

533bis  
Mwanja

UNITED NATIONS  
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

ICTR-97-31-I  
16 - 02 - 2006  
(533bis - 497bis)  
Case No. ICTR-97-31-I

THE PROSECUTOR  
AGAINST  
THARCISSE RENZAHO

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SECOND AMENDED INDICTMENT

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2006 FEB 16 PM 4:18

I. **The Prosecutor of the United Nations 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") charges:**

**Tharcisse RENZAHO**

With:

- Count I - GENOCIDE, pursuant to Articles 2(3)(a), 6(1) and 6(3) of the Statute, or in the alternative,
- Count II - COMPLICITY IN GENOCIDE, pursuant to Articles 2(3)(e), 6(1) and 6(3) of the Statute;
- Count III - MURDER as a CRIME AGAINST HUMANITY, pursuant to Articles 3(a), 6(1) and 6(3) of the Statute;
- Count IV - RAPE as a CRIME AGAINST HUMANITY, pursuant to Articles 3(g) and 6(3) of the Statute;
- Count V - MURDER as a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 1949 and Additional Protocol II of 1977, as incorporated pursuant to Articles 4(a), 6(1) and 6(3) of the Statute; and
- Count VI - RAPE as a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 1949 and Additional Protocol II of 1977, as incorporated pursuant to Articles 4(e) and 6(3) of the Statute.

II. **THE ACCUSED**

1. **Tharcisse RENZAHO** was born in 1944 in *Gaseta Secteur, Kigarama Commune, Kibungo Préfecture, Republic of Rwanda*.

2. **Tharcisse RENZAHO** was at all times referred to in this indictment:

(A) A senior public official who,

- (i) was *Préfet* of *Kigali ville*;
- (ii) was Chairman of the Civil Defense Committee for *Kigali ville*; and
- (iii) consequently had *de jure* and *de facto* control over *bourgmestres, conseillers de secteur, responsables de cellule, nyumbakumi* (ten-house leaders), administrative personnel, *gendarmes*, communal police, *Interahamwe*, militias, and armed civilians in that he could order such persons to commit or to refrain from committing unlawful acts and could discipline or punish them for unlawful acts or omissions.

- (B) A Colonel in the *Forces Armées Rwandaises* ("FAR") and as such was a senior military official who had *de jure* and *de facto* control over all armed forces who were under his command in that he could order such persons to commit or to refrain from committing unlawful acts and could discipline or punish them for unlawful acts or omissions.
- (C) A member of the crisis committee set up on the night of 6 April 1994 composed of senior military officers, including Major-General Augustin NDINDILYIMANA – Chairman, Colonel Marcel GATSINZI, Colonel Leonidas RUSATIRA, Colonel Balthazar NDENGEYINKA, Colonel Felicien MUBERUKA, Colonel Joseph MURASAMPONGO and Lt. Colonel Ephrem RWABALINDA and as such was a senior military official who had *de jure* and *de facto* control over all armed forces who were under his command in that he could order such persons to commit or to refrain from committing unlawful acts and could discipline or punish them for unlawful acts or omissions.
- (D) A "combatant" pursuant to Articles 1 and 2 of Protocol II Additional to Geneva Conventions of 12 August 1949.
- (E) By virtue of his rank, office and links with prominent figures in the community, and his role as *de facto* Minister of the Interior in Kigali *Préfecture*, any person wishing to leave Kigali *ville* needed an authorization signed by him and therefore his authorization necessarily had influence in other *préfectures*.

### III. CHARGES AND CONCISE STATEMENT OF FACTS

3. At all times referred to in this indictment there existed in Rwanda a minority racial or ethnic group known as Tutsi, officially identified as such by the government of Rwanda. The majority of the population of Rwanda was comprised of a racial or ethnic group known as the Hutu, also officially identified as such by the government of Rwanda.
4. Between 6 April 1994 and 17 July 1994, throughout Rwanda, and in Kigali in particular, *Interahamwe* militias, soldiers of the FAR and armed civilians targeted and attacked the civilian population based on ethnic or racial identification as Tutsi, or perceived sympathies to the Tutsi. During the attacks some Rwandan citizens killed or caused serious bodily or mental harm to persons perceived to be Tutsi. As a result of these attacks, large numbers of ethnically or racially identified Tutsi were killed.
5. During the period of 7 April 1994 through 17 July 1994, there existed a non-international armed conflict throughout Rwanda, particularly in Kigali-ville *préfecture*. The belligerents in said non-international armed conflict were the FAR and the Rwandan Patriotic Front ("RPF"). During the relevant period of 7

April 1994 through 4 July 1994, the FAR occupied portions of Kigali-ville, trained and armed the *Interahamwe*; and were supported in the conflict by the *Interahamwe*, the *gendarmerie* and *préfectoral* communal police. During this period, the RPF occupied the eastern stretches of Kacyiru and parts of Kicukiro communes.

**Count I: GENOCIDE**

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Tharcisse RENZAHO** with **GENOCIDE**, a crime stipulated in Article 2(3)(b) of the Statute, in that on or between the dates of 7 April 1994 and 17 July 1994 throughout Rwanda, particularly in Kigali-ville *Préfecture*, **Tharcisse RENZAHO** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi racial or ethnic group, including acts of sexual violence, with intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in paragraphs 6 through 43.

*Alternatively,*

**Count II: COMPLICITY IN GENOCIDE**

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Tharcisse RENZAHO** with **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute, in that on or between the dates of 7 April 1994 and 17 July 1994 throughout Rwanda, particularly in Kigali-ville *Préfecture*, **Tharcisse RENZAHO** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi racial or ethnic group, including acts of sexual violence, with intent to destroy, in whole or in part, a racial or ethnic group, as such, or with knowledge that other people intended to destroy, in whole or in part, the Tutsi racial or ethnic group, as such, and that his assistance would contribute to the crime of genocide, as outlined in paragraphs 6 through 43.

CONCISE STATEMENT OF FACTS FOR COUNTS I AND II

*Individual Criminal Responsibility pursuant to Article 6(1)*

6. Pursuant to Article 6(1) of the Statute, the accused, **Tharcisse RENZAHO**, is individually responsible for the crimes of genocide or complicity in genocide because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of these crimes. With respect to the commission of those crimes, **Tharcisse RENZAHO** ordered those over whom he had command responsibility and control as a result of his position and authority described in paragraph 2 and he instigated and aided and abetted those over whom he did not have command responsibility and control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of genocide against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support

the Tutsi in Kigali *Préfecture* as well as throughout Rwanda. To fulfill this criminal purpose, the accused acted with leaders and members of the FAR, including Colonel Théoneste BAGOSORA and Colonel Ephrem SETAKO and Major NYIRAHAKIZIMANA; the Presidential Guard; the *Interahamwe*, including Odette NYIRABAGENZI, Angeline MUKANDUTIYE and NGERAGEZA; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; other known participants, such as Father Wenceslas MUNYESHYAKA and Bishop Samuel MUSABYIMANA; and other unknown participants, all such actions being taken either directly or through subordinates, for at least the period of mid-1993 through 17 July 1994. The particulars that give rise to the accused's individual criminal responsibility including his participation in this joint criminal enterprise are set forth in paragraphs 7 through 23.

### Roadblocks

7. From and after 7 April 1994, **Tharcisse RENZAHO** instructed soldiers, *gendarmes*, militia, local citizens and demobilized soldiers and others to construct and man roadblocks throughout Kigali-ville including those at Gitega and near the Ontracom facility. These soldiers, *gendarmes*, militia, local citizens and demobilized soldiers and others were members of the joint criminal enterprise referred to in paragraph 6 above, who used these roadblocks to intercept, identify and kill Tutsi from 7 April to 17 July 1994. In so doing, **Tharcisse RENZAHO** planned, ordered, instigated, committed or otherwise aided and abetted genocide.
8. On or about 7 April 1994, and regularly thereafter, in broadcasts over Radio Rwanda, **Tharcisse RENZAHO** instructed soldiers, *gendarmes*, militia, local citizens and demobilized soldiers, who were members of the joint criminal enterprise referred to in paragraph 6 above, to construct and to man roadblocks, which, from 7 April to 17 July 1994, were used by them to intercept, identify and kill Tutsi, while allowing movement of commercial goods and the majority Hutu population. In so doing, **Tharcisse RENZAHO** planned, ordered, instigated, committed or otherwise aided and abetted genocide.
9. On or about 10 April 1994, at a meeting at the *Préfecture* office of Kigali-ville, **Tharcisse RENZAHO** ordered *conseillers* and *responsables de cellule* to set up roadblocks, which, from 10 April to 17 July 1994 were used by *conseillers*, *responsables de cellule*, *Interahamwe*, local citizens, *gendarmes*, soldiers and demobilized soldiers, who were members of the joint criminal enterprise referred to in paragraph 6 above to identify and to kill Tutsi. In so doing, **Tharcisse RENZAHO** planned, ordered, instigated, committed or otherwise aided and abetted genocide.

10. On diverse unknown dates in April and May 1994 **Tharcisse RENZAHO** convened a meetings at which he instructed *nyumbakumi*, *responsables de cellule*, *conseillers* and *bourgmestres* to remain vigilant at roadblocks and to make sure that *Inyenzi* do not succeed in hiding among the population. As a consequence of these instructions, Tutsi were intercepted, identified and killed at the roadblocks in Kigali-ville. In convening these meetings and giving these instructions, **Tharcisse RENZAHO** planned, ordered, instigated, committed or otherwise aided and abetted genocide.

### **The Killing Campaign in Kigali-ville**

11. On diverse unknown dates between mid-1993 and 17 July 1994, **Tharcisse RENZAHO** regularly permitted and encouraged *Interahamwe* and *Impuzamugambi* groups to meet at his house in Kanombe and elsewhere for the purpose of receiving military training. These *Interahamwe* and *Impuzamugambi* were members of the joint criminal enterprise referred to in paragraph 6 above, who killed and/or caused serious bodily or mental harm to Tutsi between 6 April and 17 July 1994. By permitting and encouraging the training of *Interahamwe* and *Impuzamugambi* **Tharcisse RENZAHO** planned, instigated, committed or otherwise aided and abetted genocide.
12. On diverse unknown dates between mid-1993 and 17 July 1994, **Tharcisse RENZAHO** distributed weapons and ammunition to members of the *Interahamwe* and *Impuzamugambi* at his house in Kanombe and elsewhere. These *Interahamwe* and *Impuzamugambi* were members of the joint criminal enterprise referred to in paragraph 6 above, who killed and/or caused serious bodily or mental harm to Tutsi between 6 April and 17 July 1994. In so distributing weapons and ammunition **Tharcisse RENZAHO** planned, instigated, committed or otherwise aided and abetted genocide.
13. Between 6 April and 17 July 1994, **Tharcisse RENZAHO** provided and facilitated the provision of bonds, permits, *laissez-passers*, and food to enable the movement and equipping of the *Interahamwe*, militia, soldiers and *gendarmes*. These *Interahamwe*, militia, soldiers and *gendarmes* were members of the joint criminal enterprise referred to in paragraph 6 above, who killed and/or caused serious bodily or mental harm to Tutsi between 6 April and 17 July 1994. By his actions described above **Tharcisse RENZAHO** planned, committed or otherwise aided and abetted genocide.
14. On or about 8 April 1994 **Tharcisse RENZAHO** planned, committed, ordered, instigated or aided and abetted the killing of the Director of the *Banque rwandaise de développement*. He confirmed this to Colonel BAGOSORA, who was a

member of the joint criminal enterprise referred to in paragraph 6 above, by radio on or about that same date.

15. On or about 9 April 1994, **Tharcisse RENZAHO**, while dressed in the military uniform of a senior military official, led armed *Interahamwe* at Kajari in Kanombe. The *Interahamwe*, who were members of the joint criminal enterprise referred to in paragraph 6 above, entered houses of Tutsi and killed the Tutsi who resided there. **Tharcisse RENZAHO** thereby ordered, instigated, committed, or otherwise aided and abetted the killing of the Tutsi.
16. On or about 16 April 1994 at a meeting at the Kigali-ville prefectural headquarters, **Tharcisse RENZAHO** ordered *conseillers* to obtain firearms from the Ministry of Defence to be distributed at the *secteur* level. These weapons were used by *conseillers* and militia, who were members of the joint criminal enterprise referred to in paragraph 6 above, to kill Tutsi, and by so distributing firearms **Tharcisse RENZAHO** planned, instigated, committed or otherwise aided and abetted genocide.
17. On or about 30 April 1994, **Tharcisse RENZAHO** dismissed, among other people, *secteur conseillers* Jean-Baptiste RUDASINGWA and Celestin SEZIBERA, because he believed they were opposed to the killing of Tutsi. By replacing the aforementioned persons with *conseillers* who supported the killing of Tutsi **Tharcisse RENZAHO** aided and abetted this killing.
18. On an unknown date within the period between on or about 7 and 30 May 1994, while at a meeting at Bishop Samuel MUSABYIMANA's residence, **Tharcisse RENZAHO** agreed to supply guns to MUSABYIMANA. **Tharcisse RENZAHO** thereafter during the same period tendered several Kalashnikov rifles, which were delivered by Major NYIRAHAKIZIMANA. Said rifles were distributed among the militias and were used to kill Tutsi, and by providing these rifles **Tharcisse RENZAHO** aided and abetted the killing.
19. In the month of June 1994 **Tharcisse RENZAHO**, together with Colonel Ephrem SETAKO and Colonel BAGOSORA, who were members of the joint criminal enterprise referred to in paragraph 6 above, attended an impromptu meeting at a roadblock near Hotel Kiyovu in Kigali where they instructed those present to kill all Tutsi. A number of Tutsi were then killed.

#### Specific Sites

20. Between 7 April and 17 July 1994 thousands of Tutsi took refuge in *Centre d'étude des langues africaines* ("CELA"), St. Paul's Pastoral Centre ("St. Paul's") and Ste. Famille Parish Church ("Ste. Famille"). Father Wenceslas

MUNYESHYAKA was in charge of Ste. Famille; Odette NYIRABAGENZI was the *conseiller de secteur* directly under the command and authority of **Tharcisse RENZAHO**; and Angeline MUKANDUTIYE was the school inspector as well as a leader of the *Interahamwe* and in *de facto* control of Bwahirimba *secteur*. MUKANDUTIYE was directly under the command of and accountable to **Tharcisse RENZAHO**.

21. On or about 22 April 1994, while in the company of Odette NYIRABAGENZI and Angeline MUKANDUTIYE, and of Father MUNYESHYAKA, soldiers and *Interahamwe*, who were members of the joint criminal enterprise referred to in paragraph 6 above, **Tharcisse RENZAHO** ordered the removal of approximately sixty Tutsi men from CELA who were taken away and killed by soldiers and *Interahamwe*. By so doing, **Tharcisse RENZAHO** ordered, instigated, committed or otherwise aided and abetted genocide. During other dates unknown, he ordered and instigated the murder of many other Tutsi at CELA.
22. On or about 14 June 1994, while in the company of Odette NYIRABAGENZI and Angeline MUKANDUTIYE, and *Interahamwe*, soldiers, and gendarmes, who were members of the joint criminal enterprise referred to in paragraph 6 above, **Tharcisse RENZAHO** ordered and instigated and committed or otherwise aided and abetted the *Interahamwe*, soldiers and gendarmes to remove sixty Tutsi boys from St. Paul's, and to kill these Tutsi boys.
23. On or about 17 June 1994, while in the company of Odette NYIRABAGENZI and Angeline MUKANDUTIYE, **Tharcisse RENZAHO** ordered and instigated soldiers, militia and communal police, who were members of the joint criminal enterprise referred to in paragraph 6 above, to attack Tutsi who had sought refuge Ste. Famille and many Tutsi were killed.

*Criminal Responsibility as a Superior pursuant to Article 6(3)*

24. Pursuant to Article 6(3) of the Statute, the accused, **Tharcisse RENZAHO**, is responsible for the crimes of genocide or complicity in genocide because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included the leaders and members of the FAR, including Major NYIRAHAKIZIMANA; the Presidential Guard; the *Interahamwe*, including Odette NYIRABAGENZI, Angeline MUKANDUTIYE and NGERAGEZA; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; other known participants, such as Father Wenceslas MUNYESHYAKA and Bishop Samuel MUSABYIMANA; and other

unknown participants. The particulars that give rise to the accused's individual criminal responsibility pursuant to Article 6(3) are set forth in paragraphs 25 through 43.

### Roadblocks

25. From and after 7 April 1994, roadblocks throughout Kigali-ville including at Gitega and near the Ontracom facility were constructed and manned by soldiers, *gendarmes*, militia and demobilized soldiers under the effective control of **Tharcisse RENZAHO**, who used the roadblocks to identify and to kill Tutsi and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
26. On or about 10 April 1994, following a meeting at the *Préfecture* office of Kigali-ville, *conseillers* and *responsables de cellule* who were under the effective control of **Tharcisse RENZAHO**, set up roadblocks and used these roadblocks to identify and to kill Tutsi, and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
27. At diverse unknown dates in April and May 1994 **Tharcisse RENZAHO** convened meetings at which he instructed *nyumbakumi*, *responsables de cellule*, *conseillers* and *bourgmestres* who were under his effective control to remain vigilant at roadblocks and to make sure that *Inyenzi* did not succeed in hiding among the population. As a consequence of these instructions, Tutsi were intercepted, identified and killed at the roadblocks in Kigali-ville, and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.

### The Killing Campaign in Kigali-ville

28. At diverse unknown dates between mid-1993 and 17 July 1994, **Tharcisse RENZAHO** permitted *Interahamwe* and *Impuzamugambi* groups to meet at his house in Kanombe and elsewhere for the purpose of receiving military training. These *Interahamwe* and *Impuzamugambi* were under the effective control of **Tharcisse RENZAHO** and between 6 April and 17 July 1994 they killed or caused serious bodily or mental harm to Tutsi. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
29. At diverse unknown dates between mid-1993 and 17 July 1994, **Tharcisse RENZAHO** distributed weapons and ammunition to members of the

*Interahamwe* and *Impuzamugambi* at his house in Kanombe and elsewhere. These *Interahamwe* and *Impuzamugambi* were under the effective control of **Tharcisse RENZAHO** and between 6 April and 17 July 1994 they killed or caused serious bodily or mental harm to Tutsi. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.

30. Between 6 April and 17 July 1994, **Tharcisse RENZAHO** provided and facilitated the provision of bonds, permits, *laissez-passers*, and food to enable the movement and equipping of the *Interahamwe*, militia, soldiers and *gendarmes* who were participating in the killing of Tutsi, and had effective control over them in the sense of having the power to prevent or punish their acts.
31. On 8 April 1994, **Tharcisse RENZAHO** communicated with Colonel BAGOSORA by radio confirming that those under his effective control had killed the manager of the *Banque Rwandaise de Développement*, and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
32. On or about 9 April 1994, **Tharcisse RENZAHO**, while dressed in the military uniform of a senior military official, accompanied armed *Interahamwe* at Kajari in Kanombe. **Tharcisse RENZAHO**'s subordinates in the *Interahamwe* entered houses of Tutsi and killed the Tutsi who resided there in **Tharcisse RENZAHO**'s presence without his objection. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
33. On or about 16 April 1994 following a meeting at the Kigali-ville prefectural headquarters, *conseillers* under the effective control of **Tharcisse RENZAHO** obtained firearms from the Ministry of Defense to be distributed at the *secteur* level. These weapons were used to kill Tutsi and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
34. On multiple unknown dates between April and July 1994, **Tharcisse RENZAHO** refused or failed to punish *Interahamwe* members under his effective control, command and supervision whom he knew to have participated in the killing of Tutsi and moderate Hutu in Kigali.
35. On or about 30 April 1994, **Tharcisse RENZAHO** dismissed, among other people, *secteur conseillers* Jean-Baptiste RUDASINGWA and Celestin SEZIBERA, because he believed they were opposed to the killing of Tutsi.

**Tharcisse RENZAHO** replaced the aforementioned persons with *conseillers* who supported the killing of Tutsi, thus showing his effective control over local administrative officials in Kigali-ville.

### Specific Sites

36. Between 7 April and 17 July 1994 thousands of Tutsi took refuge in CELA, St. Paul's and Ste. Famille. Father Wenceslas MUNYESHYAKA was in charge of Ste. Famille; Odette NYIRABAGENZI was the *conseiller de secteur* directly under the command and authority of **Tharcisse RENZAHO**; and Angeline MUKANDUTIYE was the school inspector as well as a leader of the *Interahamwe* and in *de facto* control of Bwahirimba *secteur*. MUKANDUTIYE was under the effective control of and accountable to **Tharcisse RENZAHO**.
37. Between 7 April and 17 July 1994, **Tharcisse RENZAHO**'s subordinates, including but not limited to Father MUNYESHYAKA, Odette NYIRABAGENZI and Angeline MUKANDUTIYE, and other *Interahamwe* leaders, planned, prepared, ordered, instigated, and carried out attacks on members of the racial or ethnic Tutsi group in Kigali. These attacks took place at Ste. Famille, St. Paul's, Kadaffi Mosque and CELA, among other places in the Nyarugenge *secteur* and were carried out with intent to kill or cause mental and bodily harm to members of the racial or ethnic Tutsi group in whole or in part. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
38. On or about 22 April 1994, **Tharcisse RENZAHO**'s subordinates, Odette NYIRABAGENZI, Father MUNYESHYAKA and Angeline MUKANDUTIYE, soldiers and *Interahamwe*, removed and caused the murder of sixty Tutsi men at CELA. During other dates unknown in April, May and June 1994 they removed and caused the murder of many other Tutsi at CELA, and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
39. On or about 14 June 1994, **Tharcisse RENZAHO**'s subordinates, Odette NYIRABAGENZI and Angeline MUKANDUTIYE, and *Interahamwe*, soldiers and gendarmes removed and caused the murder of sixty Tutsi boys from St. Paul's, and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
40. On or about 17 June 1994, **Tharcisse RENZAHO**'s subordinates, including but not limited to Odette NYIRABAGENZI and Angeline MUKANDUTIYE, soldiers, militia and communal police attacked and killed Tutsi who had sought refuge St, Famille, and **Tharcisse RENZAHO** failed or refused to take the

necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.

### Sexual Violence

41. Tutsi women were raped by *Interahamwe* militia, soldiers and other individuals under the effective control of **Tharcisse RENZAHO** on April 16 and diverse unknown dates during the months of April, May and June 1994. *Conseillers* under the direct command and authority of **Tharcisse RENZAHO** reported on a regular basis about the rape of Tutsi women by *Interahamwe* militia, soldiers and other individuals under the effective control of **Tharcisse RENZAHO**. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such rapes or to punish the perpetrators thereof.
42. Father MUNYESHYAKA and *Interahamwe*, under the effective control of **Tharcisse RENZAHO**, compelled Tutsi women to provide them with sexual pleasures in exchange for the woman's safety at Ste. Famille during the period in which Tutsi sought refuge at Ste. Famille in the months of April, May and June 1994. **Tharcisse RENZAHO** knew or had reason to know that these acts were being perpetrated against Tutsi women and he failed or refused to prevent or to punish the perpetrators of these forced sexual acts at Ste. Famille.
43. *Interahamwe*, soldiers, and armed civilians under the effective control of **Tharcisse RENZAHO** maintained Tutsi women at houses in central Kigali, where they compelled the women provide them with sexual pleasures in exchange for the women's safety on diverse unknown dates during the months of April, May and June 1994. **Tharcisse RENZAHO** knew or had reason to know that these acts were being perpetrated against Tutsi women and he failed or refused to prevent or to punish the perpetrators of these forced sexual acts.

### Count III: MURDER as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Tharcisse RENZAHO** with **MURDER as a CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(a) of the Statute, in that on and between 6 April and 17 July 1994 throughout Rwanda, particularly in Kigali-ville *Préfecture*, **Tharcisse RENZAHO**, with intent to kill members of the Tutsi racial or ethnic group or persons identified as Tutsi or presumed to support the Tutsi, was responsible for the killing of such persons as part of a widespread or systematic attack against that civilian population on racial, ethnic and political grounds, as set forth in paragraphs 44 through 51.

### CONCISE STATEMENT OF FACTS FOR COUNT III

#### Individual Criminal Responsibility pursuant to Article 6(1)

44. Pursuant to Article 6(1) of the Statute, the accused, **Tharcisse RENZAHO**, is individually responsible for murder as a crime against humanity because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of this crime. With respect to the commission of this crime, **Tharcisse RENZAHO** ordered those over whom he had command responsibility and control as a result of his position and authority described in paragraph 2 and he instigated and aided and abetted those over whom he did not have command responsibility and control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose and foreseeable outcome was the commission of crimes against humanity against the Tutsi racial or ethnic group and persons identified as Tutsi or presumed to support the Tutsi or to be politically opposed to "Hutu Power" in Kigali *Préfecture* as well as throughout Rwanda on racial, ethnic or political grounds. To fulfill this criminal purpose, the accused acted with leaders and members of the FAR; the Presidential Guard; the *Interahamwe*, such as Odette NYIRABAGENZI; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; other known participants, such as Father Wenceslas MUNYESHYAKA; and other unknown participants, all such actions being taken either directly or through their subordinates for at least the period of 12 April through 15 June 1994. The particulars that give rise to the accused's individual criminal responsibility including his participation in this joint criminal enterprise are set forth in paragraphs 45 through 47.
45. On or about 22 April 1994, in the presence of others, **Tharcisse RENZAHO** selected and ordered and instigated the killing of specific people from CELA; including James, Charles, Wilson and Déglote RWANGA and Emmanuel GIHANA. The aforementioned were killed by *Interahamwe*, soldiers and gendarmes who were members of the joint criminal enterprise referred to in paragraph 44 above, and by his actions described herein **Tharcisse RENZAHO** ordered, instigated, committed or otherwise aided and abetted this murder.
46. On or about 28 April 1994, **Tharcisse RENZAHO** ordered members of the *Interahamwe* to Nyarugenge commune to find and kill nine Tutsi, including Francois NSENGIYUMVA; a man whose name was KAGORORA, as well as his two sons, Emile and Aimable; and a man whose name was RUTYOMBA. These persons were subsequently killed by the *Interahamwe*, who were members of the joint criminal enterprise referred to in paragraph 44 above, pursuant to **Tharcisse RENZAHO**'s orders. In so doing, **Tharcisse RENZAHO** planned, ordered, instigated, committed or otherwise aided and abetted this murder.
47. On or about 15 June 1994, **Tharcisse RENZAHO** ordered Odette NYIRABAGENZI to kill André KAMEYA, a journalist who was critical of the Interim Government. On or about 15 June 1994, while in the company of *Interahamwe*, Odette NYIRABAGENZI, who was a member of the joint criminal enterprise referred to in paragraph 44 above, found and had André KAMEYA

killed pursuant to **Tharcisse RENZAHO**'s orders. By his actions detailed herein, **Tharcisse RENZAHO** ordered, instigated, committed or otherwise aided and abetted this murder.

*Criminal Responsibility as a Superior pursuant to Article 6(3)*

48. Pursuant to Article 6(3) of the Statute, the accused, **Tharcisse RENZAHO**, is responsible for the murder as a crime against humanity because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included leaders and members of the FAR; the Presidential Guard; the *Interahamwe*, such as Odette NYIRABAGENZI; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; other known participants, such as Father Wenceslas MUNYESHYAKA; and other unknown participants. The particulars that give rise to the accused's individual criminal responsibility pursuant to Article 6(3) are set forth in paragraphs 49 through 51.
49. On or about 22 April 1994, *Interahamwe* and soldiers under the effective control of **Tharcisse RENZAHO** killed certain persons in refuge at CELA, including but not limited to James, Charles, Wilson and Déglote RWANGA and Emmanuel GIHANA, and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
50. On or about 28 April 1994, members of the *Interahamwe* under effective control of **Tharcisse RENZAHO** went to Nyarugenge commune and found and killed nine Tutsi, including Francois NSENGIYUMVA; a man whose name was KAGORORA, as well as his two sons, Emile and Aimable; and a man whose name was RUTIYOMBA and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.
51. On or about 15 June 1994, **Tharcisse RENZAHO**'s subordinates, Odette NYIRABAGENZI and a company of *Interahamwe*, found and killed André KAMEYA, a journalist who was critical of the Interim Government and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.

**Count IV: RAPE as a CRIME AGAINST HUMANITY**

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Tharcisse RENZAHO** with **RAPE as a CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(g) of the Statute, in that on an between 7 April and 17 July 1994 throughout Rwanda, particularly in Kigali-ville *Préfecture*, **Tharcisse RENZAHO**, members of the Tutsi racial or ethnic group or persons identified as Tutsi were raped by subordinates of **Tharcisse RENZAHO** as part of a widespread or systematic attack against that civilian population on racial and ethnic grounds, as set forth in paragraphs 52 through 55.

#### CONCISE STATEMENT OF FACTS FOR COUNT IV

##### *Criminal Responsibility as a Superior pursuant to Article 6(3)*

- 59.52. Pursuant to Article 6(3) of the Statute, the accused, **Tharcisse RENZAHO**, is responsible for the rape as a crime against humanity because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included leaders and members of the FAR; the Presidential Guard; the *Interahamwe*; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; other known participants, such as Father Wenceslas MUNYESHYAKA; and other unknown participants. The particulars that give rise to the accused's individual criminal responsibility are set forth in paragraphs 53 through 55.
53. Tutsi women were raped by *Interahamwe* militia, soldiers and other individuals under the effective control of **Tharcisse RENZAHO** on April 16 and diverse unknown dates during the months of April, May and June 1994. *Conseillers* under the direct command and authority of **Tharcisse RENZAHO** reported on a regular basis about the rape of Tutsi women by *Interahamwe* militia, soldiers and other individuals under the effective control of **RENZAHO**. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such rapes or to punish the perpetrators thereof.
54. Father MUNYESHYAKA and *Interahamwe* under the effective control of **Tharcisse RENZAHO** compelled Tutsi women to provide them with sexual pleasures in exchange for the woman's safety at Ste. Famille in the period in which Tutsi sought refuge at Ste. Famille during the months of April, May and June 1994. **Tharcisse RENZAHO** knew or had reason to know that these acts were being perpetrated against Tutsi women and he failed or refused to punish the perpetrators of these forced sexual acts at Ste. Famille.
55. *Interahamwe* soldiers and armed civilians under the effective control of **Tharcisse RENZAHO** maintained Tutsi women at houses in central Kigali, where they compelled the women provide them with sexual pleasures in exchange for the

women's safety on diverse unknown dates during the months of April, May and June 1994. **Tharcisse RENZAHO** knew or had reason to know that these acts were being perpetrated against Tutsi women and he failed or refused to punish the perpetrators of these forced sexual acts.

**Count V: MURDER AS A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 1949**

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Tharcisse RENZAHO** with **MURDER AS A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 1949 AND ADDITIONAL PROTOCOL II OF 1977**, a crime stipulated in Article 4(a) of the Statute, in that **Tharcisse RENZAHO** was responsible for the killings of non-combatant Tutsi men and youths during the period 7 April through 17 July 1994 when throughout Rwanda, particularly in Kigali-ville *Préfecture*, there was a non-international armed conflict within the meaning of Articles 1 and 2 of Protocol II Additional to the Geneva Convention of 1949, and the killing of the victims was closely related to the hostilities or committed in conjunction with the armed conflict and the victims were persons taking no part in that conflict; all as is set forth in paragraphs 56 through 60.

CONCISE STATEMENT OF FACTS FOR COUNT V

Individual Criminal Responsibility pursuant to Article 6(1)

56. Pursuant to Article 6(1) of the Statute, the accused, **Tharcisse RENZAHO**, is individually responsible for murder as a violation of Article 3 Common to the Geneva Conventions of 1949 and Additional Protocol II of 1977 because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of these crimes. With respect to the commission of those crimes, **Tharcisse RENZAHO** ordered those over whom he had command responsibility and control as a result of his position and authority described in paragraph 2 and he instigated and aided and abetted those over whom he did not have command responsibility and control. In addition, the accused participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the commission of war crimes against non-combatant members of the Tutsi racial or ethnic group in Kigali *Préfecture* as well as throughout Rwanda. To fulfill this criminal purpose, the accused acted with leaders and members of the FAR; the Presidential Guard; the *Interahamwe*; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; and other known and unknown participants, all such actions being taken either directly or through their subordinates for at least the period of 6 April 1994 through 4 July 1994. The particulars that give rise to the accused's individual criminal responsibility including his participation in this joint criminal enterprise are set forth in paragraphs 57 and 58.

57. Between 16 and 17 June 1994 the RPF fought their way to St. Paul's in Nyarugenge in Kigali-ville and rescued a large number of non-combatant Tutsi.
58. Pursuant to the authority vested in **Tharcisse RENZAHO** as described in paragraph 2, and in retaliation for the actions of the RPF described in paragraph 57, **Tharcisse RENZAHO** on or about 17 June 1994 ordered, instigated or otherwise aided and abetted soldiers of the FAR and *Interahamwe* to take and kill at least seventeen non-combatant Tutsi men from Ste. Famille who had not been rescued by the RPF.

*Criminal Responsibility as a Superior pursuant to Article 6(3)*

59. Pursuant to Article 6(3) of the Statute, the accused, **Tharcisse RENZAHO**, is responsible for murder as a violation of Article 3 common to the Geneva Conventions of 1949 and Additional Protocol II of 1977 because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included leaders and members of the FAR; the Presidential Guard; the *Interahamwe*; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; and other known and unknown participants. The particulars that give rise to the accused's individual criminal responsibility pursuant to Article 6(3) are set forth in paragraph 60.
60. In retaliation for the actions of the RPF described in paragraph 57, on or about 17 June 1994, soldiers of the FAR and *Interahamwe*, who were subordinates under the effective control of **Tharcisse RENZAHO**, killed at least seventeen non-combatant Tutsi men from Ste. Famille who had not been rescued by the RPF and **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such acts or to punish the perpetrators thereof.

**Count VI: RAPE AS A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 1949**

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Tharcisse RENZAHO** with **RAPE AS A VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS OF 1949 AND ADDITIONAL PROTOCOL II OF 1977**, a crime stipulated in Article 4(e) of the Statute, in that **Tharcisse RENZAHO** was responsible for the rape of non-combatant Tutsi women during the period between 7 April and 17 July 1994 when throughout Rwanda, particularly in Kigali-ville *Préfecture*, there was a non-international armed conflict within the meaning of Articles 1 and 2 of Protocol II Additional to the Geneva Convention of 1949, and the raping of the victims was closely related to the hostilities or committed in conjunction with the armed conflict

and the victims were persons taking no part in that conflict; all as set forth in paragraphs 61 through 65.

## CONCISE STATEMENT OF FACTS FOR COUNT VI

### Criminal Responsibility as a Superior pursuant to Article 6(3)

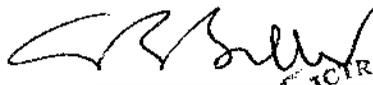
61. Pursuant to Article 6(3) of the Statute, the accused, **Tharcisse RENZAHO**, is responsible for rape as a violation of Article 3 common to the Geneva Conventions of 1949 and Additional Protocol II of 1977 because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included leaders and members of the FAR; the Presidential Guard; the *Interahamwe*, such as Odette NYIRABAGENZI; the "Civil Defense Forces"; communal police; civilian militias; local administrative officials; other soldiers and militiamen; other known participants, such as Father Wenceslas MUNYESHYAKA; and other unknown participants. The particulars that give rise to the accused's individual criminal responsibility pursuant to Article 6(3) are set forth in paragraphs 62 through 65.
62. During the relevant periods of 7 April 1994 through 4 July 1994, the FAR occupied central areas of Kigali, including Nyarugenge commune and the area around the Ste. Famille Church. The FAR trained and armed the *Interahamwe*, and were supported in the conflict by the *Interahamwe*, the *gendarmerie*, *préfectoral* communal police, and armed civilians.
63. Tutsi women were raped by *Interahamwe* militia, soldiers and other individuals under the effective control of **Tharcisse RENZAHO** on April 16 and diverse unknown dates during the months of April, May and June 1994. *Conseillers* under the direct command and authority of **Tharcisse RENZAHO** reported on a regular basis about the rape of Tutsi women by *Interahamwe* militia, soldiers and other individuals under the effective control of **Tharcisse RENZAHO**. **Tharcisse RENZAHO** failed or refused to take the necessary or reasonable measures to prevent such rapes or to punish the perpetrators thereof.
64. Father MUNYESHYAKA and other *Interahamwe* under the effective control of **Tharcisse RENZAHO** compelled Tutsi women to provide them with sexual pleasures in exchange for the woman's safety at Ste. Famille in the period in which Tutsi sought refuge at Ste. Famille during the months of April, May and June 1994. **Tharcisse RENZAHO** knew or had reason to know that these acts

were being perpetrated against Tutsi women and he failed or refused to prevent or punish the perpetrators of these forced sexual acts at Ste. Famille.

65. *Interahamwe* soldiers and armed civilians under the effective control of **Tharcisse RENZAHO** maintained Tutsi women at houses in central Kigali, where they compelled the women provide them with sexual pleasures in exchange for the women's safety on diverse unknown dates during the months of April, May and June 1994. **Tharcisse RENZAHO** knew or had reason to know that these acts were being perpetrated against Tutsi women and he failed or refused to prevent or punish the perpetrators of these forced sexual acts.

The acts and omissions of **Tharcisse RENZAHO** detailed herein are punishable in pursuant to Articles 22 and 23 of the Statute.

Signed at ARUSHA, Tanzania, this 16<sup>th</sup> Day of February 2006.

  
Hassan B. Jallow  
Prosecutor

