


ICTR-01-74-I
19-12-2005

1653
Ivan

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
(1653 - 1646)
Case No. ICTR-2001-74-I

THE PROSECUTOR
vs
FRANÇOIS KARERA

2005-12-19 10:00:00


AMENDED 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:

François KARERA

With GENOCIDE; or in the alternative, COMPLICITY IN GENOCIDE; and EXTERMINATION and MURDER as CRIMES AGAINST HUMANITY; offences stipulated in Articles 2 and 3 of the Statute of the Tribunal, as set forth below:

II. **THE ACCUSED:**

François KARERA was born in Huro *secteur*, Musasa *commune*, Kigali-rural *prefecture* around 1939. **François KARERA** was appointed *préfet* of Kigali-rural *prefecture* in April 1994 and served in that capacity until mid-July 1994. Prior to this, he previously served as *sous-préfet* of Kigali-rural *prefecture* for the region of Bugesera from 1992. **François KARERA** also served as *bourgmestre* of Nyarugenge *commune* in the *prefecture* of Kigali-ville.

III. **CHARGES and CONCISE STATEMENT OF FACTS:**

Count 1: GENOCIDE

The Prosecutor of the International Criminal Tribunal of Rwanda charges **François KARERA** with *GENOCIDE*, a crime stipulated in Article 2(3)(a) of the Statute, in that between 6 April and 14 July 1994 in the *préfectures* of Kigali-ville and Kigali-rural, Rwanda, **François KARERA** was responsible for killing or causing serious

bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnical or racial or ethnic group;

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

Pursuant to Article 6(3) of the Statute: by virtue of his knowledge of the acts and omissions of soldiers, gendarmes, communal police, *Interahamwe*, civilian militia and civilians acting under his authority, and his failure to take necessary and reasonable measures to prevent or punish them, for their acts in the preparation and execution of the crime charged.

ALTERNATIVELY,

Count 2: COMPLICITY IN GENOCIDE

The Prosecutor of the International Criminal Tribunal of Rwanda charges **François KARERA** with *COMPLICITY IN GENOCIDE*, a crime stipulated in Article 2(3)(e) of the Statute, in that between 6 April and 14 July 1994 in the *préfectures* of Kigali-ville and Kigali-rural, Rwanda, **François KARERA** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, an ethnical or racial group, 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 in the planning, preparation or execution of the crime charged, in that:

1. Between 1 January and 31 December 1994, citizens native to Rwanda were severally identified according to the following ethnic or racial classifications: Tutsi, Hutu and Twa.
2. Between 1 January and 17 July 1994 there was a state of non-international armed conflict in Rwanda
3. Following the death of Rwandan President Juvénal Habyarimana on 6 April 1994 and resumption of civil hostilities in the non-international armed conflict on the following day, a newly installed Interim Government of 8 April 1994 launched a nationwide campaign to mobilize government armed forces, civilian militias, the local public administration and common citizens to fight the Rwandese Patriotic Front (RPF), a predominantly Tutsi politico-military opposition group. Government armed forces and *Interahamwe* militias specifically targeted Rwanda's civilian Tutsi population as domestic accomplices of an invading army, *ibytso*, or as a domestic enemy in their own right. Under the guise of national defense, ordinary citizens of Rwanda, primarily its Hutu peasantry, were enlisted in a nationwide campaign of murder and extermination of the Tutsi.

Concise Statement of Facts in support of Counts 1 and 2:

4. **François KARERA** spearheaded the campaign of the destruction of Tutsi homes and murder of Tutsi civilians in his home *commune* of Nyarugenge in Kigali and in Kigali-rural *préfecture*, notably in Kankenze *commune*. The campaign consisted of encouraging Hutu civilians to separate themselves from their Tutsi neighbours and to kill them and in organizing, communal police and civilian militias to attack Tutsi refugees in public shelters, such as churches, resulting in thousands of deaths. **François KARERA** ordered killings of Tutsi by subordinates, and led attacks under circumstances where he knew, or should have known, that civilians were, or would be, killed by persons acting under his authority.
5. During 1994, **François KARERA** was either *sous-préfet* or *préfet* of Kigali-rural. In his capacity as *sous-prefet*, or *préfet*, **François KARERA** exercised authority over his subordinates, including but not limited to, *bourgmestres*, administrative personnel, *chefs de service de l'Etat* and law enforcement agents within the *prefecture*.
6. As consequences of his office of *sous-préfet* or *préfet* of the *préfecture* of Kigali-rural, his former status as *bourgmestre* of Nyarugenge *commune* in Kigali-ville *préfecture*, and his high ranking position within the MRND political party, **François KARERA** also exercised authority over communal police, gendarmes and civilian militias in his home *commune* of Nyarugenge in the *préfecture* of Kigali-Ville.
7. Certain homes of Tutsi civilians in Nyamirambo *secteur* were selectively spared during the campaign, specifically on orders from **François KARERA**. On or about 7 April 1994 **François KARERA** directed the communal policemen guarding his own home in Nyamirambo *not* to destroy or kill the occupants of a specific neighbouring Tutsi civilian household.
8. During the events referred to in this indictment, notably on or about 15 April 1994 in Nyamirambo, **François KARERA** publicly ordered, communal police, civilian militias and local residents, to destroy the houses of, and to kill every Tutsi.
9. During the period referred to in this indictment, **François KARERA** distributed weapons to communal police or civilian militias in Nyamirambo, knowing and intending that they would be used in attacks upon civilian Tutsi.
10. As a direct consequence of the weapons distribution and the public campaign of extermination ordered and, at times, led by **François KARERA**, many Tutsi civilians were killed by communal police, or by civilian militias and local residents, in Nyamirambo during April and May of 1994.
11. During the events referred to in this indictment, particularly during April 1994, **François KARERA** also led attacks against the civilian Tutsi population in *préfecture* of Kigali-rural.

12. **François KARERA**'s activities in *préfecture* of Kigali-rural during April, May and June of 1994 are especially significant given his authority as *préfet* or *sous-préfet* in the prefecture.
13. During the events referred to in this indictment, roadblocks manned by *Interahamwe* were killing stations for Tutsi civilians in flight. Many Tutsi civilians were killed at roadblocks in Kigali-rural.
14. In addition to directing attacks against the Tutsi in Kigali-Rural, **François KARERA** also convened meetings with *bourgmestres* in Kigali-rural *préfecture* and encouraged them to kill Tutsi civilians.
15. On or about 8 April 1994 **François KARERA**, accompanied by *sous-préfet* MINANI and several gendarmes, approached a group of *Interahamwe* that had destroyed Tutsi homes in Ntarama *secteur* and stated, "*instead of ransacking the properties you should kill them first so that you can enjoy all of their properties*" or words to that effect.
16. Around 14 April 1994, **François KARERA** held a meeting at the Ntarama *secteur* office in Kankenze *commune*, Kigali-rural *préfecture*, where he stated that "*the Tutsi people had killed the president but we would see what was going to happen next.*" The following day, **François KARERA** led an attack against Tutsi refugees in Ntarama *secteur*.
17. The attack against the Tutsi in Ntarama *secteur* was strategically planned: Tutsi refugees in Ntarama had initially resisted attacks by local civilian militias following the death of the president on 6 April 1994. **François KARERA** met with the refugees at Ntarama Primary School, and in response to their requests for protection **François KARERA** promised to return the next day with soldiers to ensure security. **François KARERA** also instructed some refugees to take shelter at Ntarama Church.
18. The following day, on or about 15 April 1994, **François KARERA** arrived in Ntarama *secteur* with a convoy of ONATRACOM buses carrying soldiers, including Presidential Guard, and *Interahamwe*. **François KARERA** armed with firearm addressed the soldiers and *Interahamwe*, stating "*Now you people have been fighting the Tutsi for one week but now the job will be finished. I don't want to see one Tutsi person alive in Ntarama secteur by tonight.*" **François KARERA** thereafter led a group of soldiers and *Interahamwe* in an attack against Tutsi civilians at the Ntarama Church. Among those who collaborated in organizing and leading the attacks were: Jean de la Croix BIZIMANA, former director of Kankenze Primary School, and Kankenze, *bourgmestre* Bernard GATANAZI.
19. **François KARERA** misled Tutsi refugees in Ntarama *secteur* by falsely representing to them that soldiers would be dispatched to Ntarama Church to protect them. Instead, **François KARERA** organized and led soldiers in attacks on the refugees. During the said attack, numerous Tutsi civilians were killed. Further, between 15 and 28 April 1994, daily attacks continued at the said church.

20. **François KARERA** continued the anti-Tutsi campaign, which included amongst other things, openly justifying the killing of Tutsi civilians, even after he fled Rwanda. Between July and December 1994, **François KARERA** and several other former Interim Government officials convened a meeting in a refugee camp in Zaire to develop a strategy to regain power. Discussions at the said meeting included references to the mission of killing all the Tutsi. **François KARERA** suggested fund-raising activities to purchase weapons. Sometime thereafter **François KARERA** suggested to schoolteachers at one of the refugee camp schools that instead of teaching children mathematics and academic subjects, they should concentrate on teaching them that there was only one enemy, the Tutsi.
21. By virtue of his authority as *préfet* or *sous-préfet* in Kigali-rural and as former *bourgmestre* of Nyarugenge, **François KARERA** ordered or directed or otherwise authorized government armed forces, civilian militias and civilians to persecute and kill or facilitate the killing of civilian Tutsi in the said prefecture. By virtue of that same authority **François KARERA** had the ability and the duty to halt, prevent, discourage or sanction persons that committed, or were about to commit, such acts, and did not do so, or only did so selectively.

Count 3: EXTERMINATION as a CRIME AGAINST HUMANITY:

The Prosecutor of the International Criminal Tribunal of Rwanda charges **François KARERA** with *EXTERMINATION as a CRIME AGAINST HUMANITY*, as stipulated in Article 3(b) of the Statute, in that between 6 April and 14 July 1994 in the *préfectures* of Kigali-ville and Kigali-rural, Rwanda, **François KARERA** was responsible for killing persons, or causing persons to be killed, as part of a widespread or systematic attack against a civilian population on racial or ethnic 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 in the planning, preparation or execution of the crime charged; and

Pursuant to Article 6(3) of the Statute: by virtue of his knowledge of the acts or omissions of his subordinates, including soldiers, gendarmes, communal police, *Interahamwe*, civilian militia or civilians acting under his authority, and his failure to take necessary and reasonable measures to prevent or punish them for their acts in the planning, preparation or execution of the crime charged, in that:

Concise Statement of facts in support of Count 3

22. In support of count 3 above, the Prosecutor reiterates and incorporates herein, Francois Karera's acts in commanding, facilitating or participating in the killings of civilian Tutsi refugees in Kigali-Ville and Kigali-Rural prefectures as specified in paragraphs 4 through 21 above and in addition to which, the Prosecutor makes the following additional factual allegations:

23. Between 6 April and 17 July 1994, there were throughout Rwanda widespread or systematic attacks directed against a civilian population on political, ethnic or racial grounds.
24. **François KARERA**, acting in concert with others, participated in the planning, preparation or execution of a common scheme, strategy or plan to exterminate the Tutsi, by his own acts or through persons he assisted or by his subordinates with his knowledge and consent.
25. From 7 April 1994, **François KARERA** organized and ordered a campaign of extermination against Tutsi civilians in his home *commune* of Nyarugenge.
26. The campaign of extermination included distributing firearms to communal police and directing soldiers, including members of the Presidential Guard, communal police, civilian militias, and local residents that joined them, to destroy the homes of Tutsi civilians and to kill the occupants.
27. As direct consequences of the weapons distributions and the campaign of extermination ordered and, at times, led by **François KARERA**, many Tutsi civilians were killed by communal police, civilian militias, and local residents that joined in the attacks in Nyamirambo during April and May of 1994.
28. Sometime between 15 and 28 April 1994, a series of attacks against Tutsi refugees who sort refugee at Ntarama primary school in Ntarama church in Ntarama secteur resulted numerous deaths. Some of this attacks were organized and orchestrated by **Francois KARERA**, in particular that on Ntarama church around 15 April 1994. The attacks were strategically planned, and Francois Karera played a seminal role in encouraging refugees to gather at the church so that they could be exterminated with great efficiency.
29. By virtue of authority as *prefet* or *sous prefet* in Kigali Rural and as former bourgmestre of Nyarugenge, **Francois KARERA** ordered or directed or otherwise authorized government armed forces, civilians militias and civilians to kill or to facilitate the killing of civilian Tutsi. By virtue of his authority, **Francois KARERA** had the ability to prevent, discourage or sanction persons that committed, or were about to commit such as and did not do so, or only did so selectively.

Count 4: MURDER as a CRIME AGAINST HUMANITY:

The Prosecutor of the International Criminal Tribunal of Rwanda charges **François KARERA** with *MURDER as a CRIME AGAINST HUMANITY*, as stipulated in Article 3(a) of the Statute, in that between 6 April and 14 July 1994 in the *préfectures* of Kigali-ville and Kigali-rural, Rwanda, **François KARERA** was responsible for killing persons, or causing persons to be killed, as part of a widespread or systematic attack against a civilian population on 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 in the planning, preparation or execution of the crime charged; and

Pursuant to Article 6(3) of the Statute: by virtue of his knowledge of the acts or omissions of his subordinates, including soldiers, gendarmes, communal police, *Interahamwe*, civilian militia or civilians acting under his authority, and his failure to take necessary and reasonable measures to prevent or punish them for their acts in the planning, preparation or execution of the crime charged, in that:

Concise Statement of facts in support of Count 4

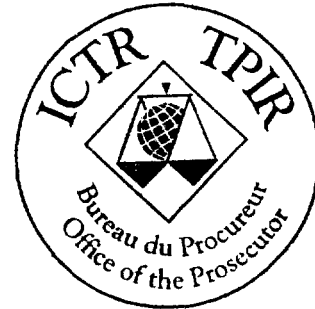
30. In support of count 4 above, the Prosecutor reiterates and incorporates herein, Francois Karera's acts in commanding, facilitating or participating in the killings of civilian Tutsi refugees in Kigali-Ville and Kigali-Rural prefectures as specified in paragraphs 4 through 29 above and in addition to which, the Prosecutor makes the following additional factual allegations:
31. **François KARERA**, acting in concert with others, participated in the planning, preparation or execution of a common scheme, strategy or plan to kill the Tutsi, by his own acts or through persons he assisted or by his subordinates with his knowledge and consent.
32. From 7 April 1994, **François KARERA** organized and ordered the killing of Tutsi civilians in his home *commune* of Nyarugenge.
33. Among those that were killed as a direct consequence of **François KARERA's** acts or omissions are: Rukemampunzi, Murekezi, Mazimpaka, Joseph Kahabaye, Leonard, Murekezi and his three children, Kabuguza, Enode Ndoli, John, Nana, Bosco and Kazadi who were all killed on 7 April 1994 at a roadblock in front of Francois Karera's house by Interahamwe and the 3 communal policemen stationed at Francois Karera's house. Marianne, Rukemampanzi's wife was killed sometime in April 1994 by the Interahamwe in Rwarutabura's house where she had taken refuge. Palantin Nyagatare, Felix Dix and Adolphe were killed at their respective houses sometime in April 1994. Felicien and his two children, Gangi Innocent, Renata, Kazungu, Jean Baptiste Sano and Jean Marie Joseph Gasama were also killed by the interahamwe sometime in April 1994 in Nyamirambo.
34. During April 1994, **François KARERA** also led attacks against the civilian Tutsi population in Kigali-Rural *préfecture*. Among those that were killed as a direct consequence of François KARERA's acts or omissions are: Theoneste Gakuru, conseiller of Kimisange who was arrested between late April and May 1994 on the orders of Francois Karera at a roadblock in Rushashi. He was detained at the communal office and was later killed that same day by the Interahamwe.
35. Among those that were killed as a direct consequence of **François KARERA's** acts or omissions included: Mukadana, Murebwayire, Tuyishire, Kadabari, Mukeshimana and Murekatete, and their entire families. All these victims were killed at Ntarama church on 15 April 1994.

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

Dated: Arusha, this 19th day of December 2005:



Hassan B. Jallow
Prosecutor





TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
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I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

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From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Memory Maposa (names)	<input type="checkbox"/> Other: (names)
	Case Name: The Prosecutor vs. Fancois Karera			Case Number: ICTR-01-74-I
Dates:	Transmitted: 19/12/05		Document's date: 19/12/2005	
No. of Pages:	Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda			
Title of Document:	PROSECUTOR'S RESPONSE TO THE TRIAL CHAMBER'S SCHEDULING ORDER OF 16 DECEMBER 2005 PURSUANT TO RULE 54 OF THE RULES.			
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CMS SHALL NOT take any action regarding translation.			
<input type="checkbox"/> Filing Party hereby submits BOTH the original and the translated version for filing as follows:			
Original	in	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Translation	in	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	

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<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s): <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
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<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: