



## ICTR CASE PROFILE

# The Prosecutor v. Simon BIKINDI

(ICTR-01-72)

<b>Born</b>	28 September 1954, Revere Commune, Rwanda
<b>Education</b>	Singer and composer of Music
<b>Career</b>	An official in the Ministry of Youth and Association Movements
<b>Indictment</b>	Initial indictment: 5 July 2001, Amended Indictment: 22 October 2003, Second amended Indictment: 15 June 2005
<b>Arrested</b>	12 July 2001: Netherlands
<b>Transferred to ICTR</b>	27 March 2002
<b>Initial Appearance</b>	4 April 2002: pleaded not guilty to all charges
<b>Trial Chamber Judgement</b>	2 December 2008
<b>Appeal Chamber Judgement</b>	18 March 2010
<b>Sentence Served</b>	Currently serving sentence

### CHARGES

- Count 1: Conspiracy to Commit Genocide
- Count 2: Genocide
- Count 3: Complicity in Genocide
- Count 4: Direct and Public Incitement to Commit Genocide
- Count 5: Murder as a Crime against Humanity
- Count 6: Persecution as a Crime against Humanity

### TRIAL

<b>Trial Commenced</b>	18 September 2006
<b>Composition of the Bench: Trial Chamber III</b>	Judge Inés Mónica Weinberg de Roca, Presiding Judge Florence Rita Arrey Judge Robert Fremr
<b>Judgement</b>	2 December 2008

### APPEAL

<b>Composition of the Bench: Appeals Chamber</b>	Judge Patrick Robinson, Presiding Judge Mehmet Güney Judge Fausto Pocar Judge Liu Daqun Judge Theodor Meron
<b>Appeals Judgement</b>	18 March 2010

## STATISTICS

<b>Trial Days</b>	61
<b>Witnesses called by Prosecution</b>	20
<b>Prosecution Exhibits</b>	165
<b>Witnesses Called By Defense</b>	37
<b>Defense Exhibits</b>	69
<b>Site Visit</b>	14-18 April 2008

## Case Summary

### Trial Phase

Bikindi was indicted and tried on six counts before the ICTR

#### Count 1: Conspiracy to Commit Genocide: Not Guilty

The Chamber found Bikindi not guilty of conspiracy to commit genocide.

The Chamber found that agreeing to disseminate ethnic hatred against an ethnic group does not go as far as agreeing to the destruction, in whole or in part of that group.

#### Count 2: Genocide: Not Guilty

The Chamber found Bikindi not guilty of Genocide.

In this regard, the Chamber found that the Prosecution failed to establish Bikindi's criminal responsibility for genocide.

#### Count 3: Complicity in Genocide: Not Guilty

The Chamber found Bikindi not guilty of complicity in genocide.

The Chamber found that the Prosecution failed to establish Bikindi's criminal responsibility for complicity in genocide.

#### Count 4: Direct and Public Incitement to Commit Genocide: Guilty

The Chamber found Bikindi guilty of direct and public incitement to commit genocide.

The Chamber found that towards the end of June 1994, in Gisenyi Prefecture, while travelling as part of an Interahamwe convoy, Bikindi was in a vehicle outfitted with public address systems broadcasting songs including Bikindi's, and he used the public address system to state that the Hutus should arise and exterminate the Tutsis.

#### Count 5: Murder as a Crime against Humanity: Not Guilty

The Chamber found Bikindi, not guilty of murder as a crime against humanity.

The Chamber found that the Prosecution failed to establish Bikindi's criminal responsibility for murder as a crime against humanity.

#### Count 6: Persecution as a Crime against Humanity: Not Guilty

The Chamber found that Bikindi was not guilty of persecution as a crime against humanity.

The Chamber found that Bikindi did not play a role in the dissemination or deployment of his songs *Twasezereye*, *Nanga Abahutu* and *Bene Sebahinzi* in 1994.

## Sentence

The Chamber sentenced Bikindi to fifteen years imprisonment.

## **Appeal phase**

Bikindi appealed his convictions on 31 December 2008. The Appeals Chamber delivered its appellate judgement on 18 March 2010.

### **Bikindi's grounds of appeal were as follows:**

Ground 1: Alleged error in finding that Bikindi incited the killing of Tutsis on his way towards Kayove Road: **Dismissed**

Ground 2: Alleged error in finding that Bikindi incited the killing of Tutsis on his way back from Kayove road: **Dismissed**

Ground 3: Alleged failure to take into account evidence related to operation Turquoise: **Dismissed**

Ground 4: Alleged errors in the assessment of defence evidence: **Dismissed**

Ground 5: Alleged ineffective assistance of Co-counsel: **Dismissed**

Ground 6: Alleged error regarding the stature and influence of Bikindi within the MRND and *Interahamwe*: **Dismissed**

### **Sentence**

The Appeals Chamber affirmed Bikindi's sentence of fifteen years of imprisonment.