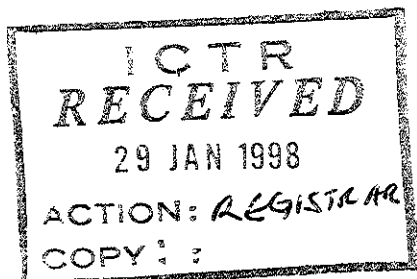


INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-96-10-I



THE PROSECUTOR

AGAINST

ANDRÉ NTAGERURA

**AMENDED INDICTMENT**

1. 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:

**ANDRÉ NTAGERURA**

with **GENOCIDE, CONSPIRACY TO COMMIT GENOCIDE, COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY, AND SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF THE ADDITIONAL PROTOCOL II**, as set forth below:

**THE ACCUSED**

**ANDRÉ NTAGERURA** is believed to have been born in 1950, in Karengera *commune*, Cyangugu *préfecture*, in the Republic of Rwanda. He is the son of Innocent NSABUWINYE and Angéline NSABUWINYE. At the time of the events referred to in this indictment, he was the Minister of Transport and Communications of the Republic of Rwanda. The accused is currently detained in the Republic of Cameroon.

## CONCISE STATEMENT OF FACTS

### General

1. During the events referred to in this indictment, Rwanda was divided into eleven *préfectures*, one of which was *Cyangugu préfecture*.
2. During the events referred to in this indictment, the Tutsi were identified as a racial or ethnic group.
3. During the entire period referred to in this indictment, there were in Rwanda widespread and/or systematic attacks directed against a civilian population on political, ethnic or racial grounds.
4. 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 and did not take an active part in the hostilities.
5. On 6 April 1994, the plane carrying President Juvénal Habyarimana of Rwanda crashed on its approach to Kigali airport, Rwanda, killing all on board. Soon thereafter, attacks on and the killing of civilians began throughout Rwanda.

### Control and Exercise of Authority

6. During the period referred to in this indictment, **ANDRÉ NTAGERURA** was a senior cabinet Minister, and a prominent member of the ruling party, the *Mouvement républicain national pour la démocratie et le développement* (MRND), formerly the *Mouvement révolutionnaire national pour le développement*, in southwestern Rwanda.
7. As a member of the MRND, **ANDRÉ NTAGERURA** was involved in defining the political orientation of the MRND.
8. **ANDRÉ NTAGERURA** was the Minister of Transport and Communications of the Republic of Rwanda. As Minister of Transport and Communications, he was responsible for, among other things, assigning all government vehicles.

## Other Relevant Material Facts

9.1 From 1 January to 31 July 1994, and even as early as 1991, **ANDRÉ NTAGERURA** had strong political and community ties in Cyangugu *préfecture*, in Rwanda. **ANDRÉ NTAGERURA** frequently traveled to Cyangugu *préfecture*, particularly to Karengera, Gatara and other *communes* and conducted MRND party meetings as well as meetings of *conseillers* and *bourgmestres* of the *préfecture*.

9.2 Consequently, on 11 April 1994, after the death of President Habyarimana when the plane in which he was travelling crashed, André Ntagerura conducted a meeting in Cyangugu.

9.3 From 1 January to 31 July 1994 and even before this period,

- **André NTAGERURA**, Minister of Transport and Communications,
- Emmanuel BAGAMBIKI, *Préfet* of Cyangugu,
- Yussuf MUNYAKAZI, *Interahamwe* leader,
- Christophe NYANDWI, civil servant at the Ministry of Planning,
- Michel BUSUNYU, Chairman of the MRND in Karengera *commune*,

all prominent MRND figures in Cyangugu, held a meeting among themselves as well as with others to organize, prepare and encourage the genocide, particularly of the Tutsi population.

10. From 1 January to 31 July 1994, the *Interahamwe* militia ("*Interahamwe*") was a wing of the MRND party.

11. From 1 January to 31 July 1994 and particularly in February, March and April 1994, **ANDRÉ NTAGERURA** allowed and/or authorized the use of government vehicles, specifically buses for the transport of militiamen, armed *Interahamwe* militiamen and civilians, including Tutsis, as well as for the transport of weapons and ammunition to and throughout Cyangugu *préfecture*, particularly through Karengera, Bugarama, Nyakabuye and other *communes* as well as in Butare, Ruhengeri and Kibuye *préfectures* and elsewhere.

12.1 From 1 January to 31 July 1994 as early as 1991, **ANDRÉ NTAGERURA** encouraged and participated in the training of *Interahamwe* militiamen in Karengera *commune* and in other *communes* in Cyangugu *préfecture*.

12.2 In January 1994, **ANDRÉ NTAGERURA** stated that the Hutus were not acting without thinking, that he was training their *Interahamwe* and that the Tutsi would thus be paid back one day.

13. From 1 January to 31 July 1994 and as early as January 1993, weapons, ammunition and uniforms were frequently distributed in Cyangugu *préfecture*. These weapons were sometimes stored in Yussuf MUNYAKAZI's house in Bugarama *commune* and elsewhere. They were later distributed to the *Interahamwe* in Cyangugu *préfecture*.

14.1 From 1 January to 31 July 1994, **ANDRÉ NTAGERURA** was often seen in the company of, and publicly expressed his support for, Yussuf MUNYAKAZI and the *Interahamwe* in Cyangugu *préfecture*, specifically in Bugarama *commune*.

14.2 Thus, in February 1994, **ANDRÉ NTAGERURA** was seen with a group of *Interahamwe* militiamen and their leader, Yussuf MUNYAKAZI, who were dressed in the multicoloured uniform of the militia and were armed with grenades, swords and machetes and were chanting war songs.

14.3 From 1 January to 31 July 1994, **ANDRÉ NTAGERURA** travelled throughout Cyangugu *préfecture*, often accompanied by *Préfet* Emmanuel BAGAMBIKI and Yussuf MUNYAKAZI, to monitor the activities of the *Interahamwe* and verify that the orders to kill the Tutsis and all political opponents had been carried out.

15.1 From 1 January to 31 July 1994, **ANDRÉ NTAGERURA** was seen with Yussuf MUNYAKAZI, while the latter expressed anti-Tutsi sentiments, and he did not condemn these publicly expressed sentiments.

15.2 In February 1994, notably, **ANDRÉ NTAGERURA** approved a public statement made by Yussuf MUNYAKAZI in which the latter affirmed that they (the Hutus) were going to eliminate the Tutsis.

16. From 1 January to 31 July 1994, Yussuf MUNYAKAZI was an influential member and one of the leaders of the *Interahamwe* in Cyangugu *préfecture*. He was one of the people in charge of implementing MRND orders. Many of the orders came from **ANDRÉ NTAGERURA**.

17. The murder of civilians in Cyangugu started in the course of the month of

February 1994, and was led and perpetrated by the *Interahamwe* and other groups.

18 From early April through July 1994, attacks on Tutsi civilians occurred in Cyangugu *préfecture* and resulted in the death of an estimated one hundred thousand or more people and countless injured.

19. During the period of these attacks, **ANDRÉ NTAGERURA** continued to remain active in Cyangugu *préfecture* and acted as a supervisor. On one occasion after April 1994, he attended a meeting chaired by the Interim President of the Republic of Rwanda, Théodore SINDIKUBWABO, who congratulated the community on killing the Tutsis.

## CHARGES

### COUNT 1

As a result of the acts committed between February 1994 and 31 July 1994, in Cyangugu *préfecture*, in relation to the events described in paragraphs 9 to 19 and particularly paragraphs 9, 11, 14.2, 14.3, 16, 17 and 18, **ANDRÉ NTAGERURA** 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, an ethnic or racial group as such, and has thereby committed **GENOCIDE**, a crime stipulated in Article 2(2) (a),(b), 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 of the Tribunal;

### COUNT 2

As a result of the acts committed between January and 31 July 1994 on the territory of the Republic of Rwanda, in relation to the events described in paragraphs 9 to 19 and particularly paragraphs 9, 13, 14.3, 16 and 19, **ANDRÉ NTAGERURA** conspired with Emmanuel BAGAMBIKI, Samuel IMANISHIMWE, Yussuf MUNYAKAZI 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, an ethnic or racial group as such, and thereby committed **CONSPIRACY TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(b), for which he is responsible pursuant to Article 6(1) and

which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

### COUNT 3

As a result of the acts committed between February and 31 July 1994, in Cyangugu *préfecture*, Republic of Rwanda, in relation to the events described in paragraphs 9 to 19, particularly paragraphs 12.1 and 12.2, **ANDRÉ NTAGERURA** was complicit in killing or causing serious bodily and mental harm to members of the Tutsi population, with the intent to destroy, in whole or in part, an ethnic or racial group as such, and thereby committed **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e), for which he is responsible pursuant to Article 6(1), and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

### COUNT 4

As a result of the acts committed between February 1994 and 31 July 1994 in Cyangugu *préfecture*, Republic of Rwanda, in relation to the events described in paragraphs 9 to 19, particularly paragraphs 17 and 18, **ANDRÉ NTAGERURA** is responsible for the extermination of civilians as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds and has thereby committed a **CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(b), 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 of the Tribunal.

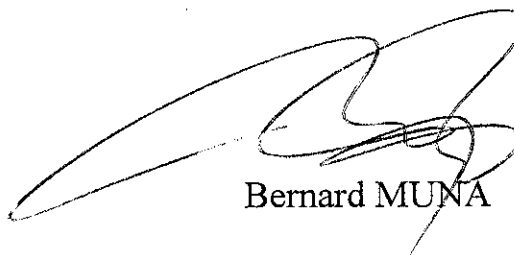
### COUNT 5

As a result of the acts committed between 6 April and 31 July 1994, in Cyangugu *préfecture*, Republic of Rwanda, in relation to the events described in paragraphs 9 to 19, particularly paragraphs 14.2, 16 and 18, **ANDRÉ NTAGERURA** is responsible for causing violence to life, health and physical or mental well-being of persons, in particular murder, as well as cruel treatment, and has thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, a crime stipulated in Article 4 (a), 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 of the Tribunal.

COUNT 6

As a result of the acts committed between 1 January and 31 July 1994 on the territory of the Republic of Rwanda, in relation to the events described in paragraphs 9 to 19 and particularly paragraph 11, **ANDRÉ NTAGERURA**, as Minister of Transport and Communications, being a senior official or recognized as such, knew or had reason to know that his subordinates, in this case the civil servants and officials within his Ministry or reporting to it, were preparing to commit or had committed acts referred to in Articles 2 to 4 of the Statute of the Tribunal, specifically acts of complicity consisting of placing Government or parastatal company vehicles at the disposal of the *Interahamwe* militia or other armed groups perpetrating the crime of genocide, and failed to take the necessary and reasonable steps to prevent the said acts from occurring or punishing the perpetrators, and thereby committed **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e), for which he is individually responsible pursuant to Article 6(3), and which is punishable in reference to Articles 22 and 23 of the Statute of Tribunal.

For the Prosecutor,  
The Deputy Prosecutor



Bernard MUNA

26-01- 1998

Kigali, Rwanda