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:

BERNARD NTUYAHAGA

with CONSPIRACY TO COMMIT GENOCIDE, GENOCIDE, COMPLICITY IN GENOCIDE, and VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II, offences stipulated in Articles 2, 3 and 4 of the Statute of the Tribunal.
1. HISTORICAL CONTEXT

1.1 The revolution of 1959 marked the beginning of a period of ethnic clashes between the Hutu and the Tutsi in Rwanda, causing hundreds of Tutsi to die and thousands more to flee the country in the years immediately following. The revolution resulted in the abolition of the Tutsi monarchy and the proclamation of the First Republic in early 1961, confirmed in a referendum held in the same year. Legislative elections held in September 1961 confirmed the dominant position of the MDR-PARMEHUTU (Mouvement Democratique Republicain-Parti du Mouvement d'Emancipation Hutu), led by Grégoire Kayibanda, who was subsequently elected President of the Republic by the Legislative Assembly on 26 October 1961.

1.2 The early years of the First Republic, which was under the domination of the Hutu of central and southern Rwanda, were again marked by ethnic violence. The victims were predominantly Tutsi, the former ruling elite, and those related to them, who were killed, driven to other regions of Rwanda or forced to flee the country. The gradual elimination of the opposition parties in those early years confirmed the MDR-PARMEHUTU as the single party, the only party to present candidates in the elections of 1965.

1.3 The early part of 1973 in Rwanda was again marked by ethnic confrontations between the Hutu and Tutsi, prompting another exodus of the Tutsi minority from the country, as had occurred between 1959 and 1963. This new outburst of ethnic and political tension between the North and South resulted in a military coup by General Juvenal Habyarimana on 5 July 1973.
shifting power from civilian to military hands and from the Hutu of central Rwanda to the Hutu of the northern préfectures of Gisenyi and Ruhengeri (Habyarimana’s native region).

1.4 In 1975, President Habyarimana founded the Mouvement Révolutionnaire National pour le Développement (MRND), a single party, and assumed the position of party Chairman. The administrative and party hierarchies were indistinguishable in this single party state from the level of the Préfet to the bourgmestres, and down to that of the conseillers de secteurs and responsables de cellule.

1.5 From 1973 to 1994, the government of President Habyarimana used a system of ethnic and regional quotas which was supposed to provide educational and employment opportunities for all, but which was used increasingly to discriminate against both Tutsi and Hutu from regions outside the northwest.

In fact, by the late 1980s, persons from Gisenyi and Ruhengeri occupied many of the most important positions in the military, political, economic and administrative sectors of Rwandan society. Among the privileged elite, an inner circle of relatives and close associates of President Habyarimana and his wife, Agathe Kanziga, known as the Akazu, enjoyed great power. This select group, almost exclusively Hutu, was supplemented by individuals who shared its extremist Hutu ideology, and who came mainly from the native region of the President and his wife.

1.6 In 1990, the President of the
Republic, Juvenal Habyarimana, and his single party, the MRND, were facing mounting opposition, including from other Hutu.

1.7 On 1 October 1990, the Rwandan Patriotic Front (RPF), made up mainly of Tutsi refugees, attacked Rwanda. Within days the government began arresting thousands of people, presumed to be opponents of Habyarimana and suspected of being RPF accomplices. Although the Tutsi were the main target, Hutu political opponents were also arrested.

1.8 Following pressure from the internal opposition and the international community, and the RPF attack of October 1990, President Habyarimana permitted the introduction of multiple political parties and the adoption of a new constitution on 10 June 1991. The Mouvement Révolutionnaire National pour le Développement (MRND) was renamed Mouvement Républicain National pour la Démocratie et le Développement (MRND). The first transitional government was made up almost exclusively of MRND members, following the refusal of the main opposition parties to take part. With the second transitional government in April 1992, the MRND became a minority party for the first time in its history, with nine ministerial portfolios out of 19. On the other hand, the MRND retained its domination over the local administration.

1.9 The new Government then entered negotiations with the RPF, which resulted in the signing of the Arusha Accords on 4 August 1993. The Accords provided for a new system of sharing military and civilian power between the RPF, the opposition parties and the MRND.
1.10 By the terms of the Arusha Accords, which provided for the integration of both sides' armed forces, the new national army was to be limited to 13,000 men, 60% FAR (Forces Armees Rwandaises) and 40% RPF. The posts of command were to be shared equally (50%-50%) between the two sides, with the post of Chief of Staff of the Army assigned to the FAR.

The Gendarmerie was to be limited to 6,000 men, 60% FAR and 40% RPF, with the posts of command shared equally (50%-50%) between the two sides and the post of Chief of Staff of the Gendarmerie assigned to the RPF.

1.11 As regards representation within the government, the Arusha Accords limited the number of ministerial portfolios to be held by the MRND to five, plus the Presidency. The other portfolios were to be shared as follows: RPF, five; MDR (Mouvement democratique republicain), four (including the post of Prime Minister); PSD (Parti social-democrate), three; PL (Parti liberal), three; and the PDC (Parti democrat-chretien), one.

1.12 For the men and women close to President Habyarimana, including the members of the Akazu, who held positions of prominence in the various sectors of Rwandan society, this new power sharing plan, as demanded by the political opposition and as stipulated in the Arusha Accords, meant a relinquishment of power and the loss of numerous privileges and benefits. With political changes following the establishment of the multi-party government of April 1992, several important military officers from the north had been forced to retire. At the same time, many of the military were facing massive demobilisation with the implementation of

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1.10 Aux termes des Accords d’Arusha qui prévoient l’intégration des forces armées des deux parties, l’effectif de la nouvelle armée nationale est limité à 13 000 hommes dont 60% proviennent des FAR (Forces Armées Rwandaises) et 40% du FPR. Quant aux postes de commandement, ils sont attribués à parts égales (50%-50%) aux deux parties, le poste de Chef d’État Major de l’armée revenant aux FAR.

L’effectif de la Gendarmerie est limité à 6 000 hommes, composé de 60% des FAR et 40% du FPR, avec les postes de commandement répartis équitablement (50%-50%) entre les deux parties, le poste de Chef d’État Major de la Gendarmerie revenant au FPR.

1.11 Au niveau de la représentation au sein du gouvernement, les Accords d’Arusha limitent à cinq le nombre de portefeuilles ministériels du MRND en plus de la Présidence de la République. Les autres portefeuilles se répartissent ainsi: cinq pour le FPR, quatre pour le MDR (Mouvement démocratique républicain) dont le poste de premier Ministre, trois pour le PSD (Parti social-démocrate), trois pour le PL (Parti libéral) et un pour le PDC (Parti démocrate-chrétien).

the Arusha Accords.

1.13 From 1990, Habyarimana and several of his close associates devised the strategy of inciting hatred and fear of the Tutsi minority as a way of rebuilding solidarity among the Hutu and keeping themselves in power. They strongly opposed any form of power sharing, including the one envisaged by the Arusha Accords.

1.14 Determined to avoid the power sharing prescribed by the Arusha Accords, several prominent civilian and military figures pursued their strategy of ethnic division and incitement to violence. They targeted and labelled as RPF accomplices the entire Tutsi population, and also Hutu opposed to their domination, particularly those from regions other than northwestern Rwanda. At the same time, they sought to divide Hutu opposition parties, attracting some of their members back to the support of Habyarimana. These efforts to divide the Hutu opposition were furthered by the assassination of Melchior Ndandaye, the democratically elected Hutu President, in neighboring Burundi, by Tutsi soldiers of the Burundi army. By late 1993, two of the three major parties opposed to the MRND had each split into two factions. The faction of each known as the “Power” faction aligned itself with the MRND.

1.15 The strategy adopted in the early 1990s, which culminated in the widespread massacres of April 1994, comprised several components, which were carefully worked out by the various prominent figures who shared the extremist Hutu ideology, including the members of the Akazu.

In addition to the incitement to ethnic violence and the extermination of the Tutsi and their “accomplices”, was the

1.13 À partir de 1990, Habyarimana et plusieurs de ses plus proches collaborateurs conçoivent une stratégie d’incitation à la haine et à la peur face à la minorité Tutsi, afin de rétablir la solidarité parmi les Hutu et de se maintenir au pouvoir. Ils s’opposent fortement à toute forme de partage du pouvoir et particulièrement au partage prévu par les Accords d’Arusha.

1.14 Déterminées à éviter le partage des pouvoirs prévu par les Accords d’Arusha, plusieurs personnalités civiles et militaires en vue poursuivent leur stratégie de conflit ethnique et d’incitation à la violence. Elles visent la population Tutsi tout entière, qui est qualifiée de complice du FPR, de même que les Hutu opposés à leur domination, particulièrement ceux qui sont originaires d’autres régions que le nord-ouest du Rwanda. Parallèlement, elles tentent de diviser les partis d’opposition Hutu, en ramenant certains de leurs membres dans le camp d’Habyarimana. Les efforts destinés à diviser l’opposition Hutu sont favorisés par l’assassinat, par des soldats Tutsi de l’armée burundaise, de Melchior Ndandaye, président Hutu démocratiquement élu dans le Burundi voisin. À la fin de 1993, deux des trois principaux partis opposés au MRND s’étaient divisés en deux factions chacun. Les factions connues sous le nom de “Power” s’allient au MRND.

1.15 La stratégie adoptée au début des années 90, qui va confirmer son apogée avec les massacres généralisés d’avril 1994, comporte plusieurs éléments qui sont soigneusement élaborés par les différentes personnalités qui partagent cette idéologie extrémiste, dont les membres de l’Akazu.

À l’incitation à la violence ethnique et à l’extermination des Tutsi et de leurs “complices”, s’ajoutent l’organisation et
organization and military training of the youth wings of the political parties, notably the Interahamwe (youth wing of the MRND), the preparation of lists of people to be eliminated, the distribution of weapons to civilians, the assassination of certain political opponents and the massacre of many Tutsi in various parts of Rwanda between October 1990 and April 1994.

1.16 The incitement to ethnic hatred took the form of public speeches by people sharing the extremist ideology. These political and military figures publicly appealed to hatred and fear of the Tutsi and urged the Hutu majority to “finish off the enemy and its accomplices”. A perfect illustration is the speech made in November 1992 by Léon Mugesera, vice-chairman of the MRND for Gisenyi préfecture, who at the time was already inciting the public to exterminate the Tutsi and their “accomplices”.

With the intention of ensuring widespread dissemination of the calls to ethnic violence, prominent figures from the President’s circle set up true hate media. Thus the creation of Radio Télévision Libre des Mille Collines (RTLM) and of the newspaper Kangura was a part of the strategy and pursued the same logic.

1.17 The creation of the youth wings of the political parties, originally established to encourage or even force adherence to one or another party in the newly-established multi-party system, provided Habyarimana’s circle with a large, devoted and effective workforce to implement the adopted strategy. These youth organizations, which were affiliated to the political parties, were soon manipulated as part of the anti-Tutsi campaign. Some of the members of these organizations, notably the Interahamwe (MRND), were organized into militia groups, which were financed, trained and led

l’entraînement militaire des jeunesse politiques, notamment les Interahamwe (jeunesse du MRND), la préparation de listes de personnes à éliminer, la distribution d’armes à des civils, l’assassinat de certains opposants politiques et le massacre de nombreux Tutsi dans diverses régions du Rwanda entre octobre 1990 et avril 1994.


Dans le but d’assurer une large diffusion de ces appels à la violence ethnique, des personnalités de l’entourage du Président mettent sur pied de véritables média de la haine. La création de la Radio Télévision Libre des Mille Collines (RTLM) et du journal Kangura participent de cette stratégie et s’inscrit dans cette logique.

1.17 La création des ailes jeunesse des partis politiques, qui avait à l’origine pour objectif d’encourager ou même de forcer l’adhésion à l’un ou l’autre des partis du nouveau régime multipartite, va fournir à l’entourage d’Habyarimana une main d’œuvre dévouée, nombreuse et efficace pour mettre en œuvre la stratégie adoptée. Ces organisations de jeunesse affiliées aux partis politiques sont très vite manipulées dans le cadre de la campagne anti-Tutsi. Des membres de ces organisations, particulièrement les Interahamwe-MRND, sont organisés en milices, financées,
by prominent civilians and military figures from the President of the Republic’s entourage. They were issued weapons, with the complicity of certain military and civilian authorities. The militia groups were transported to training sites, including certain military camps, in public administration vehicles or vehicles belonging to companies controlled by the President’s circle.

1.18 During the mass arrests of October 1990, the civilian and military authorities followed lists that had been drawn up in order to identify and locate the presumed accomplices of the RPF, the majority of whom were Tutsi. Later, Army, Gendarmerie, local authorities and Interahamwe were given orders to prepare new lists or update the existing ones, which were subsequently used during the massacres of 1994. In March 1993, such a list was found in the vehicle of the Army Chief of Staff.

1.19 Towards the end of 1991, certain Rwandan authorities distributed weapons to certain civilians in the north-eastern region of the country as part of a civil self-defence campaign, in reaction to the RPF attack of October 1990. Later, some authorities distributed weapons nationwide, notably to the Interahamwe and carefully selected individuals, even in regions distant from the war zone. Towards the end of 1993, the Bishop of Nyundo criticized the distribution of weapons in a public letter, questioning its purpose.

1.20 The pursuit of the strategy thus described played a catalytic role in the political and ethnic violence of the time, which climaxed in the April 1994 massacres. The early part of the 90s was marked by numerous political assassinations
and large massacres of the Tutsi minority, including the one in Kibilira (1990), that of the Bagogwe (1991) and the one in Bugesera (1992). The massacres were instigated and organized by local authorities with the complicity of certain prominent persons from the President's circle. Therein can be found the components of the strategy which culminated in the genocide of 1994.

1.21 In early 1994, certain prominent people from Habyarimana's circle instigated violent demonstrations in Kigali aimed at preventing the implementation of the Arusha Accords. Soldiers in civilian clothes and militiamen took part, seeking to provoke confrontations with the Belgian UNAMIR soldiers. These incidents were partially the cause of the postponement of the establishment of the institutions foreseen by the Arusha Accords.

1.22 On 6 April 1994, the plane carrying, among other passengers, the President of the Republic of Rwanda, Juvenal Habyarimana, was shot down on its approach to Kigali airport.

1.23 In the hours which followed the crash of the President's plane, the senior officers of the FAR convened to assess the situation. Those who shared the extremist Hutu ideology, generally from the North, proposed an Army take-over. During a second meeting which took place on the morning of 7 April, that option was rejected in favour of setting up an interim Government.

1.24 Already on the morning of 7 April and while these discussions were taking place, groups of military, lists in hand, proceeded to arrest, confine and carry out systematic assassinations of a large number of political opponents, both Hutu and political and important massacres of the minority Tutsi, those of Kibilira (1990), those of Bagogwe (1991) and those of Bugesera (1992). These massacres were incited and organized by local authorities with the complicity of certain prominent personalities of the President Habyarimana. Therein can be found the components of the strategy which will culminate in the genocide of 1994.

1.21 Au début de 1994, des manifestations violentes visant à empêcher la mise en place des Accords d'Arusha se déroulent à Kigali à l'instigation de certaines personnalités de l'entourage d'Habyarimana. On y retrouve des militaires en civil aux côtés des miliciens qui cherchent à provoquer des affrontements avec les soldats belges de la MINUAR. Ces incidents sont en partie à l'origine du report de la mise en place des institutions prévues dans les Accords d'Arusha.

1.22 Le 6 avril 1994, l'avion transportant, entre autres passagers, le Président de la République du Rwanda, Juvénal Habyarimana, est abattu peu avant son atterrissage à l'aéroport de Kigali.

1.23 Dans les heures qui suivent la chute de l'avion présidentiel, les principaux officiers des FAR se réunissent pour évaluer la situation. Ceux qui partagent l'idéologie extrémiste Hutu, généralement les militaires du nord du pays, proposent la prise du pouvoir par l'Armée. Le 7 avril au matin, lors d'une deuxième réunion, cette option est rejetée au profit de la mise sur pied d'un gouvernement intérimaire.

1.24 Dès le 7 avril au matin, parallèlement à ces discussions, des groupes de militaires, listes en main, procèdent à l'arrestation, à la séquestration et à l'assassinat de nombreux opposants politiques, Hutu et Tutsi, parmi lesquels le
Tutsi, including the Prime Minister, some of the Ministers in her Government and the President of the Constitutional Court. At the same time, however, the military were evacuating prominent members of the dead President’s circle, including the MRND Ministers, to safe locations.

The Belgian UNAMIR soldiers sent to protect the Prime Minister were disarmed, arrested and taken to Kigali military camp, where they were massacred, prompting the withdrawal of the Belgian contingent in the days that followed. After the withdrawal of the Belgian troops, the UN Security Council drastically reduced the number of UNAMIR personnel in Rwanda.

1.25 The leaders of various political parties not targeted in the assassinations assembled at the request of military officers. Other than members of the MRND, most participants were members of the “Power” wings of their respective parties. Given the political and constitutional void created by the deaths of most national political authorities, they set up a government based on the 1991 constitution. Composed solely of Hutu, the government was sworn in on 9 April 1994. The MRND held nine ministerial posts, plus the Presidency of the Republic, while the remaining 11 positions, including that of Prime Minister, went to the “Power” factions of the other parties.

1.26 In the hours following the crash of President Habyarimana’s plane, military and militiamen set up roadblocks and began slaughtering Tutsi and members of the Hutu opposition in Kigali and in other parts of Rwanda. At the roadblocks, they checked the identity cards of passers-by and killed those or most of those who were identified as Tutsi. Military patrols, often involving militiamen, scoured the city, lists in hand, to

Premier Ministre, certains des ministres de son gouvernement et le Président de la Cour Constitutionnelle. Par contre, au même moment, des militaires évacuent dans des endroits sûrs des personnalités de l’entourage du défunt Président, y compris les ministres du MRND.

Les militaires belges de la MINUAR envoyés pour protéger le Premier Ministre sont désarmés, arrêtés et conduits au camp militaire de Kigali où ils sont massacrés. Cet incident précipite le retrait du contingent belge dans les jours qui suivent. Après le retrait des troupes belges, le Conseil de sécurité des Nations-Unies réduit de façon draconienne le nombre de personnel de la MINUAR au Rwanda.


1.26 Dans les heures qui suivent la chute de l’avion du Président Habyarimana, les militaires et les miliciens érigent des barrages et commencent à massacrer les Tutsi et les membres de l’opposition Hutu à Kigali et dans d’autres régions du Rwanda. Aux barrages, ils procèdent à la vérification des cartes d’identité de tous les passants et exécutent toutes les personnes, ou la plupart des personnes, identifiées comme étant
execute the Tutsi and certain political opponents.

1.27 During the entire period of the genocide, FAR military, particularly units of the Presidential Guard, the Para-Commando Battalion, Reconnaissance Battalion and the Gendarmerie, in complicity with militiamen, actively participated in the massacres of the Tutsi throughout Rwanda.

1.28 As soon as it was formed, the Interim Government espoused the plan for extermination put in place. Throughout the period of the massacres, the Government made decisions and issued directives to aid and abet in the extermination of the Tutsi population and the elimination of the Hutu political opponents. Members of the Government incited the population to eliminate the enemy and its “accomplices”, some of them participating directly in the massacres.

1.29 Local authorities, including préfets, bourgmestres, conseillers de secteur and responsables de cellule applied the Government-issued directives in execution of the plan for the extermination of the Tutsi population. They incited and ordered their subordinates to perpetrate the massacres and took a direct part in them.

1.30 Having been psychologically and militarily prepared for several months, the groups of militiamen spearheaded the execution of the extermination plan and were directly involved in the massacres of the civilian Tutsi population and of moderate Hutus, thus causing the deaths of hundreds of thousands of people in less than 100 days.
2. TERRITORIAL, TEMPORAL AND MATERIAL JURISDICTION

2.1 The crimes referred to in this indictment took place in Rwanda between 1 January and 31 December 1994.

2.2 During the events referred to in this indictment, Rwanda was divided into 11 préfectures: Butare, Byumba, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali-Ville, Kigali-Rural and Ruhengeri. Each préfecture was subdivided into communes and secteurs.

2.3 During the events referred to in this indictment, the Tutsi, the Hutu and the Twa were identified as racial or ethnic groups.

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

2.5 During the events referred to in this indictment, a state of non-international armed conflict existed in Rwanda. The victims referred to in this indictment were protected persons, according to the provisions of Article 3 common to the Geneva Conventions and of Additional Protocol II.
3. THE POWER STRUCTURE

The Forces Armées Rwandaises

3.1 The Forces Armées Rwandaises (FAR) were composed of the Armée Rwandaise (AR) and the Gendarmerie Nationale (GN). The Forces Armées Rwandaises did not have a unified command and came directly under the Minister of Defence. The Commander-in-Chief of the Forces Armées Rwandaises was the President of the Republic.

3.2 The General Staff of the Rwandan Army was headed by the Chief of Staff, assisted by four senior officers in charge of four bureaux: G-1 (Personnel and Administration), G-2 (Intelligence), G-3 (Military Operations) and G-4 (Logistics).

3.3 The territory of Rwanda was divided into various military operations sectors, each headed by a military sector commander. Also, there were elite units within the Rwandan Army, namely the Presidential Guard, Para-Commando Battalion and Reconnaissance Battalion. The troops were divided into companies within the sectors and the units.

3.4 By virtue of their rank and their functions, the officers of the Rwandan Army had the duty to enforce the general rules of discipline for all soldiers under their authority, even those not belonging to their units.

3.5 The General Staff of the
3.6 The *Gendarmerie Nationale* was responsible for maintaining public order and peace and the observance of the laws in effect in the country.

3.7 The *Gendarmerie Nationale* was under the Minister of Defence but could carry out its duties of ensuring public order and peace at the request of the local government authority having jurisdiction, namely the *Préfet*. In cases of emergency, this request could be made verbally, notably by telephone. Such requests had to be carried out immediately. In addition, the *Gendarmerie Nationale* was obliged to transmit to the *Préfet* all information relating to public order. It had the duty to assist anyone in danger.
4. THE ACCUSED

Bernard Ntuyahaga

4.1 Bernard Ntuyahaga was born in 1952 in Kibingo, Mabanza commune, KIBUYE préfecture.

4.2 After finishing his elementary and secondary schooling, Bernard Ntuyahaga joined the Ecole des officiers in Kigali in 1972, leaving in 1974 with the rank of second lieutenant.

4.3 In April 1994, Bernard Ntuyahaga was a major in the Rwandan Army and was assigned to the G.4 office at the General Staff. In early May 1994, Bernard Ntuyahaga assumed command of the 74th battalion in Kigali sector. Towards the end of May, he was appointed commander of Ngoma camp, located in Butare préfecture.

4.4 As an officer in the Rwandan Army, Major Bernard Ntuyahaga exercised authority over military personnel under his command and over all lower-ranking military personnel.

4. L’ACCUSÉ

Bernard Ntuyahaga

4.1 Bernard Ntuyahaga est né en 1952 à Kibingo, commune de Mabanza, préfecture de KIBUYE.


4.4 En sa qualité d’officier dans l’Armée rwandaise, le major Bernard Ntuyahaga exerçait une autorité sur les militaires placés sous son commandement et sur tout militaires de grade inférieure.
5. CONCISE STATEMENT OF THE FACTS: PREPARATION

5.1 From late 1990 until July 1994, military personnel, members of the government, political officials, civil servants and other personalities conspired among themselves and with others to work out a plan with the intent to exterminate the civilian Tutsi population and eliminate members of the opposition, so that they could remain in power. The components of this plan consisted of, among other things, recourse to hatred and ethnic violence, the training of and distribution of weapons to militiamen as well as the preparation of lists of people to be eliminated.

5.2 In December 1993 and January 1994, UNAMIR received information detailing the plan to exterminate the Tutsi population and its “accomplices”.

Speeches and Incitement

5.3 The incitement to ethnic hatred and violence was a fundamental part of the plan put in place. It was articulated, before and during the genocide, by elements of the FAR on the one hand, and by members of the Government and local authorities on the other.

5.4 On 4 December 1991, President Juvénal Habyarimana set up a military commission. The commission was given the task of finding an answer to the following question: "What do we need to do in order to defeat the enemy militarily in the media and politically?" Lt. Col. Anatole Nsengiyumva, Colonel Théoneste Bagosora

5. EXPOSÉ SUCCINCT DES FAITS : PRÉPARATION

5.1 Dès la fin de 1990 jusqu’à juillet 1994, des militaires, des membres du gouvernement, des responsables politiques, des membres de l’administration publique et des diverses personnalités, se sont entendus entre eux et avec d’autres pour élaborer un plan dans l’intention d’exterminer la population civile Tutsi et d’éliminer des membres de l’opposition et se maintenir ainsi au pouvoir. Les éléments de ce plan comportait, entre autres, le recours à la haine et à la violence ethnique, l’entraînement et la distribution d’armes aux miliciens ainsi que la confection de listes de personnes à éliminer.

5.2 En décembre 1993 et en janvier 1994, la MINUAR a reçu des informations qui exposaient des détails d’un plan conçu aux fins d’exterminer la population Tutsi et ses “complices”.

Discours et Incitation

5.3 L’incitation à la haine et à la violence ethniques a constitué un élément essentiel du plan mis en place. Elle a été articulée, avant et durant le génocide, d’une part par des éléments des FAR, et d’autre part par des membres du gouvernement et des autorités locales.

5.4 Le 4 décembre 1991, le Président Juvénal Habyarimana met en place une commission militaire. Cette commission était chargée de répondre à la question suivante: “Que faut-il faire pour vaincre l’ennemi sur le plan militaire, médiatique et politique?”. Le Lt Col. Anatole Nsengiyumva, le Colonel Théoneste
and Major Aloys Ntabakuze were members of this commission.

5.5 In a letter dated 21 September 1992, the General Staff of the Rwandan Army ordered that an extract from the commission report be circulated among the troops. The letter came from the office of the Chief of Intelligence (G-2), namely Lieutenant Colonel Anatole Nsengiyumva. The extract defined the main enemy as follows: "The Tutsis from inside or outside the country, who are extremists and nostalgic for power, who do not recognize and have never recognized the realities of the Social Revolution of 1959, and are seeking to regain power in Rwanda by any means, including taking up arms." The secondary enemy was defined as: "Anyone providing any kind of assistance to the main enemy". The document specified that the enemy was being recruited from within certain social groups, notably: "the Tutsis inside the country, Hutus who are dissatisfied with the present regime, foreigners married to Tutsi women...". Among the activities the enemy was accused of, the document mentioned "the diversion of national opinion from the ethnic problem to the socio-economic problem between the rich and the poor".

5.6 The document and the use made of it by the senior officers aided, encouraged and promoted ethnic hatred and violence.

The Militia Groups

5.7 The creation of the youth wings satisfied two of the political parties' concerns: to mobilize young people and to sensitize them to politics. The MRND and CDR followed the example of the MDR and RPF, which had already institutionalized their youth movements. Political rivalries during the multi-party period exacerbated
tensions. The "Interahamwe" and "Impuzamugambi" began to be drawn astray from the time they were used to oppose with violence the political demonstrations organized by parties of the opposition.

5.8 In order to ensure that, when the time came, the extermination of the enemy and its "accomplices" would be carried out swiftly and effectively, it was necessary to create a militia that was structured, armed and complementary to the Armed Forces. For the militia to be represented nationally, Interahamwe committees were created at préfecture level.

5.9 As from 1993, and even before that date, anxious to radicalize the Interahamwe movement, the leaders of the MRND, in collaboration with officers of the FAR, decided to provide military training to those members most devoted to their extremist cause and to other idle youths. Furthermore, weapons were distributed to them.

Training of the Militia Groups

5.10 The training was supervised by military, including and civilian authorities. Training was conducted simultaneously in several préfectures around the country: Kigali, Cyangugu, Gisenyi and Butare, as well as in the Mutara sector. Training also took place in military camps, notably Gabiro, Gako, Mukamira and Bigogwe, as well as around these camps or in neighbouring forests.

5.11 The secret training of the militiamen became more and more notorious. They could on some occasions be seen training in public places or on their way to the training sites, while chanting slogans inciting the
extermination of the enemy.

**Distribution of Weapons**

5.12 In order to implement the plan for the extermination of the enemy and its "accomplices", the militiamen were to receive weapons, in addition to military training. Hence, the military and civilian authorities distributed weapons to the militiamen and certain carefully selected members of the civilian population in various préfectures of the country, with the intent to exterminate the Tutsi population and eliminate its "accomplices".

**Establishment of Lists**

5.13 Having identified the Tutsi as the principal enemy and the members of the opposition as their accomplices, members of the Army General Staff, civilian authorities and militiamen established lists of people to be executed.

5.14 On 10 January 1994, an Interahamwe leader informed UNAMIR that he had received orders to establish lists of Tutsi to be eliminated.

5.15 From 7 April to late July, military and militiamen massacred members of the Tutsi population and of moderate Hutu by means of pre-established lists, among other things.

**Precursors Revealing A Deliberate Course of Action**

5.16 The political and ethnic violence of the early 1990s was characterized by the use of the elements of the strategy which achieved its finality in the genocide of April 1994. The massacres of the Tutsi minority d'entraînement, en chantant des slogans incitant à l'extermination de l'ennemi.

**La distribution d'armes**

5.12 Pour mettre en œuvre le plan d'extermination de l'ennemi et ses "complices", les miliciens devaient recevoir, en plus d'un entraînement militaire, des armes. Dès lors, les autorités militaires et civiles ont distribué des armes aux miliciens et à certains membres soigneusement choisis de la population civile, dans différentes préfectures du pays, dans l'intention d'exterminer la population Tutsi et d'éliminer ses "complices".

**Confection de listes**

5.13 Après avoir identifié le Tutsi comme étant l'ennemi principal et les membres de l'opposition comme ses complices, des membres de l'Etat-Major de l'Armée, des autorités civiles et des miliciens ont dressé des listes de personnes à exécuter.

5.14 Le 10 janvier 1994, un dirigeant des Interahamwe a informé la MINUAR qu'il avait reçu l'ordre de préparer des listes de Tutsi à éliminer.

5.15 Du 7 avril à la fin juillet, des militaires et des miliciens ont perpétré des massacres de membres de la population Tutsi et des Hutu modérés, entre autres à l'aide de listes pré-établies.

Antécédents révélant une conduite délibérée

5.16 La violence ethnique et politique du début des années 90 a été caractérisée par l'utilisation des éléments de la stratégie qui allait connaître son aboutissement avec le génocide de 1994. Les massacres de la
at that time, including those in Kibilira (1990), in Bugesera (1992), and those of the Bagogwe (1991), were instigated, facilitated and organized by civilian and military authorities. On each occasion, a campaign of incitement to ethnic violence, conducted by local authorities, was followed by massacres of the Tutsi minority, perpetrated by groups of militiamen and civilians, armed and assisted by the same authorities and by certain military personnel. On each occasion, these crimes remained unpunished and the authorities implicated were generally not taken to task.
6. CONCISE STATEMENT OF THE FACTS: OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

6.1 On 6 April 1994 at about 8:30 p.m., the plane carrying, among other passengers, the President of the Republic, Juvenal Habyarimana, was shot down on its approach to Kigali Airport, Rwanda.

6.2 Following the crash of the President’s plane, the Forces Armées Rwandaises were left without leadership. The President was dead, along with the Chief of Staff of the Rwandan Army, Colonel Deogratias Nsabimana. The Minister of Defence, Augustin Bizimana, and the Chief of Intelligence Services (G2) in the Rwandan Army, Colonel Aloys Ntiwiragabo, were on mission in the Republic of Cameroon. They returned to the country in the days that followed. Gratien Kabiligi, the officer in charge of operations (G3) in the Rwandan Army General Staff, was also on mission in Egypt and immediately returned to the Headquarters when he was briefed about the situation. In the absence of the Minister of Defence, Colonel Théoneste Bagosora, directeur de cabinet, asserted himself as the man of the moment capable of managing the crisis.

6.3 During the night of 6 to 7 April, a first meeting mainly of officers of the two General Staffs was held at the Rwandan Army Headquarters in Kigali military camp. The meeting was chaired by Théoneste Bagosora. During this meeting, Théoneste Bagosora and other officers, including Major Kayumba, expressed their desire to take power. Despite the advice of certain people to involve Prime Minister Agathe...
6. CONCISE STATEMENT OF THE FACTS:

OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

Uwilingiyimana in managing the crisis, Théoneste Bagosora refused to consult her in any way, ceasing to acknowledge her authority.

6.4 At dawn on 7 April 1994, the duty officer at the Rwandan Army headquarters, Major Kayumba, was informed that gunfire had been heard near the Prime Minister’s residence. He told his interlocutor that he was aware of the situation, and said: “It’s us trying to prevent the Prime Minister from going to the radio station.”

6.5 In the morning of 7 April, another meeting of the FAR officers was held at the Ecole Superieure Militaire (ESM). Were present the commanding officers of the sectors of operation in Rwanda, the commanders of the military camps and officers of the General Staffs (AR and GN). The meeting was chaired by Colonel Théoneste Bagosora. He reiterated his position, maintaining that the military should take power. Again, Colonel Théoneste Bagosora refused that the Prime Minister be consulted, adding that he did not know if she was still alive.

6.6 While this meeting was going on, Prime Minister Agathe Uwilingiyimana was tracked down, found and then executed by Rwandan Army personnel, more specifically, members of the Presidential Guard, the Para-Commando Battalion and the Reconnaissance Battalion. Concurrently, members of the same units arrested, confined and killed important opposition leaders. Hence, the following were killed: the President of the Constitutional Court, the Chairman of the PSD party and Minister of Agriculture, the Vice-Chairman of the PL party and Minister of Labour and Malgré les recommandations de certaines personnes d’associer le Premier Ministre, Agathe Uwilingiyimana, à la gestion de cette crise, Théoneste Bagosora s’est opposé à toute consultation de cette dernière ne lui reconnaissant plus aucun pouvoir.

6.4 À l’aube du 7 avril 1994, l’officier de permanence à l’Etat-Major de l’Armée Rwandaise, le Major Kayumba, a été informé que des coups de feu ont été entendus près de la résidence du Premier Ministre. Il a déclaré à son interlocuteur qu’il était au courant de la situation et que “c’est nous qui voulons empêcher le PM d’aller à la radio.”


6.6 Pendant que se déroulait la réunion, le Premier Ministre, Madame Agathe Uwilingiyimana était recherchée, retrouvée puis exécutée par des membres de l’Armée Rwandaise, plus particulièrement ceux de la Garde Présidentielle, du bataillon Para-Commando et du bataillon de Reconnaissance. Parallèlement à cet assassinat, des membres de ces mêmes unités ont arrêté, séquestré et tué des leaders importants de l’opposition. C’est ainsi qu’ont été tués: le Président de la Cour Constitutionnelle, le Président du PSD et Ministre de l’Agriculture, le Vice-Président
Community Affairs, as well as a member of the Political Bureau of the MDR, the Minister of Information. That same morning, the ten Belgian para-commandos from UNAMIR who were dispatched to the Prime Minister residence to escort her to the radio were murdered at Kigali military camp.

6.7 The elimination of political opponents made it possible to set aside the establishment of the Broad-Based Transition Government (BBTG), stipulated in the Arusha Accords, in favour of an Interim Government which would aid and abet the continuation of the massacres. The murder of the Belgian soldiers prompted the withdrawal of most of UNAMIR's contingents. Those two events removed the two major obstacles to the pursuit of the massacres.

The Murder of the Prime Minister

6.8 After the death of the President of the Republic, the Prime Minister was the appropriate authority to ensure continuity of the regime. Hence, it was suggested and envisaged that she address the nation in order to re-establish state's authority and calm the population.

6.9 Therefore, in the night of 6 to 7 April 1994, a number of Belgian military personnel were ordered to go to the Prime Minister's residence and to escort her to the national radio station, where she was to make an address. When they arrived at the Prime Minister's residence at around 5:00 a.m., they were attacked by FAR personnel, including elements from the Presidential Guard, the Para-Commando Battalion and the Reconnaissance battalion.

6.10 Thereafter, Major Bernard
Ntuyahaga ordered the abduction of the members of the close protection team provided to the Prime Minister by UNAMIR. The Ghanaian soldiers who constituted the close protection team were taken to Kigali Camp, along with the Belgian soldiers who had been dispatched to escort her.

6.11 Immediately thereafter, members of the Presidential Guard, the Para-Commando Battalion and the Reconnaissance Battalion proceeded to track down, arrest, sexually assault and kill the Prime Minister, Agathe Uwilingiyimana.

By preventing the UNAMIR personnel from protecting and escorting the Prime Minister, Bernard Ntuyahaga facilitated her assassination.

Campaign against Belgians and MINUAR and the murder of the 10 Belgian para-commandos of UNAMIR.

6.13 UNAMIR was formed in order to facilitate the peaceful establishment of the institutions foreseen under the Arusha Accords. This United Nations military force was perceived as an obstacle by certain members of the extremist political circles. Certain eminent figures in this circle thus adopted a strategy intended to provoke the Belgian military contingent, UNAMIR's most effective and best-equipped contingent. Their ultimate goal was to force them to withdraw.

6.14 Hence, a propaganda campaign against the Belgians was run, notably with the aid of the media, such as Radio Télévision Libre des Mille Collines (RTLM) and the newspaper Kangura.

Ntuyahaga a fait procéder à l'enlèvement de la garde rapprochée du Premier ministre fournie par la MINUAR. Les soldats ghanéens qui en constituaient les éléments ont été amenés au camp de Kigali en même temps que les soldats belges dépendus pour assurer son escorte.


6.12 En empêchant les éléments de la MINUAR de protéger et d'escorter le Premier Ministre, le major Bernard Ntuyahaga a facilité l'assassinat de cette dernière.

Campagne anti-belge visant la MINUAR et l'assassinat des 10 para commandos belges de la MINUAR.

6.13 La MINUAR avait été instituée dans le but de faciliter la mise en place pacifique des institutions prévues aux Accords d'Arusha. Cette force militaire des Nations Unies était perçue comme un obstacle par certains membres de la classe politique extrémiste. Aussi des personnalités de ce groupe ont adopté une stratégie visant à provoquer les militaires belges qui constituaient le contingent le plus efficace et le mieux équipé de la MINUAR. L'objectif à terme était de forcer leur retrait.

6.14 Dans cet esprit, une campagne de propagande anti-belge a été menée, notamment par le truchement des moyens médiatiques tels que la Radio Télévision Libre des Mille Collines (RTLM) et le journal Kangura.
6.15 On 7 January 1994, Mathieu Ngirumpatse, Augustin Bizimana, Augustin Ndindilyimana, Déogratias Nsabimana, Robert Kajuga and other influential MRND members participated in a meeting at the MRND headquarters. On that occasion, they decided to provoke the Belgians by various means, notably during the demonstration which was to take place on 8 January 1994.

6.16 Indeed, on 8 January 1994, elements of the Para-Commando Battalion and of the Presidential Guard in civilian clothes participated in the said demonstration with a number of Interahamwe. They had hidden weapons in the vicinity of the demonstration with the intent to kill some Belgian UNAMIR soldiers. Finally, no Belgian UNAMIR patrol was sent to the scene.

6.17 On 26 January 1994, Joseph Nzirorera, Edouard Karemera, Jean Habyarimana and the Chairman of the Interahamwe, Robert Kajuga, participated in a meeting at the MRND headquarters. They worked out a strategy to set the Interahamwe against the Belgian troops.

6.18 Consequently, the ten Belgian para-commandos sent to escort the Prime Minister were disarmed and arrested on their arrival at her residence, along with the five Ghanaian soldiers who were guarding the residence. Despite their negotiated surrender, the presence of Major Bernard Ntuyahaga and the promise that they would be taken to a UNAMIR base, the Belgian and Ghanaian soldiers were taken to Kigali camp by Major Bernard Ntuyahaga. Major Bernard Ntuyahaga took them to Kigali camp in a Rwandan Army minibus which was waiting in front of the Prime Minister’s residence when the UN soldiers surrendered.
6.19. When he arrived at the camp with the UNAMIR soldiers, Major Bernard Ntuyahaga addressed the Rwandan soldiers who were there and asserted that the Belgian soldiers were responsible for the death of President Habyarimana. Immediately thereafter, the UNAMIR soldiers were attacked and beaten by Rwandan soldiers in front of Rwandan Army officers, including Major Bernard Ntuyahaga. Four of the Belgian soldiers were killed on the spot. Meanwhile, the Ghanaian soldiers were set free. The six remaining Belgian soldiers withstood several attacks for a number of hours before finally being killed.

6.20 Colonel Théoneste Bagosora and Augustin Ndindiliiyimana were about 100 metres away, participating in a meeting at the staff college (École Supérieure Militaire). They were informed by the Camp Commander, Lt. Nubaha, that the Belgian UNAMIR soldiers were under risk of death at Kigali military camp. Other officers, including François-Xavier Nzuwonemeye, joined the meeting after leaving Kigali military camp while the assaults against the Belgian soldiers were still being perpetrated and four of them were already dead.

6.21 Informed of the danger faced by the Belgian soldiers at Kigali military camp, Théoneste Bagosora and Augustin Ndindiliiyimana did not take any decision and carried on with the meeting until around 12:00 noon.

6.22 Due to the anti-Belgian propaganda and the murder of the ten Belgian para-commandos, Belgium informed the Security Council on 13 April 1994 that it was withdrawing its contingent from Rwanda. A week later, the Security Council ordered a drastic reduction of UNAMIR’s civilian and
military personnel.

Responsibility

6.23 Starting on 7 April, everywhere in Rwanda, elements of the Rwandan Army, Gendarmerie and Interahamwe perpetrated massacres of the civilian Tutsi population. Concurrently, elements of the Presidential Guard, Para-Commando Battalion and Reconnaissance Battalion murdered political opponents. Numerous massacres of the civilian Tutsi population took place in places where they had sought refuge for their safety.

6.24 From April to July 1994, several hundred thousand people were massacred throughout Rwanda. The majority of the victims were killed solely because they were Tutsi or appeared to be Tutsi. The other victims, nearly all Hutu, were killed because they were considered Tutsi accomplices, were linked to them through marriage or were opposed to the extremist Hutu ideology.

6.25 The massacres thus perpetrated were the result of a strategy adopted and elaborated by political, civil and military authorities in the country, who conspired to exterminate the Tutsi population.

6.26 During the events referred to in this indictment, rapes, sexual assaults and other crimes of a sexual nature were widely and notoriously committed throughout Rwanda. These crimes were perpetrated by, among others, soldiers, militiamen and gendarmes against the Tutsi population, in particular Tutsi women and girls.

personnel civil et militaire de la MINUAR.

Responsabilité

6.23 Dès le 7 avril, partout au Rwanda, des éléments de l'Armée Rwandaise, de la Gendarmerie et des Interahamwe se sont livrés à des massacres contre la population civile Tutsi. Parallèlement, des éléments de la Garde Présidentielle, du Bataillon Para Commando et du Bataillon de Reconnaissance ont assassiné des opposants politiques. De nombreux massacres de la population civile Tutsi se sont déroulés dans des endroits où ils s’étaient réfugiés pour leur sécurité.

6.24 D’avril à juillet 1994, plusieurs centaines de milliers de personnes ont été massacrées sur tout le territoire du Rwanda. La plupart des victimes ont été tuées pour la seule raison qu’elles étaient des Tutsi ou ressemblaient à des Tutsi. Les autres victimes, surtout des Hutu, ont été tuées parce qu’elles étaient qualifiées de complice des Tutsi, liées à ces derniers par mariage ou opposées à l’idéologie Hutu extrémiste.

6.25 Les massacres perpétrés furent le résultat d’une stratégie adoptée et élaborée par des autorités politiques, civiles et militaires du pays qui se sont entendues pour exterminer la population Tutsi.

6.26 Lors des événements auxquels se réfère le présent acte d’accusation, des viols, des agressions sexuelles et d’autres crimes de nature sexuelle ont été commis, d’une façon généralisée et notoire sur tout le territoire du Rwanda. Ces crimes ont été perpétrés, entre autres, par des militaires, des miliciens et des gendarmes contre la population Tutsi, en particulier des femmes et des jeunes filles Tutsi.
6.27 Military officers, members of the Interim Government, militia leaders and local authorities aided and abetted their subordinates and others in carrying out the massacres of the Tutsi population and its "accomplices". Without the complicity of the local and national civil and military authorities, the principal massacres would not have occurred.

6.28 From April to July 1994, by virtue of his function, his statements, the orders he gave and his acts, Bernard Ntuyahaga, exercised authority over members of the Forces Armées Rwandaises. These military and some militiamen, as from 6 April 1994, committed massacres of the Tutsi population and of moderate Hutu. These crimes extended over a large part of Rwandan territory, with the knowledge of Bernard Ntuyahaga.

6.29 Bernard Ntuyahaga, acting in concert with others, participated in the execution of a common scheme, strategy or plan, to commit the atrocities set forth above. The crimes were committed by him personally, by persons he assisted or by his subordinates, and with his knowledge or consent.
THE COUNTS

COUNT 1

By the acts or omissions described in paragraphs 5.1 to 6.29 and more specifically in the paragraphs referred to below;

Bernard Ntuyahaga

-pursuant to Article 6(1), according to paragraphs: 6.10, 6.12, 6.18 and 6.19,

conspired with others to kill and cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed CONSPIRACY TO COMMIT GENOCIDE, a crime stipulated in Article 2(3)(b) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 2

By the acts or omissions described in paragraphs 5.1 to 6.29 and more specifically in the paragraphs referred to below;

Bernard Ntuyahaga

-pursuant to Article 6(1), according to paragraphs: 6.12, 6.19, 6.23, 6.24, 6.25, and 6.28,

is responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed GENOCIDE, a crime stipulated in Article 2(3)(a) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article

LES CHEFS D’ACCUSATION

Premier chef d’accusation

Par les actes et omissions décrits aux paragraphes 5.1 à 6.29 et plus particulièrement aux paragraphes référencés ci-dessous;

Bernard Ntuyahaga

-conformément à l’article 6(1), selon les paragraphes: 6.10, 6.12, 6.18, 6.19,

s’est entendu avec d’autres pour tuer et porter des atteintes graves à l’intégrité physique et mentale de la population tutsi dans l’intention de détruire en tout ou en partie ce groupe ethnique ou racial et a de ce fait commis le crime d’ENTENTE EN VUE DE COMMETTRE LE GENOCIDE tel que prévu à l’article 2(3)(b) du Statut du Tribunal pour lequel il est individuellement responsable en vertu de l’article 6 du Statut et punissable en vertu des articles 22 et 23 du Statut.

Deuxième chef d’accusation

Par les actes et omissions décrits aux paragraphes 5.1 à 6.29 et plus particulièrement aux paragraphes référencés ci-dessous;

Bernard Ntuyahaga

-conformément à l’article 6(1), selon les paragraphes: 6.12, 6.19, 6.23, 6.24, 6.25, 6.28,

est responsable de meurtres et d’atteintes graves à l’intégrité physique et mentale de membres de la population tutsi dans l’intention de détruire en tout ou en partie ce groupe ethnique et raciale et a, de ce fait, commis le crime de GENOCIDE prévu à l’article 2 (3)(a) du Statut du Tribunal pour lequel il est individuellement responsable en
6 and which is punishable in reference to Articles 22 and 23 of the Statute.

alternatively

By the acts or omissions described in paragraphs 5.1 to 6.29 and more specifically in the paragraphs referred to below;

Bernard Ntuyahaga

-pursuant to Article 6(1), according to paragraphs: 6.12, 6.19, 6.23, 6.24, 6.25, and 6.28,

is responsible for killing and causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, and thereby committed COMPLICITY IN GENOCIDE, a crime stipulated in Article 2(3)(e) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 3

By the acts or omissions described in paragraphs 5.1 to 6.29 and more specifically in the paragraphs referred to below;

Bernard Ntuyahaga

-pursuant to Article 6(1) and Article 6(3), according to paragraphs: 6.18 and 6.19

is responsible for murdering the ten Belgian soldiers as part of a widespread and systematic attack against a civilian population on political or national grounds, and thereby committed a CRIME AGAINST HUMANITY, a crime

vertu de l'article 6 du Statut et punissable en vertu des articles 22 et 23 du Statut du Tribunal.

alternativement

Par les actes et omissions décrits aux paragraphes 5.1 à 6.29 et plus particulièrement aux paragraphes référencés ci-dessous;

Bernard Ntuyahaga

-conformément à l'article 6(1), selon les paragraphes: 6.12, 6.19, 6.23, 6.24, 6.25, 6.28,

est responsable de meurtres et d’atteintes graves à l’intégrité physique et mentale de membres de la population tutsi dans l’intention de détruire en tout ou en partie ce groupe ethnique et raciale et a, de ce fait, commis le crime de COMPLICITÉ DE GENOCIDE prévu à l’article 2 (3)(e) du Statut du Tribunal pour lequel il est individuellement responsable en vertu de l’article 6 du Statut et punissable en vertu des articles 22 et 23 du Statut.

Troisième chef d’accusation

Par les actes et omissions décrits aux paragraphes 5.1 à 6.29 et plus particulièrement aux paragraphes référencés ci-dessous;

Bernard Ntuyahaga

-conformément à l’article 6(1) et à l’article 6 (3), selon les paragraphes: 6.18, 6.19

est responsable de l’assassinat des dix soldats belges dans le cadre d’une attaque générale ou systématique dirigée contre la population civile, a raison de son appartenance nationale ou politique et a, de ce fait, commis un CRIME CONTRE
stipulated in Article 3(a) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 4

By the acts or omissions described in paragraphs 5.1 to 6.29 and more specifically in the paragraphs referred to below;

Bernard Ntuyahaga

-pursuant to Article 6(1) and Article 6(3), according to paragraphs: 6.10, 6.18 and 6.19,

is responsible for killing and causing violence to the life of ten Belgian soldiers as part of an armed internal conflict, and thereby committed SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOL II, a crime stipulated in Article 4 (a) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

COUNT 5

By the acts or omissions described in paragraphs 5.1 to 6.29 and more specifically in the paragraphs referred to below;

Bernard Ntuyahaga

-pursuant to Article 6(1), according to paragraphs: 6.10 and 6.12

pursuant to Article 6(3), according to

L’HUMANITE tel que prévu à l’article 3(a) du Statut du Tribunal pour lequel il est individuellement responsable en vertu de l’article 6 du Statut et punissable en vertu des articles 22 et 23 du Statut.

Quatrième chef d’accusation

Par les actes et omissions décrits aux paragraphes 5.1 à 6.29 et plus particulièrement aux paragraphes référencés ci-dessous;

Bernard Ntuyahaga

-conformément à l’article 6(1) et à l’article 6 (3), selon les paragraphes: 6.10, 6.18, 6.19,

est responsable de meurtre et d’atteintes portées à la vie de dix soldats belges, au cours d’un conflit armé non international et a, de ce fait, commis le crime de VIOLATIONS GRAVES DE L’ARTICLE 3 COMMUN AUX CONVENTIONS DE GENEVE ET DU PROTOCOLE ADDITIONNEL II tel que prévu à l’article 4(a) du Statut du Tribunal pour lequel il est individuellement responsable en vertu de l’article 6 du Statut et punissable en vertu des articles 22 et 23 du Statut.

Cinquième chef d’accusation

Par les actes et omissions décrits aux paragraphes 5.1 à 6.29 et plus particulièrement aux paragraphes référencés ci-dessous;

Bernard Ntuyahaga

-conformément à l’article 6(1), selon les paragraphes: 6.10,6.12

-ce conformément à l’article 6 (3), selon les
is responsible for murdering the Prime Minister, Agathe Uwilingiyimana, as part of a widespread and systematic attack against a civilian population on political or national grounds, and thereby committed a CRIME AGAINST HUMANITY, a crime stipulated in Article 3(a) of the Statute of the Tribunal, for which he is individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute.

At Kigali, 26-9-98

Bernard A. Muna
Deputy Prosecutor

est responsable de l'assassinat du Premier ministre Agathe Uwilingiyimana dans le cadre d'une attaque générale ou systématique dirigée contre la population civile, à raison de son appartenance nationale ou politique et a, de ce fait, commis un CRIME CONTRE L'HUMANITE tel que prévu à l'article 3(a) du Statut du Tribunal pour lequel il est individuellement responsable en vertu de l'article 6 du Statut et punissable en vertu des articles 22 et 23 du Statut.

À Kigali, le 26-9-98

Bernard A. Muna
Procureur Adjoint