

ICTR-98-44-I  
3-A-2008  
(34641 - 34618)

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-98-44-I

**The PROSECUTOR**

v.

**Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA**

UNICTR  
JUDICIAL RECORDS/ARCHIVES  
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2008 APR - 3 P 4: 17

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**Amended Indictment  
of 03 April 2008**

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

**Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA**

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

- (i) **Conspiracy To Commit Genocide,**
- (ii) **Direct and Public Incitement To Genocide, and**
- (iii) **Genocide, or Alternatively**
- (iv) **Complicity In Genocide**

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

- (v) **Rape, and**
- (vi) **Extermination, as Crimes Against Humanity**

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

- (vii) **Murder and Causing Violence to Health and Physical or Mental Well-Being as Serious Violations of Article 3 Common to the Geneva Conventions and Additional Protocol II.**

## The Accused

### I. Particulars of the Accused

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

### II. Individual criminal responsibility

4. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** are individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute of the Tribunal and described in this indictment, which they planned, instigated, ordered, committed, or in whose planning, preparation, or execution they otherwise aided and abetted. Committing in this indictment also refers to participation in a joint criminal enterprise as a co-perpetrator.
5. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** participated in a joint criminal enterprise as set out in paragraphs 9 to 14. The purpose of this joint criminal enterprise was the destruction of the Tutsi population in Rwanda through the commission of crimes in violation of Articles 2, 3, and 4 of the Statute of the Tribunal.
6. This joint criminal enterprise came into existence before January 1994 and continued until at least July 1994. Participants in this joint criminal enterprise included **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** and the following individuals and classes of persons:

**(i) military authorities**, including Augustin BIZIMANA, Minister of Defense; Col. Théoneste BAGOSORA, *Directeur de cabinet* in the Ministry of Defense; Lt. Col. Anatole NSENGIYUMVA, *commandant de secteur* in Gisenyi; Col. Tharcisse RENZAHU, *préfet* of Kigali-ville; Augustin BIZIMUNGU, Army Chief of Staff, and Augustin NDINDILYIMANA, Chief of Staff of the Gendarmerie; Protais MPIRANYA, Commander of the Presidential Guard Battalion; Aloys NTABAKUZE, Commander of the Para-Commando Battalion; François-Xavier NZUWONEMEYE, Commander of the Reconnaissance Battalion; Innocent SAGAHUTU, Second-in-command of the Reconnaissance Battalion; Col. Anatole GASAKE, National Coordinator of the Civil Defense Program; Col. Ephrem SETAKO; Lt. Boniface HASENGINEZA, *commandant de bataillon* in Ruhengeri; Lt. Samuel IMANISHIMWE, a commander in Cyangugu.

**(ii) political authorities at the national and regional level**, including Theodore SINDIKUBWABO, Interim President; Jean KAMBANDA, Prime Minister; Callixte NZABONIMANA, Minister of Youth and Sports; Pauline NYIRAMASUHUKO, Minister of Family and Gender; Eliézer NIYITEGEKA, Minister of Information; Justin MUGENZI, Minister of Commerce; Casimir BIZIMUNGU, Minister of Health; and Jérôme-Clément BICAMUMPAKA, Minister of Foreign Affairs; André NTAGERURA, Minister of Transportation; André RWAMAKUBA, Minister of Primary and Secondary Education; Agnès NTAMABYALIRO, Minister of Justice; Emmanuel NDINDABAHIZI, Minister of Finance; Callixte KALIMANZIRA, *Directeur de cabinet* in the Ministry of the Interior; Clément KAYISHEMA, *préfet* of Kibuye; Sylvain NSABIMANA, *préfet* of Butare; Emmanuel BAGAMBIKI, *préfet* of Cyangugu; Juvenal KAJELIJELI, *bourgmestre* of Mukingo; and Laurent SEMANZA, *bourgmestre* of Bicumbi; Marc MPOZAMBEZI, *bourgmestre* of Rubavu; Charles SIKUBWABO, *bourgmestre* of Gishyita; Aloys NDIMBATI, *bourgmestre* of Gisovu; Sylvestre GACUMBITSI, *bourgmestre* of Rusumo; Jean-Baptiste GATETE, *bourgmestre* of Murambi; Jean Paul AKAYESU, *bourgmestre* of Taba; Mika MUHIMANA, *conseiller* of Gishyita;

**(iii) influential businessmen, Akazu, and political party leaders affiliated with "Hutu Power"** including Jean Bosco BARAYAGWIZA, a leader of the CDR political party; Ferdinand NAHIMANA, an academic; Félicien KABUGA, a businessman; Obed RUZINDANA, a businessman; Protais ZIGIRANYIRAZO, a businessman; Hassan NGEZE, a journalist; Froudouald KARAMIRA, a national leader of "Hutu Power" associated with the MDR party; Donat MUREGO, a national leader of "Hutu Power" associated with the MDR party; Hyacinthe NSENGIYUMVA RAFIKI, a national leader of "Hutu Power" associated with the PSD party; Francois NDUNGUTSE, a national leader of "Hutu Power" associated with the PSD party; Gerard NTAKIRUTIMANA, a medical doctor; Alfred MUSEMA, Director of the Gisovu Tea Factory; Michel BAGARAGAZA, the head of OCIR-Thé; Esdras BAHEZA, a businessman; Jean Baptiste NYABUSORE, Director of ISAE; Jean Damascene NIYOYITA, President of the MRND for Mukingo commune; Assiel NDISETSE, *conseiller* of Busogo secteur;

**(iv) leaders of the Interahamwe and Impuzampagambi political party "youth wing" militias and the "civil defense" program** including Robert KAJUGA, national president of the MRND-Interahamwe; Georges RUTAGANDA, first vice-president of the MRND-Interahamwe; Bernard MANIRAGABA, an Interahamwe leader in Kigali; Yusuf MUNYAKAZI, an Interahamwe leader in Cyangugu; Col. Aloys SIMBA, leader of the "civil defense" in Gikongoro; Col. Alphonse NTEZIRYAYO, *préfet* and leader of the "civil defense" in Butare; Col. RWAGAFILITIA, leader of the "civil defense" in

Kibungo; Bernard MUNYAGISHARI, President of the *Interahamwe* in Gisenyi; Maj. Jean Damascene UKULIKIYEYEZU, leader of the "civil defense" in Gitarama; and Omar SERUSHAGO, an *Interahamwe* leader in Gisenyi;

The Prosecutor is unable to specifically identify each and every participant in the joint criminal enterprise. This is the best information available at this time.

7. The crimes enumerated in Counts 2, 3, 4, 6, and 7 of this indictment were within the object of the joint criminal enterprise. The crimes enumerated in Counts 3, 4, and 5 were the natural and foreseeable consequences of the execution of the object of the joint criminal enterprise and the accused were aware that such crimes were the possible outcome of the execution of the joint criminal enterprise.
8. In order for the joint criminal enterprise to succeed in its objective, **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** worked in concert with or through several individuals in the joint criminal enterprise. Each participant or co-perpetrator within the joint criminal enterprise played his own role or roles that significantly contributed to the overall objective of the enterprise. The roles of the participants or co-perpetrators include, but are not limited to, the following:
9. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** constituted the national executive leadership of the MRND political party and, along with Second Vice-President Ferdinand KABAGEMA, comprised its Steering Committee. In their respective capacities as President, National-Secretary, and First and Second Vice-Presidents they participated in the MRND Political Bureau [made up of the Steering Committee and the MRND Chairmen at the prefectural level] and the MRND Central Committee [made up of the Steering Committee and five members from every *préfecture*].
10. On the basis of their executive, leadership positions in the MRND, **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** exercised authority over government officials in the territorial administration that were also MRND party members. Governmental authority, as mediated by the territorial administration, either complemented or was subordinate to structures of authority in the MRND in those *préfectures* or *communes* controlled by the MRND.
11. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** exercised effective control over the *Interahamwe*, the youth wing of the MRND political party, through structures of authority in the MRND party at the level of the *préfecture*. As President of the MRND, **Mathieu NGIRUMPATSE** exercised the ultimate authority over the MRND and the *Interahamwe*.
12. **Édouard KAREMERA** was Minister of the Interior in the Interim Government during the period after 25 May 1994. In that capacity he exercised *de jure* and *de facto* authority and effective control over the regional territorial administration of *préfets*, *sous-préfets*, and *bourgmestres* throughout Rwanda. Furthermore, as Minister of Interior **Édouard KAREMERA** (i) was responsible for appointments of *préfets* and *bourgmestres* nationwide; and (ii) received regular reports from *préfets* and *bourgmestres* on security in their respective administrative constituencies.
13. Collectively, the national leadership in the MRND political party, particularly its Steering Committee, and the Ministry of the Interior and the Ministry of Defense, both of which were controlled by the MRND political party, initiated and exercised authority

over the "civil defense program". Particularly after 6 April 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** exercised effective control over the network of national and regional leaders in the "civil defense program" and the *Interahamwe* militias.

14. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA**, acting alone and in concert with other members of the joint criminal enterprise, participated in the joint criminal enterprise in the following ways: they created, founded, and organized the *Interahamwe*; recruited members for the *Interahamwe*; provided weapons, military training and indoctrination to the *Interahamwe*; purchased and distributed weapons to armed militias, particularly to the *Interahamwe*; organized and participated in rallies and public meetings that promoted the ideology of "Hutu Power"; made public statements and engaged in public displays that supported anti-Tutsi ideology; legitimized the Interim Government at international fora and manipulated press reports of the genocide; led propaganda efforts to accelerate the genocide; publicly characterized the Tutsi as "accomplices of the enemy" or publicly acquiesced to such characterizations; organized and participated in meetings of the MRND for such purposes; incited, encouraged or abetted killings of Tutsis; rewarded or praised persons who killed Tutsis; participated in the formulation and implementation of the policies of the Interim Government of 8 April 1994 that were directed to those ends; and mobilized the physical and logistical resources of their respective political parties and the Interim Government ministries controlled by those parties, and the military.
15. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** knowingly and willfully participated in the joint criminal enterprise, sharing the intent of other participants in the joint criminal enterprise or aware of the foreseeable consequences of their actions. On this basis, each accused bears individual criminal responsibility for these crimes under Article 6(1) of the Statute of the Tribunal in addition to his responsibility under the same Article for having planned, instigated, ordered or otherwise aided and abetted in the planning, preparation and execution of these crimes.
16. All named accused and other participants in the joint criminal enterprise shared the intent and state of mind required for the commission of each of the crimes charged in Counts 2, 3, 4, 6 and 7.

### III. Command Responsibility

17. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** while holding positions of superior authority, are also individually criminally responsible under Article 6(3) of the Statute of the Tribunal for the acts of their subordinates in the crimes charged in this indictment.
18. From January 1994 through July 1994, **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** exercised effective control over the following persons or classes of persons:
  - (i) office-holders and leaders of the MRND party at the national, regional and local levels, including the presidents of the MRND party at the level of the *préfecture*, the *commune*, the *secteur*, and the *cellule*;

(ii) the national leadership of the *Interahamwe*, Robert KAJUGA, President; Phenéas RUHUMULIZA, 1<sup>st</sup> Vice-president; Georges RUTAGANDA, 2<sup>nd</sup> Vice-president; Eugene MBARUSHIMANA, Secretary; Dieudonné NIYITEGEKA, Treasurer; and advisors Bernard MANIRAGABA, Joseph SERUGENDO, Jean-Pierre SEBANETZI, Ephrem NKEZABERA, J-M-V MUDAHINYUKA, and Alfred KANIMBA;

(iii) regional *Interahamwe* leaders including Joseph SETIBA, Yusuf MUNYAKAZI, Bernard MUNYAGISHARI, Omar SERUSHAGO, Shalom NTAHOBALI and Michel NIYIGABA;

(iv) members of the *Interahamwe* militias, the Amahindure, and the “civil defense program”;

(v) *préfets*, *bourgmestres* and *conseillers* that were members of the MRND, and members of their respective *conseils de sécurité* at prefectural and communal levels;

(vi) commanders of the “civil defense program”, particularly those military officials that held appointments in the territorial administration, such as Butare *préfet* Col. Alphonse NTEZIRYAYO, Kigali *préfet* Col. Tharcisse RENZAHO, and Gitarama *préfet* Maj. Damascene UKULIKIYEZU;

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

The Prosecutor is unable to specifically identify each and every subordinate of the accused. This is the best information available at this time.

19. **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** knew or had reason to know that their subordinates were about to commit or had committed the crimes charged in this indictment. The same circuits of information that provided structures of authority for effective control of the militiamen—the territorial administration and MRND and MDR-“Power” political parties—also provided news of the crimes that they committed. Furthermore, the crimes were so widespread and were committed so openly that each accused must have known, or ought to have been aware of them.
20. **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** had the material capacity to halt or prevent the crimes or to punish or sanction the subordinates that committed them. Given the procedures established for decision-making and enforcement in the Interim Government, the MRND dominated policy-making for the Interim Government. As the national, executive leadership of the MRND, **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA**, through the Ministries of Defense and the Interior, possessed the means to call upon the army, the *gendarmerie* and communal police to halt, prevent or punish the individuals committing attacks upon the civilian population, or failing that, making it incumbent upon them to denounce the killings and those that committed them.
21. **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** failed to take the necessary and reasonable measures to prevent the crimes committed by their subordinates or to punish the perpetrators. Moreover, the accused actively sought to conceal these crimes. They (i) employed structures of authority in the territorial administration to dispose of the corpses of victims of the killings expeditiously, attempting to conceal such crimes from international media scrutiny; (ii)

used their control of the mass media to mischaracterize the killings, all the while encouraging or tacitly aiding and abetting the killings, and (iii) dispatched emissaries of the Interim Government, or themselves undertook missions abroad, to purchase weapons and provisions for the army and the militias and to misinform the world and legitimize the Interim Government, and its crimes, in international forums.

## Charges

### Count 1: Conspiracy to Commit Genocide

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

22. Unless otherwise stated all events detailed in present indictment, including the acts and omissions of the accused, took place in Rwanda between 1 January and 31 December 1994.
23. Over the course of several years leading up to and including 1994, particularly after 1992, **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** agreed among themselves, and with the individuals identified in paragraphs 6(i)-(iv), meeting severally at various locations on disparate occasions in the context of their political party and official government activities, to plan and prepare the destruction of Rwanda's Tutsi population, particularly the killing of persons identified as Tutsi and committed acts in furtherance of this agreement.

#### Prior to 8 April 1994

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

24. Over the course of 1993 and 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** agreed among themselves, and with others, and collectively undertook initiatives that were intended to create and extend their own personal control, and that of the MRND Steering Committee, over an organized, centrally commanded corps of militiamen that would respond to their call to attack, kill and destroy the Tutsi population.
  - 24.1 Sometime during 1992 **Mathieu NGIRUMPATSE** initiated or supported the proposal that the MRND should establish a "youth wing" that would be called the *Interahamwe*. This MRND "youth wing" would compete with rival "youth wings" of opposition political parties to recruit members for the MRND. Over time, the MRND-*Interahamwe* "youth wing" attracted and incorporated unemployed, delinquent youth that often engaged in illegal activity under the auspices of "multi-party politics" and *kibuhaza*.
  - 24.2 In July 1993 **Mathieu NGIRUMPATSE** became the national President of the MRND political party. During a MRND national congress held sometime around June or July 1993 the MRND Central Committee, at that time including

**Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA**, authorized and founded MRND-*Interahamwe* committees at the prefectural level throughout Rwanda, bringing the MRND “youth wing” squarely under the control of the MRND prefectural chairmen, who themselves were subject to the authority of the MRND Steering Committee.

- 24.3 Starting in 1993 **Mathieu NGIRUMPATSE** and other national leaders of the MRND political party agreed among themselves, and with civilian authorities in the territorial administration and military authorities in the Ministry of Defense and the FAR, to provide military training and arms to *Interahamwe* militias, and to stockpile firearms from the Ministry of Defense for later distribution to *Interahamwe* militias, intending that *Interahamwe* militias would be deployed to kill and harm Rwanda’s Tutsi population.
- 24.4 In this regard **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** were aware of, and complicit in, decisions taken by Minister of Defense Augustin BIZIMANA and Ministry of Defense *Directeur de cabinet* Théoneste BAGOSORA and certain FAR military officers to provide military training to the *Interahamwe* militias in military camps in Kigali, Byumba, Gisenyi and Ruhengeri, notably at Gabiro, Mukamira and Bigogwe camps and in neighboring forests, including Gishwati in Gisenyi and Akagera in Umutara.
- 24.5 In furtherance of this conspiracy **Mathieu NGIRUMPATSE** ordered, facilitated or assisted the distributions of weapons to *Interahamwe* during 1993 and in early 1994 and also ordered or assisted the concealing of stockpiled firearms so that they would not be removed pursuant to the KWSA [*Kigali Weapons Secure Area*], a disarmament initiative launched by UNAMIR, intending that such weapons would later be distributed to MRND-*Interahamwe*.
- 24.6 During this period, and continuing through early 1994, **Mathieu NGIRUMPATSE** participated in meetings of the MRND party at the prefectural level in Kigali-rural, Kibungo and in several other *préfectures*, during which he presented and endorsed local leaders of the *Interahamwe* to the various regional constituencies of the MRND. Such efforts were a means to expand membership in the *Interahamwe* and to exercise control over the militias through structures of authority in the MRND party.
- 24.7 During late 1993 and early 1994, **Mathieu NGIRUMPATSE** chaired meetings of the National Committee of the *Interahamwe* in Kigali. At these meetings, **Mathieu NGIRUMPATSE**, in concert with other *Interahamwe* leaders, prepared lists of persons to be killed and planned a killing campaign against Tutsis and moderate Hutus.
- 24.8 **Mathieu NGIRUMPATSE** and **Joseph NZIRORERA** participated in fundraising activities for the *Interahamwe*. Particularly noteworthy are several meetings organized under the auspices of the MRND political party to arrange collections of money from businessmen and wealthy party members. Several of such fundraising and celebratory banquets for the *Interahamwe* took place at the Hotel L’Horizon Rebero in Kigali in 1993 and in 1994. **Joseph NZIRORERA** organized at least one such gathering. Persons in attendance included President Juvénal HABYARIMANA, Seraphin RWABUKUMBA, Augustin NGIRABATWARE, Robert KAJUGA, among many other notable MRND

party-members, several of whom made congratulatory speeches. The Prosecutor is unable to provide an exhaustive list of participants or to specify the dates of the gatherings.

25. Over the course of 1993 and early 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** often participated in various MRND political party meetings and addressed public gatherings and rallies where they characterized the Tutsi as “the enemy”. These various meetings and gatherings were intended to indoctrinate MRND party members, particularly the MRND-*Interahamwe* “youth wing”, with anti-Tutsi sentiment and to generate fear and loathing of the Tutsi as a group among Rwanda’s Hutu population. These initiatives were consistent with recommendations made in report from a Special Military Commission chaired by Théoneste BAGOSORA to devise an agenda to “defeat the enemy militarily, in the media and politically” that Juvénal HABYARIMANA, at that time Commander in Chief of the *Forces Armées Rwandaises* (FAR) as well as Rwandan Head of State, established in December 1991. Army Chief of Staff Déogratias NSABIMANA caused the report to be circulated among FAR military officers in September 1992.
- 25.1 On or about 23 October 1993, in particular, **Mathieu NGIRUMPATSE**, Jean-Bosco BARAYAGWIZA, among others, participated in a rally at Nyamirambo stadium in Kigali where they made speeches that characterized the Tusti as accomplices of “the enemy”. The rally included *animation* and pageantry by *Interahamwe*.
- 25.2 On or about 27 October 1993 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA**, along with Col. Théoneste BAGOSORA, Augustin NGIRABATWARE, among other high-level officials of the MRND, participated in a rally with thousands of persons in attendance at Umuganda Stadium in Gisenyi. Again, those that addressed the crowd, including **Mathieu NGIRUMPATSE** and **Édouard KAREMERA**, opposed the Arusha Accords and exhorted the crowd to “combat the enemy”. *Interahamwe* in kitenge uniforms provided security and animation for the event.
- 25.3 On several occasions in early November 1993, mid-January 1994, mid-February 1994, and March 1994, **Mathieu NGIRUMPATSE** addressed public gatherings or rallies at Nyamirambo Stadium in Kigali. The rallies assembled leading politicians that espoused the cause of “Hutu Power” and sometimes ended with chants of “*Tubatsembembe*” [“Let us exterminate them”], referring to the Tutsi. Members of the *Interahamwe* participated in the rallies.
26. On or about 29 March 1994 Army Chief of Staff Déogratias NSABIMANA held a meeting with the *préfet* of Kigali and the *commandant de secteur* for the city of Kigali to fine tune the structure and organization of a “civil defense” plan. Elements of the plan included: establishing the *cellule*, an administrative unit in the territorial administration, as the organizational equivalent of the platoon; drawing up lists of reservists resident in Kigali at the level of the *cellule* that would be available to work with soldiers; training civilians to work with reservists and soldiers; stockpiling weapons and ammunitions at the level of the *cellule*; instructing civilians on the use of swords, spears, machetes, bows and arrows; etc. Other documentation of the “civil defense” plan from the same period emphasized the need for secrecy and close collaboration between military commanders, the national *gendarmerie* and political parties “defending the principle of the Republic and Democracy”, a reference to the MRND.

27. Over a period of several months leading up to 6 April 1994, **Joseph NZIRORERA** made regular, weekly weekend trips to Mukingo *commune*. During those visits **Joseph NZIRORERA** held meetings with local political and military officials at his mother's Busogo *secteur* residence. Persons that attended those meetings, including Juvenal KAJELIJELI, Ephrem SETAKO, Casimir BIZIMUNGU and Augustin BIZIMUNGU, agreed that they would combat the RPF and oppose the Arusha Accords by exterminating the Tutsi and prepared for attacks against the local Tutsi population by organizing military training for the *Interahamwe* and by stockpiling weapons and munitions and by distributing weapons to *Interahamwe* militiamen for use in future attacks. The Prosecutor is unable to provide an exhaustive list of the participants in the gatherings or the dates on which they occurred.

#### After 8 April 1994

##### *Formation of an Interim Government to implement a policy of genocide:*

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

mobilize extremist militiamen in the *Interahamwe* and *Impuzamugambi* militias and armed civilians to attack, kill and destroy Rwanda's Tutsi population.

28.3 This agreement was manifested in various orders, directives and instructions issued to *préfets* and *bourgmestres* and to the general population during the course of April, May and June 1994, among them (i) the letter to all *Préfets* from Jean KAMBANDA regarding *Instructions to restore security in the country* of 27 April 1994; (ii) the *Directives of the Prime Minister to All Préfets on the Organization of Civil Defense* of 25 May 1994; (iii) the letter to all *Préfets* from Édouard KAREMERA regarding *Implementation of the Prime Minister's directives on the Self-organization of Civilian Defense* of 25 May 1994; (iv) the *Ministerial Instructions to the Préfets of the Préfectures on the Use of Funds Earmarked for the Ministry of Interior and Communal Development for Civil Self-Defense* of mid-June 1994; and (v) the letter to *Commandant du Secteur Anatole NSENGIYUMVA* from Édouard KAREMERA regarding *Opération de ratissage à Kibuye* of 18 June 1994, among others, all of which were issued on the basis of unanimous agreement [*consensus*] during various cabinet meetings [*conseils des ministres*] of the Interim Government and derived from recommendations from the MRND Steering Committee, including Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA.

29. These various agreements and initiatives in furtherance of the conspiracy were intended to galvanize anti-Tutsi fear and loathing among the Hutu population and to mold it into a lethal apparatus, in the form of militias trained and armed with resources from the state, for deployment in a campaign of destruction against the Tutsi as a group.

## Count 2: Direct and Public Incitement to Commit Genocide

The Prosecutor charges Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA with **Direct and Public Incitement to Commit Genocide** pursuant to Articles 2, 6(1) and 6(3) of the Statute of the Tribunal in that during the period 1 January – 17 July 1994 *all named accused*, directly and publicly incited other persons to destroy in whole or in part, the Tutsi racial or ethnic group, committed as follows:

30. Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA acting alone or in concert with other known or unknown members of a joint criminal enterprise, prepared or otherwise aided and abetted in the planning, preparation and execution of a campaign of propaganda to instigate and incite Hutu, particularly the members of the political party "youth wing" militias, to target Tutsi for attack or to join in or support the killing of the Tutsi population. *All named accused* participated in public meetings and rallies and made public statements, some of which were broadcast in the mass media, that were intended to foment fear and loathing of the Tutsi among Rwanda's Hutu citizens. Furthermore, Mathieu NGIRUMPATSE, among others, participated in the creation and the financing of the RTLM radio station, which served as a vehicle for disseminating their extremist ideology.
31. Over the course of January through June 1994, Mathieu NGIRUMPATSE made statements at various public meetings, gatherings or places, or publicly associated himself with statements or acts by other persons on such occasions, that characterized all Tutsi as "the enemy" or as "accomplices of the enemy" or as "accomplices of the

RPF” intending to instigate persons in attendance to “fight the enemy” and to physically attack, harm and destroy the Tutsi as a group.

31.1 On several occasions in early November 1993, mid-January 1994, mid-February 1994, and March 1994, **Mathieu NGIRUMPATSE** addressed public gatherings or rallies at Nyamirambo Stadium in Kigali. The rallies assembled leading politicians that espoused the cause of “Hutu Power” and sometimes ended with chants of “*Tubatsembembe*” [“Let us exterminate them”], referring to the Tutsi. Members of the *Interahamwe* participated in the rallies.

~~31.2 Toward mid-April 1994 **Mathieu NGIRUMPATSE** instigated militiamen at a roadblock in Kibuye to “work”, a reference to killing Tutsi, and promised to provide arms and ammunition for reinforcements to attack the Tutsi.<sup>1</sup>~~

32. Over the course of April through June 1994 **Joseph NZIRORERA** made statements at various public meetings and gatherings, or publicly associated himself with statements or acts by other persons at such gatherings, to instigate and incite those in attendance to “fight the enemy” and to destroy the Tutsi as a group. Furthermore after 6 April 1994 **Joseph NZIRORERA** often publicly congratulated groups of militiamen for having killed Tutsis, thereby instigating and inciting militiamen and other armed civilians to participate in further attacks against the Tutsi population.

32.1 On or about the evening of 6 April and the morning of 7 April 1994 **Joseph NZIRORERA** engaged in communications with *Interahamwe* militiamen in Mukingo and Nkuli *communes* and exhorted them to start killing the Tutsi population in Ruhengeri. **Joseph NZIRORERA** went so far as to instruct that the killings should begin with one of his own children born of KIBERWA, a Tutsi woman, to instigate militiamen and armed Hutu residents in Mukingo to kill all Tutsi without exception, and instructed that this message be widely circulated.

32.2 On one particular occasion sometime after 6 April 1994 during a grandiose “passing out” ceremony for newly trained *Interahamwe* militias **Joseph NZIRORERA** publicly thanked military instructors and further praised the *Interahamwe*, urging the militiamen to continue in their mission and acknowledging their accomplishments since no single Tutsi in the *commune* had survived.

32.3 On or about 30 April 1994 at a meeting of the *conseil de sécurité* at the Kigali-ville *préfecture* office, **Joseph NZIRORERA** publicly thanked the *Interahamwe* of Kigali for the good work that they were doing and offered them money for the purchase of beer. Tharcisse RENZAHO and Laurent SEMANZA, among others, also participated in the meeting. All participants were aware that *Interahamwe* in Kigali were systematically killing Tutsi residents at roadblocks and in neighborhood patrols. When a participant at the meeting asked for an explanation of who the enemy was, **Joseph NZIRORERA** responded that “a Hutu who joined the RPF is our fool, while a Tutsi who joined the MRND is now the enemy of the country”, concluding that “a Tutsi is the enemy of Rwanda.” Such remarks were intended to, and had the consequence of, inciting attacks upon all Tutsi.

<sup>1</sup> Withdrawn from the Amended Indictment of 24 August 2005 by order of Trial Chamber III in its *Decision on Joseph Nzirorera’s and Edouard Karemera’s Motions for No Case to Answer* (19 March 2008).

- 32.4 On or about 6 May 1994 **Joseph NZIRORERA** participated in a large pacification meeting in Ruhengeri préfecture with national and regional officials, including Prime Minister Jean KAMBANDA, Donat MUREGO, Stanislas MBONAMPEKA, Francois NDUNGUTSE, and the *préfet* of Ruhengeri. The Prosecutor is unable to specifically identify each and every official in attendance. By that time massive killings of Tutsi civilians in Ruhengeri had already substantially eliminated the Tutsi population in the region. **Joseph NZIRORERA**'s public association and endorsement of Interim Government ministers and policies were intended to, and had the consequence of, inciting further attacks upon the Tutsi.
- 32.5 Also sometime in May or June 1994 **Joseph NZIRORERA**, along with Minister of Foreign Affairs Jérôme-Clément BICAMUMPAKA, participated in a ceremony at the Mukingo *bureau communal* for the re-investiture of Juvenal KAJELIJELI as *bourgmestre*. *Interahamwe* militiamen assembled and paraded for the delegation, whereupon **Joseph NZIRORERA** thanked them for the "excellent work" that they had done, referring to the killings of Tutsis. Such remarks incited militiamen and armed civilians to participate in further attacks against the Tutsi population.
33. During April, May and June 1994 **Édouard KAREMERA** made statements at various public meetings and gatherings, or publicly associated himself with statements from other MRND and "Hutu Power" politicians, or publicly championed policies of the Interim Government intended to characterize all Tutsi as "the enemy" or as "accomplices of the enemy" or as "accomplices of the RPF", thereby instigating and inciting those in attendance to "fight the enemy" and to physically attack and to destroy the Tutsi as a group.
- 33.1 On or about 3 May 1994 **Édouard KAREMERA** participated in a large meeting called by Interim Government officials at the Kibuye *bureau préfectoral*. Prime Minister Jean KAMBANDA addressed the gathering and promoted "civil defense" as a means to combat the RPF, reporting that the war was in "all *communes*" in Rwanda. Eliezer NIYITEGEKA made comments that characterized Tutsi children as "the enemy". **Édouard KAREMERA** also addressed the gathering and paid tribute to the *Interahamwe* and called upon them to "flush out, stop and combat the enemy" in collaboration with the "youth wings" of the other parties. The speeches and some of the commentary from that meeting were re-broadcast to the nation by Radio Rwanda several days later on or about 9 May 1994.
- 33.2 On or about 16 May 1994, President SINDIKUBWABO, accompanied by **Édouard KAREMERA**, held a "security" meeting in Kibuye during which he thanked Kibuye *préfet* Clement KAYISHEMA for accomplishing his mission, referring to the killings of Tutsi in Kibuye.

### Count 3: Genocide

The Prosecutor charges **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** with **Genocide** pursuant to Articles 2, 6(1) and 6(3) of the Statute of the Tribunal in that during the period 1 January – 17 July 1994 *all named accused* were

responsible for killing or causing serious bodily or mental harm to members of the Tutsi population, or deliberately inflicting conditions of life upon the Tutsi population that were calculated to bring about its physical destruction, with the intent to destroy, in whole or in part, the Tutsi racial or ethnic group, committed as follows:

*Or alternatively*

#### **Count 4: Complicity in Genocide**

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

34. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** acting alone or in concert with individuals described in paragraphs 6(i)-(iv), planned, instigated, ordered, committed, or otherwise aided and abetted the killing or causing serious bodily or mental harm to members of the Tutsi population.
35. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** planned and executed a killing campaign against the Tutsi population by formulating, articulating, publicizing, and legitimizing policies of the Interim Government of 8 April 1994 that were used to dismantle any resistance to the campaign in the territorial administration and in civil society, including the dismissal and replacement of *préfets* and *bourgmestres* and civil servants who did not support the killing campaign.
36. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** planned and executed a state-endorsed program of “civilian self defense” whereby officials in the territorial administration [*préfets*, *bourgmestres* and *conseillers*] and officials in the MRND political party recruited civilians, usually local Hutu youth, and consolidated them with political party “youth wing” militias under the authority of retired military officers and reservists. In so doing *all named accused* collaborated with segments of the military and enlisted the resources and logistics of the Ministry of Defense and the *Forces Armées Rwandaises* and structures of authority in the territorial administration, governed by the Ministry of the Interior, to distribute firearms to political party “youth wing” militias and to legitimize and control the setting up of roadblocks and the tracking and killing of civilians at such roadblocks. Furthermore, this “civilian self defense” corps was deployed in armed patrols to identify, search out and kill the Tutsi population.
37. Over the weekend of 8 – 10 April 1994 soldiers and militiamen set up roadblocks in Kigali and checked the identity cards of passers-by and killed most of those who were identified as Tutsi. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** exercised control over *Interahamwe* at the roadblocks and were aware of the killings, as demonstrated by their directions to militiamen to stop the killings temporarily when international journalists present in Kigali began to issue reports on the widespread killing that criticized the government.
38. On or about 10 April 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** convened a meeting with the national leadership of the

*Interahamwe* at the *Hôtel des Diplomates* that included participation from the recently appointed Interim Government ministers. **Mathieu NGIRUMPATSE** ordered and instigated the *Interahamwe* leaders to control their men and to invoke the authority of the Interim Government to organize the removal corpses from the streets. The campaign was deemed one of “pacification”, though essentially, and practically, it was a means of exerting control and direction over *Interahamwe* militias so that the killings would be focused on the most important targets first, the Tutsi intellectuals, and so that the killings would proceed with greater discretion, and in fact was a means to aid and abet the killing.

39. Even as they attempted to control the killings at roadblocks, **Mathieu NGIRUMPATSE** and **Joseph NZIRORERA** made arrangements with Théoneste BAGOSORA to obtain firearms from the Ministry of Defense and caused such weapons to be distributed to militiamen in Kigali, intending that they be used to attack and kill the Tutsi population.
40. On or about 11 April 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** participated in a meeting at the *Hôtel des Diplomates* in Kigali attended by members of the Interim Government and most *préfets*. The purpose of the meeting was to mobilize the territorial administration. During this meeting, the *préfets* in attendance made reports on the “security” situation in their respective regions. Butare and Gitarama *préfectures* were labeled inactive because the killings of Tutsi had not begun on a massive scale.
41. By 12 April 1994 soldiers and militiamen responding to orders and instigations of attacks from national leaders of the MRND and highly placed government officials, including **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA**, had killed thousands of civilians in Kigali and throughout Rwanda. The victims were primarily of Tutsi ethnic or racial identification but also included persons deemed to be political opponents to “Hutu Power”.
42. On or about 12 April 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** accompanied the Interim Government in its flight to Gitarama as RPF troops moved towards Kigali.
43. Over the course of the next two months, until early June 1994, the Murambi Training School in Gitarama served as the temporary headquarters of the Interim Government. High level officials of those political parties represented in the Interim Government, including **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** convened on a regular basis throughout that period, with each party meeting separately to consider policy matters, after which the various ministers of the respective parties convened in the *conseils des ministres* to set the policy for the government. The *conseils des ministres* or various other meetings of Interim Government ministers or political party leaders convened on numerous occasions throughout that period, almost on a daily basis, but notably on 16, 17, 18, 21, 22, 23 and 27 April 1994 and 25 May.
44. During these numerous cabinet meetings the Interim Government adopted directives and issued instructions to the *préfets* and the *bourgmestres*. The decisions, which were then passed on to the general public, were intended to instigate and aid and abet further attacks against the Tutsi population. In order to ensure that the directives and instructions were carried out Jean KAMBANDA’s Interim Government designated a minister from each *préfecture* to be responsible for what was termed “pacification”.

Interim Government ministers were dispatched to their *préfectures* of origin to incite further killings and to exercise control over the militias. During several *conseils des ministres* the various ministers made requests for weapons to distribute in their respective home *préfectures*, knowing and intending that the weapons would be used to attack and kill the Tutsi population.

45. On or about 17 April 1994 the *conseil des ministres* of the Interim Government convened to review the status of office-holders in the territorial administration. They removed the *préfets* of Butare and Kibungo, both of whom were known to have opposed the attacks upon the Tutsi population, and appointed several new *préfets* that embraced the Interim Government's policy of targeting Tutsi civilians as "the enemy". These decisions on appointments of *préfets* were broadcast to the nation in a Radio Rwanda communiqué read by Minister of Information Eliézer NIYITEGKA on or about that same day. The new office-holders would be installed on 19 April.
46. The Interim Government also controlled the appointments, promotions and transfers of military officers throughout the country. Officers in the *gendarmérie* that were perceived as not supporting the Interim Government policy of attacking the civilian Tutsi population were transferred from the interior of the country, where they were duty-bound to maintain security, to the battlefield with the RPF in or near Kigali, so that the attacks against the Tutsi in Butare, Kibuye and elsewhere would not be impeded. The Interim Government also recalled into active service certain retired military officers that were closely associated with extremist currents in the Habyarimana government. These retired colonels were then installed as regional managers of the "civil defense".
47. On or about 18 April 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, Justin MUGENZI, Eliezer NIYITEGEKA, Jean-Bosco BARAYAGWIZA, among others, participated in a meeting at the Murambi Training School during which the *préfet* and several *bourgmestres* from Gitarama *préfecture* requested Prime Minister Jean KAMBANDA to provide reinforcements to protect the Tutsi population and to restore order in the region. Instead, several Interim Government ministers and political party leaders, notably **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and Justin MUGENZI, instigated Gitarama delegation to stop protecting the Tutsi population and instead to allow killings of Tutsi civilians by *Interahamwe* to proceed.
48. On or about 19 April 1994, Interim President SINDIKUBWABO addressed a public rally in Butare *préfecture* and encouraged those that did not adopt the government program to "step aside". Thereafter, killings of Tutsi civilians started or accelerated in Butare. The rally was also the occasion on which the Interim Government publicly deposed the only Tutsi *préfet* in Rwanda, Jean-Baptiste HABYALIMANA of Butare, a member of the *Parti Libéral*, and replaced him by Sylvain NSABIMANA.
49. ~~On or about 19 April 1994, Interim Government Minister Justin MUGENZI, traveled to Kibungo *préfecture* to participate in the public installation of Anacleto RUDAKUBANA as *préfet*. Justin MUGENZI ordered or instigated attacks against the Tutsi population, emphasizing the new *préfet*'s mission as the elimination of the Tutsis.<sup>2</sup>~~
50. On or about 25 April 1994, Félicien KABUGA organized a meeting in Gisenyi to create a *Fonds de Défense Nationale* to support the Interim Government in "combating the enemy and its accomplices." By 25 April 1994 *all named accused* knew or had

<sup>2</sup> Withdrawn from the Amended Indictment of 24 August 2005 by order of Trial Chamber III in its *Decision on Joseph Nzirorera's and Edouard Karemera's Motions for No Case to Answer* (19 March 2008).

reason to know that militiamen armed by the military were incorporated in systematic attacks against the Tutsi population in Gisenyi and throughout Rwanda and that the *Fonds de Défense Nationale* was intended to re-provision the militias. The funds were deposited in an account in the *Banque Commercial de Rwanda* to be used for the purchase of weapons for the army and the *Interahamwe*. Shortly thereafter Lt. Col. Anatole NSENGIYUMVA distributed weapons to militiamen in Gisenyi that were used to kill Tutsi men, women and children.

51. On 27 April 1994 the *conseils des ministres* again addressed the "civil defense". By letter of the same date Prime Minister Jean KAMBANDA issued "Instructions to restore security in the country", also addressed to All *Préfets*, reiterating the Interim Government policy of making all citizens responsible for "unmasking the enemy and its accomplices" and ordered or authorized the setting up of roadblocks, knowing that the roadblocks were being used to identify the Tutsi and their "accomplices" for the purpose of killing them. The *conseil des ministres* convened again on 29 and 30 April.
52. On or about 3 May 1994 **Édouard KAREMERA** participated in a large meeting called by Interim Government officials at the Kibuye *bureau préfectoral*. Prime Minister Jean KAMBANDA addressed the gathering and again promoted "civil defense" as a means to combat the RPF, reporting that the war was in "all *communes*" in Rwanda. **Édouard KAREMERA** also addressed the gathering and paid tribute to the MRND-*Interahamwe* and called upon them to "flush out, stop and combat the enemy" in collaboration with "youth wings" of the other parties, and by doing so instigated the killing of the Tutsi ethnic group. The speeches and some of the commentary from that meeting were re-broadcast to the nation by Radio Rwanda several days later on or about 9 May 1994.
53. On a date unknown between 1 May – 30 June 1994 **Joseph NZIRORERA**, along with Interim Minister of Foreign Affairs Jérôme-Clément BICAMUMPAKA, participated in a ceremony at the Mukingo *bureau communal* for the re-investiture of Juvenal KAJELIJELI as *bourgmestre*. *Interahamwe* militiamen assembled and paraded for the delegation, whereupon **Joseph NZIRORERA** thanked them for the "excellent work" that they had done, referring to the killings of Tutsis.
54. Throughout April, May and June 1994 local officials in political parties and the territorial administration organized attacks against the Tutsi that took refuge in the Bisesero hills, resulting in the deaths of tens of thousands of Tutsi men, women and children. Groups of *Interahamwe* and *gendarmes* brought in from Gisenyi, Cyangugu and Kigali reinforced local attackers in Kibuye during several large scale attacks in mid-May. Well-coordinated attacks on 13 and 14 May 1994 caused the deaths of several thousands of persons.
55. On or about 16 May 1994, President SINDIKUBWABO, accompanied by **Édouard KAREMERA**, held a "security" meeting in Kibuye during which he thanked Kibuye *préfet* Clement KAYISHEMA for accomplishing his mission, referring to the killings of Tutsi in Kibuye, thereby aiding and abetting those killings.
56. On or about 17 May 1994, during a meeting of the *conseil des ministres*, the Interim Government implemented measures to manage the "civil defense force", formally entrusting the Minister of Defense, the Minister of the Interior, the Minister of Primary and Secondary Education, the Minister of Youth and Sports, the Minister for Family Affairs, and the Minister of Tourism with responsibility for the "civil defense program".

57. On or about 25 May 1994, **Édouard KAREMERA**, as the Minister of the Interior, issued a letter to all *Préfets* regarding *Implementation of the Prime Minister's directives on the Self-organization of Civilian Defense*. Its purpose was to legitimize the distribution of weapons to the militiamen and the massacres of the civilian population. As part of the "civil defense" program, the Interim Government, by ministerial decision, appointed several military officers to lead the "self defense committees" established in each *préfecture*. Some of these officers took an active part in the massacres, including Col. Alphonse NTEZIRYAYO in Butare, who subsequently replaced Sylvain NSABIMANA as Butare *préfet* when the Interim Government yet again deemed authorities in Butare insufficiently aggressive in the campaign of violence against the Tutsi.
58. Among the newly appointed regional leaders of the "civil defense" was Maj. Damascene UKULIKIYEYEZU, designated for Gitarama *préfecture*. When the Interim Government appointed several new *sous-préfets* for Gitarama, Interim Government Minister for Youth and Sports Callixte NZABONIMANA, originally from Gitarama, and the new appointees supported Maj. Damascene UKULIKIYEYEZU, then operating as *de facto préfet* in Gitarama, in directing the resources of the *préfecture* toward the ends of the "civil defense": extermination of the Tutsi in Gitarama. The Interim Government deposed the former *préfet* of Gitarama in early June 1994, after which he went into hiding, one of the few deposed *préfets* that managed to escape the wrath of the Interim Government's campaign of violence. Both Jean-Baptiste HABYALIMANA, of Butare, and Godfroide RUZINDANA, from Kibungo, were killed shortly after the Interim Government removed them.
59. On several occasions on dates unknown in June 1994 **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** participated in meetings with influential businessmen linked to the MRND political party and "Hutu Power". The purpose of the meetings was to raise funds to buy weapons to be distributed to soldiers, *Interahamwe* and other militias. The Prosecutor is unable to specify the dates of the gatherings or to provide an exhaustive list of the participants. The meetings took place at the Hotel Meridien and in a location alternatively identified as the "*Palais MRND*" and the "*préfecture* office" adjacent to the Hotel Palm Beach. The meetings took place around the time that the Interim Government had relocated to Gisenyi when many influential Rwandans and senior civil servants had either accompanied the Interim Government, or had fled to Gisenyi themselves. At that time *all named accused* knew or had reason to know that *Interahamwe* and other militias were systematically attacking the civilian Tutsi population in Gisenyi and throughout Rwanda and that re-provisioning of militiamen would lead to further killings of civilians.
60. On or about 17 June 1994 the Interim Government convened in a *conseil des ministres*, whereupon it decided to request reinforcements from Gisenyi *commandant de secteur* Lt. Col. Anatole NSENGIYUMVA for further attacks upon surviving Tutsi in the Bisesero hills in Kibuye *préfecture*. Minister of Interior **Édouard KAREMERA** participated in the *conseil des ministres* and made the formal written request to Lt. Col. NSENGIYUMVA the following day. Attacks against those Tutsi that had survived the major attacks in May and early June continued with reinforcements of *Interahamwe* from Gisenyi, Cyangugu and Kigali, causing many deaths.
61. During June and July 1994 the Interim Government assembled regularly in *conseils des ministres* and various other meetings to manage the affairs of state, which at that time included provisioning militias and the army for continued attacks against the Tutsi population.

62. **Joseph NZIRORERA** planned, prepared, ordered, committed and aided and abetted attacks against the Tutsi population in Ruhengeri *préfecture*.
- 62.1 Prior to January 1994, and continuing through to late June 1994, **Joseph NZIRORERA** made regular weekend trips to Ruhengeri *préfecture* to plan, prepare and organize the killing of the Tutsi population.
- 62.2 **Joseph NZIRORERA** held meetings in Ruhengeri with local and regional civilian and military authorities, including Casimir BIZIMUNGU, president of the MRND in Ruhengeri, Col. Augustin BIZIMUNGU, *commandant de secteur* in Ruhengeri, Juvenal KAJELIJELI, intermittently *bourgmestre* of Mukingo *commune*, Ephrem SETAKO, and Esdras BAHEZA, a businessman in Mukingo, among others. The meetings took place once a week on average, usually on the weekend. The Prosecutor is unable to provide an exhaustive list of the participants in the gatherings or the dates on which they occurred.
- 62.3 The meetings usually took place at the Busogo *secteur* residence of **Joseph NZIRORERA**'s mother or at **Joseph NZIRORERA**'s Mukingo *commune* residence. Meetings were also held at the ISIMBI building in Busogo *secteur*, the local headquarters of the *Interahamwe*, and at the residences of other MRND leaders. During those meetings **Joseph NZIRORERA** and those present agreed to combat the RPF and to oppose the Arusha Accords by exterminating the Tutsi population.
- 62.4 During those meetings **Joseph NZIRORERA** and those present agreed to provide financial support, weapons, uniforms, provisions, and logistical and administrative support for the creation, military training, indoctrination and organization of *Interahamwe* militias.
- 62.5 Between June and October 1993, **Joseph NZIRORERA** also co-founded the AMIHINDURE, a related group of militiamen in Nkuli and Mukingo *communes* within the broader category of the *Interahamwe*. Juvenal KAJELIJELI recruited, trained and organized the AMIHINDURE, who operated under the control of **Joseph NZIRORERA** and Juvenal KAJELIJELI.
- 62.6 Prior to April 1994 the AMIHINDURE ["Volcanic Lava Force"] was composed of approximately 80 young men. All members were of Hutu racial or ethnic identity. The AMIHINDURE wore *Interahamwe* kitenge uniforms, provided by **Joseph NZIRORERA**, and received military training and firearms from FAR officers from the nearby Mukamira military camp. **Joseph NZIRORERA** regularly supervised the military training of the AMIHINDURE and addressed the recruits in various meetings and gatherings, at which time he explained that their mission was to exterminate all Tutsi throughout Ruhengeri *préfecture* and to combat the RPF.
- 62.7 After 6 April 1994 the AMIHINDURE expanded significantly in number. During April, May and June of 1994 **Joseph NZIRORERA** continued to provide material and logistical support, including military training, weapons, provisions, and indoctrination to AMIHINDURE and *Interahamwe* militiamen in Mukingo and Nkuli *communes*. **Joseph NZIRORERA** addressed the expanded AMIHINDURE during meetings, gatherings and rallies, at which times he instigated them to exterminate the Tutsi population.

- 62.8 **Joseph NZIRORERA** participated in decisions taken at a meeting at his mother's Busogo *secteur* residence on the evening of 6 April 1994 or the morning of 7 April 1994 or both. Other participants at one or the other of those meetings were Casimir BIZIMUNGU, Augustin BIZIMUNGU, and Juvenal KAJELIJELI. During the meeting that took place on or about the early morning of 7 April 1994 **Joseph NZIRORERA** agreed with the other participants and ordered that *Interahamwe* militias and locally recruited armed civilians should attack and kill the Tutsi population in Mukingo and Nkuli *communes*.
- 62.9 Some time thereafter, Juvenal KAJELIJELI ordered and instigated *Interahamwe* and AMIHINDURE in Mukingo and Nkuli *communes* to attack and kill the Tutsi population. Hundreds of unarmed Tutsi men, women, children and elderly persons were killed and their homesteads burned. Among those killed were RUKARA and his brother Lucien, a woman named Joyce, a man named YAMWERI and six members of his family, SWALISI, KABOYI and ten members of his family, BAKIGA, Philip MUNGARURIRE, Abel MUHINDA, SEBIRAYI, SEBAGENI, and MUDIYAKONI.
- 62.10 During the course of 7 April 1994 Juvenal KAJELIJELI, among others, executed the decisions taken with **Joseph NZIRORERA**, Casimir BIZIMUNGU and Augustin BIZIMUNGU earlier that morning by ordering and commanding members of the *Interahamwe* and other militiamen and armed civilians to attack and kill persons sheltered in the Busogo parish church.
- 62.11 Following those generalized attacks on the Tutsi in Ruhengeri of 7 April 1994 **Joseph NZIRORERA** made regular telephone calls to the Mukingo *bureau communal* for updates on the progress of the killings and to order further attacks against the Tutsi population. On or about 9 April 1994 **Joseph NZIRORERA** telephoned the *sous-préfecture* office in Busengo to find out if any Tutsi were hiding there. A few days later a group of *Interahamwe* armed with firearms attacked the *sous-préfecture* office and killed over 40 persons.
- 62.12 On or about 14 April 1994 gendarmes and *Interahamwe* attacked displaced Tutsi civilians that were sheltered in the Court of Appeals building in Kigombe *commune*, killing hundreds of Tutsi men, women and children. **Joseph NZIRORERA**, along with *commandant de secteur* Col. Augustin BIZIMUNGU and other regional authorities, were responsible for ordering the attack and knew or had reason to know of the attack and that the perpetrators were persons over whom they exercised effective control. Subsequent to the killings **Joseph NZIRORERA** participated in public gatherings with *Interahamwe* militiamen and local and regional civilian and military authorities in Ruhengeri, many of who were known to have authorized or participated in the attack. On those occasions **Joseph NZIRORERA** praised militiamen for the killings of Tutsi throughout the *préfecture*.
63. **Joseph NZIRORERA** also planned, prepared, ordered, committed and aided and abetted attacks against the Tutsi population in Kigali-ville *préfecture* and in other regions of Rwanda.
- ~~63.1 On a date unknown between 15 April and 30 April 1994 **Joseph NZIRORERA** arrived at the Canadian Embassy in Kigali searching for the wife of President of the Supreme Court Joseph KAVARUGANDA. While there, **Joseph NZIRORERA** observed certain Tutsi in the area and told militiamen at a~~

~~nearby roadblock to kill the Tutsi or be killed themselves. Later that same day, the militiamen killed several Tutsi that had taken shelter in the courtyard of the Canadian Embassy, saying that they were doing so on Nzirorera's orders. Among those killed were a man named Innocent, a man named Jean-Claude, Joseph RUTAREMARE, Jean-Claude NDUFATANYE, Alphonse BURAKYEYE, and Pierre UWAMAHORO.<sup>3</sup>~~

- 63.2 On a date unknown between 7 – 12 April 1994 **Joseph NZIRORERA** prepared, aided and abetted or committed killings of Tutsis in Remera, Kigali-ville *préfecture*, by providing information about certain Tutsis that were in hiding to a leader of the *Interahamwe* militias and by providing a vehicle, provisions, and instructions to the *Interahamwe* so that those persons could be forced out of hiding and killed. Among those killed were Aloys KAREKEZI, his wife, and son.
64. **Édouard KAREMERA** planned, prepared, ordered, instigated and aided and abetted attacks against the Tutsi population in Kibuye *préfecture*.
- 64.1 Toward the end of April 1994 **Édouard KAREMERA** arrived in Mwendo *commune*, Kibuye *préfecture*, and addressed local administrative authorities and a small crowd that gathered to greet him, whereupon he explained that Tutsis in Bisesero were attacking Hutus and "... now that [they had] finished Tutsis of this area and the problem is there in Bisesero ..." that they should go to Bisesero to help Hutus there to kill Tutsis.
- 64.2 On or about 13 May 1994, national and regional political authorities from Kibuye that were known to collaborate with **Édouard KAREMERA**, and who were present for **Édouard KAREMERA**'s address during the meeting at the Kibuye *préfecture* office on 3 May 1994, arrived in Bisesero. Among them were Minister of Information Eliezer NIYITEGEKA, Kibuye *préfet* Clement KAYISHEMA, businessman Obed RUZINDANA, among other authorities, including several *bourgmestres* and *conseillers*, accompanied by *Interahamwe* militiamen, soldiers and *gendarmes*. These same authorities ordered, instigated and directed large-scale attacks against Tutsi civilians in Bisesero over the course of several days. Militiamen and soldiers taking orders from such authorities surrounded, searched out and combed the hills to kill Tutsis with firearms, machetes and clubs.
- 64.3 Attacks against the Tutsi of Bisesero continued through late June 1994, particularly after 17 June 1994 when Minister of Interior **Édouard KAREMERA**, on behalf of the Interim Government, requested military authorities to send reinforcements from Gisenyi to eliminate any surviving Tutsis in Bisesero. The requested "*ratissage*" ["mopping up" operation] was intended to destroy the Tutsi of Kibuye completely and to conceal the crimes of the preceding months that would be revealed by the accounts of survivors.
65. By the time the Interim Government fled Rwanda in mid-July 1994 hundreds of thousands of unarmed men, women and children had been killed as a direct result of policies initiated and authorized by the MRND and affiliated "Hutu Power" political parties and executed through the instrumentalities of the state. Cumulatively the acts and omissions of **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph**

<sup>3</sup> Withdrawn from the Amended Indictment of 24 August 2005 by order of Trial Chamber III in its *Decision on Joseph Nzirorera's and Edouard Karemera's Motions for No Case to Answer* (19 March 2008).

**NZIRORERA** furthered the objectives of the joint criminal enterprise to destroy the Tutsi as a group and to exterminate the political opponents of "Hutu Power". This joint criminal enterprise was the means by which *all named accused* and other persons that favored, or sought to benefit from, the political regime of the MRND party-state attempted to combat the RPF and to perpetuate "Hutu Power" in Rwanda.

66. In Ruhengeri *préfecture* during early-mid April 1994, Kigali-ville *préfecture* during April 1994, Butare *préfecture* during mid-late April 1994, Kibuye *préfecture* during May – June 1994, and Gitarama *préfecture* during April and May 1994, and throughout Rwanda, *Interahamwe* and militiamen raped and sexually assaulted Tutsi women and girls throughout Rwanda, causing them serious bodily or mental harm. Such serious bodily or mental harm inflicted upon Tutsi women and girls was intended to destroy the capacity of persons of Tutsi ethnic or racial identity to sustain themselves physically or psychologically as a group, or to reproduce themselves as a group. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** were aware that rape was the natural and foreseeable consequence of the execution of the joint criminal enterprise and knowingly and willfully participated in that enterprise.

### Count 5: Rape as a Crime Against Humanity

The Prosecutor charges **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** with **Rape as a Crime Against Humanity** pursuant to Articles 3, 6(1) and 6(3) of the Statute of the Tribunal in that on or between the dates of 6 April and 17 July 1994, throughout the territory of Rwanda, *all named accused* were responsible for raping persons or causing persons to be raped, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds, committed as follows:

67. Between 6 April 1994 and 17 July 1994 throughout Rwanda there were widespread or systematic attacks against a civilian population based on Tutsi ethnic or racial identification or political opposition to the MRND and "Hutu Power" political parties, as described in detail in paragraphs 34 through 66.
68. As part of these widespread or systematic attacks, *Interahamwe* and other militiamen raped Tutsi women and girls in Ruhengeri *préfecture* during early-mid April 1994, Kigali-ville *préfecture* during April 1994, Butare *préfecture* during mid-late April 1994, Kibuye *préfecture* during May – June 1994, and Gitarama *préfecture* during April and May 1994.
69. These rapes were the natural and foreseeable consequence of the object of the joint criminal enterprise to destroy the Tutsi as a group. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** were aware that rape was the natural and foreseeable consequence of the execution of the joint criminal enterprise and knowingly and willfully participated in that enterprise.
70. Rape against Tutsi women between 6 April 1994 and 17 July 1994 was so widespread and so systematic that **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** knew or had reason to know that *Interahamwe* and other militiamen were about to commit these crimes or that they had committed them. The accused had the material capacity to halt or prevent the rapes, or to punish or sanction those that committed these crimes, but failed to take the necessary and reasonable measures to prevent the rapes or to punish the perpetrators.

## Count 6: Extermination as a Crime Against Humanity

The Prosecutor charges **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** with **Extermination as a Crime Against Humanity** pursuant to Articles 3, 6(1) and 6(3) of the Statute of the Tribunal in that on or between the dates of 6 April and 17 July 1994, throughout the territory of Rwanda, *all named accused* were responsible for killing persons, or causing persons to be killed, as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds, committed as follows:

71. Between 6 April 1994 and 17 July 1994 throughout Rwanda there were widespread or systematic attacks against a civilian population based on Tutsi ethnic or racial identification or political opposition to the MRND and "Hutu Power" political parties, as described in detail in paragraphs 34 through 66.
72. As part of these widespread or systematic attacks, **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** acting alone or in concert with other known or unknown members of a joint criminal enterprise, planned, ordered, organized and committed killings of Tutsi civilians or political opponents of "Hutu Power" as described in detail in paragraphs 34 to 66.
73. As part of these widespread or systematic attacks, members of the *Interahamwe; préfets, bourgmestres* and *conseillers* that were members of the MRND, and members of their respective *conseils de sécurité* at prefectural and communal levels; commanders of the "civil defense program"; and administrative personnel in the ministries controlled by the MRND, committed killings of Tutsi civilians or political opponents of "Hutu Power" as described in detail in paragraphs 34 to 66.

## Count 7: Serious Violations of Article 3 Common to the Geneva Conventions and Additional Protocol II: Killing and Causing Violence to Health And Physical or Mental Well-Being

The Prosecutor charges **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** with **Murder and Causing Violence to Health and Physical or Mental Well-Being** as a Serious Violation of Article 3 Common to the Geneva Conventions and Additional Protocol II pursuant to Articles 4, 6(1) and 6(3) of the Statute of the Tribunal in that on or between the dates of 6 April and 17 July 1994, throughout the territory of Rwanda, *all named accused* were responsible for murder, seriously harming, and/or otherwise treating in a cruel manner persons taking no active part in the hostilities in connection with an armed conflict not of an international nature.

74. Between 1 January 1994 and 17 July 1994 there existed in Rwanda a state of non-international armed conflict within the meaning of Articles 1 and 2 of Protocol II Additional to the Geneva Conventions of 12 August 1949.
75. The belligerents in the non-international armed conflict were the FAR and the RPF. The parties to that conflict were bound by the rules contained in Article 3 Common to the Geneva Conventions and Additional Protocol II.
76. **Édouard KAREMERA, Mathieu NGIRUMPATSE, and Joseph NZIRORERA** acting alone or in concert with other known or unknown members of a joint criminal enterprise, planned, ordered, organized and committed murders of Tutsi civilians throughout Rwanda, as described in detail in paragraphs 34 to 66.

77. Members of the *Interahamwe*; *préfets*, *bourgmestres* and *conseillers* that were members of the MRND, and members of their respective *conseils de sécurité* at prefectural and communal levels; commanders of the “civil defense program”; and administrative personnel in the ministries controlled by the MRND, committed murders of Tutsi civilians throughout Rwanda as described in detail in paragraphs 34 to 66.
78. The Tutsi civilians that were murdered were persons taking no active or direct part in the hostilities, or persons who had ceased to take part in the hostilities, and were thus persons protected by the terms of Common Article 3 of the Geneva Conventions and Protocol II.
79. The murder of Tutsi civilians was closely related to the armed conflict. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** used the environment and the context of the non-international armed conflict and the resources of the state, including the territorial administration and structures of authority in the MRND and the MDR-“Power” political parties, and the physical and logistical resources of the military, to achieve the criminal goal of destroying the Tutsi as a group, particularly the murder of Tutsi civilians.
80. **Édouard KAREMERA**, **Mathieu NGIRUMPATSE**, and **Joseph NZIRORERA** ordered or instigated murders of Tutsi civilians and political opponents as a means to eliminate possible support for the RPF from within the country, as a bargaining chip to force the RPF to agree to its terms for a cease-fire, and as acts of reprisal and vengeance for RPF advances on the battlefield. Consequently, the murders were closely related to the armed conflict.

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

Dated: Arusha, this 3<sup>rd</sup> day of April 2008:



Hassan Bubacar Jallow  
Prosecutor