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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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Office of The Prosecutor  
Bureau du Procureur

Amaroho Hotel, P.O. Box 749, Kigali, Rwanda  
Fax: +1-212-963-4001 – Tel: +253-84266 or +1-212-963-9906

Case No: ICTR-97-27-I

**THE PROSECUTOR  
OF THE TRIBUNAL**

**AGAINST**

**HASSAN  
NGEZE**

**AMENDED INDICTMENT**

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

**HASSAN NGEZE**

with, **CONSPIRACY TO COMMIT GENOCIDE, DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE, COMPLICITY IN GENOCIDE AND CRIMES AGAINST HUMANITY**, all offences stipulated in Articles 2 and 3 of the Statute of the Tribunal, as set forth below.

## 1. BACKGROUND.

1.1 The revolution of 1959 marked the beginning of a period of ethnic clashes between the Hutu and the Tutsi in Rwanda, causing hundreds of Tutsi to die and thousands more to flee the country over the following

years. The revolution resulted in the abolition of the Tutsi monarchy and the proclamation of the First Republic in early 1961, confirmed in a referendum held in the same year. Legislative elections held in September 1961 confirmed the dominant position of the MDR-PARMEHUTU (*Mouvement Démocratique Républicain-Parti du Mouvement d'Emancipation Hutu*), led by Grégoire Kayibanda, who was subsequently elected President of the Republic by the Legislative Assembly on 26 October 1961.

1.2 The early years of the First Republic, dominated by the Hutus of Gitarama (central Rwanda), were again marked by ethnic violence against the Tutsi and again thousands of them fled the country. The gradual elimination of the opposition parties in those early years confirmed the MDR-PARMEHUTU as the "*parti unique*", the only party to present candidates in the elections of 1965.

1.3 The early part of 1973 in Rwanda was again marked by ethnic confrontations between the Hutu and the Tutsi, prompting another mass exodus of the Tutsi minority from the country, as had occurred between 1959 and 1963. This new outburst of ethnic and political tension between the North and South resulted in the seizure of power in a military coup by General Juvénal Habyarimana on 5 July 1973. At that point, the reins of power passed from the hands of the Hutu of Gitarama to those of the Hutu military, who were from the north of the country (Gisenyi and Ruhengeri), President Habyarimana's native region.

1.4 In 1975, President Habyarimana founded the *Mouvement Révolutionnaire National pour le Développement* (MRND) as the sole party in the country and became the party Chairman. The structure of the MRND, as State Party, was parallel at all levels, to the government, to the point that the two became indistinguishable, from the *Préfet* down to the *Bourgmestres*, *Conseillers de Secteurs* and *Chefs de cellule* leaders, extending to the most informal level, the *Nyumba Kumi*, the head of the basic 10-household social unit.

1.5 By the late 1980s, very few Tutsis held senior positions in the Civil Service and Armed Forces. People close to President Habyarimana occupied most of the strategic positions in the military, political, economic, administrative and governmental sectors of Rwandan society. Among these men and women, exclusively Hutu, an inner circle was formed, made up essentially of relatives of President Habyarimana and his wife, Agathe Kanziga. The inner circle became known as the *Akazu*. To this select group was added other individuals who shared the Hutu extremist ideology. They came almost exclusively from the home region of the President Habyarimana and his wife.

1.6 In 1990, the President of the Republic, Juvénal Habyarimana, and his single party, the MRND, were facing mounting opposition within their own Hutu ethnic group.

1.7 On 1 October 1990, the Rwandan Patriotic Front (RPF), made up mainly of Tutsi refugees, invaded northern Rwanda. A few days later, thousands of people, both civilian and military, presumed to be opponents within the country and suspected of being RPF accomplices, were arrested. Although the Tutsi were the main target, Hutu political opponents were also arrested.

1.8 Following pressure from the internal opposition, the RPF and the international community, a new constitution was adopted on 10 June 1991, introducing the principle of power sharing and a multi-party system to Rwanda. The *Mouvement Révolutionnaire National pour le Développement* (MRND) was renamed *Mouvement Républicain National pour la Démocratie et le Développement* (MRND). The first transitional government was made up almost exclusively of MRND members, following the refusal of the main opposition parties to take part. With the second transitional government in April 1992, the MRND became a minority party for the first time in its history, with nine ministerial portfolios out of 19. Nevertheless, the MRND retained its domination of local administration.

1.9 The new government then entered negotiations with the RPP, which resulted in the signing of the Arusha Accords on 4 August 1993. The Accords provided for a new system of sharing military and civilian power between the RPF, the opposition parties and the MRND.

1.10 By the terms of the Arusha Accords, which provided for the integration of both armed forces, the new national army was to be limited to 13,000 men, 60% from the Rwandan Armed Forces (RAF) and 40% from the Rwandan Patriotic Front (RPF). The posts of command were to be shared equally (50%-50%) between the two sides, with the post of Chief of Staff of the Army assigned to the Rwandan Armed Forces (RAF). The Gendarmerie was to be limited to 6,000 men, 60% RAF and 40% RPF, with the posts of command shared equally (50%-50%) between the two sides and the post of Chief of Staff of the Gendarmerie assigned to the RPF.

1.11 As regards representation within the government, the Arusha Accords limited the number of ministerial portfolios to be held by the MRND (*Mouvement Républicain National pour le Développement*) to five, including the Presidency. The other portfolios were to be shared as follows: RPF (Rwandan Patriotic Front) five; MDR (*Mouvement Démocratique Republicain*) four (including the post of Prime Minister); PSD (*Parti Social Démocrate*) three; PL (*Parti Libéral*) three; and the PDC (*Parti Démocrate Chrétien*) one.

1.12 For the men and women close to President Habyarimana, including the members of the *Akazu*, who held positions of prominence in the various sectors of Rwandan society, this new power sharing plan, as demanded by the political opposition and as stipulated in the Arusha Accords, meant a relinquishment of power and the loss of numerous privileges and benefits. The Arusha Accords also marked the end of an era for the Army officers from the North, who had already seen their power and numbers shrink with the measures of forced retirement and new appointments adopted by the second multi-party transitional government.

1.-13 The extremist ideology of these prominent Hutus styled the entire Tutsi population and the Hutu Southerners opposed to their domination, as accomplices of the RPF. By late 1993, the characterisation of the Hutu opposition as the accomplices of the RPF, led to splits within the MDR, PSD and PL, the major political parties of the opposition. Each of the parties split into two factions, one of which, the "Power" faction, adopted the Hutu extremist ideology and aligned itself with President Habyarimana's party.

1.14 To consolidate their power, the strategy adopted in the early 1990s by the men and women who shared the extremist ideology, comprised the following components: the distribution of weapons to the Hutu civilian population; the organisation of the youth wings of the political parties notably the *interahamwe* (youth wing of the MRND), followed by the provision of military training for these youths; the preparation of lists of persons to be assassinated as well as the assassination of political opponents; the incitement to ethnic violence and the extermination of the Tutsis.

1.15 The incitement to ethnic violence took the form of public speeches by people sharing the extremist ideology. These political and military figures publicly appealed to hatred and urged the Hutu majority to "finish off the enemy and its accomplices". An illustration is the speech made in November 1992 by Léon Mugesera, vice-chairman of the MRND for Gisenyi *Préfecture*, who at the time was already inciting the public to exterminate the Tutsi and their "accomplices." At a conference of the MRND party in Gisenyi, he called on the Hutu population to kill the Tutsis and throw their bodies in the rivers in the country.

1.16 On 4 December 1991, President Juvénal Habyarimana set up a military commission. The commission was given the task of finding an answer to the following question: "*What do we need to do in order to defeat the enemy militarily, in the media and politically?*" The Commission report established: "The enemy.

1.17 In a letter dated 21 September 1992, the General Staff of the Rwandan Armed Forces (RAF) ordered that an extract from the commission report be circulated among the troops. The extract defined the main enemy as follows: "*The Tutsis from inside or outside the country, who are extremists and nostalgic for power, who do not recognize and have never recognized the realities of the Social Revolution of 1959, and are seeking to regain power in Rwanda by any means, including taking up arms.*" The secondary enemy was defined as:

*"anyone providing any kind of assistance to the main enemy".* The document specified that the enemy was being recruited from within certain social groups, notably: "*the Tutsi inside the country, Hutu who are dissatisfied with the present regime, foreigners married to Tutsi women...*" Among the activities the enemy was accused of, the document mentioned "*The diversion of national opinion from the ethnic problem to the socio-economic problem between the rich and the poor*".

1.18 In 1990, members of the minority Tutsi ethnic group were massacred in Kibilira, and in the following places, Bagogwe and Bugesera in 1991 and 1992 respectively. On each occasion, these crimes remained unpunished.

1.19 To ensure widespread dissemination of calls to ethnic violence, prominent figures from the President's circle set up the media to promote ethnic hatred and fear. The Kangura newspaper was the most well-known example of Government-sponsored hate propaganda. From April 1991, the newspaper with a circulation of approximately 10,000 was printed free of charge by the National Printing Press. Rwanda Armed Forces Colonel Anatole Nsengiyumva, head of Military Intelligence personally assisted in the distribution of the newspaper in the capital, Kigali. The newspaper repeated calls by the authorities for the elimination of the Tutsis. It carried the warning: "Let us learn about the Inkotanyi plans and then let us eliminate every last one of them". Hate propaganda, presented in its crudest form, appeared in the publication of the Hutu Ten Commandments in the Kangura newspaper. The Hutu Ten Commandments not only denigrated and persecuted Tutsi women but called on all the Hutu to hate and despise the Tutsi population.

1.20 Radio broadcast in particular and the media in general, exercised great influence over the Rwandan population. The median saturation of radios in Rwanda was 25 per 100 persons by 1992. RTLM broadcasts were relayed to all parts of the country through a network of transmitters owned and operated by the government.

1.21 Ferdinand Nahimana initiated the creation of RTLM after his dismissal from Rwanda Information Service (ORINFOR) in April 1992. The RTLM was created as an independent radio station to advance the cause of Hutu extremists. It was run by a commission headed by Ferdinand Nahimana. A publication in the Kangura newspaper celebrated the creation of RTLM as an instrument in the defense of the Hutu and a partner in the struggle to defend the Hutu majority.

1.22 Broadcasts over RTLM promoted ethnic hatred and incited ethnic violence. The broadcasts identified individuals by name, indicated the hideouts of targeted citizens and as a result, thousands of citizens were massacred. The broadcasts described the entire Tutsi population as the enemy and called on the Hutus to finish off the 1959 revolution. Calls for the extermination of the Tutsi violated the provisions of the statute of the RTLM which proscribed broadcasts likely to incite ethnic hatred, violence and division. On 26 November 1993 and 10 February 1994 the Minister of Information, Faustin Rucogoza, requested the management of the RTLM to stop the broadcasts. Senior officials of the RTLM, who were Felicien Kabuga, Jean-Bosco Barayagwiza and Ferdinand Nahimana, defended the broadcasts. The broadcasts continued until July 1994.

1.23 The Prime Minister, Jean Kambanda, Ministers Augustin Bizimana and André Rwamakuba, RAF officer Augustin Bizimungu and *Préfet* Tharcisse Renzaho used the media to incite the massacre of the Tutsi population and numerous moderate Hutus.

1.24 The RTLM went off the air on July 3, 1994 but resumed broadcast a week later with the use of mobile transmitters. On 14 and 15 July 1994, the broadcasts of a mobile Radio Station operating in the vicinity of Gisenyi, on the Zaire border, were urging the Rwandese Hutus to escape into Zaire, subsequently sending millions of Hutus who feared Tutsi reprisals into refugee camps in Zaire, Tanzania and Burundi. On 19 July 1994, a French food relief organisation, International Action Against Famine (AICF) declared that the radio has prompted

general hysteria amongst the people vvho believe only in their leaders who have made devils out of the Rwandan Patriotic Front. Human RigEts Watch/Africa reported that the Hutu refugees *"fled in panic about reports that the RPF was approaching their region, not because they had been attacked or seen others attacked by the incoming troops. They had been frightened by propaganda broadcast on the radio about supposed RPF atrocities."*

1.25 Proposals from Human Rights and Humanitarian groups to shut down or jam the broadcasts from RTL and Radio Rwanda were not favourably responded a for extensily legal\_ and technical difficulties. Major-General Romeo Dallaire, commander of the United Nations Peace keepers in Kigali declared that *« if he had been equipped with proper jamming devices many lives might have been spared in Rwanda. »*

## 2. TERRITORIAL, TEMPORAL AND MATERIAL JURISDICTION.

2.1 The crimes alleged in this indictment were committed in Rwanda between 1 January 1994 and 31 July 1994.

2.2 During the events to which reference is made in this indictment, the Tutsis, Hutus and Twas were identified as ethnical or racial groups.

2.3 During the events to which reference is made in this indictment, Belgium was a state and citizens of Belgium were Belgian nationals.

2.4 During the events to which reference is made in this indictment, there were in Rwanda, widespread or systematic attacks against a civilian population, on national, political, ethnical or racial grounds.

## 3. THE ACCUSED.

3.1 Hassan Ngeze was born in 1961 in the Commune of Rubavu, Prefecture of Gisenyi, in Rwanda. At the time of the events to which reference is made in this indictment, Hassan Ngeze was the Director and Editor-in-Chief of the newspaper known as, and published under the name "Kangura". He was co-founder of the COR party and one of leading committee members of the party. He was also a member of the group known as Hutu Power.

## 4. THE PLANNING OF THE GENOCIDE.

### A. CREATION OF THE MEDIA:

4.1 The Kangura newspaper was first published in May 1990 in Kigali, Rwanda. From May 1990 to March 1994, Kangura wa; printed in Rwanda by the National Printing Press. From April 1991, the newspaper with a circulation of approximately 10.000 was printed free of charge by the National Printing Press. Rwanda armed forces Colonel Anatole Nsengiyumva, head of Military Intelligence personally assisted in the distribution of the newspaper in the capital, Kigali. It was available to the Public until the month of July 1994. Throughout this period, Hassan Ngeze was its Editor-In-Chief.

4.2 The Kangura was published in Kinvarwanda, one of the two official languages of the Rwandese people, with some material in French, the official language. An international version of Kangura was published in December 1991 and made available to the public in Rwanda during the same period. The international version was largely printed in French. These publications called for the elimination of members of the Tutsi population.

4.3 FERDINAND NAHIMANA, JEAN-BOSCO BARAYAGWIZA, HASSAN NGEZE, Felicien Kabuga, Serugendo Joseph, Mugimba JeanBaptiste, Basabose Pièrre, Karamira Frodouald, Sebapira Laurent, Atari Augustine, Bamwanga Jean-Baptiste, Major Ntilikina, Major Bagaragaza Thaddée, Ibambasi Antoine, Habimana Kantano and Gabigi Gaspard, together agreed among themselves and with others to establish the RTLM. By its Statute signed on 8 April 1993, the private company, RTLM S.A. and its radio station were founded. Its broadcasting studios were connected to the electric generators of the Presidential Palace, directly across the street, permitting it to continue to operate in case of power failure. In the latter half of 1993, the RTLM began broadcasting from Kigali across Rwanda through a network of transmitters owned and operated by Government owned Radio Rwanda. It later became a mobile station, installed in an armoured car of the Rwanda Armed Forces(RAF). It sought refuge in what later became the Turquoise Zone set up in the forest of Gikongoro and Kibuye Prefecture. Radio broadcasts by the RTLM disappeared after midJuly 1994.

4.4 The creation of the RTLM was celebrated by a publication in the Hutu Extremist Kangura Newspaper as a partner in the struggle to unite the Hutu, the majority people, and to awaken and defend them. In advancing the Hutu extremist cause, the RTLM incited hatred and violence against the minority Tutsi ethnic group.

4.5 Throughout the period of the broadcast covered by this indictment, Jean-Bosco Barayagwiza Ferdinand Mahimana along with Felicien Kabuga had authority and control over the RTLM.

4.6 Jean-Bosco Barayagwiza and Ferdinand Nahimana were aware of the content of the broadcasts over RTLM and were, along with Felicien Kabuga' as senior members of the administration of the RTLM, called to a meeting in November 1993 at the Ministry of Information. At the meeting they were instructed by the Minister of Information to, inter alia, stop broadcasting messages inciting inter-ethnic hatred and violence. The same instructions were given at a second meeting on the same subject, held on 10 February 1994. On both occasions, Jean-Bosco Barayagwiza and Ferdinand Nahimam defended the broadcasts and allowed them to continue until the end of July 1994.

4.7 In their capacity as senior members of the administration of the RTLM, Ferdinand Nahimana and Jean-Bosco Barayagwiza failed to take necessary or reasonable measures to stop the broadcasts to which reference is made in paragraph 4.6 above.

### C. OPPOSITION TO THE ARUSHA ACCORDS:

4.8 The media broadcasts and publications, reflected the opposition of Hutu extremists to the Arusha Accords signed on 4 August 1993 between the Government of Rwanda and the Rwandan Patriotic Front (RPF). The Arusha Accords barred incitement of ethnic violence, the promotion of discrimination based on ethnicity and propaganda which incited ethnic hatred.

4.9 Several prominent civilian and military personalities, strongly opposed to any form of power sharing, as provided for in the Arusha Accords, worked out a plan designed to consolidate their power by eliminating the Tutsis and certain Hutus. The components of this plan included training of the militia, distribution of arms and ammunition to the population, the preparation of lists of persons to be eliminated and incitement by the media. In the execution of this plan, the media propagated the Hutu extremist ideology, by systematically promoting ethnic hatred and inciting ethnic violence against the entire Tutsi minority in violation of the Press Law of 1991 and the Statute of the RTLM.

### D. OBJECTIVE OF THE BROADCASTS AND PUBLICATIONS:

4.10 Felicien Kabuga, in the presence of Ferdinand Nahimana, Ndirumpatse, among others, publicly stated the objective of the RTLM to be the defence of Hutu Power. Hutu Power was a slogan of the Hutu extremists whose agenda was the elimination of the Tutsis. Ferdinand Nahimana did nothing to challenge the stated objective of the RTLM.

4.11 Throughout this period, the RTLM broadcast within Rwanda, the ideology and designs of Hutu extremists which included the elimination of the Tutsis and certain Hutus. The broadcasts furthered this ideology and objective.

4.12 The publications in the Kangura newspaper to which reference is made in paragraphs 4.1 and 4.2 were calls for the elimination of the Tutsis.

## 5. EFFECT OF THE BROADCASTS:

The effect of the broadcasts included:

5.1 The media broadcast messages from the government to the population to "*go and work*", sending the interahamwe militia to local areas to kill the Tutsis and to incite the local people to kill their Tutsi neighbours.

5.2 Hutu extremists had reintroduced the theory of the 1959 revolution and disseminated it to the public. The media then repeated themes like, "*The 1959 revolution was unfinished and should be finished off*", which were calls for the elimination of the Tutsis.

5.3 The RTLM named individual Hutus and Tutsis opposed to President Habyarimana, describing them as "enemies" or "traitors" who deserved death, and they were eventually killed.

5.4 On April 7, 1994, the RTLM called on the Hutu to avenge the death of the Rwandese President. It declared: "*The graves are not yet quite full. Who is going to do the good work and help us fill them completely.*"

5.5 The RTLM identified locations where the Tutsis took refuge and directed the interahamwe militia to attack these locations. Upon execution of massacres, the RTLM praised the killers and encouraged them to continue with more vigour.

5.6 The broadcasts over the RTLM denigrated Tutsi women and called for acts of hatred and sexual violence against them.

5.7 Georges Henri Yvon Joseph Ruggiu, between about 1 January 1994 and 15 July 1994, was an employee of the RTLM. He maintained close contacts with senior officials of the Rwanda Armed Forces. He left Rwanda for the Republic of Zaire, as it then was, about mid-July 1994.

5.8 As employee of the RTLM, Georges Henri Yvon Joseph Ruggiu made broadcasts over the radio station advancing the theme that the 1959 revolution was unfinished, inviting the population to finish it off, which were calls for the elimination of the Tutsis.

5.9 On 18 June 1994, Georges Henri Yvon Joseph Ruggiu broadcast over the RTLM that Tutsis in Gitwe had not yet been killed, and directed that roadblocks be reinforced so that no one would escape.

5.10 Following the directions to which reference is made in paragraph 5.9 above, on 20 June 1994, the interahamwe went to Gitwe Hill in Mutara Commune, in the company of Bourgmestre Georges Rutaganda and killed members of more than 70 families, mainly of the Tutsi ethnic group.

5.11 During the events giving rise to the charges in this indictment, the media exercised great influence over the Rwandan population, depicting the Tutsis as a group who wanted to wrest political power and economic power from the Hutus, and stereotyping and denigrating Tutsis, including sexual denigration.

5.12 On 21 April 1994, Jean Kambanda, the Prime Minister of the Interim Government, declared that the broadcasts made by the RTLM were *"An indispensable weapon in the fight against the enemy »*.

5.13 Hassan Ngeze, in his capacity as Editor-In-Chief, was responsible for, and exercised control over the finances, publication, editorial and article content of the Kangura newspaper.

5.14 The Kangura newspaper published the Hutu Ten Commandments, identifying all Tutsis as the common enemy.

5.15 The Hutu Ten Commandments encouraged fear, mistrust and hatred of all Tutsis, and sexually denigrated Tutsi women.

5.16 Hassan Ngeze, published or allowed to be published in Kangura, with his knowledge and consent, certain material which included editorial comments, articles by various journalists and contributors, political and social cartoons and the names of individuals, all of which were calls for the elimination members of the Tutsi population.

5.17 In his capacity as Editor-In-Chief of Kangura, Hassan Ngeze failed to take necessary or reasonable measures to stop the publications to which reference is made in paragraphs 4.1 and 4.2 above.

5.18 In the months of April and May 1994, Hassan Ngeze made broadcast over two radio stations in Rwanda, namely the RTLM and Radio Rwanda.

5.19 The broadcasts to which reference is made in paragraph 5.18 above were calls for the elimination of the Tutsis.

## 6. OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

6.1 Hassan Ngeze was a senior official of the CDR party and leader of a group of interahmwe militia in the Prefecture of Gisenyi.

6.2 Between 6 April and 31 May 1994, Hassan Ngeze distributed messages in the Prefecture of Gisenyi, threatening members of the Tutsi population with death.

6.3 During the period to which reference is made in paragraph 6.1 above, Hassan Ngeze incited young members of the CDR political party in the Prefecture of Gisenyi, to kill members of the Tutsi population.

6.4 On 13 May 1994, in the Prefecture of Gisenyi, at a mass grave site in the Commune commonly referred to at the time as "commune rouge", Hassan Ngeze encouraged members of the interahamwe militia in the killing of Tutsis.

6.5 On 7 April 1994, in the Prefecture of Gisenyi, Hassan Ngeze, in the company of a large group of interahamwe militia, ordered the arrest and killing of a Tutsi woman.

6.6 On 21 April 1994, in the Prefecture of Gisenyi, Modeste Tabaro, a member of the Tutsi ethnic group was killed at the instigation of Hassan Ngeze.

6.7 Between 13 and 20 April 1994, at a cemetery in Gisenyi, in the presence of Jean-Bosco Barayagwiza and Hassan Kitoki, Hassan Ngeze shot and killed a Tutsi civilian with a bullet in the head.

6.8 Between 6 April and 31 May 1994, in the Prefecture of Gisenyi, Hassan Ngeze, in the company of Habimana Juma, distributed machetes and hand grenades to members of the interahamwe militia in the Communes of Ramba, Satinsky, Gaseke, Kanama and Rubavu.

6.9 Members of the interahamwe militia used the machetes and grenades to which reference is made in paragraph 6.8 above, to kill members of the Tutsi population in the Prefecture of Gisenyi.

6.10 On 12 April 1994, in the Prefecture of Gisenyi, Hassan Ngeze led a large group of armed interahamwe militia who arrested a Tutsi woman and detained her in a house used by Hassan Ngeze as a meeting place with the interahamwe militia. On the nights of 12 April 1994 and 13 April 1994, the woman was raped several times by one of the men in the company of Hassan Ngeze.

## 7. THE CHARGES

### COUNT 1:

#### CONSPIRACY TO COMMIT GENOCIDE.

By the acts described in paragraphs 3.1 to 6.10 and more specifically in the paragraphs to which reference is made hereinbelow:

Hassan Ngeze: pursuant to Article 6(1), paragraphs 3.1, 4.1, 4.3, 4.4, 4.12, 5.14, 5.15, 5.18, and 5.19;

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

### COUNT 2:

#### DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE.

By the acts and omissions described in paragraphs 3.1 to 6.10 and more specifically in the paragraphs to which reference is made hereinbelow:

Hassan Ngeze: pursuant to Article 6(1), paragraphs 4.2, 4.2, 4.12, 5.14, 5.15, 5.16, 5.18, 5.19, 6.3 and 6.4;

pursuant to Article 6(3), paragraphs 4.1, 4.2, 4.12, 5.13, 5.14, 5.15, 5.16, 5.17, 6.1 and 6.3

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, that ethnic or racial group as such, and thereby committed Direct and Public Incitement to Commit Genocide, stipulated in Article 2(3)(c) of the statute as a crime, for which he is individually responsible pursuant to Article 6, and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

### COUNT 3:

#### COMPLICITY IN GENOCIDE.

By the acts and omissions described in paragraphs 3.1 to 6.10 and more specifically in the paragraphs to which reference is made hereinbelow:

Hassan Ngeze: pursuant to Article 6(1), paragraphs 6.4, 6.5, 6.6, 6.8, and 6.9;

pursuant to Article 6(3), paragraphs 6.1,6.3 and 6.4;

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

COUNT 4:

#### CRIME AGAINST HUMANITY: MURDER

By the acts and omissions described in paragraphs 3.1 to 6.10 and more specifically in the paragraphs to which reference is made hereinbelow:

Hassan Ngeze: pursuant to Article 6(1), paragraphs 6.4,6.5,6.6,6.7,6.8 and 6.9

is responsible for the murder of Tutsis and certain Hutus as part of a widespread or systematic attack against a civilian population, on political, ethnic or racial grounds, and thereby committed a Crime Against Humanity stipulated in Article 3(a) of the Statute as a crime, for which he is individually responsible pursuant to Article 6, and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

COUNT 5:

#### CRIME AGAINST HUMANITY: PERSECUTION

By the acts and omissions described in paragraphs 3.1 to 6.10 and more specifically in the paragraphs to which reference is made hereinbelow:

Hassan Ngeze: pursuant to Article 6(1), paragraphs 5.14, 5.15, 5.16, 5.19, 6.2, 6.3, 6.4, 6.5, 6.6,6.7, 6.8, 6.9, and 6.10;

is responsible for persecution on political or racial grounds, as part of a widespread or systematic attack against a civilian population, on political, ethnic or racial grounds, and thereby committed a Crime Against Humanity, stipulated in Article 3(h) of the Statute as a

crime, for which he is individually responsible pursuant to Article 6, and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

C O U N T 6:

CRIME AGAINST HUMANITY: EXTERMINATION

By the acts and omissions described in paragraphs 3.1 to 6.10 more specifically in the paragraphs to which reference is made hereinbelow:

Hassan Ngeze: pursuant to Article 6(1), paragraphs 6.4,  
and 6.9;

is responsible for the extermination of the Tutsis, as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, and thereby committed a Crime Against Humanity, stipulated in Article 3(b) of the Statute as a crime, for which he is individually responsible pursuant to Article 6 and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.