

ICTR-97-27-1

6.10.1997

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MATHIAS MARCUSSEN

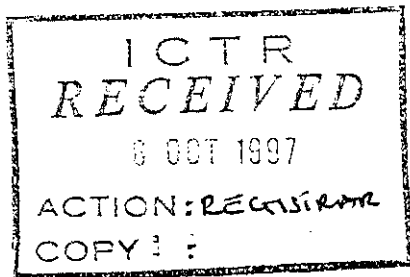
**INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA**

CASE NO ICTR 197

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

HASSAN NGEZE



INDICTMENT

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

H/ SSAN NGEZE

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

2. THE ACCUSED

HASSAN NGEZE was born in 1961 in the Commune of Rubavu, Prefecture of Gisenyi, the Republic of Rwanda. At the time of the events referred to in this indictment, **HASSAN NGEZE** was Editor-in-Chief of the journal known as, and published under the name of, **KANGURA**.

3. CONCISE STATEMENT OF THE ACTS

3.1. The crimes in this indictment took place in Rwanda, between January 1 and December 31 of 1994.

3.2. During the events referred to in this indictment, Tutsis and Hutus were identified as ethnic or racial groups.

3.3. During the events referred to in this indictment, there were in Rwanda widespread or systematic attacks against a civilian population, including Tutsis and certain Hutus, on political, ethnic or racial grounds.

3.4. During the events giving rise to the charges in this indictment, the media exercised great influence over the Rwandan population.

3.5. The periodical KANGURA was first published in 1990 in Kigali, Rwanda. From May 1990 until March 1994, KANGURA was printed in Rwanda by the National Printing Press. It was available to the public in Rwanda until at least in or about the month of July 1994. Throughout this period, **Hassan Ngeze** was its Editor-in-Chief.

3.6. KANGURA was published in Kinyarwanda, with some material in French. An international version of KANGURA was also published and available to the public in Rwanda during the same period. The international version of the magazine was largely printed in French.

3.7. During the events giving rise to the charges in this indictment, **Hassan Ngeze** in his capacity as Editor-in-Chief, was responsible for, and exercised control over, the editorial and article content, publication, and finances of KANGURA.

3.8. During the events giving rise to the charges in this indictment, **Hassan**

Ngeze, with his knowledge and consent and at his direction, published, and/or allowed to be published, in KANGURA certain materials which included, but were not limited to, the following:

- a. editorial comment;
- b. articles by various journalists and contributors;
- c. political and social cartoons;
- d. names of individuals.

3.9. The material in KANGURA referred to in paragraph 3.8 above:

- a. was used in the preparation of genocide against Tutsis;
- b. incited to kill and/or cause serious bodily or mental harm to Tutsis;
- c. persecuted Tutsis and certain Hutus.

3.10. Further, in his capacity as Editor-in-Chief of KANGURA, **Hassan Ngeze** was, consistent with paragraph 3.7 above, responsible for the content of all of the material published in the magazine. Despite this, he failed to take sufficient measures to stop the publication nor did he prevent others to publish such material as referred to in paragraph 3.8.

3.11. Further, on a number of occasions during the events giving rise to the charges in this indictment, **Hassan Ngeze** made broadcasts over two radio stations in Rwanda. These stations were commonly known as RTLM and Radio Rwanda. The said radio stations were used to broadcast the ideology and designs of Hutu extremists within Rwanda.

3.12. The broadcasts made by **Hassan Ngeze**:

- a. incited to kill and/or cause serious bodily or mental harm to Tutsis;

- b. persecuted Tutsis and certain Hutus.

3.13 On the 7th of April 1994, in the Prefecture of Gisenyi, **Hassan Ngeze** ordered the arrest and the death of a Tutsi woman.

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

3.15 On the 13th of May 1994, in the Prefecture of Gisenyi, at a mass grave site in the commune commonly known, at the time, as the "commune rouge", **Hassan Ngeze** encouraged members of the Interahamwe militias in the killings of Tutsi.

3.16 Between the 6th of April and the 31st of May 1994, in the Prefecture of Gisenyi, Sector Gisenyi, district Gacuba I, **Hassan Ngeze** distributed hand grenades to members of the Interahamwe militias.

4. CHARGES

COUNT 1:

By his acts in relation to events described in paragraphs 3.7 to 3.16, **Hassan Ngeze** did kill and/or cause serious bodily or mental harm to members of the Tutsi population, with the intention to destroy, in whole or in part, an ethnic or racial group as such, and has thereby committed **GENOCIDE**, stipulated in Article 2(2)(a) and/or (b) and Article 2(3)(a) of the Statute as a crime, for which he is individually responsible pursuant to Article 6(1), and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal;

COUNT 2:

By his acts in relation to events described in paragraphs 3.9, 3.10 and 3.12, **Hassan Ngeze**, did directly and publicly incite to the killing and/or causing of serious bodily or mental harm to members of the Tutsi population with the intention to destroy, in whole or in part, an ethnic or racial group as such, and has 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(1) and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal;

COUNT 3:

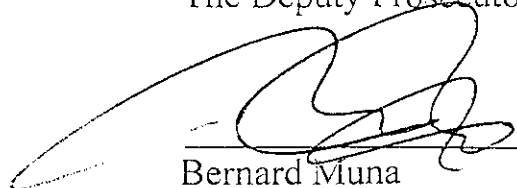
By his acts in relation to events described in paragraphs 3.9, 3.10, and 3.12 above, **Hassan Ngeze** did persecute, on political, racial, or ethnic grounds, as part of a widespread or systematic attack against a civilian population, on political, ethnic or racial grounds, and has thereby committed **CRIMES AGAINST HUMANITY**, stipulated in Article 3(h) of the Statute as a crime, for which he is individually responsible pursuant to Article 6(1), and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

COUNT 4:

By his acts in relation to events described in paragraphs 3.7 to 3.16, **Hassan Ngeze** did murder as part of a widespread or systematic attack against a civilian population, on political, ethnic or racial grounds, and has thereby committed **CRIMES AGAINST HUMANITY**, stipulated in Article 3(a) of the Statute as a crime, for which he is individually responsible pursuant to Article 6(1), and which is punishable in reference to Articles 22 and 23 of the Statute of the Tribunal.

30th September, 1997
Kigali, Rwanda

The Deputy Prosecutor



Bernard Muna