

ICTR-2002-80-I
26-3-2002
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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2002- 80

THE PROSECUTOR
AGAINST
LEONIDAS RUSATIRA

2002 MAR 26 A 10: 31

ICTR
[Signature]

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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DATE:

INDICTMENT

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

LEONIDAS RUSATIRA

with GENOCIDE; or in the alternative COMPLICITY IN GENOCIDE; CRIMES AGAINST HUMANITY for MURDER and EXTERMINATION; and VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II, offenses stipulated in Articles 2 , 3 and 4 of the Statute of the Tribunal, as set forth below.

II. THE ACCUSED:

Colonel Léonidas RUSATIRA was born on 1 May 1944, in Gatone commune, Ruhengeri Prefecture, RWANDA. During the events referred to in this indictment, Léonidas RUSATIRA was a Colonel of the FAR (*Forces Armées Rwandaises*), and he exercised the function of Commander of the High Military School "*Ecole Supérieure Militaire*" (ESM).

III. CHARGES, including a CONCISE STATEMENT OF FACTS:

Count 1: GENOCIDE:

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Léonidas RUSATIRA with GENOCIDE**, a crime stipulated in Article 2(3)(a) of the Statute, in that on or between the dates of 6 April 1994 and 30 April 1994, in Rwanda, **Léonidas RUSATIRA** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi population with intent to destroy, in whole or in part, a racial or ethnic group;

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Or alternatively,

Pursuant to article 6(3) of the Statute: by the acts of his subordinates, *de jure* or *de facto*, including among others, soldiers and interahamwe, acting under his authority, and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the preparation and execution of the crime charged.

Or alternatively to Count 1,

Count 2: COMPLICITY IN GENOCIDE:

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Léonidas RUSATIRA with COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute, in that on or between the dates of 6 April 1994 and 30 April 1994, in Rwanda, **Léonidas RUSATIRA** was an accomplice to the killing or causing serious bodily or mental harm to members of the Tutsi population, with intent to destroy, in whole or in part, a racial or ethnic group.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Or alternatively,

Pursuant to article 6(3) of the Statute: by the acts of his subordinates, *de jure* or *de facto*, including among others, soldiers and interahamwe, acting under his authority, and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the preparation and execution of the crime charged.

- 1 During the events referred to in this indictment, Hutu, Tutsi and Twa were identified as ethnic or racial groups.
- 2 During the events referred to in this indictment, Colonel Léonidas RUSATIRA (RUSATIRA) was the commander of the *Ecole Supérieure Militaire (ESM)*, which was located at Kigali prefecture, after having exercised the functions of *Directeur de cabinet* of the Rwandan Defense Ministry for many years.
- 3 During 1994 the UNAMIR (United Nations Assistance Mission for Rwanda), that originally was established to help implement the Arusha Peace Agreement signed by the Rwandan Government and the Rwandan Patriotic Front (RPF) on 4 August 1993, was also involved in ensuring the security of the capital city of Kigali, and in particular the safety of some political authorities in Rwanda such as the Prime Minister Agathe UWILINGIYIMANA.
- 4 In April 1994 a UNAMIR contingent composed by Belgian soldiers made their base at the *Ecole Technique Officielle (ETO)*, located in Kicukiro sector, Kigali Rural prefecture.
- 5 After Rwandan President HABYARIMANA's death on 6 April 1994, a campaign of extermination of Tutsi and moderate Hutu who were considered as accomplices of the Tutsi, was launched in Kigali and spread over all parts of Rwanda.
- 6 This campaign was started by the systematic elimination of political authorities that were considered as Tutsi accomplices, and could be an obstacle to the application of the plan of the massive killings of the Tutsi.
- 7 From the earliest hours of the morning of 7 April 1994, government army forces commenced the systematic assassination of the political authorities mentioned above.
- 8 Among the victims were, the then Prime Minister, Agathe UWILINGIYIMANA and ten UNAMIR Belgian soldiers who were guarding her, as well as some of the Ministers in the Government of Prime Minister Agathe UWILINGIYIMANA and the President of the Cour de Cassation, Joseph Kavaruganda.
9. The then Rwandan Minister of Foreign Affairs, Boniface NGURINZIRA, also was targeted as accomplice of the Tutsi, for having signed the Arusha accords. To escape the Hutu extremists' attack against him, he was evacuated with his family to the ETO, by UNAMIR Belgian soldiers based at ETO, on or about 7 April 1994.
10. The ETO school was protected by UNAMIR Belgian soldiers, and no one was allowed to access inside the school, without the permission of the commander of the UNAMIR soldiers.

From 7 April 1994, roadblocks were mounted through the city of Kigali and attacks against Tutsi and their accomplices became widespread and systematic. Thousands of Tutsi fled their houses to seek refuge at places where they thought their protection would be ensured.

12. Thousands of Tutsi from Kicukiro sector and neighboring places went to ETO which was considered a safe place, it being protected by UNAMIR Belgian soldiers.
13. On or about 7 April 1994, RUSATIRA went to the ETO. On that occasion, he asked and was granted permission by the commander of UNAMIR soldiers, to go inside the school

where numerous Tutsi and moderate Hutu had sought refuge. Among the latter was hidden, one relevant target of the Hutu extremists, Minister of Foreign Affairs, Boniface NGURINZIRA.

14. On or about 8 April 1994, RUSATIRA along with a convoy of three vehicles (a pick-up, a military truck and a pick-up of the Kicukiro gendarmerie) arrived to Kicukiro sector where he brought weapons to the interahamwe.
15. These weapons were given to interahamwe leaders including Jean de la Croix Bizimana, Ryeze and Rutambuka who would then deliver them to their subordinates.
16. From about 8 April 1994 until 11 April 1994, the interahamwe who received the weapons as described before, other armed interahamwe, armed soldiers and gendarmes, surrounded the ETO school, confining the thousands of refugees who were inside.
7. Between 8 April 1994 and 11 April 1994, RUSATIRA went several times to the ETO. On each occasion he talked with UNAMIR Belgian soldiers asking them to leave ETO, since Rwandan gendarmes and soldiers could ensure the protection of the refugees.
18. The frequent visits of the ETO by RUSATIRA as described before, his high army rank, the assurance given by him that the Rwandan Army would protect the refugees, the encirclement of the ETO by soldiers and interahamwe, and the killing by government forces of the ten Belgian soldiers who tried to protect the Prime Minister Agathe UWILINGIYIMANA, did constitute decisive factors which caused the leaving of the ETO by UNAMIR Belgian soldiers.
19. On or about 10 April 1994, the refugees were informed by UNAMIR soldiers, that they had to leave ETO school, but that Colonel Leonidas RUSATIRA had promised to send Rwandan gendarmes and soldiers to protect them.
20. On or about 11 April 1994, at approximately 14.00 hours, the UNAMIR contingent left ETO, while thousands of refugees, whose most of them were Tutsi, remained at ETO without any protection.
21. On that day (11 April 1994), RUSATIRA went to the ETO two times, in the morning and in the afternoon.
22. During one of his visits at ETO, RUSATIRA, along with his military escort, evacuated some refugees who he had selected.
23. RUSATIRA during his visits at ETO before and during 11 April 1994, but in particular in the morning of 11 April 1994, knew that the UNAMIR Belgian soldiers would leave the ETO, and that afterward, the thousands of refugees remaining there, will be massacred by the surrounding soldiers and interahamwe, but he neither prevented the killing nor punished the attackers acting under his command.
24. In particular, RUSATIRA knew that among the refugees, was the Minister Boniface NGURINZIRA, who was a well-known target of the extremists, whilst he could have saved NGURINZIRA, he did not.

25. In the afternoon of 11 April 1994, immediately after UNAMIR Belgian soldiers left, an attack was launched against the refugees at ETO by the soldiers, interahamwe and gendarmes who were surrounding the school.
26. During this attack, RUSATIRA was present and led the soldiers, while the interahamwe were led by Georges RUTAGANDA, at that time vice president of the national committee of the interahamwe.
27. During the attack described above, the Minister Boniface NGURINZIRA was found and killed. Later, Radio Television Libre des Milles Collines (RTL) broadcast his death, announcing that the RPF accomplices were eliminated, that Boniface NGURINZIRA would no longer sell the country at Arusha for RPF's benefit, and that the Arusha Peace Agreements were no more than waste paper.
28. The attack of 11 April 1994 as described above, resulted in about one hundred deaths. The thousands of remaining refugees were gathered, and those who tried to flee were hunted and apprehended, then all the refugees were led to a place called SONATUBES, near ETO. The refugees numbered some thousands people.
29. When they arrived at SONATUBES, the refugees were ordered to sit down on the ground, while numerous soldiers staying at this place jeered the refugees, saying that the RPF was around but it would not arrive in time to protect them.
30. Sometime later, once they had obtained the necessary reinforcements and ammunitions to eliminate all the refugees, the soldiers and interahamwe led the refugees toward NYANZA.
31. RUSATIRA was present at SONATUBES and addressed the refugees telling them to head for NYANZA, a place near SONATUBES, where they would be safe.
32. Along the way toward NYANZA, the refugees who were identified as Hutu were separated from the others, then released, while the Tutsi refugees who tried to flee were immediately killed.
33. RUSATIRA was supervising the soldiers and interahamwe who were leading the refugees toward NYANZA.
34. At about 17,30 hours of the same day (11 April 1994), the refugees reached NYANZA, where they were attacked by soldiers and interahamwe, with grenades and guns. The few survivors of this attack were killed by traditional weapons such as machetes.
35. The attack described above resulted in thousands of death, most of the victims being Tutsi
36. Some days after the massacre described previously, Colonel Léonidas RUSATIRA was promoted to the rank of General.

Count 3: MURDER as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal for Rwanda charges Léonidas RUSATIRA with **MURDER as a CRIME AGAINST HUMANITY**, as

stipulated in Article 3(a) of the Statute, in that on or between the dates of 6 April 1994 and 30 April 1994, in Rwanda, Léonidas RUSATIRA was responsible for killing persons, or causing persons to be killed, during mass killing events as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Or alternatively

Pursuant to article 6(3) of the Statute: by the acts of his subordinates, *de jure* or *de facto*, including among others, soldiers and interahamwe, acting under his authority, and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the preparation and execution of the crime charged.

37. During the events referred to in this indictment, there was widespread or systematic attack against a civilian population on political, ethnic or racial grounds.
38. On or about 7 April 1994, RUSATIRA went to the ETO. On that occasion, he asked and was granted permission by the commander of UNAMIR soldiers, to go inside the school where numerous Tutsi and moderate Hutu had sought refuge. Among the latter was hidden, the latest big target of the Hutu extremists, Minister of Foreign Affairs, Boniface NGURINZIRA.
39. On or about 11 April 1994, the day the UNAMIR soldiers left the ETO school, RUSATIRA went to the ETO two times, once in the morning and once in the afternoon.
40. During one of his visits at ETO, RUSATIRA, along with his military escort, evacuated some refugees who he had selected.
41. RUSATIRA during his visits to ETO before and on 11 April 1994, and in particular on the morning of 11 April 1994, knew that UNAMIR Belgian soldiers would leave the ETO, and that afterwards the thousands of refugees staying there would be massacred by the surrounding soldiers and interahamwe, but he did nothing to prevent the killings or discourage the attackers.
42. In particular, RUSATIRA knew that among the refugees, was the Minister Boniface NGURINZIRA, who was a well-known target of the extremists, whilst he could have saved NGURINZIRA, he did not.
43. During the attack of the refugees of the ETO school, RUSATIRA was present and led the soldiers, whilst the interahamwe were led by Georges RUTAGANDA, who was at that time, vice president of the national committee of the interahamwe.
44. During the attack described above, Minister Boniface NGURINZIRA was found and killed. Later in the same day (11 April 1994) Radio Television Libre des Milles Collines (RTL) broadcast his death, announcing that the RPF accomplices were eliminated and Boniface

NGURINZIRA would no longer sell the country at Arusha for RPF's benefit, and that the Arusha Peace Agreements were no more than waste paper.

Count 4: EXTERMINATION as a CRIME AGAINST HUMANITY.

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Léonidas RUSATIRA** with **EXTERMINATION as a CRIME AGAINST HUMANITY**, as stipulated in Article 3(b) of the Statute, in that on or between the dates of 6 April 1994 and 30 April 1994, in Rwanda, **Léonidas RUSATIRA** was responsible for killing persons, or causing persons to be killed, during mass killing events as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Or alternatively

Pursuant to article 6(3) of the Statute: by the acts of his subordinates, *de jure* or *de facto*, including among others, soldiers and interahamwe, acting under his authority, and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the preparation and execution of the crime charged.

45. During the events referred to in this indictment, there was widespread or systematic attack against the Tutsi civilian population.
46. In the afternoon of 11 April 1994, immediately after UNAMIR Belgian soldiers left, an attack was launched against the civilians who sought refuge at ETO by the soldiers, interahamwe and gendarmes who were surrounding the school. Most part of these refugees were Tutsi.
47. During this attack, RUSATIRA was present and led the soldiers, while the interahamwe were led by Georges RUTAGANDA, at that time vice president of the national committee of the interahamwe.
48. The attack of 11 April 1994 as described above, resulted in about one hundred deaths. The thousands of remaining refugees were gathered, and those who tried to flee were hunted and apprehended, then all the refugees were led to a place called SONATUBES, near ETO. The refugees numbered around 2000 people.
49. When they arrived at SONATUBES, the refugees were ordered to sit down on the ground, while numerous soldiers staying at this place jeered the refugees, saying that the RPF was around but it would not arrive in time to protect them.
50. Sometime later, once they had obtained the necessary reinforcements and ammunitions to eliminate all the refugees, the soldiers and interahamwe led the refugees toward NYANZA.

51. RUSATIRA was present at SONATUBES and addressed the refugees telling them to head for NYANZA, a place near SONATUBES, where they would be safe.
52. Along the way toward NYANZA, the refugees who were identified as Hutu were separated from the others, then released, while the Tutsi refugees who tried to flee were immediately killed.
53. RUSATIRA was supervising the soldiers and interahamwe who were leading the refugees toward NYANZA.
54. At about 17,30 hours of the same day (11 April 1994), the Tutsi refugees reached NYANZA, where they were attacked by soldiers and interahamwe, with grenades and guns. The few survivors of this attack were killed by traditional weapons such as machetes.
55. The attack described above resulted in thousands of death, most of the victims being Tutsi.

Count 5: VIOLATION OF ARTICLE 3 OF GENEVA CONVENTION AND PROTOCOL II.

The Prosecutor of the International Criminal Tribunal for Rwanda charges Léonidas RUSATIRA with **SERIOUS VIOLATION OF ARTICLE 3 COMMON TO GENEVA CONVENTIONS AND PROTOCOL II**, as stipulated in Article 4(a) of the Statute, in that on or between the dates of 6 April 1994 and 30 April 1994, in Rwanda, Léonidas RUSATIRA was responsible for killing persons, or causing persons to be killed, against a civilian population.

Pursuant to Article 6(1) of the Statute: by virtue of his affirmative acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged.

Or alternatively

Pursuant to article 6(3) of the Statute: by the acts of his subordinates, *de jure or de facto*, including among others soldiers and interahamwe, acting under his authority, and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the preparation and execution of the crime charged.

56. During the events referred to in this indictment, there was an armed conflict between the Rwandan Armed Forces (FAR) and the Rwandan Patriotic Front (RPF). This armed conflict was non-international in character.
57. In the afternoon of 11 April 1994, immediately after UNAMIR Belgian soldiers left, an attack was launched against the civilians who sought refuge at ETO by the soldiers, interahamwe and gendarmes who were surrounding the school. Most part of these refugees were Tutsi.

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58. During this attack, RUSATIRA was present and led the soldiers, while the interahamwe were led by Georges RUTAGANDA, at that time vice president of the national committee of the interahamwe.
59. The attack of 11 April 1994 as described above, resulted in about one hundred deaths. The thousands of remaining refugees were gathered, and those who tried to flee were hunted and apprehended, then all the refugees were led to a place called SONATUBES, near ETO. The refugees numbered around 2000 people.
60. When they arrived at SONATUBES, the refugees were ordered to sit down on the ground, while numerous soldiers staying at this place jeered the refugees, saying that the RPF was around but it would not arrive in time to protect them.
61. Sometime later, once they had obtained the necessary reinforcements and ammunitions to eliminate all the refugees, the soldiers and interahamwe led the refugees toward NYANZA.
62. RUSATIRA was present at SONATUBES and addressed the refugees telling them to head for NYANZA, a place near SONATUBES, where they would be safe.
63. Along the way toward NYANZA, the refugees who were identified as Hutu were separated from the others, then released, while the Tutsi refugees who tried to flee were immediately killed.
64. RUSATIRA was supervising the soldiers and interahamwe who were leading the refugees toward NYANZA.
65. At about 17,30 hours of the same day (11 April 1994), the refugees reached NYANZA, where they were attacked by soldiers and interahamwe, with grenades and guns. The few survivors of this attack were killed by traditional weapons such as machetes.
66. The attack described above resulted in thousands of death, most of the victims were Tutsi civilians.

The acts and omissions of Léonidas RUSATIRA detailed herein are punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

Dated in Arusha, Tanzania this 21 day of January 2001

Carla Del Ponte
Prosecutor

