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International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

2000 JUL 10 P 4: 12

CASE NO: ICTR

**THE PROSECUTOR**

V

**Paul BISENGIMANA**

**INDICTMENT**

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:

With **GENOCIDE** or in the alternative **COMPLICITY IN GENOCIDE, CONSPIRACY TO COMMIT GENOCIDE, DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE, CRIMES AGAINST HUMANITY** and **SERIOUS VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS** and of **ADDITIONAL PROTOCOL II** thereto, all offences stipulated in Articles 2, 3 and 4 of the Statute of the Tribunal, and as set forth below:

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## 2. THE ACCUSED

2.1 Throughout the events referred to in this indictment until he left Rwanda, Paul BISENGIMANA held the office of *Bourgmestre* of Gikoro Commune, Kigali-Rural prefecture.

2.2 During the period of 1991 to 1994, Paul Bisengimana was very close to Laurent Semanza (the *Bourgmestre* of Bicumbi for more than twenty years, and at the time of the events referred to in this indictment, the president of the MRND for the greater Kigali area) and Juvénal RUGAMBARARA (who succeeded Laurent Semanza as the *Bourgmestre* of Bicumbi).

2.3 In his capacity as *Bourgmestre*, the accused had under his command and authority *Conseillers*, communal policemen and other apparatus of government authority and control, at a local level.

## 3. CONCISE STATEMENTS OF FACTS

3.1. Unless otherwise stated, the violations of international humanitarian law referred to in this indictment took place in Rwanda between 1 January and 31 December 1994.

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

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

3.4 During the events referred to in this indictment, there was a non-international armed conflict in the territory of Rwanda.

3.4(i) The victims referred to in this indictment were Tutsi civilians in Bicumbi and Gikoro Communes and other persons of Tutsi origin who had taken refuge in these communes.

3.4(ii) These were persons who were protected under Article 3 common to the Geneva Conventions of 1949 and by Additional Protocol II thereto.

3.4(iii) Said persons did not actively participate in the conflict.

3.4(iv) Paul BISENGIMANA intended the attacks on these victims to be part of the non-international armed conflict. He believed that Tutsi civilians were enemies of the Government or accomplices of the RPF and that destroying them would contribute to the implementation of the Government policy against enemies and the defeat of the RPF.

3.5 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. Most of the political parties had created a youth wing. The youth wing members of the *Mouvement Républicain National pour le Développement et la Démocratie* (MRND) were known as the "Interahamwe" and those of the CDR were known as the "Impuzamugambi". Numerous MRND youth wing members subsequently received military training and were thus transformed from youth movements into militias.

3.5(i) 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.

3.5(ii) 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 *préfectural* level. This decision of the central committee of the MRND taken in June 1993 was carried out by political figures in their localities.

3.5(iii) As of 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 support, military training and weapons to those members most devoted to their extremist cause and to other idle youths. Paul BISENGIMANA took part in the training.

3.6 The *Préfet* represents executive power at prefectural level. The *Préfet* is appointed by the President of the Republic on the recommendation of the Minister of the Interior and carries out his duties under that Minister's hierarchical authority. The *Préfet's* authority covers the entire *préfecture*.

3.7 In his capacity as administrator of the *préfecture*, the *Préfet* is Responsible for ensuring peace, public order and the safety of people and property. The *Préfet*, in the discharge of his policing duties of maintaining peace and public order, may request the intervention of the army and of the *Gendarmerie Nationale*. The *Préfet* has hierarchical authority over all civil servants and all persons holding public office within the boundaries of the *préfecture*, including the *bourgmestres* and *conseillers de secteur*.

3.8 Similarly to the *Préfet*, the *Bourgmestre* represents executive power at the *commune* level. He is appointed by the President of the Republic on the recommendation of the Minister of the Interior. He is under the hierarchical authority of the *Préfet*. He has authority over the civil servants posted in his *commune*. Moreover, he has policing duties in regard to maintaining order and law enforcement.

3.9 During the events referred to in this indictment, the main political parties in Rwanda were the MRND (*Mouvement Républicain National pour la Démocratie et le Développement*), the CDR (*Coalition pour la Défense de la République*), the MDR (*Mouvement Démocratique Républicain*), the PSD (*Parti Social-Démocrate*) and the PL (*Parti Libéral*). The RPF (Rwandan Patriotic Front) was a politico-military opposition organization.

3.9(i) From late 1990 through about July 1994, military personnel, members of the government, political leaders, 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.

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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. In executing the plan, they organized, ordered and participated in the massacres perpetrated against the Tutsi population and moderate Hutus. Paul BISENGIMANA adhered to elaborated and executed this plan at the Commune level.

3.9(ii) After the Rwandan Patriotic Front (RPF) attack of October 1990, some groups within the then Rwandan Government and military structure, initiated the characterisation of the Tutsi as the enemy to be defeated.

3.9(iii) This characterisation defined the main enemy as the Tutsi from inside or outside the country, who wanted power, who did not recognize the achievement of the revolution of 1959 and who were seeking armed confrontation. The secondary enemy was defined as those who provided any kind of assistance to or sympathized with the main enemy.

3.10 On 8 April 1994, two days after the death of the President of the Republic of Rwanda, the new Government summoned all the *Préfets* to a meeting in Kigali for the purpose of assessing the situation in the country at the time. The emergency meeting was held on 11 April 1994 and recorded the participation of all the Government ministers and all the *Préfets*, except those of Butare (Jean Baptiste Habyalimana), Ruhengeri and Cyangugu. At this meeting, the situation as regards the massacres in each *préfecture* was analyzed.

3.11 The massacres of members of the Tutsi population and the murder of the moderate Hutu extended throughout the territory of Rwanda. In every *préfecture*, local civil and military authorities and militiamen espoused the plan of extermination and followed the directives and instructions in order to execute it. They called on the civilian population to eliminate the enemy and its "accomplices". They distributed weapons to civilians and militiamen. They gave orders to commit, aided, abetted and participated in the massacres.

3.12 Between 1 January 1994 and 30 April 1994, Paul BISENGIMANA, and other influential persons such as Laurent SEMANZA and Juvenal RUGAMBARARA, held meetings during which they threatened the Tutsis and those who were not members of the MRND.

3.13 During some of those meetings the Tutsis in the commune, were excluded on account of their ethnicity and plans to attack them were formulated.

3.14 Sometime between 1 January 1994 and 31 July 1994, Paul BISENGIMANA, Juvénal RUGAMBARARA, and Laurent SEMANZA, issued weapons to the young MRND militiamen, the *Interahamwe*, and took part in their training. During the events referred to in this indictment, several of these militiamen participated directly in the massacres of the civilian population.

3.15 Between 1 January and 31 July 1994, Paul BISENGIMANA and Laurent SEMANZA transported soldiers in their vehicle. These soldiers were used in the perpetration of massacres.

3.16 As of early 1994, Paul BISENGIMANA and other influential persons such as Juvenal RUGAMBARARA and Laurent SEMANZA, incited the people, including militiamen, to commit acts of genocide against the Tutsis. During the events referred to in this indictment several of these militiamen participated directly in the massacres of the civilian population.

3.17 In January 1994, Paul BISENGIMANA, Juvenal RUGAMBARA, and Laurent SEMANZA, assembled a group of youth to whom they made anti-Tutsi statements. The youths were given machetes and underwent training in defense techniques and killing.

3.18 In January 1994, a meeting was held at Musha junction. The meeting was led by Paul BISENGIMANA, Laurent SEMANZA, MRND and PL party representatives. Laurent Semanza stated that "Those who are not members of the MRND are not welcomed in the communes." The following day during an interahamwe demonstration Bonna Muhozi (a young Hutu who was not a MRND member) was killed. Paul BISENGIMANA attended the Musha junction meeting in his capacity as *bourgmestre* and did not disassociate himself from the statements made by Laurent SEMANZA, thus giving a clear signal to the people that massacres would be condoned by him.

3.19 In February 1994, there was a meeting of all of the Gikoro people in

Rutoma. The meeting was compulsory, as failure to attend the meeting would result in an arrest. The meeting was led by Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA. Paul BISENGIMANA said that: "SEMANZA has an important message to deliver." Laurent SEMANZA added: "No Tutsis can scare anyone. They are going to be killed, they are not many, we are going to throw them in Muhazi and Mugesera lakes so that they will go and join their ancestors in Ethiopia." Thereafter a climate of insecurity set in. Four days later a grenade attack was launched on the house of VICTIM A. Paul BISENGIMANA attended the Rutoma meeting in his capacity as *bourgmestre* and did not disassociate himself from the statements made by Laurent SEMANZA, thus giving a clear signal to the people that massacres would be condoned by him.

3.20 In February 1994, during a public meeting held at the Nyamirambo stadium in Kigali, after Laurent SEMANZA spoke to a large crowd, the meeting ended with a chant of "Tubatsembembe" which means "let us exterminate them", "them" meaning the Tutsis. Laurent SEMANZA was accompanied by Paul BISENGIMANA and Juvenal RUGAMBARARA. Paul BISENGIMANA attended in his capacity as *bourgmestre* and did not disassociate himself from the chants and statements made by Laurent SEMANZA, thus giving a clear signal to the people that massacres would be condoned by him.

3.21 In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

3.21(i) Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.22 Sometime in April 1994, Paul BISENGIMANA was seen in Musha getting out of a vehicle with Laurent SEMANZA. They were accompanied by presidential guards. Laurent SEMANZA, addressing a

small crowd of people who had come to see the authorities, said: "how far have you gotten with the work. You have to kill Tutsi women. You should also rape them to see what they are like." Rather than disassociating himself from these statements, Paul BISENGIMANA left with Laurent SEMANZA after the conclusion of the remarks. Immediately thereafter a crowd assembled and began to rape Tutsi women. The crowd noted that they had just been authorized to do whatever they wanted to Tutsi women.

3.23 In April 1994, Paul BISENGIMANA transported and gave out guns and grenades to the civilian population of his commune and training in weaponry; these weapons were used in the perpetration of the massacres.

3.24 Upon commencement of the killings in Bicumbi, Paul BISENGIMANA and Laurent SEMANZA, accompanied by five youths were seen unloading machetes. Thereafter, they went to Runyinya *secteur* office to give false assurances of safety to refugees from Gikoro and Bicumbi *secteurs*.

3.25 On or about the morning of 7 April 1994, a Gikoro commune policeman made announcements throughout the *cellule* that: "All the population of Gikoro commune must revenge against the enemy and none should escape. All person who is Hutu must pursue the accomplices and these accomplices are the Tutsis. They are the ones who killed the President while returning from defending their cause". He added that "the CDR also says that anyone who spares the life of any Tutsi, will pay for the death of President Habyarimana". He also declared, "If you cannot do it, ask for assistance from the communal office".

3.25(i) A few hours after the above announcements were made, the houses of Tutsis in that sector were set on fire.

3.25(ii) Thereafter, UWIMANA, a Gikoro commune policeman, arrived accompanied by armed Hutus singing the BATSEMBA. UWIMANA said: "Tomorrow, there will be a meeting at the communal office and before coming, you must clean the *cellule* and to clean, is to kill all the Tutsis".

3.25(iii) Later that day attackers returned to the *cellule* and killed



Nyirinyegamo and some of the occupants of his house.

3.25(iv) The following day two Hutus at Muhogoto, armed with stakes and arrows, hit VICTIM B on the chest with a stake, seriously wounding her. One of the attackers threw her son off of her and then tore off her clothes and spread her legs apart. Upon finding blood between her legs he spat on her sex organs instead of raping her.

3.26 On or about 8 April 1994, Tutsis were ordered to the Gikoro communal office. Paul BISENGIMANA raped VICTIM C, a Tutsi working at the communal office.

3.26(i) After the above rape, a young Hutu asked Paul BISENGIMANA for permission to rape Tutsi girls. BISENGIMANA answered, *“Do not keep them as wives, but rather rape them to make a difference and then kill them afterwards”*.

3.26(ii) Thereafter, a military jeep arrived with eight soldiers who joined Paul BISENGIMANA. A large group of interahamwe then arrived. BISENGIMANA, accompanied by Gikoro Communal Policeman RWABUKUMBA, addressed the interahamwe as follows: *“Take your cudgels, show these ones here and if you have not enough, you will have to get some from the store over there”*. As a result of this incitement, the interahamwe killed Andre Kubwamungu, a security guard at CERAI. Soon after, they went towards the neighbouring houses to kill Tutsis. The massacre quickly spread all over the *cellule*.

3.27 On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that *“BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling.”* The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28 On or about 9 April 1994, at about 10:00 a.m., Paul

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BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: "...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death." He continued: "...you may start with those present here. Do not forget to demolish and burn their houses and loot their property." After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i) About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii) The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29 On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30 On or about 10 April 1994, RWABUKUMBA driving a vehicle

marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.31 About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.32 In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33 Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.34 Sometime in April 1994, before the April 13<sup>th</sup> attack on Musha Parish, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA, were seen in a car behind a truckload of interahamwe, on their way to Mulire to launch an attack.

3.35 Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.36 On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.37 During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.38 During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

3.39 During the said attack Paul BISENGIMANA and Laurent SEMANZA singled out Rusanganwa, a local teacher, for questioning. Paul BISENGIMANA and Laurent SEMANZA cut off one arm each as they were questioning him.

3.40 Those in command of the attack on Musha Church included Paul BISENGIMANA and Laurent SEMANZA. During the attack, Paul BISENGIMANA and Laurent SEMANZA personally took part in the killings.

3.41 After the killings of 13 April 1994, at Musha Church, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA asked the killers for the dead bodies of some people. After they were shown the bodies they sent of trucks to take the bodies to mass graves. Paul BISENGIMANA was seen directing the burying of people after the attack.

3.42 In April 1994, Paul BISENGIMANA and Laurent SEMANZA, along with some interahamwe went to Hameau St. Kizoto with the intention of killing people who sought refuge at the church. Because the refugees had been told about the attack on Musha church the previous day they had already fled. On other occasions Laurent SEMANZA, accompanied by Paul BISENGIMANA, and interahamwe appeared at the Hameau armed for the purpose of looting. After the looting of the Hameau, no tiles were left on the roofs. When refugees asked Paul BISENGIMANA to evacuate them to a better location he refused to do so.

3.43 In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.44 On or about 19 April 1994, about twenty guns were brought to Gikoro commune from KAMI military camp and people were trained in gun handling. The soldiers who brought them as well as those who received them were reservists. This occurred in the presence of Paul BISENGIMANA.

3.45 During the month of April 1994, Paul BISENGIMANA personally took part in the killings which took place in Gikoro commune, of which he was the *Bourgmestre*, by personally shooting at the people who had

taken refuge there.

3.46 Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government or accomplices of the RPF.

3.47 Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

3.48 Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for the RPF that might exist in Kigali-Rural prefecture.

3.49 Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

## CHARGES

The violations of international humanitarian law referred to in the following charges were committed between 1<sup>st</sup> January and 31<sup>st</sup> December 1994 in the territory of the Republic of Rwanda and refer to the events described in paragraphs 2.1-3.49 above.

For all of the acts described in the paragraphs specified in each of the counts the accused either planned, incited to commit, ordered, committed, or in some other way aided and abetted the planning, preparation or execution of the said acts,

And,

The accused knew or had reason to know, that his subordinates were preparing to commit or had committed one or more of the acts referred

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to in Articles 2 to 4 of the Statute of the Tribunal and failed to take the necessary and reasonable measures to prevent the said acts from being committed or to punish those who were responsible.

### **COUNT 1: Genocide pursuant to Article 2(3)(a) of the Statute**

**Paul Bisengimana** by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.15, 3.21, 3.21(i), 3.22, 3.23, 3.26(i), 3.26(ii), 3.27, 3.28, 3.28(i), 3.28(ii), 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.43, 3.45, 3.49.

#### **3.15:**

Between 1 January and 31 July 1994, Paul BISENGIMANA and Laurent SEMANZA transported soldiers in their vehicle. These soldiers were used in the perpetration of massacres.

#### **3.21:**

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

#### **3.21(i):**

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

#### **3.22:**

Sometime in April 1994, Paul BISENGIMANA was seen in Musha getting out of a vehicle with Laurent SEMANZA. They were accompanied by presidential guards. Laurent SEMANZA, addressing a small crowd of people who had come to see the authorities, said: "how far have you gotten with the work. You have to kill Tutsi women. You should also rape them to see what they are like." Rather than disassociating himself from these statements, Paul BISENGIMANA left with Laurent SEMANZA after the conclusion of the remarks. Immediately thereafter a crowd assembled and began to rape Tutsi women. The crowd noted that they had just been authorized to do whatever they wanted to Tutsi women.

#### **3.23:**

In April 1994, Paul BISENGIMANA transported and gave out guns and grenades to the

civilian population of his commune and training in weaponry; these weapons were used in the perpetration of the massacres.

3.26(i):

After the above rape, a young Hutu asked Paul BISENGIMANA for permission to rape Tutsi girls. BISENGIMANA answered, "Do not keep them as wives, but rather rape them to make a difference and then kill them afterwards".

3.26(ii):

Thereafter, a military jeep arrived with eight soldiers who joined Paul BISENGIMANA. A large group of interahamwe then arrived. BISENGIMANA, accompanied by Gikoro Communal Policeman RWABUKUMBA, addressed the interahamwe as follows: "Take your cudgels, show these ones here and if you have not enough, you will have to get some from the store over there". As a result of this incitement, the interahamwe killed Andre Kubwamungu, a security guard at CERAI. Soon after, they went towards the neighbouring houses to kill Tutsis. The massacre quickly spread all over the cellule.

3.27:

On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that "BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling." The next day killings and rapes started in that secteur. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: "...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death." He continued: "...you may start with those present here. Do not forget to demolish and burn their houses and loot their property." After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i):

About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii):

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama cellule where he informed the local Interahamwe that: "Bourgmestre BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad



smell". After his address Tutsi women were sought out and raped.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the [6 April 1994] death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of

Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.34: Sometime in April 1994, before the April 13<sup>th</sup> attack on Musha Parish, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA, were seen in a car behind a truckload of interahamwe, on their way to Mulire to launch an attack.

3.35: Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.36: On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.37: During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.38: During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

3.39: During the said attack Paul BISENGIMANA and Laurent SEMANZA singled out Rusanganwa, a local teacher, for questioning. Paul BISENGIMANA and Laurent SEMANZA cut off one arm each as they were questioning him.

3.40: Those in command of the attack on Musha Church included Paul BISENGIMANA and Laurent SEMANZA. During the attack, Paul BISENGIMANA and Laurent SEMANZA personally took part in the killings.

3.41: After the killings of 13 April 1994, at Musha Church, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA asked the killers for the dead bodies of some people. After they were shown the bodies they sent of trucks to take the bodies to mass graves. Paul BISENGIMANA was seen directing the burying of people after the attack.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.45:

During the month of April 1994, Paul BISENGIMANA personally took part in the killings which took place in Gikoro commune, of which he was the *Bourgmestre*, by personally shooting at the people who had taken refuge there.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.14, 3.21, 3.21(i), 3.22, 3.23, 3.25(i), 3.25(iii), 3.27, 3.28, 3.28(i), 3.28(ii), 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.43, 3.49.

3.14:

Sometime between 1 January 1994 and 31 July 1994, Paul BISENGIMANA, Juvénal RUGAMBARARA, and Laurent SEMANZA, issued weapons to the young MRND militiamen, the *Interahamwe*, and took part in their training. During the events referred to in this indictment, several of these militiamen participated directly in the massacres of the civilian population.

3.21:

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

3.21(i):

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.22:

Sometime in April 1994, Paul BISENGIMANA was seen in Musha getting out of a vehicle with Laurent SEMANZA. They were accompanied by presidential guard soldiers. Laurent SEMANZA, addressing a small crowd of people who had come to see the authorities, said:

“how far have you gotten with the work. You have to kill Tutsi women. You should also rape them to see what they are like.” Rather than disassociating himself from these statements, Paul BISENGIMANA left with Laurent SEMANZA after the conclusion of the remarks. Immediately thereafter a crowd assembled and began to rape Tutsi women. The crowd noted that they had just been authorized to do whatever they wanted to Tutsi women.

3.23:

In April 1994, Paul BISENGIMANA transported and gave out guns and grenades to the civilian population of his commune and training in weaponry; these weapons were used in the perpetration of the massacres.

3.25(i):

A few hours after the [...] announcements [in 3.25, above] were made, the houses of Tutsis in that sector were set on fire.

3.25(iii):

Later that day attackers returned to the *cellule* and killed Nyirinyegamo and some of the occupants of his house.

3.27:

On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that “BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling.” The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: “...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President’s death.” He continued: “...you may start with those present here. Do not forget to demolish and burn their houses and loot their property.” After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i):

About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii):

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: “*Bourgmestre* BISENGIMANA has ordered

that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro,

worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.34:

Sometime in April 1994, before the April 13<sup>th</sup> attack on Musha Parish, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA, were seen in a car behind a truckload of interahamwe, on their way to Mulire to launch an attack.

3.35:

Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.36:

On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.37:

During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.38:

During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Committed **GENOCIDE**, the killing or causing of serious bodily or mental harm to members of the Tutsi group, with intent to destroy that group in whole or in part, pursuant to Article 2(3)(a), a crime for which he is responsible, and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

## ALTERNATIVELY

### COUNT 2: Complicity in Genocide, Pursuant to Article 2(3)(e) of the Statute

**Paul Bisengimana** by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.14, 3.15, 3.21, 3.22, 3.23, 3.24, 3.28, 3.28(i), 3.28(ii), 3.31, 3.32, 3.33, 3.34, 3.35, 3.38, 3.41, 3.42, 3.43, 3.44, 3.45, 3.49.

#### 3.14:

Sometime between 1 January 1994 and 31 July 1994, Paul BISENGIMANA, Juvénal RUGAMBARARA, and Laurent SEMANZA, issued weapons to the young MRND militiamen, the *Interahamwe*, and took part in their training. During the events referred to in this indictment, several of these militiamen participated directly in the massacres of the civilian population.

#### 3.15:

Between 1 January and 31 July 1994, Paul BISENGIMANA and Laurent SEMANZA transported soldiers in their vehicle. These soldiers were used in the perpetration of massacres.

#### 3.21:

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvénal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

#### 3.22:

Sometime in April 1994, Paul BISENGIMANA was seen in Musha getting out of a vehicle with Laurent SEMANZA. They were accompanied by presidential guards. Laurent SEMANZA, addressing a small crowd of people who had come to see the authorities, said: "how far have you gotten with the work. You have to kill Tutsi women. You should also rape them to see what they are like." Rather than disassociating himself from these statements, Paul BISENGIMANA left with Laurent SEMANZA after the conclusion of the remarks. Immediately thereafter a crowd assembled and began to rape Tutsi women. The

crowd noted that they had just been authorized to do whatever they wanted to Tutsi women.

3.23:

In April 1994, Paul BISENGIMANA transported and gave out guns and grenades to the civilian population of his commune and training in weaponry; these weapons were used in the perpetration of the massacres.

3.24:

Upon commencement of the killings in Bicumbi, Paul BISENGIMANA and Laurent SEMANZA, accompanied by five youths were seen unloading machetes. Thereafter, they went to Runyinya *secteur* office to give false assurances of safety to refugees from Gikoro and Bicumbi *secteurs*.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: "...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death." He continued: "...you may start with those present here. Do not forget to demolish and burn their houses and loot their property." After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i):

About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii):

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul



BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.34:

Sometime in April 1994, before the April 13<sup>th</sup> attack on Musha Parish, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA, were seen in a car behind a truckload of interahamwe, on their way to Mulire to launch an attack.

3.35:

Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.38:

During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

3.41:

After the killings of 13 April 1994, at Musha Church, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA asked the killers for the dead bodies of some people. After they were shown the bodies they sent of trucks to take the bodies to mass graves. Paul BISENGIMANA was seen directing the burying of people after the attack.

3.42:

In April 1994, Paul BISENGIMANA and Laurent SEMANZA, along with some interahamwe went to Hameau St. Kizoto with the intention of killing people who sought refuge at the church. Because the refugees had been told about the attack on Musha church the previous day they had already fled. On other occasions Laurent SEMANZA, accompanied by Paul BISENGIMANA, and interahamwe appeared at the Hameau armed for the purpose of looting. After the looting of the Hameau, no tiles were left on the roofs. When refugees asked Paul BISENGIMANA to evacuate them to a better location he refused to do so.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.44:

On or about 19 April 1994, about twenty guns were brought to Gikoro commune from KAMI military camp and people were trained in gun handling. The soldiers who brought them as well as those who received them were reservists. This occurred in the presence of Paul BISENGIMANA.

3.45:

During the month of April 1994, Paul BISENGIMANA personally took part in the killings which took place in Gikoro commune, of which he was the *Bourgmestre*, by personally shooting at the people who had taken refuge there.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

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, an ethnic or racial group, and thereby committed **COMPLICITY IN GENOCIDE**, pursuant to Article 2(3)(e), a crime for which he is responsible, and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

**COUNT 3: Conspiracy to Commit Genocide, Pursuant to Article 2(3)(b) of the Statute**

Paul Bisengimana by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1) Paragraphs 3.9(i), 3.12, 3.13, 3.14, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21(i), 3.24, 3.49.

3.9(i):

From late 1990 through about July 1994, military personnel, members of the government, political leaders, 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. In executing the plan, they organized, ordered and participated in the massacres perpetrated against the Tutsi population and moderate Hutus. Paul BISENGIMANA adhered to elaborated and executed this plan at the Commune level.

3.12:

Between 1 January 1994 and 30 April 1994, Paul BISENGIMANA, and other influential persons such as Laurent SEMANZA and Juvenal RUGAMBARARA, held meetings during which they threatened the Tutsis and those who were not members of the MRND.

3.13:

During some of those meetings the Tutsis in the commune, were excluded on account of their ethnicity and plans to attack them were formulated.

general?

3.14:

Sometime between 1 January 1994 and 31 July 1994, Paul BISENGIMANA, Juvénal RUGAMBARARA, and Laurent SEMANZA, issued weapons to the young MRND militiamen, the *Interahamwe*, and took part in their training. During the events referred to in this indictment, several of these militiamen participated directly in the massacres of the civilian population.

3.16:

As of early 1994, Paul BISENGIMANA and other influential persons such as Juvenal RUGAMBARARA and Laurent SEMANZA, incited the people, including militiamen, to commit acts of genocide against the Tutsis. During the events referred to in this indictment several of these militiamen participated directly in the massacres of the civilian population.

3.17:

In January 1994, Paul BISENGIMANA, Juvenal RUGAMBARA, and Laurent SEMANZA, assembled a group of youth to whom they made anti-Tutsi statements. The youths were given machetes and underwent training in defense techniques and killing.

3.18:

In January 1994, a meeting was held at Musha junction. The meeting was led by Paul BISENGIMANA, Laurent SEMANZA, MRND and PL party representatives. Laurent Semanza stated that "Those who are not members of the MRND are not welcomed in the communes." The following day during an interahamwe demonstration Bonna Muhozi (a young Hutu who was not a MRND member) was killed. Paul BISENGIMANA attended the Musha junction meeting in his capacity as *bourgmestre* and did not disassociate himself from the statements made by Laurent SEMANZA, thus giving a clear signal to the people that massacres would be condoned by him.

3.19:

In February 1994, there was a meeting of all of the Gikoro people in Rutoma. The meeting was compulsory, as failure to attend the meeting would result in an arrest. The meeting was led by Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA. Paul BISENGIMANA said that: "SEMANZA has an important message to deliver." Laurent SEMANZA added: "No Tutsis can scare anyone. They are going to be killed, they are not many, we are going to throw them in Muhazi and Mugesera lakes so that they will go and join their ancestors in Ethiopia." Thereafter a climate of insecurity set in. Four days later a grenade attack was launched on the house of VICTIM A. Paul BISENGIMANA attended the Rutoma meeting in his capacity as *bourgmestre* and did not disassociate himself from the statements made by Laurent SEMANZA, thus giving a clear signal to the people that massacres would be condoned by him.

3.20:

In February 1994, during a public meeting held at the Nyamirambo stadium in Kigali, after Laurent SEMANZA spoke to a large crowd, the meeting ended with a chant of "Tubatsembembe" which means "let us exterminate them", "them" meaning the Tutsis. Laurent SEMANZA was accompanied by Paul BISENGIMANA and Juvenal

**RUGAMBARARA.** Paul BISENGIMANA attended in his capacity as *bourgmestre* and did not disassociate himself from the chants and statements made by Laurent SEMANZA, thus giving a clear signal to the people that massacres would be condoned by him.

3.21:

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

3.21(i):

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.24:

Upon commencement of the killings in Bicumbi, Paul BISENGIMANA and Laurent SEMANZA, accompanied by five youths were seen unloading machetes. Thereafter, they went to Runyinya *secteur* office to give false assurances of safety to refugees from Gikoro and Bicumbi *secteurs*.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

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

#### **COUNT 4: Direct and Public Incitement to Commit Genocide Pursuant to Article 2(3)(c) of the Statute**

Paul Bisengimana by the acts or omissions described in the paragraphs to which reference is made here in below:

Pursuant to Article 6(1): Paragraphs 3.26(ii), 3.28, 3.29, 3.43, 3.49.

3.26(ii):

Thereafter, a military jeep arrived with eight soldiers who joined Paul BISENGIMANA. A large group of interahamwe then arrived. BISENGIMANA, accompanied by Gikoro

Communal Policeman RWABUKUMBA, addressed the interahamwe as follows: *"Take your cudgels, show these ones here and if you have not enough, you will have to get some from the store over there"*. As a result of this incitement, the interahamwe killed Andre Kubwamungu, a security guard at CERAI. Soon after, they went towards the neighbouring houses to kill Tutsis. The massacre quickly spread all over the *cellule*.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: *"...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death."* He continued: *"...you may start with those present here. Do not forget to demolish and burn their houses and loot their property."* After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisingimana addressed them as follows: *"Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses"*. He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: *"This is not a war between [the parties] it is a war against the Tutsis...."* Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.25, 3.25(ii), 3.30, 3.49

3.25:

On or about the morning of 7 April 1994, a Gikoro commune policeman made announcements throughout the *cellule* that: *"All the population of Gikoro commune must revenge against the enemy and none should escape. All person who is Hutu must pursue the*

*accomplices and these accomplices are the Tutsis. They are the ones who killed the President while returning from defending their cause". He added that "the CDR also says that anyone who spares the life of any Tutsi, will pay for the death of President Habyarimana". He also declared, "If you cannot do it, ask for assistance from the communal office".*

**3.25(ii):**

Thereafter, UWIMANA, a Gikoro commune policeman, arrived accompanied by armed Hutus singing the BATSEMBA. UWIMANA said: *"Tomorrow, there will be a meeting at the communal office and before coming, you must clean the cellule and to clean, is to kill all the Tutsis"*.

**3.30:**

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

**3.49:**

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for direct and public incitement to kill and cause serious bodily or mental harm to members of the Tutsi population, with intent to destroy, in whole or in part, an ethnic or racial group as such, and thereby committed **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, pursuant to Article 2(3)(c), a crime for which he is responsible, and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

**COUNT 5: Crimes Against Humanity-Murder Pursuant to Article 3(a) of the Statute**

Paul Bisengimana by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.31, 3.39, 3.49

**3.31:**

About five days after massacres commenced in a *secteur* of Runyinya, a woman called

Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.39:

During the said attack Paul BISENGIMANA and Laurent SEMANZA singled out Rusanganwa, a local teacher, for questioning. Paul BISENGIMANA and Laurent SEMANZA cut off one arm each as they were questioning him.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.25(iii), 3.26(ii), 3.31, 3.49.

3.25(iii):

[On or about 7 April 1994, at Gikoro Commune] attackers returned to the *cellule* and killed Nyirinyegamo and some of the occupants of his house.

3.26(ii):

[On or about 8 April 1994] a military jeep arrived with eight soldiers who joined Paul BISENGIMANA. A large group of interahamwe then arrived. BISENGIMANA, accompanied by Gikoro Communal Policeman RWABUKUMBA, addressed the interahamwe as follows: "Take your cudgels, show these ones here and if you have not enough, you will have to get some from the store over there". As a result of this incitement, the interahamwe killed Andre Kubwamungu, a security guard at CERAI. Soon after, they went towards the neighbouring houses to kill Tutsis. The massacre quickly spread all over the *cellule*.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for the murder of Tutsi(s) as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed (murder) a **CRIME AGAINST HUMANITY**, pursuant to Article 3(a) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal for Rwanda.

**COUNT 6: Crimes Against Humanity-Extermination Pursuant to Article 3(b) of the Statute**

Paul BISENGIMANA by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.49<sup>21</sup>, 3.21(i), 3.25(iii), 3.26(i), 3.26(ii), 3.27, 3.28, 3.28(i), 3.28(ii), 3.29, 3.30, 3.32, 3.33, 3.34, 3.35, 3.36, 3.38, 3.40, 3.43, 3.45, 3.49.

3.49:

3.21  
In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day. 2

3.21(i):

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.25(iii):

[On or about 8 April 1994] attackers returned to the *cellule* and killed Nyirinyegamo and some of the occupants of his house.

3.26(i):

After the above rape, a young Hutu asked Paul BISENGIMANA for permission to rape Tutsi girls. BISENGIMANA answered, "Do not keep them as wives, but rather rape them to make a difference and then kill them afterwards".

3.26(ii) Thereafter, a military jeep arrived with eight soldiers who joined Paul BISENGIMANA. A large group of interahamwe then arrived. BISENGIMANA, accompanied by Gikoro Communal Policeman RWABUKUMBA, addressed the



interahamwe as follows: *"Take your cudgels, show these ones here and if you have not enough, you will have to get some from the store over there"*. As a result of this incitement, the interahamwe killed Andre Kubwamungu, a security guard at CERAI. Soon after, they went towards the neighbouring houses to kill Tutsis. The massacre quickly spread all over the *cellule*.

3.27:

On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that "BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling." The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: "...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death." He continued: "...you may start with those present here. Do not forget to demolish and burn their houses and loot their property." After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i):

About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii):

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahame in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.34:

Sometime in April 1994, before the April 13<sup>th</sup> attack on Musha Parish, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA, were seen in a car behind a truckload of interahamwe, on their way to Mulire to launch an attack.

3.35:

Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.36:

On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.38:

During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by

them personally. Almost all of the refugees were killed in the attack.

3.40:

Those in command of the attack on Musha Church included Paul BISENGIMANA and Laurent SEMANZA. During the attack, Paul BISENGIMANA and Laurent SEMANZA personally took part in the killings.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.45:

During the month of April 1994, Paul BISENGIMANA personally took part in the killings which took place in Gikoro commune, of which he was the *Bourgmestre*, by personally shooting at the people who had taken refuge there.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.14, 3.21, 3.21(i), 3.23, 3.25(i), 3.27, 3.28, 3.28(i), 3.28(ii), 3.29, 3.30, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.43, 3.49.

3.14:

Sometime between 1 January 1994 and 31 July 1994, Paul BISENGIMANA, Juvénal RUGAMBARARA, and Laurent SEMANZA, issued weapons to the young MRND militiamen, the *Interahamwe*, and took part in their training. During the events referred to in this indictment, several of these militiamen participated directly in the massacres of the civilian population.

3.21:

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvénal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

3.21(i):

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.23:

In April 1994, Paul BISENGIMANA transported and gave out guns and grenades to the

civilian population of his commune and training in weaponry; these weapons were used in the perpetration of the massacres.

3.25(i): A few hours after the above announcements were made, the houses of Tutsis in that sector were set on fire.

3.27: On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that "BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling." The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28: On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: "...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death." He continued: "...you may start with those present here. Do not forget to demolish and burn their houses and loot their property." After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i): About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii): The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29: On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings

began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahame in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the [6 April 1994] death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.34:

Sometime in April 1994, before the April 13<sup>th</sup> attack on Musha Parish, Paul BISENGIMANA, Juvenal RUGAMBARARA, and Laurent SEMANZA, were seen in a car behind a truckload of interahamwe, on their way to Mulire to launch an attack.

3.35:

Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.36:

On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.37:

During the killings at Musha church on or about 13 April 1994, a number of women were

killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.38:

During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for the extermination of Tutsis as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed (extermination) a **CRIME AGAINST HUMANITY**, pursuant to Article 3(b) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal for Rwanda.

#### **COUNT 7: Crimes Against Humanity-Torture Pursuant to Article 3(f) of the Statute**

**Paul Bisengimana** by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): 3.39, 3.49.

3.39:

During the said attack Paul BISENGIMANA and Laurent SEMANZA singled out Rusanganwa, a local teacher, for questioning. Paul BISENGIMANA and Laurent SEMANZA cut off one arm each as they were questioning him.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.37, 3.49.

3.37:

During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for the torture of Tutsis as part of a widespread and systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed (torture) a **CRIME AGAINST HUMANITY**, pursuant to Article 3(f) and punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal for Rwanda.

**COUNT 8: Crimes Against Humanity-Rape Pursuant to Article 3(g) of the Statute**

Paul BISENGIMANA by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.26, 3.26(i), 3.27, 3.28(ii), 3.29, 3.31, 3.49.

3.26:

On or about 8 April 1994, Tutsis were ordered to the Gikoro communal office. Paul BISENGIMANA raped VICTIM C, a Tutsi working at the communal office.

3.26(i):

After the above rape, a young Hutu asked Paul BISENGIMANA for permission to rape Tutsi girls. BISENGIMANA answered, *“Do not keep them as wives, but rather rape them to make a difference and then kill them afterwards”*.

3.27:

On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that *“BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling.”* The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28(ii):

[On or about 10 April 1994] RWABUKUMBA was brought in a commune vehicle to Rugarama cellule where he informed the local Interahamwe that: "Bourgmestre BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses". He gave these instructions in the presence of the Conseiller of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.31:

About five days after massacres commenced in a secteur of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe secteur to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.22, 3.28(ii), 3.29, 3.30, 3.37, 3.49.

3.22:

Sometime in April 1994, Paul BISENGIMANA was seen in Musha getting out of a vehicle with Laurent SEMANZA. They were accompanied by presidential guard soldiers. Laurent SEMANZA, addressing a small crowd of people who had come to see the authorities, said: "how far have you gotten with the work. You have to kill Tutsi women. You should also rape them to see what they are like." Rather than disassociating himself from these statements, Paul BISENGIMANA left with Laurent SEMANZA after the conclusion of the remarks. Immediately thereafter a crowd assembled and began to rape Tutsi women. The crowd noted that they had just been authorized to do whatever they wanted to Tutsi women.



3.28(ii):

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.37:

During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for rape as part of a widespread and systematic attack against a civilian population, on political, ethnic or racial grounds, and thereby committed (rape) a **CRIME AGAINST HUMANITY** pursuant to Article 3(g), a crime, punishable in reference to Articles 22 and 23 of the Statute of the International Criminal Tribunal for Rwanda.

**COUNT 9: Crimes Against Humanity-Other Inhumane Acts Pursuant to Article 3(i) of the Statute**

**Paul BISENGIMANA** by the acts or omissions described in the paragraph to which reference is made herein below:

Pursuant to Article 6(3) 3.25(iv), 3.30, 3.49.

**3.25(iv):**

The following day two Hutus at Muhogoto, armed with stakes and arrows, hit VICTIM B on the chest with a stake, seriously wounding her. One of the attackers threw her son off of her and then tore off her clothes and spread her legs apart. Upon finding blood between her legs he spat on her sex organs instead of raping her.

**3.30:**

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

**3.49:**

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for the committing of the inhumane acts of violent rape to deliberately cause a fetus to abort, beating and sexual abuse, all of which are a **CRIME AGAINST HUMANITY**, pursuant to Article 3(i), and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

**COUNT 10: Geneva Convention Violations Pursuant to Article 4(a) of the Statute**

**Paul BISENGIMANA** during a non-international armed conflict, by the acts or omissions described in the paragraphs to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.21, 3.21(i), 3.26(i), 3.26(ii), 3.27, 3.28, 3.28(i), 3.28(ii),

3.29, 3.30, 3.31, 3.32, 3.33, 3.35, 3.36, 3.38, 3.39, 3.40, 3.43, 3.45, 3.46, 3.47, 3.48, 3.49.

3.21:

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interahamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

3.21(i):

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.26(i):

After the above rape, a young Hutu asked Paul BISENGIMANA for permission to rape Tutsi girls. BISENGIMANA answered, *"Do not keep them as wives, but rather rape them to make a difference and then kill them afterwards"*.

3.26(ii):

Thereafter, a military jeep arrived with eight soldiers who joined Paul BISENGIMANA. A large group of interahamwe then arrived. BISENGIMANA, accompanied by Gikoro Communal Policeman RWABUKUMBA, addressed the interahamwe as follows: *"Take your cudgels, show these ones here and if you have not enough, you will have to get some from the store over there"*. As a result of this incitement, the interahamwe killed Andre Kubwamungu, a security guard at CERAI. Soon after, they went towards the neighbouring houses to kill Tutsis. The massacre quickly spread all over the *cellule*.

3.27:

On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that *"BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling."* The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: *"...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death."* He continued: *"...you may start with those present here. Do not forget to demolish and burn their houses and loot their property."* After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.28(i):

About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii):

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell*". After his address Tutsi women were sought out and raped.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law

enforcement. After the [6 April 1994] death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.35:

Before the 13 April 1994, attack on Musha Church, Paul BISENGIMANA and Laurent SEMANZA were seen transporting armed men to the church.

3.36:

On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

3.38:

During the [on or about 13 April 1994 Musha Church] attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

3.39:

During the said attack Paul BISENGIMANA and Laurent SEMANZA singled out Rusanganwa, a local teacher, for questioning. Paul BISENGIMANA and Laurent SEMANZA cut off one arm each as they were questioning him.

3.40:

Those in command of the attack on Musha Church included Paul BISENGIMANA and Laurent SEMANZA. During the attack, Paul BISENGIMANA and Laurent SEMANZA personally took part in the killings.

3.43:

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

**3.45:**

During the month of April 1994, Paul BISENGIMANA personally took part in the killings which took place in Gikoro commune, of which he was the *Bourgmestre*, by personally shooting at the people who had taken refuge there.

**3.46:**

Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government and / or accomplices of the RPF.

**3.47:**

Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

**3.48:**

Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for the RPF that might exist in Kigali-Rural prefecture.

**3.49:**

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.14, 3.21, 3.21(i), 3.23, 3.25(i), 3.25(ii), 3.25(iv), 3.27, 3.28(i), 3.28(ii), 3.29, 3.30, 3.31, 3.32, 3.33, 3.36, 3.37, 3.38, 3.43, 3.46, 3.47, 3.48, 3.49.

**3.14:**

Sometime between 1 January 1994 and 31 July 1994, Paul BISENGIMANA, Juvénal RUGAMBARARA, and Laurent SEMANZA, issued weapons to the young MRND militiamen, the *Interahamwe*, and took part in their training. During the events referred to in this indictment, several of these militiamen participated directly in the massacres of the civilian population.

**3.21:**

In addition to the public meetings discussed in paragraphs 3.12 and 3.13, above, in April 1994, Paul BISENGIMANA also held private meetings in his home with Juvenal RUGAMBARARA and Laurent SEMANZA, among others. During these meetings Paul BISENGIMANA was informed of and or approved of plans for the attacks on Musha Church and Gikoro commune. NZABARA, the leader of a group of interahamwe, and Athanase NSABIMANA, the president of the interhamwe, regularly appeared at Paul BISENGIMANA's house to report on the actions of the day.

**3.21(i):**

Paul BISENGIMANA told some of the people who came to visit him during this time that they should kill the Tutsis they were hiding.

3.23:  
In April 1994, Paul BISENGIMANA transported and gave out guns and grenades to the civilian population of his commune and training in weaponry; these weapons were used in the perpetration of the massacres.

3.25(i):  
A few hours after the above announcements were made, the houses of Tutsis in that sector were set on fire.

3.25(iii):  
Later that day attackers returned to the *cellule* and killed Nyirinyegamo and some of the occupants of his house.

3.25(iv):  
The following day two Hutus at Muhogoto, armed with stakes and arrows, hit VICTIM B on the chest with a stake, seriously wounding her. One of the attackers threw her son off of her and then tore off her clothes and spread her legs apart. Upon finding blood between her legs he spat on her sex organs instead of raping her.

3.27:  
On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that "BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling." The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

3.28(i):  
About 3:00 p.m. on the same day, Paul BISENGIMANA was seen in a vehicle in the company of RWABUKUMBA. Soon after a group of attackers, including some soldiers, launched an attack in the area.

3.28(ii):  
The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

3.29:  
On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings

began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.32:

In April 1994, Paul BISENGIMANA led those who asked for refuge to Musha Church. Paul BISENGIMANA, as *bourgmestre* had policing duties in regard to maintaining order and law enforcement. After the [6 April 1994] death of the President, Paul BISENGIMANA assured the refugees at Musha Church that their safety would be ensured. Rather than take measures to prevent, or to put an end to the massacres, or punish the perpetrators, Paul BISENGIMANA took part in the massacres himself.

3.33:

Between about 9 and 13 April 1994, Paul BISENGIMANA, as the *Bourgmestre* of Gikoro, worked closely with Juvénal RUGAMBARARA, the *Bourgmestre* of Bicumbi and Laurent SEMANZA in organizing the transportation of soldiers, interahamwe, weapons and fuel to carry out mass killings in Musha Parish, Gikoro *commune*, where several thousand people had taken refuge from the killing in their *secteur*.

3.36:

On or about 13 April 1994, Paul BISENGIMANA appeared at Musha church with Juvenal RUGAMBARARA, Laurent SEMANZA, and policemen, interahamwe and soldiers. Paul BISENGIMANA and Laurent SEMANZA were the first people to go in. Paul BISENGIMANA and the others who appeared with him at the church were armed. Laurent SEMANZA addressed the people he was with as follows: "I do not want anybody from the church to escape. Even if it is necessary destroy the church." Thereafter, the interahamwe started the killings in Musha Church. During the time the killings were going on Paul BISENGIMANA, Juvenal RUGAMBARARA and Laurent Semanza were present and watched what was going on. Paul BISENGIMANA failed to take measures to put an end to



these acts, or punish the perpetrators.

**3.37:**

During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

**3.38:**

During the said attack, soldiers and interahamwe used guns, local weapons, grenades and rocket propelled grenades to attack the refugees and selected specific persons to be killed by them personally. Almost all of the refugees were killed in the attack.

**3.43:**

In Ruhonga on or about 15 April 1994, Paul BISENGIMANA sat on the roof of his vehicle (which was loaded with interahamwe from Bicumbi) with a microphone and addressed the people who gathered at the church. He said the following: "This is not a war between [the parties] it is a war against the Tutsis...." Paul BISENGIMANA was accompanied by Laurent SEMANZA during these remarks. There were shootings after these remarks.

**3.46:**

Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government and / or accomplices of the RPF.

**3.47:**

Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

**3.48:**

Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for the RPF that might exist in Kigali-Rural prefecture.

**3.49:**

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for causing violence to life, health and physical or mental wellbeing of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment, and thereby committed serious violations of Article 3 common to the **GENEVA CONVENTIONS** of 12 August 1949 for the protection of victims in times of war, and of Additional Protocol II thereto of 8 June 1977, pursuant to Article 4(a), a crime which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

**COUNT 11: Geneva Convention Violations Pursuant to Article 4(e) of the Statute**

**Paul BISENGIMANA**, during a non-international armed conflict, by his acts or omissions to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.26, 3.26(i), 3.27, 3.28(ii), 3.29, 3.31, 3.46, 3.47, 3.48, 3.49.

**3.26:**

On or about 8 April 1994, Tutsis were ordered to the Gikoro communal office. Paul BISENGIMANA raped VICTIM C, a Tutsi working at the communal office.

**3.26(i):**

After the above rape, a young Hutu asked Paul BISENGIMANA for permission to rape Tutsi girls. BISENGIMANA answered, *“Do not keep them as wives, but rather rape them to make a difference and then kill them afterwards”*.

**3.27:**

On or about 8 April 1994, Gikoro communal policeman, RWABUKUMBA, encouraged Hutus to kill Tutsis and loot their property. He told a group of people that “BISENGIMANA has given instructions that Tutsi people must be killed, including the pregnant and the suckling.” The next day killings and rapes started in that *secteur*. Paul BISENGIMANA gave the order that Tutsi women must be raped to ascertain if they tasted any different from Hutu women. Among those raped was an 18 year old virgin, raped by three Interahamwe, including one NGURUMBA. Paul BISENGIAMANA instructed the three Interahamwe to rape Tutsi women and kill them whenever they were fed up with them.

**3.28(ii):**

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: *“Bourgmestre BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell”*. After his address Tutsi women were sought out and raped.

**3.29:**

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: *“Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses”*. He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

**3.31:**

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.46: Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government and / or accomplices of the RPF.

3.47: Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

3.48: Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for the RPF that might exist in Kigali-Rural prefecture.

3.49: Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.22, 3.25(iv), 3.28(ii), 3.29, 3.30, 3.37, 3.46, 3.47, 3.48, 3.49.

3.22 Sometime in April 1994, Paul BISENGIMANA was seen in Musha getting out of a vehicle with Laurent SEMANZA. They were accompanied by presidential guard soldiers. Laurent SEMANZA, addressing a small crowd of people who had come to see the authorities, said: "how far have you gotten with the work. You have to kill Tutsi women. You should also rape them to see what they are like." Rather than disassociating himself from these statements, Paul BISENGIMANA left with Laurent SEMANZA after the conclusion of the remarks. Immediately thereafter a crowd assembled and began to rape Tutsi women. The crowd noted that they had just been authorized to do whatever they wanted to Tutsi women.

3.25(iv): The following day two Hutus at Muhogoto, armed with stakes and arrows, hit VICTIM B on the chest with a stake, seriously wounding her. One of the attackers threw her son off of her and then tore off her clothes and spread her legs apart. Upon finding blood between her

legs he spat on her sex organs instead of raping her.

**3.28(ii):**

The next day, RWABUKUMBA was brought in a commune vehicle to Rugarama *cellule* where he informed the local Interahamwe that: "*Bourgmestre* BISENGIMANA has ordered that Tutsi women and girls be raped before killing them because they give the country a bad smell". After his address Tutsi women were sought out and raped.

**3.29:**

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "*Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses*". He gave these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

**3.30:**

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

**3.37:**

During the killings at Musha church on or about 13 April 1994, a number of women were killed by first having their breasts cut off or having spears inserted into their private parts. Paul BISENGIMANA failed to take measures to put an end to these acts, or punish the perpetrators.

**3.46:**

Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government and / or accomplices of the RPF.

**3.47:**

Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

**3.48:**

Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for

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the RPF that might exist in Kigali-Rural prefecture.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for causing violence to life, health and physical or mental wellbeing of persons, in particular, outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault and thereby committed serious violations of Article 3 common to the **GENEVA CONVENTIONS** of 12 August 1949 for the protection of victims in times of war, and of Additional Protocol II thereto of 8 June 1977, pursuant to Article 4(e), a crime which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

#### **COUNT 12: Geneva Convention Violations Pursuant to Article 4(f) of the Statute**

Paul BISENGIMANA, during a non-international armed conflict, by his acts or omissions to which reference is made herein below:

Pursuant to Article 6(1): Paragraphs 3.28, 3.29, 3.30, 3.31, 3.42, 3.46, 3.47, 3.48, 3.49.

3.28:

On or about 9 April 1994, at about 10:00 a.m., Paul BISENGIMANA was seen in a pick up truck of Gikoro Commune. In the vehicle were traditional weapons such as, studded clubs, machetes, spears and other traditional weapons. Paul BISENGIMANA later addressed the local population as follows: "...Hutus should go back home to continue their work and settle scores with Tutsis for they are responsible for the President's death." He continued: "...you may start with those present here. Do not forget to demolish and burn their houses and loot their property." After the address Paul BISENGIMANA asked RWABUKUMBA to distribute machetes, clubs and petrol used in burning down the houses of Tutsis. While this was going on, he turned to Laurent SEMANZA and asked for reinforcement at Musha Church where there were thousands of refugees.

3.29:

On or about 10 April 1994, Paul BISENGIMANA arrived at the Cyimbazi Electrogaz Plant in a commune pick-up. He was accompanied by four armed policemen, including Gikoro communal policeman RWABUKUMBA and KABANDANA. There were about 200 refugees at the plant which was guarded by about six gendarmes. Upon arrival, BISENGIMANA ordered the gendarmes to deploy themselves in Rwamagana. The guards thereafter left in a military vehicle. Soon after their departure about 300 interahamwe, surrounded the area. Bisengimana addressed them as follows: "Kill the Tutsis, rape the Tutsi women before killing them and loot their properties without forgetting to burn or destroy their houses". He gave

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these instructions in the presence of the counselor of Cyimbazi, as well as the policemen mentioned above. After this address BISENGIMANA left with the four policemen. Killings began thereafter. Many Tutsi women were raped and then killed by interahamwe.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahame in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.31:

About five days after massacres commenced in a *secteur* of Runyinya, a woman called Eugenie and her four children pled with the Conseiller of Fumbwe *secteur* to spare their lives. While in the process of negotiating with the Conseiller, Paul BISENGIMANA came in a vehicle taken from a Tutsi trader, Mukwiye, who had just been killed. Paul BISENGIMANA was accompanied by six persons among whom was a Hutu trader called Karama and RWABUKUMBA. Upon demanding and being informed of the woman's mission, Paul BISENGIMANA immediately ordered that she and her daughter be handed over to Interahamwe to be raped and her other male children be put to death. After Paul BISENGIMANA departed, the woman and her daughter were taken into a nearby bush and pled for mercy but the woman and her daughter were raped for several days before being killed.

3.42:

In April 1994, Paul BISENGIMANA and Laurent SEMANZA, along with some interahamwe went to Hameau St. Kizoto with the intention of killing people who sought refuge at the church. Because the refugees had been told about the attack on Musha church the previous day they had already fled. On other occasions Laurent SEMANZA, accompanied by Paul BISENGIMANA, and interahamwe appeared at the Hameau armed for the purpose of looting. After the looting of the Hameau, no tiles were left on the roofs. When refugees asked Paul BISENGIMANA to evacuate them to a better location he refused to do so.

3.46:

Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government and / or accomplices of the RPF.

3.47:

Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

3.48:

Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for

the RPF that might exist in Kigali-Rural prefecture.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Pursuant to Article 6(3): Paragraphs 3.30, 3.46, 3.47, 3.48, 3.49.

3.30:

On or about 10 April 1994, RWABUKUMBA driving a vehicle marked "Commune de Gikoro", handed over a list which contained the names of those to be killed to the Interahamwe. The policeman subsequently urged the Interahamwe and the local population to kill Tutsis, slaughter their cows for food and demolish their houses. He added that the orders were not his but those of BISENGIMANA. On or about 28 April 1994, one of the women on the list was violently raped to deliberately cause her one month old pregnancy to abort. Her husband was also killed by the Interahamwe. The next day she was again raped by one Habimana ALPHONSE, an Interahamwe in the presence of her four children. The following day, she was raped by one KAYUMBA and two others.

3.46:

Paul BISENGIMANA intended the attacks described in this indictment on these victims to be part of the non-international armed conflict because the Tutsi civilians were considered enemies of the Government and / or accomplices of the RPF.

3.47:

Paul BISENGIMANA set out to destroy the Tutsi enemy as defined in paragraphs 3.9(i) to 3.9(iii) above, in furtherance of Government policy to defeat the RPF.

3.48:

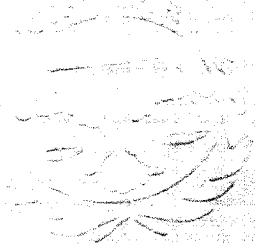
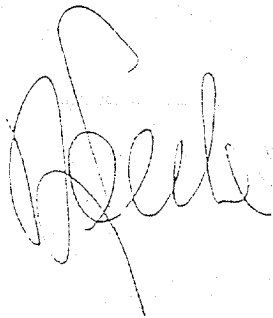
Paul BISENGIMANA intended the incitement and massacres, described in the indictment, to be part of the non-international armed conflict against the RPF. By their actions during the period referred to in this indictment, the accused sought to eliminate any base of support for the RPF that might exist in Kigali-Rural prefecture.

3.49:

Paul BISENGIMANA in his position of authority acting in concert with others; participated in the planning, preparation or 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 with his knowledge and consent.

Is responsible for causing violence to life, health and physical or mental wellbeing of persons, in particular, pillage, and thereby committed serious violations of Article 3 common to the **GENEVA CONVENTIONS** of 12 August 1949 for the protection of victims in times of war, and of Additional Protocol II thereto of 8 June 1977, pursuant to Article 4(f), a crime which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

Dated at Arusha this 1<sup>st</sup> day of July 2000



Carla Del Ponte  
Prosecutor



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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Date Filed:	<b>19 July 2000</b>	Case Name / affaire:	The Prosecutor v. Paul BISENGIMANA
		Case No / no. de l'affaire:	CASE NO ICTR-2000-60-I.
<p><b>TC1</b></p> <input checked="" type="checkbox"/> Judge N. Pillay, President <input checked="" type="checkbox"/> Judge Møse, Vice President <input type="checkbox"/> Judge A. Gunawardana <input type="checkbox"/> E. Nahamya, Co-ordinator		received by / reçu par:	<b>ALO</b> received by / reçu par:
		<i>Jus 20/7/2000</i>	<input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
<p><b>TC2</b></p> <input type="checkbox"/> Juge L. Kama <input type="checkbox"/> Judge W. H. Sekule <input type="checkbox"/> Judge M. Güney <input type="checkbox"/> C. Aptel, Co-ordinator		_____	<input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
<p><b>TC3</b></p> <input type="checkbox"/> Judge L.G. Williams <input checked="" type="checkbox"/> Judge P. Dolenc <input type="checkbox"/> Judge Y. Ostrovsky <input type="checkbox"/> M. Niang, Co-ordinator		<i>P. Dolenc</i>	<input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
<p><b>OTP</b></p> <input type="checkbox"/> C. del Ponte, Prosecutor <input type="checkbox"/> B. Muna, Deputy Prosecutor <input type="checkbox"/> M. Othman, Chief of Prosecutions		<input type="checkbox"/> OTP, Kigali <input checked="" type="checkbox"/> OTP, Other / autre	<input type="checkbox"/> OTP, The Hague <i>[Signature]</i> <i>19th July 2000</i>
<p><b>Defense</b></p> <input type="checkbox"/> Accused / accusé : Paul BISENGIMANA <input type="checkbox"/> Lead Counsel / Conseil Principal: <input type="checkbox"/> Co-Counsel / Conseil Adjoint:			
From: De:	<input type="checkbox"/> JP. Fomété <input type="checkbox"/> A. N'gum <input type="checkbox"/> F. Talon <input checked="" type="checkbox"/> A. Mungu <input type="checkbox"/> R. Muzigo-Morrison		
CC:	<input type="checkbox"/> A. Miller, OLA, NY <input type="checkbox"/> BBK <input type="checkbox"/> T. Kennedy <input type="checkbox"/> K. Moghalu <input type="checkbox"/> WVSS-P <input type="checkbox"/> WVSS-D <input type="checkbox"/> LDFMS		
Subject Objet:	<b>Kindly find attached the following documents / Veuillez trouver en annex les documents suivants:</b>		

1. CERTIFIED COPY OF THE INDICTMENT BEARING THE SEAL OF THE TRIBUNAL

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