

ICTR-2001-73-T
20-7-2001
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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2001- -I

THE PROSECUTOR
AGAINST
PROTAIS ZIGIRANYIRAZO

JUDICIAL RECORDS/ARCHIVES
ICTR
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INDICTMENT

- I. 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:

Protais ZIGIRANYIRAZO

with EXTERMINATION, or alternatively MURDER, as a CRIME AGAINST HUMANITY; offenses stipulated in Articles 3 of the Statute of the Tribunal, as set forth below:

II. THE ACCUSED:

1. **Protais ZIGIRANYIRAZO**, alias "Mr. Z", was born in 1938 in Giciye *commune*, Gisenyi *préfecture*, Rwanda. Giciye and the adjoining *commune* of Karago constitute Bushiro, a region that approximates a pre-1959 fiefdom in northwestern Rwanda. Bushiro is also the birthplace of former President of Rwanda Juvénal HABYARIMANA and his wife, Agathe KANZIGA. **Protais ZIGIRANYIRAZO** is Agathe KANZIGA's brother, hence the brother-in-law of President HABYARIMANA. **Protais ZIGIRANYIRAZO** served the 2nd Republic MRND government of Juvénal HABYARIMANA as *préfet* of Ruhengeri *préfecture* [1974 - 1989]. He was also a powerful businessman.
2. Under HABYARIMANA's rule, political, military and financial power in Rwanda was consolidated within a tight circle of extended family members and persons bound by inter-marriage, originating in Bushiro, and incorporating members of an elite drawn almost exclusively from Rwanda's northern *préfectures* of Gisenyi, Ruhengeri and Byumba. This group of powerful families and individuals was

popularly characterized among citizens of Rwanda as the *Akazu*, the “small hut” or court surrounding the central power.

3. The influence of this *Akazu* exceeded the formal structures of the State and civil society to incorporate death squads [*escadrons de la mort*] and a network of coercive relationships or influential persons, dubbed the *reseau zero* [*Zero network*]. **Protais ZIGIRANYIRAZO** was perceived to be a member of the *Akazu* and commanded influence and political power with soldiers, particularly Presidential Guards, *Interahamwe* militias, MRND party leaders, government administrative officials and local residents in Gisenyi and Kigali *préfectures* as a result of that perception.

III. CHARGES and CONCISE STATEMENT OF FACTS:

Count 1: EXTERMINATION as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal of Rwanda charges **Protais ZIGIRANYIRAZO** with *EXTERMINATION as a CRIME AGAINST HUMANITY*, as stipulated in Article 3(b) of the Statute, in that on or between the dates of 7 April 1994 and 14 July 1994, **Protais ZIGIRANYIRAZO** was responsible for killing persons, or causing persons to be killed, as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds;

or alternatively,

Count 2: MURDER as a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal of Rwanda charges **Protais ZIGIRANYIRAZO** with *MURDER as a CRIME AGAINST HUMANITY*, as stipulated in Article 3(a) of the Statute, in that on or between the dates of 7 April 1994 and 14 July 1994, **Protais ZIGIRANYIRAZO** was responsible for killing persons, or causing persons to be killed, as part of a widespread or systematic attack against a civilian population on political, ethnic or racial grounds, as follows:

Pursuant to Article 6(1) of the Statute: by virtue of his acts in planning, instigating, ordering, committing, or otherwise aiding and abetting the planning, preparation or execution of the crime charged, in that:

Concise Statement of Facts for counts 1 and 2:

4. Between 1 January and 31 December 1994, citizens native to Rwanda were severally identified according to the following ethnic or racial classifications: Hutu, Tutsi, and Twa.
5. During the early 1990's, the tight circle of MRND party and military leaders and businessmen surrounding President Juvénal HABYARIMANA devised and implemented a strategy to consolidate their hold on government power in the face

of rising domestic political opposition and the threat of military attack by the *Rwandese Patriotic Front* [RPF], a predominantly Tutsi politico-military opposition group. That strategy: to incite hatred and fear of the Tutsi and to characterize Rwanda's Tutsi population as *ibiyitso*, domestic accomplices of a foreign invading enemy army. Also incorporated in that strategy: the creation of civilian militias exclusively aligned with the MRND party leadership that would be armed, trained and sensitized to exterminate the Tutsi population.

6. To that end, **Protais ZIGIRANYIRAZO** agreed or collaborated with Head of State Juvénal HABYARIMANA, national MRND political leaders, such as Joseph NZIRORERA, national CDR political leaders, such as Jean Bosco BARAYAGWIZA, MRND-aligned military leaders, such as Lt. Col. Anatole NSENGIYUMVA, and media entrepreneurs, such as Hassan NGEZE and Ferdinand NAHIMANA, among others, to disseminate anti-Tutsi propaganda among the Hutu population, to militarize the MRND *Interahamwe* youth wing and to indoctrinate *Interahamwe* militias with anti-Tutsi ideology, with the intent, and in anticipation of deploying civilian militias to *combat the enemy*, broadly defined as the Tutsi.
7. During the course of 1994, particularly between 6 April 1994 and 17 July 1994, there were throughout Rwanda widespread or systematic attacks directed against a civilian population on political, ethnic or racial grounds. Soldiers, *Interahamwe* militias and armed civilians targeted and attacked Rwanda's Tutsi population and persons perceived to be politically opposed to the MRND, characterized as *enemy accomplices*. Hundreds of thousands of civilian Tutsi men, women and children and "moderate" Hutus were killed.
8. **Protais ZIGIRANYIRAZO**, among others, planned, prepared, or facilitated such killings by ordering, authorizing or participating in various meetings of regional and local administrative officials, including Gisenyi *sous-prefet* Raphael BIKUMBI, Rubavu *bourgmestre* Marc MPOZAMBEZI, Birembo *conseiller de secteur* Arcade SEBATWARE, and MRND party officials and *Interahamwe* leaders, such as Wellars BANZI and Bernard MUNYAGISHARI, among others, or by collaborating with such persons, to organize and arm the local population in Gisenyi to exterminate the Tutsi.
9. Following the death of Head of State Juvénal HABYARIMANA on 6 April 1994, government military authorities such as retired Col. Théoneste BAGOSORA and Lt. Col. Anatole NSENGIYUMVA, CDR leaders such as Jean Bosco BARAYAGWIZA, regional administrative officials such as Gisenyi *sous-préfet* Raphael BIKUMBI, *Interahamwe* leaders such as Bernard MUNYAGISHARI, among others, including **Protais ZIGIRANYIRAZO**, unleashed the campaign of extermination against the Tutsi and the political opposition. Numerous killings took place at roadblocks on public thoroughfares commanded by soldiers and *Interahamwe*. Ostensibly set up to ensure wartime "security", these roadblocks were virtual killing stations, or adjuncts to killing stations and mass graves, and were intended for systematic control and killing of persons identified as Tutsi or assumed to be political opponents to the Interim Government.
10. During April – July 1994 **Protais ZIGIRANYIRAZO** ordered or authorized roadblocks to be established in direct proximity to each of his three residences in

Kiyovu *cellule* [Kigali-ville *préfecture*], in Gasiza *cellule* [Giciye *commune*, Gisenyi *préfecture*], and in Gisenyi town [Rubavu *commune*, Gisenyi *préfecture*], knowing and intending that they would be used in the campaign of extermination or killing.

KIYOVU ROADBLOCK

11. Notably, on or about 7 April 1994 soldiers guarding the residence of **Protais ZIGIRANYIRAZO** in Kiyovu *cellule*, Kigali-ville *préfecture*, ordered watchmen employed at homes in the neighborhood to man a roadblock that was set up between **Protais ZIGIRANYIRAZO**'s home and the adjacent Presbyterian Church. Soldiers and *Interahamwe*, including Second Lt. Jean Claude SEYOBOKA, BONKE and Jacques KANYAMIEZI, among others, supervised this roadblock, the largest roadblock in Kiyovu. The civilians manning the roadblock were armed with machetes and clubs.
12. Approximately one week later, on a date uncertain in mid-April 1994, **Protais ZIGIRANYIRAZO** instructed soldiers and *Interahamwe* militias at the roadblock near his Kiyovu residence to search the homes in the neighborhood and to kill any Tutsi that was found. **Protais ZIGIRANYIRAZO** further instructed men at the roadblock to kill all Tutsi that attempted to pass through. Shortly thereafter, and on a continuing basis, soldiers and *Interahamwe* killed a number of persons in their homes and killed persons identified as Tutsi that attempted to pass through the roadblock.

GICIYE ROADBLOCK

13. Sometime in early-May 1994, **Protais ZIGIRANYIRAZO** ordered or authorized the mounting of a roadblock in direct proximity to his residence in Giciye *commune*, Gisenyi *préfecture*. **Protais ZIGIRANYIRAZO** provided or authorized soldiers or reservists to command the roadblock. Persons operating the roadblock were variously armed with guns, grenades and traditional weapons and controlled the traffic of persons fleeing westward toward safety in Zaire. This stretch of road from Gitarama through Giciye-Karago-Mukamira was the main route of flight during April – July 1994 when the Kigali to Gisenyi tarmac road [via Ruhengeri] was unpassable due to fighting between FAR and RPF. Soldiers, *Interahamwe* and armed civilians subject to **Protais ZIGIRANYIRAZO**'s authority, and following his orders, killed numerous civilians at the roadblock.
14. During May 1994, **Protais ZIGIRANYIRAZO** ordered his son, Jean-Marie-Vianney MAKIZA, to kill three gendarmes that were detained at the roadblock. Following orders from his father, Jean-Marie-Vianney MAKIZA, then armed with a Kalishnikov gun, used the weapon to shoot and kill the gendarmes at the roadblock in front of their Giciye residence. The gendarmes were traveling toward Gisenyi and were identified as Tutsi or characterized as RPF accomplices or infiltrators. The corpses of the gendarmes were then transported from the roadblock, stripped naked and tossed into the Giciye River.
15. Thereafter, **Protais ZIGIRANYIRAZO** abused his public authority in Giciye *commune* by forcing several local residents to falsely report the shooting of the gendarmes to official State investigators as defensive acts at the roadblock to

prevent an assault by one of the gendarmes or to thwart the escape of the gendarmes, who were then characterized as brigands or imposters or deserters from the battlefield.

"LA CORNICHE" ROADBLOCK

16. Also in April 1994, *Interhamwe* militias mounted a roadblock on the "La Corniche" roadway in Gisenyi-town leading toward the main border-crossing into Zaire. Like the roadblocks in Kiyovu and Giciye, the "La Corniche" roadblock was situated in close proximity to another residence occupied by **Protais ZIGIRANYIRAZO**, just a short distance from the entrance to his home.
17. "La Corniche" roadblock was under the general control of *Interahamwe* leaders reporting to Lt. Colonel Anatole NSENGIYUMVA and Bernard MUNYAGISHARI, including Omar SERUSHAGO, and was also manned by CDR-affiliated armed civilians, including ABUBA, BAHATI and LIONCEAU, and gendarmes, immigration police and customs officers. The purpose of the roadblock was to prevent Tutsi and "moderate" Hutu from escaping across the border to Zaire. Persons passing through the roadblock on their way to the border-crossing were routinely checked by the *Interahamwe*. Tutsi and "moderate" Hutu were not allowed to proceed and were removed to a nearby location and killed. **Protais ZIGIRANYIRAZO** was aware of the closed-border regime and authorized, encouraged or aided and abetted operations at the roadblock to facilitate the killing of Tutsi and "moderate" Hutu.
18. For example, during June 1994, on a date uncertain, **Protais ZIGIRANYIRAZO** addressed *Interahamwe* and CDR-affiliated militias and gendarmes and immigration police that were manning the roadblock at the Gisenyi-Goma border-crossing and inquired if they were "working" well and encouraged them to "work", a coded reference to killing Tutsi and "moderate" Hutu, characterized as accomplices of *the enemy*.
19. Shortly thereafter that same day, **Protais ZIGIRANYIRAZO** facilitated, aided and abetted or participated in the killing of Stanislas SINIBAGIWE, former Director of the *Imprimerie scolaire*, by identifying him to *Interahamwe* controlling the "La Corniche" roadblock. Stanislas SINIBAGIWE [*sometimes identified as Stanislas SIMBIZI*] was previously targeted as an accomplice of the enemy in RTL radio broadcasts. **Protais ZIGIRANYIRAZO** ordered *Interahamwe* at the roadblock to take Stanislas SINIBAGIWE away and kill him. The *Interahamwe* removed Stanislas SINIBAGIWE to *commune rouge*, a nearby killing station, and killed him, and later returned to the roadblock and reported to **Protais ZIGIRANYIRAZO** and the others that Stanislas SINIBAGIWE had been killed.

ORDERING OTHER ATTACKS

20. In addition to the killings at roadblocks, during May or June 1994 **Protais ZIGIRANYIRAZO** participated in, or facilitated and aided and abetted, attacks against civilians in Gisenyi *préfecture* by transporting *Interahamwe* armed with firearms to various locations, including Rubaya, knowing and intending that they would fire upon groups of Tutsi civilians that had gathered for shelter.

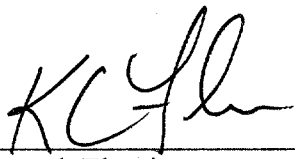
- 21. Furthermore, sometime during May 1994 **Protais ZIGIRANYIRAZO** ordered his *Interahamwe* to kill the family of Jean Sapeur SEKIMONYO, which he characterized as *Inyenzi*. The SEKIMONYO family had sought refuge at the home of President HABYARIMANA in Karago *commune*. *Interahamwe* carried out the order, killing the entire family and resulting in the deaths of over thirty persons.
- 22. Toward the end of May 1994, **Protais ZIGIRANYIRAZO** facilitated or aided and abetted the killing of an extended family of the Bahoma Tutsi clan, approximately 18 persons, that sought refuge at his Giciye residence. Allegedly the victims were related to one of **Protais ZIGIRANYIRAZO**'s wives.

CRIMINAL RESPONSIBILITY

- 23. **Protais ZIGIRANYIRAZO**, acting in concert with others, participated in the planning, preparation or execution of a common scheme, strategy, plan or campaign to exterminate the Tutsi and the political opposition to the Interim Government, variously characterized as *Inyenzi* or *Ibiyitso* [enemy accomplices], by his own affirmative acts or through persons he assisted or commanded, or by persons following his exhortations in deed and in word, particularly as directed to *Interahamwe* and civilian militias and armed civilians at roadblocks in Gisenyi and Kigali-ville *préfectures*.

The acts and omissions of Protais ZIGIRANYIRAZO detailed herein are punishable in reference to Articles 22 and 23 of the Statute.

Dated: Arusha, this 20th day of July 2001:



 Kenneth Fleming
 Ag. Chief of Prosecutions

For:

 Carla Del Ponte
 Prosecutor

