknown between 6 – 12 April 1994, **André RWAMAKUBA** delivered bags of machetes to the home of André MUHIRE near Ndatemwa trading center in Gasabo *secteur* in Gikomero, his home *commune* in Kigali-rural *préfecture*, knowing and intending that they would be used in attacks against the local Tutsi population. On that occasion **André RWAMAKUBA** held a meeting with several influential local members of the MDR-"Hutu Power" political party. Several days later André MUHIRE distributed the machetes to local residents, who then used them to attack and kill the Tutsi population.
- 35.2 On a date unknown between 6 – 12 April 1994, **André RWAMAKUBA** went to Gikomero *commune*. On that occasion he instigated a crowd gathered near the Gikomero *bureau communal* to commence or to participate in killing the Tutsi population and ordered those assembled to kill several persons among them that were believed to be Tutsi. Thereupon members of the crowd armed with firearms, machetes and clubs seized two young men that **Andre RWAMAKUBA** had indicated and led them away to a forested area and killed them as he looked on.
- 35.3 On a date unknown between 8 April and 30 April 1994 **André RWAMAKUBA** was appointed spokesman for the Interim Government and in that capacity delivered radio addresses and communiqués on Radio Rwanda and RTL M encouraging the *Interahamwe* to continue the hunt for Tutsis. Furthermore, **André RWAMAKUBA** regularly returned to Kigali to assess the situation and the activities of the *Interahamwe*. Throughout May and June

1994 **André RWAMAKUBA** made regular radio broadcasts where he appealed to *Interahamwe* militiamen to continue to hunt down the Tutsis wherever they were hiding and to exterminate them.

- 35.4 On a date unknown between 18 and 25 April 1994 **André RWAMAKUBA**, along with another Dr. Geoffroy GATERA, ordered and instigated the killing of Tutsi displaced persons and patients at Butare University Hospital. On one occasion he instructed that several Tutsi patients be handed over to crippled FAR soldiers manning a roadblock near the *Ecole des Sous-Officiers* so that those soldiers would kill them there and feel like they were participating in the war. On another occasion **André RWAMAKUBA** referred to lists of Tutsi displaced persons at the hospital and checked the identity cards of patients and displaced persons and directed that persons identified as Tutsi be taken away in a vehicle that was commanded by *Interahamwe* militiamen armed with clubs and machetes.
- 35.5 On several occasions during that same period **André RWAMAKUBA** directly participated in killing several persons that were identified as Tutsi at the hospital, in one case striking a man with an axe across the head while he was lying on a hospital bed, causing his death.
- 35.6 On or about 28 April 1994 **André RWAMAKUBA** announced on Radio Rwanda that "*security had been restored in Butare because the inyenzi had been suppressed*", referring to massacres of Tutsi residents that had taken place after the sensitization campaign led by an Interim Government delegation in which he participated only days previously, on or about 25 April 1994.
- 35.7 Killings of Tutsi at the hospital continued and intensified through late May 1994, particularly after a meeting at the Faculty of Medicine held on or about 15 May 1994 when Prime Minister Jean KAMBANDA addressed university authorities, encouraging them to "*continue the fight until ultimate victory*".
36. By the time the Interim Government fled Rwanda in mid-July 1994 hundreds of thousands of unarmed men, women and children had been killed as a direct result of policies initiated and authorized by the MRND and affiliated "Hutu Power" political parties and executed through the instrumentalities of the state. Cumulatively the acts and omissions of **André RWAMAKUBA**, **Mathieu NGIRUMPATSE**, **Edouard KAREMERA** and **Joseph NZIRORERA** furthered the objectives of the joint criminal enterprise to destroy the Tutsi as a group and to exterminate the political opponents of "Hutu Power". This joint criminal enterprise was the means by which ***all named accused*** and other persons that favored, or sought to benefit from, the political regime of the MRND party-state attempted to combat the RPF and to perpetuate "Hutu Power" in Rwanda.
37. ***All named accused*** knew or had reason to know about the widespread attacks upon the Tutsi population and abetted the killings of Tutsi civilians by refraining from taking reasonable or practicable measures to criticize, publicly condemn or discourage the perpetrators of such attacks when they had the capacity and opportunity to do so, and instead undertook to conceal, mischaracterize or condone the killings. Furthermore the accused knew that perpetrators of the attacks were their subordinates or persons over whom they exercised effective control and nonetheless failed to take the necessary and reasonable measures to prevent such crimes or to punish the perpetrators thereof.

38. The generalized attacks upon the Tutsi population targeted Tutsi women, in particular. Sexual violence against Tutsi women, particularly rape and sexual torture, was often a prelude to killing them or the means by which death was inflicted upon them. Such serious bodily or mental harm inflicted upon Tutsi women was intended to destroy the capacity of persons of Tutsi ethnic or racial identity to sustain themselves physically or psychologically as a group, or to reproduce themselves as a group. Furthermore, given the historical antecedents and general context of the war, and the incitements and instigations of the accused therein, the acts and omissions of ***all named accused*** in furtherance of the joint criminal enterprise to destroy the Tutsi as a group had as its natural and foreseeable consequence attacks of a sexual nature against Tutsi women in particular, including rape and sexual torture.
39. ***All named accused*** instigated, ordered, participated in [*committed*] and otherwise aided and abetted the planning, preparation or execution of these attacks against the civilian Tutsi population as a strategy of war against the RPF and as acts of reprisal in warfare against the RPF. The physical or moral destruction of the Tutsi as a group was central to the Interim Government's strategy to combat and defeat the RPF militarily and politically. The accused intended to commit violence against the lives of protected persons, particularly Tutsis, and instigated killings of protected persons by participating in, and authorizing or supporting, by action or omission, the Interim Government decisions, directives, orders, policies, and incitements directed toward military and civilian authorities that characterized the Tutsi, without distinction, as "the enemy" or as "accomplices of the RPF", or aided and abetted such characterizations.
40. The massive slaughter of the Tutsi population and of political opponents of the Interim Government and the campaign of pillage, persecutions, sexual violence and mayhem against the Tutsi population were perpetrated by soldiers, militias, communal police, territorial administrative personnel and ordinary citizens that were armed, trained, indoctrinated, organized, commanded and instigated by ***all named accused***, acting in concert with a common plan or strategy and with a common purpose.

Or alternatively

Count 4: COMPLICITY IN GENOCIDE

The Prosecutor charges **Edouard KAREMERA, Mathieu NGIRUMPATSE, Joseph NZIRORERA, and André RWAMAKUBA** with ***COMPLICITY IN GENOCIDE*** pursuant to Articles 2 and 6(1) of the Statute of the Tribunal in that during the period 1 January – 17 July 1994 ***all named accused*** instigated or provided the means to other persons to kill or cause serious bodily or mental harm to members of the Tutsi population, or to deliberately inflict conditions of life upon the Tutsi population that were calculated to bring about its physical destruction, knowing that those other persons intended to destroy, in whole or in part, the Tutsi racial or ethnic group, committed as follows:

41. The allegations contained in paragraphs 22 through 39, above, are reiterated and incorporated herein by reference as a concise statement of facts to support the charges under this specific count of the Indictment.
42. Throughout April, May and June 1994 ***all named accused*** authorized structures of authority that they controlled in the MRND and MDR-"Hutu Power" political parties,

and the government ministries attributed to those political parties, to be used for recruitment of, and arms distributions to *Interahamwe* and other militias that were incorporated in a "civil defense" program organized by FAR military officers. The architects or managers of the "civil defense" program, including though not limited to Col. Théoneste BAGOSORA, Col. Anatole NSENGIYUMVA, Col. Augustin BIZIMUNGU, Col. Tharcisse RENZAHU, Col. Aloys SIMBA, Col. Alphonse NTEZIRYAYO, and Maj. Damascene UKULIKIYEYEZU intended to deploy militiamen incorporated under their command as "civil defense" corps to attack, harm and destroy the Tutsi as a group, which was known to ***all named accused*** when they provided assistance to these military officers, as set forth in preceding paragraphs 22 through 39, above.

43. Furthermore, ***all named accused*** enlisted structures of authority in the MRND and MDR-"Hutu Power" political parties, and participated individually, in public appeals to militiamen and armed civilians to "combat the enemy" knowing that the militias incorporated in "civil defense" campaign targeted all Tutsis as "the enemy" and intended to attack, harm and destroy the Tutsi as group, as set forth in preceding paragraphs 22 through 39, above.

Count 5: RAPE as a CRIME AGAINST HUMANITY:

The Prosecutor charges **Edouard KAREMERA, Mathieu NGIRUMPATSE, Joseph NZIRORERA, and André RWAMAKUBA** with ***RAPE as a CRIME AGAINST HUMANITY*** pursuant to Articles 3, 6(1) and 6(3) of the Statute of the Tribunal in that on or between the dates of 6 April and 17 July 1994, throughout the territory of Rwanda, ***all named accused*** were responsible for raping persons or causing persons to be raped, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds.

44. The allegations contained in paragraphs 1 through 39, above, are reiterated and incorporated herein by reference as a concise statement of facts to support the charges under this specific count of the Indictment.
45. During the course of April – July 1994 *Interahamwe* and other militiamen raped thousands of Tutsi women during the course of widespread or systematic attacks against Rwanda's civilian Tutsi population and against persons deemed to be politically opposed to "Hutu Power".
46. Notably, sexual violence, including rape, was incorporated in attacks against the civilian Tutsi population of Mukingo *commune* in Ruhengeri during early-mid April 1994. These attacks were the natural and foreseeable consequence of the joint criminal enterprise to destroy the Tutsi as a group undertaken in Ruhengeri by **Joseph NZIRORERA, Juvenal KAJELIJELI, Augustin BIZIMUNGU** and **Casimir BIZIMUNGU**, among others, when they planned, prepared, ordered and instigated genocidal violence against the Tutsi population during April, May, June and July 1994.
47. Sexual violence, including rape, was incorporated in widespread or systematic attacks against the civilian Tutsi population in Kigali-ville *préfecture* during April 1994, in Gikomero *commune* and Butare *préfecture* during mid-late April 1994, and in Kibuye and Gisenyi *préfectures* during May – June 1994 and in Gitarama *préfecture* during

April and May 1994. These attacks were the natural and foreseeable consequences of the joint criminal enterprise to destroy the Tutsi as a group undertaken in those areas by **Joseph NZIRORERA, Edouard KAREMERA, André RWAMAKUBA** and **Mathieu NGIRUMPATSE**, among others, in planning, preparing, ordering and instigating genocidal violence against Rwanda's Tutsi population.

48. Rape and sexual violence against Tutsi women during April – June 1994 were so widespread and so systematically incorporated in the campaign to destroy the Tutsi as a group that each accused must have known about such attacks, or ought to have been aware of the sexualized and gendered nature of the attacks. The rapes were almost always aggravated by the manner or circumstances of the rape; there was widespread gang rape and widespread rape of virgin girls. In some instances, mothers were forced to witness the rape of their daughters; in other instances the rape victim witnessed the killing of her children by the rapist or rapists' accomplices. Many women were raped with objects, especially sharpened sticks or bottles. Rape with violence, verbal abuse and spitting were common. There was oral rape, anal rape and vaginal rape. Tutsi women and young girls who were held in sexual slavery were abducted and detained for varying durations of a few days up to two years. The perpetrators of rape and sexual violence against Tutsi women were the same persons, or the same groups or classes of persons, that committed the killings of Tutsi and political opponents, and were subject to the effective control of ***all named accused*** through structures of authority in the territorial administration and the MRND and MDR-“Power” political parties. ***All named accused*** had the material capacity to halt or prevent rape and sexual violence against Tutsi women by militiamen, or to punish or sanction those that committed such acts, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

**Count 6: EXTERMINATION as a CRIME AGAINST
HUMANITY:**

The Prosecutor charges **Edouard KAREMERA, Mathieu NGIRUMPATSE, Joseph NZIRORERA, and André RWAMAKUBA** with ***EXTERMINATION as a CRIME AGAINST HUMANITY*** pursuant to Articles 3, 6(1) and 6(3) of the Statute of the Tribunal in that on or between the dates of 6 April and 17 July 1994, throughout the territory of Rwanda, ***all named accused*** were responsible for killing persons, or causing persons to be killed, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds.

49. The allegations contained in paragraphs 1 through 39, above, are reiterated and incorporated herein by reference as a concise statement of facts to support the charges under this specific count of the Indictment.
50. Between 6 April 1994 and 17 July 1994 throughout Rwanda there were widespread or systematic attacks against a civilian population based on Tutsi ethnic or racial identification or political opposition to the MRND and “Hutu Power” political parties. ***All named accused***, individually and severally, and acting in concert, planned, ordered, organized and facilitated [*committed*] killings of persons perceived to be Tutsi or deemed to be political opponents to “Hutu Power”, or knew that such killings were about to be committed or had been committed by persons over whom they exercised

effective control and failed to take the necessary and reasonable measures to halt or prevent such crimes or to punish the perpetrators thereof.

51. **Mathieu NGIRUMPATSE** is responsible for killing numerous persons that were tracked, identified and killed at roadblocks or in their homes or in places of public shelter in Kigali-ville during the period 6 – 12 April 1994 by virtue of his acts and omissions in planning, instigating, ordering, participating in [*committing*], or otherwise aiding and abetting the planning, preparation and execution of widespread and systematic attacks against the Tutsi population throughout Rwanda during the period January – late June 1994. **Mathieu NGIRUMPATSE** is also responsible for the deaths of numerous persons that were killed in Bisesero when militiamen from Cyangugu and elsewhere were transported to Kibuye upon his orders to reinforce the attacks against Tutsi civilians, particularly during mid-April 1994.

51.1 The identities of the victims and the proximate number of fatalities and the exact circumstances of each killing cannot be detailed exhaustively due to the overwhelming devastation of the attacks and the systematic efforts of the perpetrators and the civilian and military authorities in Kigali during the period 6 – 12 April 1994 to conceal their crimes and to dispose of the corpses at or near the roadblocks in Kigali.

51.2 The killings in Bisesero continued systematically over several weeks, particularly in mid-April and mid-May 1994. The identities of the victims and the proximate number of fatalities and the exact circumstances of each killing cannot be detailed exhaustively due to the overwhelming devastation of the attacks.

52. **Joseph NZIRORERA** is responsible for killing numerous persons resident in Busogo *secteur*, Mukingo *commune*, and hundreds of persons sheltered in the Busogo parish church and for killing numerous persons resident in Nkuli *commune* on or about the morning and afternoon of 7 April 1994. He is also responsible for killings at the Court of Appeals building in Kigombe *commune* on 14 April 1994. This is by virtue of his acts and omissions in planning, ordering, instigating, participating in [*committing*], or otherwise aiding and abetting the planning, preparation and execution of widespread or systematic attacks against the Tutsi population in Ruhengeri during the period January – June 1994.

52.1 Victims of those attacks include: approximately 12 families, almost 80 Tutsi men and women, including the ZIRAGWIRA and SERUYOMBO families, residing in Kinyababa *cellule*, Gitwa *secteur*, Nkuli *commune* that were killed by militias that were armed by **Joseph NZIRORERA** on 7 April 1994; RUKARA, a Tutsi man, killed by militiamen responding to orders from Juvenal KAJELIJELI in Byangabo business district almost immediately following his communication with **Joseph NZIRORERA** on the morning of 7 April 1994; several whole families of Tutsis that took shelter at the Munyemvano family compound in Manjari II *cellule* in Rwinzovu *secteur*, Mukingo *commune* that were killed during attacks commanded by Juvenal KAJELIJELI on the morning and afternoon of 7 April 1994; over 300 Tutsi men, women and children that were sheltered at the Busogo parish church that were killed in attacks by militiamen commanded by Juvenal KAJELIJELI on the morning of 7 April 1994 following his communication with **Joseph NZIRORERA**; and numerous Tutsi persons, including children of mixed Tutsi and Hutu marriages, killed

during attacks in Gitwa *secteur* on 8 and 9 April 1994 by militiamen determined to eliminate all traces of Tutsi racial or ethnic identification in Ruhengeri, among them a certain Tutsi woman called NYIRABUSORO, married to a Hutu called MVUKA, and her five children, and NDAGIJIMANA and his sister, NYIRABUKOBWA; and approximately 80 Tutsi men, women and children that were killed by militiamen and soldiers at the Court of Appeals building in Kigombe *commune* on 14 April 1994, among many unnamed others killed during attacks by militiamen armed and commanded by Juvénal KAJELIJELI and **Joseph NZIRORERA**.

- 52.2 The attacks against the Busogo parish church and the Court of Appeals were in the nature of a mass killing event. The killings in Gitwa *secteur*, Nkuli *commune* and Rwinzovu *secteur*, Mukingo *commune* on the morning and afternoon of 7 April 1994 where entire groups of families were attacked and killed *en masse*, and the individual killings of Tutsi men and women that were tracked in their homes and neighborhoods in Rwankeli *cellule* and Busogo *cellule* in Busogo *secteur* were the product of a systematic plan of extermination in which the personality of the victims was submerged in their identification as a group.
53. **Edouard KAREMERA** is responsible for killing numerous persons resident or taking refuge on the Bisesero hills during April, May and June 1994 by virtue of his acts and omissions in planning, instigating, ordering, participating in [*committing*], or otherwise aiding and abetting the planning, preparation and execution of attacks against the Tutsi population in Kibuye *préfecture* during the period 1 January – 30 June 1994, particularly persons killed as part of the operation of “*ratissage*” ordered by the Interim Government after its cabinet meeting of 17 June 1994.
- 53.1 Victims of those attacks include: Tutsi civilians in Bisesero killed in April and May 1994, including at least six members of the SEROMBA family in Muyira hill and other areas of Bisesero that were attacked by militias; Tutsi civilians in Bisesero killed by Hutu civilians upon instructions from national and regional government authorities in late April or early May 1994; and Tutsi civilians in the Jurwe *cellule* of Bisesero *secteur* killed in mid-May 1994, including KAGERUKA, MUKANTWARI, BUHIGIRA, and the son of NZARAMBA, who were shot dead by soldiers taking orders from national and regional government authorities known to have collaborated with **Edouard KAREMERA** or who were subject to his effective control. The aforementioned victims represent only a small fraction of victims of the attacks against Tutsi civilians resulting from orders, instigations, co-perpetrations and derelictions of duty by **Edouard KAREMERA**. The identities of the victims and the proximate number of the fatalities as well as the exact circumstances of each killing cannot be detailed exhaustively due to the overwhelming devastation of the attacks and the systematic efforts of the perpetrators and the civilian and military authorities to conceal their crimes and to dispose of the corpses.
54. **André RWAMAKUBA** is responsible for killing numerous persons resident in Gikomero *commune* and numerous persons sheltered at the Butare University Hospital during the period from 19 through 30 April 1994 by virtue of his acts and omissions in planning, instigating, ordering, participating in [*committing*], or otherwise aiding and abetting the planning, preparation and execution of widespread or systematic attacks

against the Tutsi population in Kigali-rural and Butare *préfectures*, specifically in Gikomero *commune* in Kigali-rural and at the Butare University Hospital, during the period 1 January – 30 June 1994.

- 54.1 Victims of those attacks include: two men identified as Tutsi among a crowd that gathered in **André RWAMAKUBA**'s presence in Gikomero *commune* on or about 9 or 10 April; a man identified as Tutsi that was a patient at Butare University Hospital, whom **André RWAMAKUBA** struck upon the head with an axe sometime in mid-April; numerous persons that were forcibly removed from Butare University Hospital by militiamen responding to **André RWAMAKUBA**'s instructions in mid-April; numerous persons that were killed by militiamen upon the premises of the Butare University Hospital in mid-late April at **André RWAMAKUBA**'s behest or in his presence; among numerous other persons that were killed as a result of the joint criminal enterprise to destroy the Tutsi as a group undertaken by *all named accused* during April – June 1994, including **André RWAMAKUBA**.

**Count 7: SERIOUS VIOLATIONS OF ARTICLE 3 COMMON
TO THE GENEVA CONVENTIONS AND
ADDITIONAL PROTOCOL II THEREOF:
KILLING AND CAUSING VIOLENCE TO HEALTH
AND PHYSICAL OR MENTAL WELL-BEING**

The Prosecutor charges **Edouard KAREMERA, Mathieu NGIRUMPATSE, Joseph NZIRORERA, and André RWAMAKUBA** with *KILLING AND CAUSING VIOLENCE TO HEALTH AND PHYSICAL OR MENTAL WELL-BEING* as a Serious Violation of Article 3 Common to the Geneva Conventions and Additional Protocol II pursuant to Articles 4, 6(1) and 6(3) of the Statute of the Tribunal in that on or between the dates of 6 April and 17 July 1994, throughout the territory of Rwanda, *all named accused* were responsible for killing, seriously harming, raping, and/or otherwise treating in a cruel manner persons taking no active part in the hostilities in the context of an armed conflict not of an international nature.

55. The allegations contained in paragraphs 1 through 39 and 50 through 54.1, above, are reiterated and incorporated herein by reference as a concise statement of facts to support the charges under this specific count of the Indictment.
56. 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.
57. Between 6 April 1994 and 17 July 1994 the belligerents in the non-international armed conflict were the FAR and the RPF. The parties to that conflict were bound by the rules contained in Article 3 Common to the Geneva Conventions and Additional Protocol II.
58. The FAR trained and armed the *Interahamwe* with assistance from, and with the complicity of, **Mathieu NGIRUMPATSE, Joseph NZIRORERA and Edouard KAREMERA**, particularly insofar as structures of authority in the MRND political party were deployed to recruit, indoctrinate and exercise control over militiamen. From

its inception the Interim Government of 8 April 1994, including **André RWAMAKUBA**, endorsed a program of “civil defense” through which civilian authorities in the territorial administration and the MRND and MDR-“Power” political parties, and military authorities in the FAR, organized through the Ministries of Interior and Defense, respectively, incorporated *Interahamwe* and other militias in structures of authority over which it exercised effective control to support the FAR in its war efforts against the RPF.

59. The victims referred to under this count of the indictment were persons taking no active or direct part in the hostilities, or persons who had ceased to take part in the hostilities, and were thus persons protected by the terms of Common Article 3 of the Geneva Conventions and Protocol II.
60. Whilst an end in itself, the campaign of destruction perpetrated against the Tutsi population of Rwanda was also closely related to the armed conflict. **All named accused** used the environment and the context of the non-international armed conflict and the resources of the state, including the territorial administration and structures of authority in the MRND and the MDR-“Power” political parties, and the physical and logistical resources of the military, to achieve the criminal goal of destroying the Tutsi as a group, particularly the killing and raping of Tutsi civilians, the pillaging of goods belonging to Tutsis and the destruction of Tutsi homesteads.
61. During April – July 1994 Interim Government authorities, including leaders of the MRND and affiliated “Hutu Power” political parties, particularly **all named accused**, ordered or instigated killings of Tutsi civilians and political opponents as a means to eliminate possible support for the RPF from within the country, as a bargaining chip to force the RPF to agree to its terms for a cease-fire, and as acts of reprisal and vengeance for RPF advances on the battlefield. Consequently, the killings were intended to advance the war, or were closely related to the war, and were also the means by which the accused attempted and intended to destroy the Tutsi as a group.
62. On the basis of the foregoing **Mathieu NGIRUMPATSE** is responsible for killings of protected persons in Kigali-ville during 6 April – 12 April 1994, and in Bisesero in Kibuye *préfecture* in mid-April 1994 as detailed in paragraphs 51 through 51.2, above.
63. On the basis of the foregoing **Joseph NZIRORERA** is responsible for the killings of protected persons in Ruhengeri *préfecture*, particularly in Nkuli and Mukingo *communes* during the course of 7 April 1994, as detailed in paragraphs 52 through 52.2, above.
64. On the basis of the foregoing **Edouard KAREMERA** is responsible for the killings of protected person in Kibuye *préfecture*, particularly in Bisesero, during May and June 1994, as detailed in paragraphs 53 and 53.1, above.
65. On the basis of the foregoing **André RWAMAKUBA** is responsible of the killings of protected persons in Butare University Hospital during mid-late April 1994, as detailed in paragraphs 54 and 54.1, above.
66. **All named accused** are held responsible for the killings of protected persons committed by their named and un-named co-perpetrators, including, individually and severally, each co-accused charged by the present indictment, in so far as such killings were committed pursuant to a common plan, strategy or design, or were the natural and

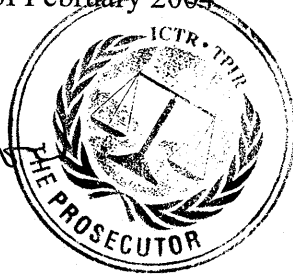
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foreseeable consequence of such joint criminal enterprise to destroy the Tutsi as a group.

The acts and omissions of Edouard KAREMERA, Mathieu NGIRUMPATSE, Joseph NZIRORERA, and André RWAMAKUBA detailed herein are punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

Dated: Arusha, this 18th day of February 2004.

Hassan Bubacar Jallow
Prosecutor



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ANNEXURE A

Comparative table of modifications made to the Amended Indictment of 18 February 2004, as ordered by the Trial Chamber III Decision of 13 February 2004 wherein the Trial Chamber:

- II. *REJETTE la modification au regard des allegations figurant aux paragraphes 34.2 et 53.1 de l'acte propose, eu égard à la presence de l'accusé Karemera lors d'attaques contre les Tutsi réfugiés dans les collines de Bisesero en mai 1994;*
- III. *ORDONNE au Procureur de modifier le paragraphe 22 en enlevant les allegations envers Nzirorera, Karemera et Rwamakuba;*

Amended Indictment of 18 February 2004, filed pursuant to Trial Chamber III Order of 13 February 2004	PARA.	Revised proposed Amended Indictment of 23 January 2004, filed pursuant to Trial Chamber III Order of 19 January 2004
<i>All named accused</i> prepared or otherwise aided and abetted in the planning, preparation and execution of a campaign of propaganda to instigate and incite the broad masses of Hutu subsistence farmers, particularly the members of the political party "youth wing" militias, to target Tutsi for attack or to join in or support the killing of the Tutsi population. <i>All named accused</i> participated in public meetings and rallies and made public statements, some of which were broadcast in the mass media, that were intended to foment fear and loathing of the Tutsi among Rwanda's Hutu citizens. Furthermore, Mathieu NGIRUMPATSE, among others, participated in the creation and the financing of the RTLM radio station, which served as a vehicle for disseminating their extremist ideology.	22	<i>All named accused</i> prepared or otherwise aided and abetted in the planning, preparation and execution of a campaign of propaganda to instigate and incite the broad masses of Hutu subsistence farmers, particularly the members of the political party "youth wing" militias, to target Tutsi for attack or to join in or support the killing of the Tutsi population. <i>All named accused</i> participated in public meetings and rallies and made public statements, some of which were broadcast in the mass media, that were intended to foment fear and loathing of the Tutsi among Rwanda's Hutu citizens. Furthermore, the accused created and privately financed the RTLM radio station to serve as a vehicle for disseminating their extremist ideology.
Sometime in mid-May 1994, on or about 13 May 1994, national and regional political authorities from Kibuye that were known to	34.2	Sometime in mid-May 1994, on or about 13 May 1994, Edouard KAREMERA arrived in Bisesero, along with Obed RUZINDANA,

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Amended Indictment of 18 February 2004, filed pursuant to Trial Chamber III Order of 13 February 2004	PARA.	Revised proposed Amended Indictment of 23 January 2004, filed pursuant to Trial Chamber III Order of 19 January 2004
collaborate with Edouard KAREMERA, and who were present for Edouard KAREMERA's address during the meeting at the Kibuye <i>préfecture</i> office on 3 May 1994, arrived in Bisesero. Among them were Minister of Information Eliezer NITYITEGEKA, Kibuye <i>préfet</i> Clement KAYISHEMA, businessman Obed RUZINDANA, among other authorities, including several <i>bourgmestres</i> and <i>conseillers</i>, accompanied by <i>Interhamwe</i> militiamen, soldiers and <i>gendarmes</i>. These same authorities ordered, instigated and directed large-scale attacks against Tutsi civilians in Bisesero over the course of several days. Militiamen and soldiers taking orders from such authorities surrounded, searched out and combed the hills to kill Tutsis with firearms, machetes and clubs.		Minister of Information Eliezer NITYITEGEKA, Kibuye <i>préfet</i> Clement KAYISHEMA, among other authorities, including several <i>bourgmestres</i> and <i>conseillers</i>, accompanied by <i>Interhamwe</i> militiamen, soldiers and <i>gendarmes</i>. The authorities, including Edouard KAREMERA, ordered, instigated and directed large-scale attacks against Tutsi civilians in Bisesero over the course of several days. Militiamen and soldiers taking orders from such authorities surrounded, searched out and combed the hills to kill Tutsis with firearms, machetes and clubs.
Victims of those attacks include: Tutsi civilians in Bisesero killed in April and May 1994, including at least six members of the SEROMBA family in Muyira hill and other areas of Bisesero that were attacked by militias; Tutsi civilians in Bisesero killed by Hutu civilians upon instructions from national and regional government authorities in late April or early May 1994; and Tutsi civilians in the Jurwe <i>cellule</i> of Bisesero <i>secteur</i> killed in mid-May 1994, including KAGERUKA, MUKANTWARI, BUHIGIRA, and the son of NZARAMBA, who were shot dead by soldiers taking orders from national and regional government authorities known to have collaborated with Edouard KAREMERA or who were subject to his effective control. The aforementioned victims represent only a small fraction of victims of the attacks against Tutsi civilians resulting from orders, instigations, co-perpetrations and derelictions of duty by Edouard KAREMERA. The	53.1	Victims of those attacks include: Tutsi civilians in Bisesero killed in April and May 1994, including at least six members of the SEROMBA family in Muyira hill and other areas of Bisesero that were attacked by militias supervised by Edouard KAREMERA; Tutsi civilians in Bisesero that Edouard KAREMERA killed by Hutu civilians upon instructions from Edouard KAREMERA in late April or early May 1994; Tutsi civilians in the Bisesero hills killed in mid-May 1994 when Edouard KAREMERA ordered soldiers and militiamen to surround them; and Tutsi civilians in the Jurwe <i>cellule</i> of Bisesero <i>secteur</i> in mid-May 1994 who were shot dead by soldiers under the command or control of Edouard KAREMERA, including KAGERUKA, MUKANTWARI, BUHIGIRA, and the son of NZARAMBA. The aforementioned victims represent only a small fraction of victims of the attacks against Tutsi civilians resulting from orders, instigations, co-

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Amended Indictment of 18 February 2004, filed pursuant to Trial Chamber III Order of 13 February 2004	PARA.	<i>Revised proposed Amended Indictment of 23 January 2004, filed pursuant to Trial Chamber III Order of 19 January 2004</i>
identities of the victims and the proximate number of the fatalities as well as the exact circumstances of each killing cannot be detailed exhaustively due to the overwhelming devastation of the attacks and the systematic efforts of the perpetrators and the civilian and military authorities to conceal their crimes and to dispose of the corpses.		perpetrations and derelictions of duty by Edouard KAREMERA . The identities of the victims and the proximate number of the fatalities as well as the exact circumstances of each killing cannot be detailed exhaustively due to the overwhelming devastation of the attacks and the systematic efforts of the perpetrators and the civilian and military authorities to conceal their crimes and to dispose of the corpses.

ANNEXE A

Tableau comparatif des modifications apportées à l'*Acte d'accusation modifié du 18 février 2004* conformément à la décision du 13 février 2004 par laquelle la Chambre de première instance III :

« II. REJETTE la modification au regard des allégations figurant aux paragraphes 34.2 et 53.1 de l'acte proposé, eu égard à la présence de l'Accusé Karemera lors d'attaques contre les Tutsi réfugiés dans les collines de Bisesero en mai 1994 »

« III. ORDONNE au Procureur de modifier le paragraphe 22 en enlevant les allégations envers Nzirorera, Karemera et Rwamakuba »

Acte d'accusation modifié du 18 février 2004 déposé conformément à la décision de la Chambre de première instance III en date du 13 février 2004	P.A.R.	Acte d'accusation modifié du 23 janvier 2004 proposé conformément à l'ordonnance de la Chambre de première instance III en date du 13 janvier 2004
<i>Tous les accusés nommément cités</i> ont préparé ou autrement aidé et encouragé la planification, la préparation et l'exécution d'une campagne de propagande visant à inciter et à amener la masse de cultivateurs de subsistance d'origine hutue, en particulier les membres des milices-« aile jeunesse » du parti, à cibler les Tutsis, à participer aux tueries de la population tutsie, ou à soutenir ces tueries. <i>Tous les accusés nommément cités</i> ont participé à des réunions publiques et à des rassemblements et ont fait des déclarations publiques, dont certaines ont été médiatisées avec pour but de susciter la peur et la détestation des Tutsis parmi les citoyens hutus du Rwanda. De plus, dans le but de diffuser leur idéologie extrémiste, <i>Mathieu NGIRUMPATSE</i>, notamment, a contribué à la création et au financement de la station radio RTLM.	22	<i>Tous les accusés nommément cités</i> ont préparé ou autrement aidé et encouragé la planification, la préparation et l'exécution d'une campagne de propagande visant à inciter et à amener la masse de cultivateurs de subsistance d'origine hutue, en particulier les membres des milices-« aile jeunesse » du parti, à cibler les Tutsis, à participer aux tueries de la population tutsie, ou à soutenir ces tueries. <i>Tous les accusés nommément cités</i> ont participé à des réunions publiques et à des rassemblements et ont fait des déclarations publiques, dont certaines ont été médiatisées avec pour but de susciter la peur et la détestation des Tutsis parmi les citoyens hutus du Rwanda. De plus, dans le but de diffuser leur idéologie extrémiste, <i>les accusés ont créé la station radio RTLM financée avec des fonds privés.</i>

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Traduction certifiée par la SSL du TPIR

Acte d'accusation modifié du 18 février 2004 déposé conformément à la décision de la Chambre de première instance III en date du 13 février 2004	P.A.R.	Acte d'accusation modifié du 23 janvier 2004 proposé conformément à l'ordonnance de la Chambre de première instance III en date du 13 janvier 2004
À une date indéterminée, en mi-mai, le 13 mai 1994 ou vers cette date, des autorités politiques nationales et régionales de Kibuye, dont on savait qu'elles collaboraient avec Édouard KAREMERA et qui avaient été présentes lorsque celui-ci s'était adressé à la réunion tenue le 3 mai 1994 à la Préfecture de Kibuye, sont arrivées à Bisesero. Parmi celles-ci se trouvaient, escortés par des miliciens <i>Interhamwe</i>, par des soldats et par des gendarmes, Éliézer NITYITEGEKA, Ministre de l'information, Clément KAYISHEMA, préfet de Kibuye, de même que l'homme d'affaires Obed RUZINDANA et d'autres responsables, dont plusieurs bourgmestres et conseillers. Ces mêmes autorités ont ordonné, incité et organisé des attaques à grande échelle contre les civils à Bisesero durant plusieurs jours. Les miliciens et les soldats, conformément aux ordres de ces autorités, ont encerclé, recherché et raïssé les collines dans le but de tuer les Tutsis avec des armes à feu, des machettes et des massues.	34.2	À une date indéterminée, en mi-mai, le 13 mai 1994 ou vers cette date, Édouard KAREMERA est arrivé à Bisesero, accompagné d'Obed RUZINDANA ; Éliézer NITYITEGEKA, Ministre de l'information ; et de Clément KAYISHEMA, préfet de Kibuye, entre autres autorités, dont plusieurs bourgmestres et conseillers, escortés par des miliciens <i>Interhamwe</i>, des soldats et des gendarmes. Les autorités, parmi Édouard KAREMERA, ont ordonné, incité et organisé des attaques à grande échelle contre les civils à Bisesero durant plusieurs jours. Les miliciens et les soldats, conformément aux ordres de ces autorités, ont encerclé, recherché et raïssé les collines dans le but de tuer les Tutsis avec des armes à feu, des machettes et des massues.
Les victimes de ces attaques étaient : les civils tutsis de Bisesero tués en avril et mai 1994 et comprenant au moins six membres de la famille de SEROMBA de la colline de Muyira et les autres civils tutsis des autres zones de Bisesero qui ont été attaqués par les miliciens ; les civils tutsis de Bisesero qui ont été tués par les civils hutus sur instructions d'autorités gouvernementales nationales et régionales vers fin avril ou début mai 1994 ; et les civils tutsis de la cellule de Jurwe dans le secteur de Bisesero tués en mi-mai 1994, parmi lesquels KAGERUKA, MUKANTWARI, BUHIGIRA et le fils de NZARAMBA, lesquels ont été abattus par des soldats aux	53.1	Les victimes de ces attaques étaient : les civils tutsis de Bisesero tués en avril et mai 1994 et comprenant au moins six membres de la famille de SEROMBA de la colline de Muyira et les autres civils tutsis des autres zones de Bisesero qui ont été attaqués par les miliciens sous la supervision d'Édouard KAREMERA ; les civils tutsis de Bisesero qui ont été tués par les civils hutus sur instructions d'Édouard KAREMERA vers fin avril ou début mai 1994 ; les civils Tutsis des collines de Bisesero tués en mi-mai 1994 lorsque Édouard KAREMERA a ordonné aux soldats et miliciens de les encercler ; et les civils tutsis de la cellule de Jurwe dans le secteur de Bisesero en

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Acte d'accusation modifié du 18 février 2004 déposé conformément à la décision de la Chambre de première instance III en date du 13 février 2004	PAR.	Acte d'accusation modifié du 23 janvier 2004 proposé conformément à l'ordonnance de la Chambre de première instance III en date du 13 janvier 2004
ordres d'autorités gouvernementales nationales et régionales dont on savait qu'elles collaboraient avec Édouard KAREMERA ou qui étaient sous son contrôle effectif. Les victimes ci-dessus citées ne représentent qu'une petite fraction de toutes les victimes des attaques contre les civils tutsis perpétrées sur ordres, instigations, co-entente et omissions d'Édouard KAREMERA. L'identité des victimes et leur nombre approximatif, de même que les circonstances exactes de chaque tuerie, ne peuvent être détaillés de manière exhaustive, en raison de la dévastation massive de ces attaques et des efforts systématiques des auteurs et des autorités civiles et militaires en vue de dissimuler leurs crimes et se débarrasser des corps.		mi-mai 1994, lesquels ont été tués par des soldats sous le commandement ou le contrôle d'Édouard KAREMERA, de KAGERUKA, MUKANTWARI, BUHIGIRA, et du fils de NZARAMBA. Les victimes ci-dessus citées ne représentent qu'une petite fraction de toutes les victimes des attaques contre les civils tutsis perpétrées sur ordres, instigations, co-entente et omissions d'Édouard KAREMERA. L'identité des victimes et leur nombre approximatif, de même que les circonstances exactes de chaque tuerie, ne peuvent être détaillés de manière exhaustive, en raison de la dévastation massive de ces attaques et des efforts systématiques des auteurs et des autorités civiles et militaires en vue de dissimuler leurs crimes et se débarrasser des corps.

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ANNEXURE B

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International Criminal Tribunal for Rwanda
 Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
 P.O. Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie

Tel: 255 27 2504207-11 2504367-72 or 1 212 983 2850 Fax: 255 27 2504000/2504373 or 1 212 983 2848/49

IN TRIAL CHAMBER III

Before: Hon. Andréia Vaz,
 Presiding Judge

Registrar: Mr. Adama Dieng

Date Filed: 18 February 2004

2004 FEB 18 P 6 10
 [Signature]

THE PROSECUTOR

v.

EDOUARD KAREMERA
 MATHIEU NGIRUMPATSE
 JOSEPH NZIRORERA
 ANDRE RWAMAKUBA

Case No. ICTR-98-44-I

PROSECUTOR'S FILING IN COMPLIANCE WITH THE TRIAL CHAMBER III
 DÉCISION RELATIVE À LA REQUÊTE DU PROCUREUR AUX FINS D'ÊTRE
 AUTORISÉ À MODIFIER L'ACTE D'ACCUSATION DU 13 FEVRIER 2004

For the Prosecutor:
 Mr. Don Webster
 Ms. Dior Fall

 *** TX REPORT ***

TRANSMISSION OK

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International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
 P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie

Tel: 255 27 2504207-11 2504367-72 or 1 212 963 2850 Fax: 255 27 2504000/2504373 or 1 212 963 2848/49

ICTR-98-44-T
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IN TRIAL CHAMBER III

Before: Hon. Andrésia Vaz,
Presiding Judge

Registrar: Mr. Adama Dieng

Date Filed: 18 February 2004

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 [Signature]

THE PROSECUTOR

v.

EDOUARD KAREMERA
MATHIEU NGIRUMPATSE
JOSEPH NZIRORERA
ANDRE RWAMAKUBA

Case No. ICTR-98-44-I

PROSECUTOR'S FILING IN COMPLIANCE WITH THE TRIAL CHAMBER III
DÉCISION RELATIVE À LA REQUÊTE DU PROCUREUR AUX FINS D'ÊTRE
AUTORISÉ À MODIFIER L'ACTE D'ACCUSATION DU 13 FEVRIER 2004

For the Prosecutor:
 Mr. Don Webster