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**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

**Office of The Prosecutor
Bureau du Procureur**

THE PROSECUTOR

AGAINST

JEAN-BOSCO BARAYAGWIZA

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AMENDED INDICTMENT

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

JEAN-BOSCO BARAYAGWIZA

with **GENOCIDE, CONSPIRACY TO COMMIT GENOCIDE, DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE, COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY and SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS and of ADDITIONAL PROTOCOL II**, all offences stipulated in Articles 2, 3 and 4 of the Statute of the Tribunal, and as set forth below:

1. HISTORICAL CONTEXT

1.1 The revolution of 1959 marked the beginning of a period of ethnic clashes between the Hutu and the Tutsi in Rwanda, causing hundreds of Tutsis to die and thousands more to flee the country in the following years. The revolution resulted in the abolition of the Tutsi monarchy and the proclamation of the First Republic in early 1961, confirmed in a referendum held in the same year. Legislative elections held in September 1961 confirmed the dominant position of the MDR-PARMEHUTU (*Mouvement Démocratique Républicain - Parti du Mouvement d'Emancipation Hutu*), led by Grégoire Kayibanda, who was subsequently elected President of the Republic by the Legislative Assembly on 26 October 1961.

1.2 The early years of the First Republic, which was under the domination of the Hutus of central and southern Rwanda, were again marked by ethnic violence. The victims were predominantly Tutsi, the former ruling elite, and those related to them, who were killed, driven to other regions of Rwanda or forced to flee the country. The gradual elimination of the opposition parties in those early years confirmed the MDR-PARMEHUTU as the single party, the only party to present candidates in the elections of 1965.

1.3 The early part of 1973 in Rwanda was again marked by ethnic confrontations between the Hutus and Tutsis, prompting another exodus of the Tutsi minority from the country, as had occurred between 1959 and 1963. This new outburst of ethnic and political tension between the North and South resulted in a military coup by General Juvénal Habyarimana on 5 July 1973, shifting power from civilian to military hands and from the Hutus of central Rwanda to Hutus of the northern *préfectures* of Gisenyi (Habyarimana's native region) and Ruhengeri.

1.4 In 1975, President Habyarimana founded the *Mouvement Révolutionnaire National pour le Développement* (MRND), a single party, and assumed the position of party chairman. The administrative and party hierarchies were indistinguishable in this single party state from the level of the *Préfet* to the *bourgmestres*, and down to that of the *conseillers de secteur* and *responsables de cellule*.

1.5 From 1973 to 1994, the government of President Habyarimana used a system of ethnic and regional quotas which was supposed to provide educational and employment opportunities for all but which was used increasingly to discriminate against both Tutsis and Hutus from regions outside the northwest. In fact, by the late 1980s, persons from Gisenyi and Ruhengeri occupied many of the

most important positions in the military, political, economic and administrative sectors of Rwandan society. Among the privileged elite, an inner circle of relatives and close associates of President Habyarimana and his wife, Agathe Kanziga, known as the *Akazu*, enjoyed great power. This select group, almost exclusively Hutu, was supplemented by individuals who shared its extremist Hutu ideology, and who came mainly from the native region of the President and his wife.

1.6 In 1990, the President of the Republic, Juvénal Habyarimana, and his single party, the MRND, were facing mounting opposition, including from other Hutus.

1.7 On 1 October 1990, the Rwandan Patriotic Front (RPF), made up mainly of Tutsi refugees, attacked Rwanda. Within days the government began arresting thousands of people, presumed to be opponents of Habyarimana and suspected of being RPF accomplices. Although the Tutsi were the main target, Hutu political opponents were also arrested.

1.8 Following pressure from the internal opposition and the international community, and the RPF attack of October 1990, President Habyarimana permitted the introduction of multiple political parties and the adoption of a new constitution on 10 June 1991. The *Mouvement Révolutionnaire National pour le Développement* (MRND) was renamed *Mouvement Républicain National pour la Démocratie et le Développement* (MRND). The first transitional government was made up almost exclusively of MRND members, following the refusal of the main opposition parties to take part. With the second transitional government in April 1992, the MRND became a minority party for the first time in its history, with nine ministerial portfolios out of 19. On the other hand, the MRND retained its domination over the local administration.

1.9 The new government then entered into negotiations with the RPF, which resulted in the signing of the Arusha Accords on 4 August 1993. The Accords provided for a new system of sharing military and civilian power between the RPF, the opposition parties and the MRND.

1.10 By the terms of the Arusha Accords, which provided for the integration of both sides' armed forces, the new national army was to be limited to 13,000 men, 60% FAR (*Forces Armées Rwandaises*) and 40% RPF. The posts of command were to be shared equally (50%-50%) between the two sides, with the post of Chief of Staff of the Army assigned to the FAR. The Gendarmerie was to be

limited to 6,000 men, 60% FAR and 40% RPF, with the posts of command shared equally (50%-50%) between the two sides and the post of Chief of Staff of the Gendarmerie assigned to the RPF.

1.11 As regards representation within the government, the Arusha Accords limited the number of ministerial portfolios to be held by the MRND to five, plus the Presidency. The other portfolios were to be shared as follows: RPF, five; MDR (*Mouvement Démocratique Républicain*), four (including the post of Prime Minister); PSD (*Parti Social-Démocrate*), three; PL (*Parti Libéral*), three; and the PDC (*Parti Démocrate-Chrétien*), one.

1.12 In addition, the parties to the Arusha Accords agreed to reject and fight any political ideology based on ethnic differences. Thus, the political forces that were to participate in the transitional institutions agreed to abstain from all sorts of violence and inciting violence by written or verbal communication, or by any other means, and to fight all political ideologies aimed at fostering any form of ethnic discrimination.

1.13 For the men and women close to President Habyarimana, including the members of the *Akazu*, who held positions of prominence in the various sectors of Rwandan society, this new power-sharing plan, as demanded by the political opposition and as stipulated in the Arusha Accords, meant a relinquishment of power and the loss of numerous privileges and benefits. At the same time, many of the military were facing massive demobilisation with the implementation of the Arusha Accords. Lastly, the constitutional statute of the Accords jeopardized the existence of the media which advocated an ideology of ethnic division.

1.14 From 1990, Habyarimana and several of his close associates devised a strategy of inciting hatred and fear of the Tutsi minority as a way of rebuilding solidarity among Hutu and keeping themselves in power. They strongly opposed any form of power sharing, including the one envisaged by the Arusha Accords.

1.15 Determined to avoid the power sharing prescribed by the Arusha Accords, several prominent civilian and military figures pursued their strategy of ethnic division and incitement to violence. They targeted and labelled as RPF "accomplices" the entire Tutsi population, and also Hutus opposed to their domination, particularly those from regions other than northwestern Rwanda. At

the same time, they sought to divide Hutu opposition parties, attracting some of their members back to the support of Habyarimana. These efforts to divide the Hutu opposition following by the assassination of Melchior Ndadaye, a democratically elected Hutu President in neighboring Burundi, by Tutsi soldiers of the Burundi army. By late 1993, two of the three major parties opposed to the MRND had each split into two factions. The faction of each known as the "Power" faction aligned itself with the MRND.

1.16 The strategy adopted in the early 1990s, which culminated in the widespread massacres of April 1994, comprised several components, which were carefully worked out by the various prominent figures who shared the extremist Hutu ideology, including the members of the *Akazu*. Added to the incitement to ethnic violence and extermination of the Tutsis and their "accomplices" was the organization and military training of the youth wings of the political parties, notably the *Interahamwe* (youth wing of the MRND), the preparation and broadcasting of lists of people to be eliminated, the distribution of weapons to civilians, the assassination of certain political opponents and the massacre of many Tutsis in various parts of Rwanda between October 1990 and April 1994.

1.17 The incitement to ethnic hatred took the form of public speeches by people sharing the extremist ideology. These political and military figures publicly appealed to hatred and fear of the Tutsis and urged the Hutu majority to "finish off the enemy and its accomplices". A perfect illustration is the speech made in November 1992 by Léon Mugesera, vice-chairman of the MRND for Gisenyi *préfecture*, who at the time was already inciting the public to exterminate the Tutsis and their "accomplices".

1.18 With the intention of ensuring widespread dissemination of the calls to ethnic violence, prominent figures from the President's circle set up an effectif hate media, which would exercise great influence over the Rwandan people. Thus the creation of *Radio Télévision Libre des Mille Collines (RTLM)* and of the newspaper *Kangura* was a part of the strategy and pursued the same logic. As early as 1993, the Tutsis and political opponents were targetted, identified by name and threatened by these media. Many of them were among the first victims of the massacres of April 1994.

1.19 The creation of the youth wings of the political parties, originally intended to encourage or even force adherence to one or another party in the newly established multi-party system, provided Habyarimana's circle with a large, devoted and effective workforce to implement the adopted strategy. These youth organizations, which were affiliated to the political parties, were soon manipulated as part of the anti-Tutsi campaign. Some of the members of these organizations, notably the *Interahamwe* (MRND) and the *Impuzamugambi* (CDR), were organized into militia groups, which were financed, trained and led by prominent civilians and military figures from the President of the Republic's entourage. They were issued weapons, with the complicity of certain military and civilian authorities. The militia groups were transported to training sites, including certain military camps, in public administration vehicles or vehicles belonging to companies controlled by the President's circle.

1.20 During the mass arrests of October 1990, the civilian and military authorities followed lists that had been drawn up in order to identify and locate the presumed accomplices of the RPF, the majority of whom were Tutsi. Later, Army, Gendarmerie, local authorities and *Interahamwe* were given orders to prepare new lists or update the existing ones, which were subsequently used during the massacres of 1994.

1.21 Towards the end of 1991, certain Rwandan authorities distributed weapons to certain civilians in the north-eastern region of the country as part of a civil self-defence campaign, in reaction to the RPF attack of October 1990. Later, some authorities distributed weapons nationwide, notably to the *Interahamwe*, *Impuzamugambi* and carefully selected individuals, even in regions distant from the war zone. Towards the end of 1993, the Bishop of Nyundo criticized the distribution of weapons in a public letter and questioned its purpose.

1.22 The pursuit of the strategy thus described played a catalytic role in the political and ethnic violence of the time, which climaxed in the April 1994 massacres. The early part of the 90s was marked by numerous political assassinations and large massacres of the Tutsi minority, including the one in Kibilira (1990), that of the Bagogwe (1991) and the one in Bugesera (1992). The massacres were instigated and organized by local authorities with the complicity of certain prominent persons from the President's circle. Therein can be found the components of the strategy which culminated in the genocide of 1994, including the use of written and radio propaganda to incite the commission of the massacres.

1.23 In early 1994, certain prominent people from Habyarimana's circle instigated violent demonstrations in Kigali aimed at preventing the implementation of the Arusha Accords. Soldiers in civilian clothes and militiamen took part, seeking to provoke confrontations with the Belgian UNAMIR soldiers. These incidents were partially the cause of the postponement of the establishment of the institutions foreseen by the Arusha Accords.

1.24 On 6 April 1994, the plane carrying, among other passengers, the President of the Republic of Rwanda, Juvénal Habyarimana, was shot down on its approach to Kigali airport.

1.25 In the hours which followed the crash of the President's plane, the senior officers of the FAR convened to assess the situation. Those who shared the extremist Hutu ideology, generally from the North, proposed an Army take-over. During a second meeting which took place on the morning of 7 April, that option was rejected in favour of setting up an interim Government.

1.26 Already on the morning of 7 April and while these discussions were taking place, groups of military, lists in hand, proceeded to arrest, confine and carry out systematic assassinations of a large number of political opponents, both Hutu and Tutsi, including the Prime Minister, some of the Ministers in her Government and the President of the Constitutional Court. At the same time, however, the military were evacuating prominent members of the dead President's circle, including the MRND Ministers, to safe locations. The Belgian UNAMIR soldiers sent to protect the Prime Minister were disarmed, arrested and taken to Kigali military camp, where they were massacred, prompting the withdrawal of the Belgian contingent in the days that followed. After the withdrawal of the Belgian troops, the UN Security Council drastically reduced the number of UNAMIR personnel in Rwanda.

1.27 The leaders of various political parties not targeted in the assassinations assembled at the request of military officers. Other than members of the MRND, most participants were members of the "Power" wings of their respective parties. Given the political and constitutional void created by the deaths of most national

political authorities, they set up a government based on the 1991 constitution. Composed solely of Hutus, the government was sworn in on 9 April 1994. The MRND held nine ministerial posts, plus the Presidency of the Republic, while the remaining 11 positions, including that of Prime Minister, went to the "Power" factions of the other parties.

1.28 In the hours that following the crash of President Habyarimana's plane, military and militiamen set up roadblocks and began slaughtering Tutsi and members of the Hutu opposition in Kigali and in other parts of Rwanda. At the roadblocks, they checked the identity cards of passers-by and killed those or most of those who were identified as Tutsi. Military patrols, often involving militiamen, scoured the city, lists in hand, to execute the Tutsis and certain political opponents.

1.29 During the entire period of the genocide, FAR military and militiamen, notably the *Interahamwe* (MRND) and the *Impuzamugambi* (CDR), actively participated in the massacres of Tutsis throughout Rwanda.

1.30 As soon as it was formed, the Interim Government espoused the plan for extermination put in place. Throughout the period of the massacres, the Government made decisions and issued directives to aid and abet in the extermination of the Tutsi population and the elimination of the Hutu political opponents. Members of the Government incited the population to eliminate the enemy and its "accomplices", notably through the media, and some of them participated directly in the massacres.

1.31 Local authorities, including *préfets*, *bourgmestres*, *conseillers de secteur* and *responsables de cellule* applied the Government-issued directives in execution of the plan for the extermination of the Tutsi population. They incited and ordered their subordinates to perpetrate the massacres and took a direct part in them.

1.32 Starting on 6 April, the incitement to hatred and ethnic violence conveyed by the media turned into a genuine call to exterminate the Tutsis and their accomplices. At the centre of this campaign of extermination was RTLM, which became known as "the killer radio station", which played a decisive role in the genocide and became a genuine accomplice of its perpetrators.

1.33 Having been psychologically and militarily prepared for several months, the groups of militiamen spearheaded the execution of the extermination plan and were directly involved in the massacres of the civilian Tutsi population and of moderate Hutus, thus causing the deaths of hundreds of thousands of people in less than 100 days.

2. TERRITORIAL, TEMPORAL AND MATERIAL JURISDICTION

2.1 The crimes referred to in this indictment took place in Rwanda between 1 January and 31 December 1994.

2.2 During the events referred to in this indictment, Rwanda was divided into 11 *préfectures*: Butare, Byumba, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali-Ville, Kigali-Rural and Ruhengeri. Each *préfecture* was subdivided into *communes* and *secteurs*.

2.3 During the events referred to in this indictment, the Tutsi, the Hutu and the Twa were identified as racial or ethnic groups. The Belgians were considered to be a national group.

2.4 During the events referred to in this indictment, there were throughout Rwanda widespread or systematic attacks directed against a civilian population on political, ethnic or racial grounds.

2.5 During the events referred to in this indictment, a state of non-international armed conflict existed in Rwanda. The victims referred to in this indictment were protected persons, according to the provisions of Article 3 common to the Geneva Conventions and of Additional Protocol II.

3. THE POWER STRUCTURE

The Government

3.1 According to the Constitution of 10 June 1991, executive power is exercised by the President of the Republic, assisted by the Government, composed of the Prime Minister and the ministers. The members of the Government are appointed by the President of the Republic upon the proposal of the Prime Minister. The Prime Minister directs the Government's program. The Government determines and applies national policy. To that effect, it controls the civil service and the armed forces. The Prime Minister decides the functions of the ministers and

officials under the Prime Minister's authority. The resignation or termination of tenure of the Prime Minister, for whatever reason, causes the Government to resign.

3.2 The Ministers implement the Government's policy, as defined by the Prime Minister. They are answerable to the Head of the Government for doing so. In carrying out their duties, they have at their disposal the government and local administration corresponding to their functions.

3.3 The Minister of Information is in charge of implementing the Government's policy with regard to information. The Minister manages and controls the activities of the services coming under his authority, including the public and private press divisions. ORINFOR is under the authority of the Minister of Information.

The Forces Armées Rwandaises

3.4 The *Forces Armées Rwandaises (FAR)* were composed of the *Armée Rwandaise (AR)* and the *Gendarmerie Nationale (Gendarmerie Nationale)*.

The Political Parties and The Militia

3.5 During the events referred to in this indictment, the main political parties in Rwanda were the MRND (*Mouvement Républicain National pour la Démocratie et le Développement*), the CDR (*Coalition pour la Défense de la République*), the MDR (*Mouvement Démocratique Républicain*), the PSD (*Parti Social-Démocrate*) and the PL (*Parti Libéral*). The RPF (Rwandan Patriotic Front) was a politico-military opposition organization.

3.6 The CDR (*Coalition pour la Défense de la République*) was formed on 18 February 1992 to defend the republican institutions stemming from the Social Revolution of 1959. At the national level, the CDR had a General Assembly. At the local level were prefectural and communal bodies such as the Regional Assembly, which decided on all party issues for the *préfecture* and was led by a regional committee, made up of four members, including a chairman, a vice-chairman, a secretary and a treasurer, who were elected for four-year terms.

3.7 Most of the political parties had created a youth wing. The members of the MRND's youth wing were known as the "Interahamwe" and those of the CDR were known as the "Impuzamugambi". Most of the MRND and CDR youth wings' members subsequently received military training and were thus transformed from youth movements into militias.

The Press in Rwanda

3.8 Between January and July 1994, two radio stations in Rwanda had authorization to broadcast throughout the country, i.e. Radio Rwanda and RTL. In addition, Radio Muhabura, the RPF's radio station, could be picked up in certain regions of Rwanda.

3.9 Between January and December 1994, several written press publications were available in Rwanda, including the newspaper *Kangura* with his edition in kyniarwanda. The International version of *Kangura* was in french.

3.10 Pursuant to Law No. 54/91 of 15 November 1991 on the press in Rwanda, anyone wishing to found or operate a radio broadcasting company must to sign an agreement of establishment and operation with the Rwandan government.

3.11 Furthermore, this law punishes anyone who uses the press to commit offences against individuals or groups, such as defamation (Article 44) or public slander (Article 45), or who is an accomplice to such offences (Article 46). Further, Article 166 of the Rwandan Penal Code, the penalties of which apply to Article 46 above, punishes any speech made at public meetings or in public places which is designed to cause the citizens to rise up against one another. Lastly, Article 49 of this law determines the individuals who are responsible for offences committed through the press.

3.12 The *Office Rwandais de l'Information* (ORINFOR), (Rwandan Information Agency) is a public institution with financial and administrative authority, responsible for radio and television broadcasts, print media, cinema and photography services nationwide.

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4. THE ACCUSED

Jean-Bosco Barayagwiza

4.1 **Jean-Bosco Barayagwiza** was born in 1950 in Mutara *commune*, Gisenyi *préfecture*, Rwanda.

4.2 At the time of the events referred to in this indictment, **Jean-Bosco Barayagwiza**, a founding member of the *Coalition pour la Défense de la République* (CDR) party, was the chairman of the CDR regional committee for Gisenyi *préfecture*. In addition, **Jean-Bosco Barayagwiza** was a member of the *comité d'initiative* for the private company *Radio Télévision Libre des Mille Collines* (RTL) s.a., and a senior official at its radio station, RTL. **Jean-Bosco Barayagwiza** had previously been a member of the MRND and political director in the Ministry of Foreign Affairs.

4.3 **Jean-Bosco Barayagwiza** was an important and influential person, closely associated with the persons in power, such as colonel Bagosora, the president Sindikubwabo and others.

4.4. As an official in the CDR and a former member of the MRND, **Jean-Bosco Barayagwiza** exercised authority over the members of the CDR and the *Impuzamugambi* (CDR) and *Interahamwe* (MRND) militiamen. In addition, as a senior official at the radio station RTL, **Jean-Bosco Barayagwiza** exercised authority and had control over RTL and its employees, including the announcers, broadcasters and reporters.

5. CONCISE STATEMENT OF THE FACTS: PREPARATION

5.1 From 1990 until December 1994, **Jean-Bosco Barayagwiza**, Ferdinand Nahimana, Félicien Kabuga, Hassan Ngeze and Georges Ruggiu conspired among themselves and with others to work out a plan with the intent to exterminate the civilian Tutsi population and eliminate members of the opposition. The components of this plan consisted of, among other things, the broadcasting of messages of ethnic hatred and incitement to violence, the training of and distribution of weapons to militiamen, as well as the preparation of lists of people to be eliminated and the broadcasting of their identities. In executing the plan, they organized and ordered the massacres perpetrated against the Tutsi population and moderate Hutu, and at the same time incited, aided and participated in them.

Incitement and Broadcasts

5.2 The incitement to ethnic hatred and violence was a fundamental part of the plan put in place. It was articulated, before and during the genocide, by politicians and businessmen, members of the Government and local authorities, and by elements of the FAR.

5.3 The 1990s saw the development of several publications in Rwanda which were designed to ensure that the message of ethnic hatred and incitement to violence was disseminated. In 1990, individuals in President Habyarimana's circle, including **Jean-Bosco Barayagwiza**, Ferdinand Nahimana and Joseph Nzirorera, formed the newspaper *Kangura* for the purpose of defending the extremist Hutu ideology.

5.4 Hassan Ngeze, a founding member of the CDR and a close collaborator of **Jean-Bosco Barayagwiza**, was appointed editor-in-chief of the newspaper *Kangura*. In December 1990, the newspaper published the "*Ten Commandments of the Bahutus*", which was not only an outright call to show contempt and hatred for the Tutsi minority but also to slander and persecute Tutsi women.

5.5 On 4 December 1991, at the conclusion of a meeting chaired by the Head of State, Juvénal Habyarimana, a military commission was given the task of finding an answer to the following question: "*What do we need to do in order to defeat the enemy militarily, in the media and politically?*" The newspaper *Kangura* wrote approvingly of the meeting.

5.6 The report produced by the commission defined the main enemy as follows: *"The Tutsis from inside or outside the country, who are extremists and nostalgic for power, who do not recognize and have never recognized the realities of the Social Revolution of 1959, and are seeking to regain power in Rwanda by any means, including taking up arms."* The secondary enemy was defined as: *"Anyone providing any kind of assistance to the main enemy"*. The document specified that the enemy was being recruited from within certain social groups, notably: *"the Tutsis inside the country, Hutus who are dissatisfied with the present regime, foreigners married to Tutsi women..."*. Among the activities the enemy was accused of, the document mentioned *"the diversion of national opinion from the ethnic problem to the socio-economic problem between the rich and the poor"*.

5.7 On 21 September 1992, an excerpt from the report was circulated among the troops. The following day, the CDR, issued a press communique in which it listed the names of individuals described as enemies and traitors to the nation.

5.8 The characterization of the Tutsis as the enemy and of members of the opposition as their accomplices was echoed by politicians, notably by Léon Mugesera, MRND Vice-Chairman for Gisenyi *préfecture*, in a speech he made on 22 November 1992, broadcasted on the Radio Rwanda and therefore reaching a much larger audience, Léon Mugesera's speech already at that time was an incitement to exterminate the Tutsi population and their "accomplices".

5.9 In 1993, in order to defend the extremist Hutu ideology and promote the use of incitement to hatred and fear of the Tutsi minority, **Jean-Bosco Barayagwiza**, Ferdinand Nahimana, Félicien Kabuga, André Ntagerura, Joseph Nzirorera, Georges Rutaganda, Joseph Serugendo and Simon Bikindi agreed among themselves and with others to form a limited company called RTL M s.a., notably in order to operate a radio station, RTL M. A statute was signed on 8 April 1993 and the radio station began broadcasting on 8 July 1993.

5.10 From July 1993 to April 1994, RTL M's broadcasts echoed the description of the Tutsis as the enemy and the members of the opposition as their accomplices, regularly using contemptuous expressions such as *"Inyenzi"* or *"Inkotanyi"* and referring to them as "enemies" or "traitors" who deserved to die.

5.11 In addition, RTLM and the newspaper *Kangura* conducted a campaign against the Arusha Accords, which both stipulated power-sharing with the Tutsi minority and rejected any ideology based on ethnic identity. *Kangura's* attacks targeted in particular the Government representative at the negotiations, Minister of Foreign Affairs Boniface Ngulinzira. On 11 April 1994, Boniface Ngulinzira was assassinated by the military. RTLM announced the news of his death in the following words: "*We have exterminated all RPF accomplices. Mr. Boniface Ngulinzira will no longer go to Arusha to sell the country to the RPF. The peace Accords are nothing but scraps of paper as our father Habyrimana had predicted.*"

5.12 After the signing of the Arusha Accords, **Jean-Bosco Barayagwiza**, Hassan Ngeze and other CDR members organized demonstrations in Gisenyi to protest against the Accords.

5.13 In late 1993 and in 1994, **Jean-Bosco Barayagwiza** took part in political debates on RTLM, Radio Rwanda and television, in which he made extremist remarks about the Tutsis, describing them as *Inyenzi* and *Inkotanyi* and referring to the Hutus in the opposition as accomplices.

5.14 In February 1994, **Jean-Bosco Barayagwiza** sent a fax to Gisenyi in which he called on the CDR youth wing to kill all the Tutsis, even the children, when the time came. The fax was distributed to the *Interahamwe* leaders by a CDR official in Gisenyi, Barnabé Sanvura. Furthermore, during the same period, **Jean-Bosco Barayagwiza** chaired a meeting of all CDR members in Gisenyi; the purpose of the meeting was to discuss the elimination of the Tutsis and moderate Hutus.

Training and Distribution of Weapons to the Militia Groups

5.15 In order to ensure that, when the time came, the extermination of the enemy and its "accomplices" would be carried out swiftly and effectively, it was necessary to create a militia that was structured, armed and complementary to the Armed Forces. As from 1993, and even before that date, the leaders of the MRND, in collaboration with officers of the FAR, decided to provide military training to those members most devoted to their extremist cause and to other idle youths. Furthermore, weapons were distributed to them.

5.16 On 19 October 1992, before the Statutes of RTLM s.a. had even been signed, traditional weapons were purchased through a bank account in the company's name.

5.17 Between June 1993 and July 1994, in Gisenyi *préfecture*, the *Interahamwe* and the CDR militiamen, the *Impuzamugambi*, underwent military training and received weapons from **Jean-Bosco Barayagwiza** and Hassan Ngeze, an *Interahamwe* leader .

5.18 Towards the end of 1993, in an open letter broadcast on national radio, the Bishop of the diocese of Nyundo, in Gisenyi *préfecture*, denounced the distribution of weapons in that *préfecture*.

Establishment of Lists

5.19 Having identified the Tutsis as the main enemy and the members of the opposition as their accomplices, civilian authorities, political figures and militiamen established lists of people to be executed. In 1993, at the instigation of **Jean-Bosco Barayagwiza**, the *bourgmestres* and *conseillers de secteur* in Gisenyi *préfecture* drew up lists bearing the names of Tutsis and moderate Hutus to be eliminated.

5.20 From January and July 1994, RTLM broadcast lists of people identified as the enemy. From 7 April to late July, military and militiamen massacred members of the Tutsi population and moderate Hutus by means of pre-established lists and names broadcast on RTLM, among other things.

Precursors Revealing A Deliberate Course of Action

5.21 The political and ethnic violence of the early 1990s was characterized by the use of the elements of the strategy which achieved its finality in the genocide of April 1994. The massacres of the Tutsi minority at that time, including those in Kibilira (1990), in Bagogwe (1991), and those of Bugesera (1992), were instigated, facilitated and organized by civilian and military authorities. On each occasion, a campaign of incitement to ethnic violence, conducted by local authorities, was followed by massacres of the Tutsi minority, perpetrated by groups of militiamen and civilians, armed and assisted by the same authorities and by certain military personnel. On each occasion, these crimes remained unpunished and the authorities implicated were generally not taken to task.

5.22 In 1991, **Jean-Bosco Barayagwiza**, in collaboration with Hassan Ngeze and others, planned the killings of the Bagogwe Tutsis in Mutura *commune*, Gisenyi *préfecture*, and in Bugesera. They distributed weapons and money to the

Interahamwe and *Impuzamugambi* militiamen who committed the massacres.

5.23 During the same period, **Jean-Bosco Barayagwiza** chaired meetings at which he incited the militia groups and the civilian population to kill the Tutsis. Following those meetings, Tutsis were attacked and killed.

Modus Operandi

5.24 Finally, as of 7 April 1994, throughout Rwanda, Tutsis and certain moderate Hutus, began to flee their homes to escape the violence to which they were victims on their hills and to seek refuge in places where they had traditionally felt safe, notably churches, hospitals and other public buildings such as *commune* and *préfecture* offices. On several occasions, gathering places were indicated to them by the local authorities, who had promised to protect them. For the initial days, the refugees were protected by a few gendarmes and communal police in these various locations, but subsequently, the refugees were systematically attacked and massacred by militiamen, often assisted by the same authorities who had promised to protect the refugees.

5.25 Furthermore, soldiers, militiamen and gendarmes raped or sexually assaulted or committed other crimes of a sexual nature against Tutsi women and girls, sometimes after having first kidnapped them.

6. CONCISE STATEMENT OF THE FACTS: RTLM

6.1 The idea of creation of RTLM was conceived on, or about 13 July 1992 and implemented on 8 April 1993 with the signing of the statutes by **Jean-Bosco Barayagwiza**, Félicien Kabuga, Ferdinand Nahimana, André Ntagerura, Georges Rutaganda, Joseph Nzirorera, Simon Bikindi and others.

6.2 A *comité d'initiative* was set up and some of its members, including notably Félicien Kabuga, the chairman, Ferdinand Nahimana and **Jean-Bosco Barayagwiza**, continued to act as officials of RTLM. RTLM broadcasted throughout Rwanda from 8 July 1993 until late July 1994. Hassan Ngeze welcomed the formation of RTLM in *Kangura*, describing it as the birth of a partner in the fight for Hutu unification.

6.3 Thereafter, on 30 September 1993, an agreement to establish and operate a radio station was signed by the Government of Rwanda and *Radio Télévision des Mille Collines* (RTLM). Article 5(2) of the agreement stipulated notably that

RTLM agreed not to broadcast programs that would incite to hatred, violence or any form of division. In addition, RTLM agreed to abide by the provisions of the national and international instruments government telecommunications.

6.4 In 1993, at an RTLM fundraising meeting organized by the MRND, Félicien Kabuga publicly defined the RTLM's purpose as the defence of 'Hutu Power'. He made these remarks in the presence of **Jean-Bosco Barayagwiza**, Ferdinand Nahimana, Hassan Ngeze, Froduald Karamira, Justin Magenzi, Mathieu Ngirumpatse and the reporters Kantano Habimana, Valérie Bemmeriki, Noël Hitimana, Gaspard Gahigi and others.

6.5 RTLM received logistical support from Radio Rwanda, and also from President Habyarimana, as the station was connected to the power generators at the President's Office, thus enabling it to continue operation in case of power failure.

Content and Impact of RTLM's Broadcasts

6.6 RTLM's objectives were to promote the extremist Hutu ideology. Its strategy of broadcast evolved from music and other popular programs in 1993 to incite extermination of the Tutsis and elimination of the Hutus in the opposition in 1994. As from 7 April 1994, RTLM became an weapon in the execution of the genocide, by aiding, abetting and inciting the general public and the militiamen to commit massacres.

6.7 As from April 1994, RTLM broadcast messages inciting the general public and the militia groups to exterminate all the Tutsis and eliminate the moderate Hutus and Belgian nationals, by using such expressions as: "go work", "go clean", "to each his own Belgian", "the graves are not yet full", "the revolution of 1959 is not over and must be carried through to its conclusion".

6.8 Thus, during this period, Georges Henri Yvon Ruggiu, in his capacity as a reporter, broadcaster or announcer and employee of RTLM since 1 January 1994, presented programs in French that incited the people and the *Interahamwe* militiamen to "work and complete the revolution of 59". These messages of incitement were designed to bring about the extermination of the Tutsi population and the elimination of moderate Hutus and certain Belgian nationals.

6.9 Between January and July 1994, other reporters, broadcasters or announcers, such as Valérie Bemeriki, Kantano Habimana, Gaspard Gahigi and Noël Hitimana also incited the general public and the *Interahamwe* to exterminate the Tutsis and moderate Hutus. The same reporters slandered and denigrated Tutsi women over the RTLM airwaves.

6.10 Thus, on 2 July 1994, the reporter Kantano Habimana incited the people to rise up, stand fast and fight the *Inkotanyi* using stones, machetes and spears, while rejoicing that in the end the *Inkotanyi* would be exterminated.

6.11 Also, in June 1994, Valérie Bemeriki incited the people to set up roadblocks everywhere in order to monitor the *Inyenzi-Inkotanyi* effectively and expressed satisfaction at the large number of *Inyenzi* killed in the country.

6.12 Between April and July 1994, RTLM broadcast interviews, messages and speeches by political and government figures which incited the extermination of the Tutsis and moderate Hutus.

6.13 In April, May and June 1994, Hassan Ngeze, co-founder of the CDR, along with **Jean-Bosco Barayagwiza**, was interviewed on RTLM and Radio Rwanda. During those interviews, he called for the extermination of the Tutsis and Hutus in the opposition. He also defended the extremist Hutu ideology of the CDR.

6.14 In addition, members of the government and the political parties used the media to incite the massacre of the Tutsi population and moderate Hutus. On 21 April 1994, in particular, the Prime Minister of the Interim Government, Jean Kambanda, stated that the RTLM broadcasts were "a crucial weapon in the fight against the enemy".

6.15 From end of 1993 through July 1994, RTLM identified the locations where the Tutsis had sought refuge for their own protection and told the *Interahamwe* militiamen to attack those locations. Several of the locations were attacked and the Tutsis there were massacred. In certain cases, RTLM identified certain individuals who were described as accomplices and told the militiamen to find and execute them.

6.16 As from 10 April 1994, RTLM and notably two of its employees, Valérie Bemeriki and Noël Hitimana, incited the militiamen to attack the Kadafi mosque in Nyamirambo. The reporters named certain individuals who had sought refuge there and gave orders to eliminate them. In the days that followed, Kadafi mosque was in fact attacked and several refugees killed.

6.17 On 18 June 1994, Georges Ruggiu made an announcement on RTLM that the Tutsis at Gitwe had not yet been killed. He also asked that the roadblocks be strengthened so that no one could flee. Following that broadcast, on 20 June 1994, the *Interahamwe* went to Gitwe hill, in Mutara *commune*, in the company of *Bourgmestre* Rutaganda, and killed the members of more than 70 families, primarily Tutsis.

6.18 While the massacres were being carried out, RTLM on several occasions encouraged the militiamen, including those manning the roadblocks, to exterminate the Tutsis and murder the Hutu opponents, and congratulated the killers, praising their vigilance and telling them to continue their work with greater vigour.

6.19 Following the messages and speeches referred to in paragraphs 6.1 to 6.17 above, which incited and encouraged violence and ethnic hatred, many members of the Tutsi population, as well as moderate Hutus and certain Belgian nationals, were eliminated.

Control of the Broadcasts

6.20 Between January and July 1994, **Jean-Bosco Barayagwiza**, Félicien Kabuga and Ferdinand Nahimana exercised authority and control over RTLM s.a., RTLM radio reporters, announcers and all other employees, like Georges Ruggiu, Valerie Bemmeriki and others.

6.21 **Jean-Bosco Barayagwiza**, Félicien Kabuga and Ferdinand Nahimana were aware of the content of RTLM's broadcasts. On 26 November 1993 and on 10 February 1994, **Jean-Bosco Barayagwiza**, Ferdinand Nahimana, Félicien Kabuga and Phoca Habimana, in their capacity as RTLM officials, were summoned to see the Minister of Information, Faustin Rucogoza, and told to stop airing messages inciting ethnic violence and hatred. The broadcasts were in violation of the Arusha Accords, the law of 15 November 1991 governing the press and the agreement of establishment signed by RTLM and the government.

6.22 During these two meetings, **Jean-Bosco Barayagwiza**, Ferdinand Nahimana, and Félicien Kabuga defended the content of the broadcasts and their reporters. **Jean-Bosco Barayagwiza**, Ferdinand Nahimana and Félicien Kabuga

subsequently allowed the broadcasts and their reporters to continue spreading their message inciting violence and ethnic hatred.

6.23 Between January and July 1994, **Jean-Bosco Barayagwiza** knew or had reason to know that his subordinates, including the reporters, announcers and all other RTLM employees, were broadcasting messages inciting, aiding and abetting the general public and the militia groups in exterminating all the Tutsis and eliminating the moderate Hutus and Belgian nationals, and did not take reasonable steps to prevent or punish the perpetrators.

6.24 In addition, during the period referred to in this indictment, **Jean-Bosco Barayagwiza** knew or had reason to know that the programs, speeches or messages broadcast by RTLM resulted in widespread massacres of the Tutsi population and the murder of numerous moderate Hutus and certain Belgian nationals.

7. **CONCISE STATEMENT OF THE FACTS: OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

7.1 As from 7 April 1994, massacres of the Tutsi population and the murder of numerous political opponents were perpetrated throughout the territory of Rwanda. These crimes, which had been planned and prepared for a long time by prominent civilian and military figures who shared the extremist Hutu ideology, were carried out by militiamen, military personnel and gendarmes on the orders and directives of some of these authorities, including **Jean-Bosco Barayagwiza**.

Kigali

7.2 As of the night of 6 to 7 April, in the capital, elements of the Presidential Guard and the Para-Commando battalion set up roadblocks, reinforced with armored vehicles, on the major roads, controlling people's movements. Militiamen subsequently joined them or set up roadblocks of their own. At these places, Tutsis or those identified as such were summarily executed.

7.3 After 6 April 1994, **Jean-Bosco Barayagwiza** supervised the roadblocks located between Kiyovu hotel and the *Cercle Sportif de Kigali*, in the neighbourhood in which he resided. He supervised these roadblocks along with a member of the Presidential Guard. **Jean-Bosco Barayagwiza** instructed the CDR militiamen and members who were manning the roadblocks to eliminate all the Tutsis and Hutu opponents.

7.4 During the same period, **Jean-Bosco Barayagwiza** ordered the CDR militiamen and members to search houses in the Kiyovu neighbourhood in order to search out and eliminate Tutsis.

Gisenyi

7.5 Gisenyi, the *préfecture* of origin of the deceased President, Juvénal Habyarimana, is located in northwestern Rwanda. From the time of the coup d'état in 1973, Gisenyi was the bastion of the *Mouvement Républicain National pour la Démocratie et le Développement* (MRND) and the *Coalition pour la Défense de la République* (CDR). Several prominent civil and military figures who had espoused the extremist Hutu ideology were from this *préfecture*. After 1990, the *préfecture* was the theatre for much inter-ethnic tension and violence, causing the death of many Tutsis. This was the case with the *Bagogwe* in 1991. In early June 1994, the Interim Government moved to Gisenyi.

7.6 After his election as chairman of the CDR regional committee for Gisenyi on 6 February 1994, **Jean-Bosco Barayagwiza** worked to plan, prepare and organize the massacres of the Tutsi population of Gisenyi. Before April 1994, **Jean-Bosco Barayagwiza** held meetings and issued directives to his subordinates, including Barnabé Sanvura, a CDR leader in Gisenyi, to prepare lists of Tutsis to be eliminated and to incite the militiamen to kill the Tutsis when the time came. Hassan Ngeze and Barnabé Sanvura passed those directives on to those in charge of the *Interahamwe* (MRND) and the *Impuzamugambi* (CDR).

7.7 Starting on 7 April 1994, in Gisenyi, members of the CDR, including Hassan Ngeze, militiamen and military personnel gave orders to set up roadblocks; they also distributed weapons and incited, aided and abetted the people in exterminating the Tutsis and eliminating the moderate Hutus.

7.8 Between April and July 1994, roadblocks were set up by the militiamen in Gisenyi *préfecture*, in order to identify the Tutsi and their "accomplices" and kill them on the spot or take them to *Commune Rouge* to execute them there. In certain cases, the Tutsis at *Commune Rouge* were forced to undress before being killed. Hassan Ngeze was present at this time.

7.9 Between April and July 1994, the most active groups of militiamen in Gisenyi *préfecture*, led by CDR officials, including Hassan Ngeze and Mabuye Twagirayezu, and MRND officials, including Bernard Munyagishari and Omar

Serushago, hunted down, abducted and killed several members of the Tutsi population and moderate Hutus in Gisenyi. In addition, many houses belonging to Tutsis were looted, destroyed or burned down by the *Interahamwe*.

7.10 During the entire period of April to July 1994, **Jean-Bosco Barayagwiza** knew or had reason to know that his subordinates, notably the CDR and MRND militiamen, had committed widespread massacres of the Tutsi population and numerous moderate Hutus.

Responsibility

7.11 From April to July 1994, several hundred thousand people were massacred throughout Rwanda. The majority of the victims were killed solely because they were Tutsi or appeared to be Tutsi. The other victims, nearly all Hutu, were killed because they were considered Tutsi accomplices, were linked to them through marriage or were opposed to the extremist Hutu ideology.

7.12 The massacres thus perpetrated were the result of a strategy adopted and elaborated by political, civil and military authorities in the country, such as **Jean-Bosco Barayagwiza**, Ferdinand Nahimana, Hassan Ngeze and Georges Ruggiu, who conspired to exterminate the Tutsi population.

7.13 **Jean-Bosco Barayagwiza**, in his position of authority, acting in concert with, notably Ferdinand Nahimana, Hassan Ngeze, Georges Ruggiu, Omar Serushago, Bernard Munyagishari, Mabye Twagirayezu and Barnabé Sanvura, participated in the planning, preparation or execution of a common scheme, strategy or plan, to commit the atrocities set forth above. The crimes were committed by him personally, by persons he assisted, or by his subordinates, including militiamen and the reporters, announcers and all other RTLM employees, who acted under his orders and with his knowledge or consent.

8. COUNTS

COUNT 1:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(1), according to paragraphs: 5.1, 5.2, 5.3, 5.4, 5.5, 5.7, 5.10, 5.12, 5.13, 5.14, 6.1, 6.2, 6.3, 6.4, 6.5, 7.1, 7.2, 7.3, 7.9, 7.10, 7.11, 7.12, 7.13

conspired with Ferdinand Nahimana, Hassan Ngeze, Barnabé Sanvura, Joseph Nzirorera, Georges Ruggiu, Bernard Munyagishari, Omar Serushago and others to kill and cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **CONSPIRACY TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(b) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6(1) and which is punishable in reference to Articles 22 and 23 of the Statute

COUNT 2:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(1), according to paragraphs: 5.1, 5.12, 5.14, 5.18, 6.18, 7.1, 7.2, 7.4, 7.5, 7.11, 7.12, 7.13

-pursuant to Article 6(3), according to paragraphs: 6.15, 6.16, 6.20, 6.21, 6.22, 6.23, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13

is responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **GENOCIDE**, a crime stipulated in Article 2(3)(a) of the Statute of the Tribunal, for which they are individually responsible

pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 3:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: - pursuant to Article 6(1), according to paragraphs: 5.1, 5.12, 5.14, 5.18, 6.18, 7.1, 7.2, 7.4, 7.5, 7.7, 7.8, 7.11, 7.12, 7.13

-pursuant to Article 6(3), according to paragraphs: 6.15, 6.16, 6.20, 6.21, 6.22, 6.23, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13

is responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute of the Tribunal, for which they are individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 4:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(1), according to paragraphs: 5.1, 5.2, 5.7, 5.8, 5.9, 5.11, 5.12, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.15 to 6.23, 7.11, 7.12, 7.13

-pursuant to Article 6(3), according to paragraphs: 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.15, 6.19, 6.20, 6.21, 6.22, 6.23, 7.11, 7.12, 7.13

is responsible for direct and public incitement to kill and cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(c) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 5:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(1), according to paragraphs: 5.1, 5.5, 5.12, 5.16, 5.18, 5.19, 7.1, 7.2, 7.4, 7.5, 7.11, 7.12, 7.13

-pursuant to Article 6(3), according to paragraphs: 5.1, 5.16, 5.18, 5.19, 6.10, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 7.4, 7.5, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13

is responsible for the **extermination** of persons as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(b) of the Statute of Tribunal, for which they are individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 6:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(1), according to paragraphs: 5.1, 5.5, 5.12, 5.16, 5.18, 5.19, 7.1, 7.2, 7.4, 7.5, 7.11, 7.12, 7.13

-pursuant to Article 6(3), according to paragraphs: 5.1, 5.16, 5.18, 5.19, 6.10, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 7.4, 7.5, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13

is responsible for the **murder** of persons as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(a) of the Statute of Tribunal, for which he is individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 7:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(1), according to paragraphs: 5.1, 5.2, 5.7, 5.8, 5.9, 5.10, 5.11, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.15 to 6.23, 7.11, 7.12, 7.13

-pursuant to Article 6(3), according to paragraphs: 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.15, 6.19, 6.20, 6.21, 6.22, 6.23, 7.11, 7.12, 7.13

is responsible for **persecution** on political, racial or religious grounds, as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(h) of Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 8:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(3), according to paragraphs: 5.1, 5.2, 5.3, 5.4, 5.5, 5.16, 5.20, 5.21, 5.23, 5.24, 6.8, 6.13, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13

is responsible for outrages upon personal dignity, in particular humiliating and degrading treatment, as part of an armed internal conflict, and thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, a crime stipulated in Article 4 (e) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 9:

By the acts or omissions described in paragraphs 5.1 to 7.13 and more specifically in the paragraphs referred to below:

JEAN-BOSCO BARAYAGWIZA: -pursuant to Article 6(3), according to paragraphs: 5.1, 5.2, 5.4, 5.5, 5.6, 5.14, 5.20, 5.21, 5.23, 7.1, 7.6, 7.8, 7.10, 7.11, 7.12, 7.13

is responsible for pillage, as part of an armed internal conflict, and thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II**, a crime stipulated in Article 4 (f) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 of the Statute and which is punishable in reference to Articles 22 and 23 of the Statute.

13 April 2000
Kigali

For the Prosecutor



Mohamed OTHMAN
Chief of Prosecutions