



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

Case No. ICTR-98-44A-I

THE PROSECUTOR

AGAINST

JUVENAL KAJELIJELI

**AMENDED INDICTMENT PURSUANT TO THE TRIBUNAL ORDER DATED
25 JANUARY 2001**

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:

JUVENAL KAJELIJELI

with **GENOCIDE** or in the alternative **COMPLICITY IN GENOCIDE, CONSPIRACY TO COMMIT GENOCIDE, DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE, CRIMES AGAINST HUMANITY, and VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II**, offences stipulated in Articles 2, 3 and 4 of the Statute of the Tribunal.

1. THE ACCUSED:

1.1 **Juvénal Kajelijeli** was born on 26 December 1951 in Rwinzovu *cellule*, Rwinzovu *secteur*, Mukingo *commune*, Ruhengeri *préfecture*, Rwanda.

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 and in particular the Mukingo *commune* and the neighbouring area within the Ruhengeri *préfecture*.

2.2 During the events referred to in this indictment, the Tutsis were identified as a racial or ethnic group.

2.3 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.

2.4 During the events referred to in this indictment, there was a state of non-international armed conflict in Rwanda.

2.5 The victims referred to in this indictment were Tutsi civilians in Mukingo *commune* and other persons of Tutsi origin who had taken refuge in that *commune* and its neighbouring area.

2.5.1 These victims were persons who were protected under Article 3 common to the Geneva Conventions of 1949 and Additional Protocol II thereof and did not actively participate in the conflict.

3. The Local Public Administration

3.1 During the events referred to in this indictment, Rwanda was divided into eleven (11) *préfectures*, one of which was Ruhengeri. This *préfecture* was divided into *communes* one of which was Mukingo and the *commune* was divided into *secteurs* which were also divided into *cellules*.

3.2 The *Préfet* represented executive power at the *préfecture* level. The *Préfet* was appointed by the President of the Republic on the recommendation of the Minister of the Interior and carried out his duties under that Minister's hierarchical authority. The *Préfet's* authority covered the entire *préfecture* and he administered the *préfecture*.

3.3 In his capacity as administrator of the *préfecture*, the *Préfet* was responsible for ensuring peace, public order and the safety of people and property. The *Préfet* had hierarchical authority over all civil servants and all persons holding public office within the boundaries of the *préfecture*, including the *Bourgmestres* and the *Conseillers de secteur*.

3.4 The *Bourgmestre* represented executive power at the level of the *commune*. Like the *Préfet*, he was appointed by the President of the Republic on recommendation from the Minister of the Interior. The *Bourgmestre* was under the hierarchical authority of the *Préfet*. He had authority over the civil servants posted in his *commune*. Moreover, he had policing duties in regard to maintaining order and law enforcement and for ensuring peace, public order and the safety of people and property within the Mukingo *commune*. In discharging these duties, he may request for the intervention of the *Police Communale* and *Gendarmerie Nationale*.

3.5 **The Accused** served as *Bourgmestre* of Mukingo *commune* from 1988 to 1993 and was re-appointed *Bourgmestre* of Mukingo *commune* in June 1994. He remained in that post until mid-July 1994.

3.6 In his capacity as *Bourgmestre*, **the Accused** exercised authority over his subordinates including civil servants, members of the *Police Communale* and *Gendarmerie Nationale*, the civilian population of Mukingo *commune* and *Interahamwe-MRND*.

4. The Political Parties, Youth Wings and Militia

Political Parties

4.1 The MRND (*Mouvement Révolutionnaire National pour le Développement*) was founded by Juvénal Habyarimana on 5 July 1975. The organization was in fact a true Party-State. Its aim was to provide the President of the Republic with a powerful apparatus intended to control the workings of the State. The movement's objectives were, among others, to support and control the actions of the various State powers. Only the Chairman of the MRND could stand for the Presidency of the Republic. All Rwandans were members of the MRND from birth.

4.2 The organs of the MRND (*Mouvement Révolutionnaire National pour le Développement*) were centralized at the top and spread out at the bottom. The national organs included the chairmanship, the general secretariat, the national congress and the central committee. The central committee was made up of the Chairman, other members appointed by the Chairman, the National secretary-general and the Speaker of Parliament (the *Conseil National de Développement - CND*). At local level, there were organs at *préfecture*, *commune* and *cellule* levels.

4.2.1 The *Préfet* and *Bourgmestre* were each responsible for the implementation of the policy of the MRND in their respective administrative districts. These two figures were civil servants directly appointed by the President of the Republic, who was also the Chairman of the MRND.

4.3 The MRND controlled the policy of the Government and the government gave effect to that policy at the national, *préfecture* and *commune* levels through the structures set out in **paragraph 3.3** and **3.4** above.

4.4 With the institution of the multiparty system and the adoption of a new Constitution on 10 June 1991, the *Mouvement Révolutionnaire National pour le Développement* (MRND) was renamed the *Mouvement Républicain National pour la Démocratie et le Développement* (MRND). Although its statutes were amended, the structure of the new party remained the same.

4.5 The renamed MRND was a political party in Rwanda during 1994.

4.6 **The Accused** had close ties with MRND's National secretary-general, Joseph Nzirorera, former Minister in the MRND Governments of 1987, 1989, 1990 and 1991, and a fellow native of Mukingo *commune*, and he benefited in authority and status from this association.

4.6.1 At times other than those referred to in **paragraph 3.5** above, **the Accused** exercised the de facto authority of *Bourgmestre* in Mukingo *commune* as a result of his association with, and patronage of, Joseph Nzirorera.

The Youth Wings and the Militia

4.7 After the attack of October 1990 in Rwanda, by the Rwandan Patriotic Front (RPF), an allegedly Tutsi organisation, some groups within the then Rwandan Government and military structure, initiated the characterization of the Tutsis as the enemy to be eliminated from Rwanda.

4.8 This characterization defined the main enemy as the Tutsis from inside or outside the country, who allegedly wanted power, who allegedly did not recognize the achievement of the revolution of 1959 and who allegedly were seeking armed confrontation. The secondary enemy was defined as the moderate Hutus who provided any kind of assistance to, or sympathized with the main enemy or opposed the government or the MRND's policies.

4.9 Furthermore, from late 1990 through about July 1994, military personnel, members of the government, political leaders, civil servants and other influential personalities including **the Accused** and Joseph Nzirorera conspired among themselves and with others to work out a plan to exterminate the civilian Tutsi population and eliminate members of the opposition, so that the MRND could remain in power.

4.10 In 1991, the MRND created its own youth wing. The members of the MRND's youth wing were known as the "*Interahamwe*". The youth wing was formed in response to two requirements within the MRND:-

- (a) Sensitizing the youth to politics and
- (b) Mobilizing the youths.

4.11 The *Interahamwe*-MRND was highly structured, along the same lines as the MRND party. At the national level, it had a Chairman, two Vice-chairmen, a Secretary-general and a Treasurer. The Chairman was to liaise with the central committee of the MRND, among other things.

4.12 Beginning in 1992, numerous MRND youth wings' members received military training and weapons and were thus transformed from youth movements into militias.

4.12.1 The reason for creating the Militia was to use them at the appropriate time to execute the plan of the MRND to exterminate the Tutsis.

4.12.2 The Tutsis were considered the enemies of the MRND, the State and the *Interahamwe*.

4.13 The military training and the distribution of the weapons to the member of the *Interahamwe* were organized by the leaders of the MRND including the *Préfet* and *Bourgmestre*, in collaboration with the officers of the *Forces Armées Rwandaises (FAR)*. **The Accused** participated actively in the training and the distribution of weapons.

4.14 In order to ensure a smooth and swift execution of the plan referred to in **paragraph 4.9** above, the central committee of the MRND decided to create *Interahamwe*-MRND branches in the various *préfectures* which would in effect create an adequate representation of the militias in every locality sufficient to carry out the said plan.

4.15 **The Accused** was a founder and leader of *Interahamwe* in the Mukingo *commune* from 1991 to July 1994.

4.16 The *Interahamwe* in the Mukingo *commune* under the leadership of **the Accused** from 1991 to July 1994 were:-

- (a) given military training organized by **the Accused** ;
- (b) distributed weapons and uniforms by **the Accused** which were provided by Joseph Nzirorera; and
- (c) distributed lists of Tutsis to be eliminated.

4.16.1 **The Accused** consulted regularly with the National secretary-general of the MRND, Joseph Nzirorera on the matters set out in **paragraph 4.16** above.

4.17 In pursuance of the plan to exterminate the Tutsis, several meetings were held in the *préfectures*, *communes* and at the government level between 1 January and April 1994, by the persons mentioned in **paragraph 4.9** above, who shared this extremist cause with a view to formulating the strategies for the plan.

4.18 During such meetings, speeches were made by influential persons including **the Accused** and Joseph Nzirorera, inciting their audience who were predominantly members of MRND and Hutus, to assault, rape and exterminate the Tutsis who were excluded from such meetings on account of their ethnicity.

4.18.1 Apart from the public meetings, there were also private meetings at such places like the communal offices, homes of influential persons such as military personnel, MRND's officials, *Bourgmestres* or *Préfets* and Government officials including the home and communal office occupied by **the Accused**.

4.19 The components of this plan consisted of, among other things, recourse to hatred and ethnic violence, the training of and distribution of weapons to militiamen as well as the preparation of lists of people to be eliminated.

4.19.1 In executing the plan, the persons referred to in **paragraphs 4.9** and **4.18.1**, organized, ordered and participated in the massacres perpetrated against the Tutsi population and moderate Hutus.

4.20 On 6 April 1994, the plane carrying the President Juvénal Habyarimana of Rwanda crashed on its approach to Kigali, Rwanda. This situation created a perfect opportunity for the execution of the plan and the massacre of the Tutsis began soon thereafter throughout Rwanda.

4.21 Following the news of the death of President Habyarimana, a new Government was constituted by the MRND and several meetings were held amongst themselves, with the *Préfets* and other persons in authority between 8 and 13 April 1994 for the purpose of assessing and analyzing the situation in the country at the time, particularly the massacres in each *préfecture*. Similarly, meetings were held in the *préfectures* and *communes* including Ruhengeri and Mukingo.

4.22 The policies of the MRND formulated at the said meetings were implemented at the national, *préfecture*, *commune* and *cellule* level through the structures set out in **paragraphs 3.3** and **3.4** above.

4.23 The massacres of members of the Tutsi population and the murder of the moderate Hutus extended throughout the territory of Rwanda. In every *préfecture*, local civil and military authorities and militiamen including *Interahamwe*-MRND espoused the plan of extermination and followed the directives in order to execute it. They called on the civilian population to eliminate the enemy and its accomplices. They distributed weapons to the civilians and militiamen. They gave orders to commit, aided, abetted and participated in the massacres.

4.24 **The Accused** adhered to, elaborated and executed this plan at the *commune* level in Mukingo and neighbouring areas.

5. Concise Statement of Facts: Events in RUHENGERI *Préfecture*

5.1 The Ruhengeri *préfecture* is located in the northwest of Rwanda, a region that was historically a power base for the MRND. Between 1973 and 1992 Ruhengeri was the site of periodic massacres of the civilian Tutsi population.

5.2 **The Accused**'s relationship with such an influential figure as Joseph Nzirorera enabled him to flout the local authorities, carry out atrocities against the Tutsi population and avoid any criminal sanctions.

5.3 From April through July 1994, many Tutsi men, women and children were attacked, abducted, raped and massacred in their residences or at their places of shelter within the Mukingo *commune* or arrested, detained and later murdered. **The Accused** commanded, organized, supervised and participated in these attacks.

5.4 These attackers, comprising the members of the *Police Communale*, *Gendarmerie Nationale* and *Interahamwe* militia who were under the control of **the Accused**, used guns, grenades, machetes, spears, pangas, cudgels and other weapons to slaughter the Tutsis.

5.5 **The Accused** ordered and witnessed the raping and other sexual assaults on the Tutsi females. At all times material to this indictment, **the Accused**, as a person in authority over the attackers failed to take any measure to stop these nefarious acts on the Tutsi females.

5.6 During the course of the events referred to in this indictment, **the Accused** had the authority to issue circulation passes (*laissez-passer*) to persons in the *commune* who were eventually evacuated from the *commune* but he refused to exercise this authority to prevent or stop the killings of Tutsis in his *commune*. Rather he employed various means including roadblocks to deny them free movement within and outside the *commune*.

5.7 **The Accused** intended to destroy the Tutsi as a racial or ethnic group, they having been identified as the enemy by the MRND as defined in **paragraphs 4.7, 4.8** and **4.9** above, in furtherance of the government policy to defeat the RPF, eliminate the Tutsis and retain power.

5.8 **The Accused** intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By his actions during the period referred to in this indictment, the accused sought to eliminate any base of support for the RPF that might exist in Ruhengeri *préfecture* with particular reference to Mukingo *commune* by eliminating the Tutsis.

5.9 **The Accused**, in his position of authority and acting in concert with others participated in the planning, preparation or execution of a common scheme, strategy or plan to commit the atrocities set forth above. He committed some of the crimes personally, and some were committed through persons he assisted or by his subordinates including the members of the *Police communale*, *Gendarmerie nationale* and *Interahamwe*-MRND, with his knowledge and consent.

6. THE CHARGES

For all of the acts described in the paragraphs specified in each of the counts below, **the Accused** either planned, incited to commit, ordered, committed, or in some other way aided and abetted the planning, preparation or execution of the said acts,

And,

The Accused knew, or had reason to know, that his subordinates were preparing to commit or had committed one or more of the acts referred to in Articles 2 to 4 of the statute of the Tribunal and failed to take the necessary and reasonable measures to prevent the said acts from being committed or to punish those who were responsible.

Count 1: Conspiracy to commit genocide, pursuant to Article 2(3)(b) of the Statute

Juvénal Kajelijeli by the acts or omission described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9

Conspired with others to kill or 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**, pursuant to Article 2(3)(b) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal for Rwanda.

Count 2: Genocide, pursuant to Article 2(3)(a) of the Statute

Juvénal Kajelijeli by the acts or omission described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.8, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9

Is responsible for killing or 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**, pursuant to Article 2(3)(a) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal for Rwanda,

Or, alternatively

Count 3: Complicity to commit genocide, pursuant to Article 2(3)(e) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.18, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.6, 5.7, 5.8, 5.9,

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.18, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.6, 5.7, 5.8, 5.9,

Is responsible for killing and causing serious bodily and 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**, pursuant to Article 2(3)(e) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 4: Direct and public incitement to genocide, pursuant to Article 2(3)(c) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.10, 4.16, 4.18, 4.18.1, 4.19, 4.19.1, 4.23,

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, .5, 3.6, 4.10, 4.16, 4.18, 4.18.1, 4.19, 4.19.1, 4.23,

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 GENOCIDE**, pursuant to Article 2(3)(c) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 5: Crimes against humanity-Murder, pursuant to Article 3(a) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Is responsible for the murder of Tutsi(s) as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed

CRIMES AGAINST HUMANITY, pursuant to Article 3(a) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 6: Crimes against humanity-Extermination, pursuant to Article 3(b) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Is responsible for the extermination of Tutsi(s) as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed **CRIMES AGAINST HUMANITY**, pursuant to Article 3(b) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 7: Crimes against humanity-Rape, pursuant to Article 3(g) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Is responsible for the rape of Tutsi(s) as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed **CRIMES AGAINST HUMANITY**, pursuant to Article 3(g) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 8: Crimes Against Humanity-Persecution on Racial, Political, Religious Grounds Pursuant to Article 3(h) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10

Is responsible for the persecution of Tutsi(s) 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**, pursuant to Article 3(h) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 9: Crimes against humanity-Other Inhumane Acts, Pursuant to Article 3(i) of the Statute

Juvénal Kajelijeli by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Is responsible for other inhumane acts against the Tutsi(s) as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed **CRIMES AGAINST HUMANITY**, pursuant to Article 3(i) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 10: Serious violations of Article 3 common to the Geneva Conventions and Additional Protocol II, pursuant to Article 4(a) of the Statute

Juvénal Kajelijeli, during a non-international armed conflict, by his acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Is responsible for causing violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment against the Tutsi(s) and has thereby committed **SERIOUS**

VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949 FOR THE PROTECTION OF WAR VICTIMS, AND OF ADDITIONAL PROTOCOL II THERETO OF 8 JUNE 1977, pursuant to Article 4(a), a crime which is punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

Count 11: Serious Violations of Article 3 Common to the Geneva Conventions and Additional Protocol II, pursuant to Article 4(e) of the Statute

Juvénal Kajelijeli, during a non-international armed conflict, by his acts or omissions to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Pursuant to Article 6(3): Paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9

Is responsible for causing outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault against the Tutsi(s) and has thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949 FOR THE PROTECTION OF WAR VICTIMS, AND OF ADDITIONAL PROTOCOL II THERETO OF 8 JUNE 1977**, pursuant to Article 4(e), a crime which is punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal of Rwanda.

At Arusha, on this 25th day of January 2001

Carla Del Ponte
Prosecutor