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ICTR-97-20-I  
12.10.1999  
(885-879)

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**INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

**CASE NO. ICTR 97-20-I**

ICTR  
CRIMINAL REGISTRY  
RECEIVED  
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**THE PROSECUTOR**

**VERSUS**

**LAURENT SEMANZA**

**THIRD AMENDED INDICTMENT**

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

**LAURENT SEMANZA**

with **GENOCIDE, DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE, COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY and SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS of 12 August 1949 AND OF ADDITIONAL PROTOCOL II THERETO of 8 June 1977**, all offenses committed in violation of Articles 2, 3 and 4 respectively of the Statute of the Tribunal.

**2. THE ACCUSED**

2.1 **Laurent SEMANZA** was born in 1944 in Musasa Commune, Kigali Rural Prefecture, Republic of Rwanda. The accused was Bourgmestre of Bicumbi Commune for twenty years, until being replaced by Juvénal RUGAMBARARA in 1993.

**3. CONCISE STATEMENT OF THE FACTS**

3.1 Unless specifically stated herein, the violations of International Humanitarian Law referred to in this indictment took place in Rwanda between the 1st of April and 31st of July 1994.

3.2 During the events referred to in this indictment, Tutsis, Hutus and Twas were identified as ethnic or racial groups.

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

3.4 After the Rwandan Patriotic Front (RPF) attack of October 1990, the Rwandan Government policy was characterized by the identification of the Tutsis as the enemies to be defeated.

3.4.1 This policy defined the main enemy as Tutsis from inside or outside the country, who wanted power, who did not recognize the achievement of the revolution of 1959, and who was seeking armed confrontation. The secondary enemy was defined as those who provided any kind of assistance to the main enemy. This latter category was considered as accomplices of RPF.

3.4.2 During the events referred to in this indictment, there was a non-international armed conflict in the territory of Rwanda between the Government of Rwanda and the Rwandan Patriotic Front (RPF). The victims referred to in this indictment were Tutsi civilians in Bicumbi and Gikoro communes. These were persons who were protected under Article 3 common to the Geneva Conventions of 1949 and under Additional Protocol II thereto, and who were not taking active part in the conflict.

3.4.3 Laurent SEMANZA intended the attacks on these victims to be part of the non-international armed conflict because he believed that Tutsi civilians were enemies of the Government and/or accomplices of the RPF and that destroying them would contribute to the implementation of the Government policy against the enemies and the defeat of the RPF.

3.5 At the time of the events referred to in this indictment, the MRND (*Mouvement Républicain National pour le Développement et la Démocratie*) was one of the political parties in Rwanda. The members of the youth wing of the MRND were called, *Interahamwe*. The majority of them went on to become paramilitary militiamen. During the events referred to in this indictment the term *Interahamwe* came to be applied to civilians, regardless of their political or organizational affiliation, who attacked the Tutsi civilian population.

3.6 **Laurent SEMANZA** was Bourgmestre of BICUMBI commune for over twenty years. At the time of the events referred to in this indictment, the accused was a member of the Central Committee of the MRND. Furthermore, he was nominated as an MRND Representative to the National Assembly of the broad-based transitional government, which was to be established pursuant to the Arusha Accords. Consequently, he was a very influential person in his community, both in Bicumbi commune and in neighbouring GIKORO commune, and had *de facto* and/or *de jure* authority and control over militiamen, in particular *Interahamwe*, and other persons, including members of the Rwandan Armed Forces (FAR), communal police and other government agents. He used his influence and authority as an agent of the government to advance its war effort against the RPF.

3.7 Between 1991 and 1994, **Laurent SEMANZA** chaired meetings during which he made threatening remarks towards Tutsis and those who were not MRND members.

3.8 As of the beginning of 1994, **Laurent SEMANZA** chaired meetings to incite, plan and organize the massacres of the Tutsi civilian population.

3.9 As early as 1991, **Laurent SEMANZA** aided and participated in the distribution of weapons and the training of young MRND militiamen, the *Interahamwe* who were well structured, complementary and acted in concert with the Armed Forces in the non-international armed conflict above mentioned (subparag. 3.4.2), and continued to do so until 1994, inclusive. During the events referred to in this indictment, several of these militiamen were directly involved in the massacres of the Tutsi civilian population.

Laurent SEMANZA intended these massacres to be in junction with the non-international armed conflict as stated in subparagraph 3.4.3 *supra*.

3.10 On or about 10 April 1994, Laurent SEMANZA worked in close cooperation with the Bourgmestre of Gikoro, Paul BISENGIMANA, to organize and execute the Ruhanga massacres, Gikoro commune, where thousands of persons had taken refuge to escape the killings in their sector.

3.11 Between 9 and 13 April 1994, Laurent SEMANZA worked in close cooperation with the Bourgmestre of Gikoro, Paul BISENGIMANA, to organize and execute the massacres at the Musha church, Gikoro commune, where several hundred people had taken refuge to escape the killings in their sector. On or about 13 April 1994, Laurent SEMANZA led the attack on the refugees at the Musha church and personally participated in the killings.

3.12 Between 7 and 20 April 1994, Laurent SEMANZA organized and executed the massacres at Mwulire Hill, Bicumbi Commune, where several thousand people had taken refuge to escape the killings. On or about 16 and 18 April 1994, Laurent SEMANZA directed the attacks on the refugees at Mwulire Hill and personally participated in the killings.

3.13 On or about 12 April 1994, Laurent SEMANZA organized and executed the massacre at Mabare mosque, Bicumbi Commune, where several hundred people had taken refuge to escape the killings. On or about 12 April 1994, Laurent SEMANZA directed the attacks on refugees at the Mabare mosque and personally participated in the killings.

3.14 The massacres referred to in paragraphs 3.8 through 3.13, above, included killing and causing serious bodily and mental harm, including rape and other forms of sexual violence, to members of the Tutsi ethnic group. Laurent SEMANZA intended these massacres to be part of the non-international armed conflict against the RPF because he believed the Tutsi refugees to be enemies of the Government and/or accomplices of the RPF as stated in paragraphs 3.4.2 and 3.4.3 *supra*.

3.15 Between 6 April and 30 April, 1994, in Bicumbi and Gikoro Communes, Laurent SEMANZA instigated, ordered and encouraged militiamen, in particular *Interahamwe*, and other persons to rape Tutsi women or commit other outrages upon the personal dignity of Tutsi women, and such people did rape Tutsi women or commit other outrages upon the personal dignity of Tutsi women in response to the instigation, orders and encouragement of SEMANZA.

3.16 Between 6 April and 30 April, 1994, in Bicumbi and Gikoro Communes, Laurent SEMANZA had *de facto* and/or *de jure* authority and control over militiamen, in particular *Interahamwe*, and other persons, including members of the Rwandan Armed Forces (FAR), communal police and other government agents, and he knew or had reason to know that such persons were about to commit acts of rape or other outrages against the personal dignity of Tutsi women, and he failed to take necessary and reasonable measures to prevent such acts, which were subsequently committed. Laurent SEMANZA intended the acts described in Paragraphs 3.15 and 3.16 to be part of the non-international armed conflict against the RPF as stated in subparagraphs 3.4.2 and 3.4.3 *supra*.

3.17 Between April 7 and April 30 1994, Laurent SEMANZA spoke to a small group of men in Gikoro Commune. He told them that they had killed Tutsi women but that they must also rape them before killing them. In response to Semanza's words the same men immediately went to where two Tutsi women, Victim A and Victim B, had taken refuge. One of the men raped Victim A and two men raped and murdered Victim B. Laurent SEMANZA intended the acts described in this paragraph to be part of the non-international armed conflict against the RPF as stated in subparagraphs 3.4.2. and 3.4.3 *supra*.

3.18 On or about 13 April 1994, in Musha Secteur, Gikoro Commune, Laurent SEMANZA and Paul BISENGIMANA interrogated a Tutsi man, Victim C, in order to obtain information about the military operations of the *Inkotanyi*, or RPF. During the time the interrogation was taking place, the RPF was advancing toward Gikoro and Bicumbi communes. Laurent SEMANZA and Paul BISENGIMANA each cut off one of Victim C's arms while they were interrogating him. Victim C died as the result of these injuries. Laurent SEMANZA intended the acts described in this paragraph to be part of the non-international armed conflict against the RPF as stated in paragraphs 3.4.2 and 3.4.3 *supra*.

3.19 On or about 8 April 1994, Laurent SEMANZA met Juvénal RUGAMBARARA and a group of *Interahamwe* in front of a particular house in Bicumbi Commune. Laurent SEMANZA told the *Interahamwe* to search for and kill the members of a particular Tutsi family. Immediately thereafter, in Laurent SEMANZA's presence, Juvénal RUGAMBARARA also told the *Interahamwe* to locate and kill the same Tutsi family. A short time later the *Interahamwe* searched a field near the house and found and killed four members of the family; Victim D, Victim E, Victim F and Victim G, and also a neighbor, Victim H, and her baby, Victim J.

## CHARGES

The violations of International Humanitarian Law referred to in this indictment were committed in the territory of the Republic of Rwanda between the 1st of April and the 31st of July 1994 and refer to the facts described in paragraphs 3.1 to 3.19 above.

For all the acts described in the paragraphs specified in each of the counts, the accused either planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation and execution of the said acts, or he knew or had reason to know that people acting under his authority and control were about to commit the said acts or had done so and he failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

### COUNT 1

By his acts referred to in paragraphs 3.7 to 3.16 above, Laurent SEMANZA is responsible for killing and the causing of serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic or racial group, as such, and has thereby committed **GENOCIDE**, stipulated in Article 2(3)(a) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

### COUNT 2

By his acts in relation to the events described in paragraphs 3.7 and 3.8 above, **Laurent SEMANZA** did directly and publicly incite to kill and to cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnic group as such, and has thereby committed **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE** stipulated in Article 2(3)(c) of the Statute of the Tribunal as a crime, attributed to him by virtue of Article 6(1) and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 3**

By his acts in relation to the events described in paragraphs 3.7 to 3.16 above, **Laurent SEMANZA** is an accomplice to the killing and causing of serious bodily or mental harm to members of the Tutsi population and has thereby committed **COMPLICITY TO COMMIT GENOCIDE** stipulated in Article 2(3)(e) of the Statute of the Tribunal as a crime, attributed to him by virtue of Article 6(1) and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 4**

By his acts in relation to the events described in paragraphs 3.7 to 3.16 above, **Laurent SEMANZA** is responsible for the **MURDER** of civilians as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** stipulated in Article 3(a) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 5**

By his acts in relation to the events described in paragraphs 3.7 to 3.16 above, **Laurent SEMANZA** is responsible for the **EXTERMINATION** of civilians as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** stipulated in Article 3(b) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 6**

By his acts in relation to the events described in paragraphs 3.7 to 3.16 above, **Laurent SEMANZA** is responsible for the **PERSECUTION** of civilians on political, racial or religious grounds as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** stipulated in Article 3(h) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 7**

By his acts in relation to the events described in paragraphs 3.4 (subparagraphs 3.4.1 to 3.4.3), 3.6 and 3.9 to 3.16 in particular, **Laurent SEMANZA** is responsible for causing violence to life, health and physical or mental well-being of persons, in the course of a non-international armed conflict, in particular murder as well as cruel treatment such as rape, torture, mutilations or any form of corporal punishment, and has thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS** of 12 August 1949, for the **PROTECTION OF WAR VICTIMS**, particularly paragraph (1)(a), and of **ADDITIONAL PROTOCOL II** thereto of 8 June 1977, particularly Article 4(2)(a), stipulated in Article 4(a) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

#### COUNT 8

By his acts in relation to the events described in paragraphs 3.15 and 3.16 above, **Laurent SEMANZA** is responsible for the **RAPE** of civilians as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY** stipulated in Article 3(g) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

#### COUNT 9

By his acts in relation to the events described in paragraphs 3.4 (subparagraphs 3.4.1 to 3.4.3), 3.6, 3.14, 3.15 and 3.16, **Laurent SEMANZA** is responsible for causing outrages upon personal dignity of women, including humiliating and degrading treatment, rape, sexual abuse and other forms of indecent assault, in the course of a non-international armed conflict, and has thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS** of 12 August 1949 for the **PROTECTION OF WAR VICTIMS** particularly paragraph (1)(c), and of **ADDITIONAL PROTOCOL II** thereto of 8 June 1977, particularly Article 4(2)(e), stipulated in Article 4(e) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

#### COUNT 10

By his acts in relation to the events described in paragraph 3.17 above, **Laurent SEMANZA** is responsible for the **RAPE** of Victim A and Victim B as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed **CRIMES AGAINST HUMANITY** stipulated in Article 3(g) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

#### COUNT 11

By his acts in relation to the events described in paragraphs 3.17 and 3.18 above, **Laurent SEMANZA** is responsible for the **TORTURE** of Victim A, Victim B and Victim C as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed **CRIMES AGAINST HUMANITY** stipulated

in Article 3(f) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 12**

By his acts in relation to the events described in paragraphs 3.17 and 3.18 above, Laurent SEMANZA is responsible for the **MURDER** of Victim B and Victim C as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed **CRIMES AGAINST HUMANITY** stipulated in Article 3(a) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 13**

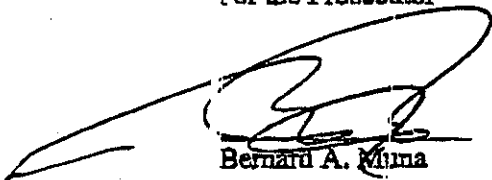
By his acts in relation to the events described in paragraphs 3.4 (subparagraphs 3.4.1 to 3.4.3), 3.6, 3.17 and 3.18 above Laurent SEMANZA is responsible for causing violence to the life, health and physical or mental well-being of Victim A, Victim B and Victim C in the course of a non-international armed conflict, including murder as well as cruel treatment; to wit rape, torture and mutilation, and has thereby committed **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS** of 12 August 1949 for the **PROTECTION OF WAR VICTIMS**, particularly paragraph (1)(a), and of **ADDITIONAL PROTOCOL II** thereto of 8 June 1977, particularly Article 4(2)(a), stipulated in Article 4(a) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

**COUNT 14**

By his acts in relation to the events described in paragraph 3.19 above, Laurent SEMANZA is responsible for the **MURDER** of Victim D, Victim E, Victim F, Victim G, Victim H and Victim J as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and has thereby committed **CRIMES AGAINST HUMANITY** stipulated in Article 3(a) of the Statute of the Tribunal as a crime, attributed to him by virtue of Articles 6(1) and 6(3), and punishable in reference to Articles 22 and 23 of the same Statute.

Kigali, Rwanda 12-10-99

For the Prosecutor



Bernard A. Muna  
Deputy Prosecutor