

ICTR-2001-73-I
5-11-2003
1273-1260

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2001-73-I

THE PROSECUTOR

AGAINST

PROTAIS ZIGIRANYIRAZO

JUDICIAL RECORDS DIVISION
1077
2003 NOV -5 1 P 4:22
[Signature]

ANNOTATED AMENDED INDICTMENT

The Prosecutor of the International 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

- I **CONSPIRACY TO COMMIT GENOCIDE** in terms of Article 2(3)(b) of the Statute of the Tribunal;
- II **GENOCIDE**, pursuant to Article 2(3)(a) of the Statute of the Tribunal; alternatively
- III **COMPLICITY IN GENOCIDE**, pursuant to Article 2(3)(e) of the Statute of the Tribunal;
- IV **EXTERMINATION**, as a **CRIME AGAINST HUMANITY** pursuant to Article 3(a) of the Statute of the Tribunal; and
- V **MURDER**, as a **CRIME AGAINST HUMANITY**, pursuant to Article 3(b) of the Statute of the Tribunal.

THE ACCUSED

- 1 **Protais ZIGIRANYIRAZO**, *alias* Mr. "Z", was born in 1938 in Giciye *commune*, Gisenyi *Préfecture*, Rwanda. Giciye together with the adjoining *commune* of Karago constitutes Bushiro which 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.

- 2 **Protais ZIGIRANYIRAZO** served the 2nd Republic MRND government of Juvénal HABYARIMANA as *préfet* of Ruhengeri *prefecture* from 1974 to 1989. During the events cited in this indictment he was a businessman in Giciye *commune*.

THE CHARGES

- 3 At all times referred to in this indictment there existed in Rwanda a minority ethnic group known as Tutsis, officially identified as such by the government. The majority of the population was comprised of an ethnic group known as Hutus, also officially identified as such by the government.

“Legislative Act no. 01/81, dated 16 January 1981, concerning the Census, National Identification Card, residency and Rwandaise Home Address” and “Ministerial Order No 01/03, dated 19 January 1981, providing for the enforcement of Legislative Act No. 01/81, dated 16 January 1981, concerning the Census, National Identification Card, Residency and Rwandaise Home Address”, J.O. no. 2 bis, dated 20 January 1981.

Charge I: CONSPIRACY TO COMMIT GENOCIDE

- 4 **Protais ZIGIRANYIRAZO**, in agreement or concert with other influential and powerful persons, including Agathe KANZIGA, Col. Théoneste BAGOSORA, Lt. Col. Anatole NSENGIYUMVA, Jean Bosco BARAYAGWIZA, Raphael BIKUMBI, Bernard MUNYAGISHARI, Marc MPOZAMBEZI, Arcade SEBATWARE and Wellars BANZI, with intent to destroy, in whole or in part, the Tutsi ethnic group, planned, prepared, or facilitated attacks on Tutsis during the course of 1994, particularly between 6 April 1994 and 17 July 1994.

Pursuant to Article 6 (1) of the Statute, by virtue of his individual affirmative acts, for having planned, instigated, ordered, committed, or otherwise, aided and abetted the planning, preparation or execution of the crime charged, as enumerated in the particulars set forth in paragraphs 5, 6, 7, 8, 9, 10, and 11.

Particulars

- 5 During the course of 1994, particularly between 6 April 1994 and 17 July 1994, throughout Rwanda, soldiers, *interahamwe*, militia and armed civilians targeted and attacked Tutsis on the basis that they were Tutsis, with the intent to kill or cause serious harm to them as such and to destroy the Tutsi population in Rwanda in whole or in part. Hundreds of thousands of civilian Tutsi men, women and children were killed.

“Report on the Situation of Human Rights in Rwanda” submitted by Mr. R. Degni-Segui, Special rapporteur of the Commission on Human Rights, under paragraph 20 of Commission Resolution E/CN.4/S-3/1 of 25 May 1994, UN Document E/CN.4/1995/7, of June 1994, pp. 5,6,7.

Final Report of the Commission of Experts submitted pursuant to Security Council resolution 935 (1994), S/1994/1405, 9 December 1994, par 58 et 62.

- 6 **Protais ZIGIRANYIRAZO** was born in northwestern Rwanda in Giciye *commune*, Gisenyi *préfecture*. Giciye together with the adjoining *commune* of Karago constitutes Bushiro which 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.

Official Gazette of the Republic of Rwanda, Year 38, special number of 31 December 1999, *Publication of the Updated List of the First Category Prescribed by Article 9 of Organic Law No 8/96 of 30th August 1996 (O.G. no17 of 1/9/1996)*, at page 9

Witness Statement by: AFX

Witness statement by: ON

- 7 Under President HABYARIMANA's rule, political, military and financial power in Rwanda was consolidated within a tight circle consisting of extended family members of Juvénal HABYARIMANA and members of an elite drawn almost exclusively from Rwanda's northern *préfectures* of Gisenyi and Ruhengeri. **Protais ZIGIRANYIRAZO** was a prominent member of this group.

Official Gazette of the Republic of Rwanda, Year 38, special number of 31 December 1999, *Publication of the Updated List of the First Category Prescribed by Article 9 of Organic Law No 8/96 of 30th August 1996 (O.G. no17 of 1/9/1996)*, at page 9

Witness Statement by: AFX

Witness Statement by: GHK

- 8 **Protais ZIGIRANYIRAZO** was a powerful and influential businessman. He had served the 2nd Republic MRND government of Juvénal HABYARIMANA as *préfet* of Ruhengeri *prefecture* from 1974 to 1989. Through his business and political contacts **Protais ZIGIRANYIRAZO** had close contact with government, military and militia leaders who came almost exclusively from Rwanda's northern *préfectures* as he did, and who shared his political beliefs. The close contact gave **Protais ZIGIRANYIRAZO** authority and effective control over civil authorities, members of the military and members of the militia.

Witness statement by: KY

Witness statement by: ON

Witness Statement by: GHK

Witness statement by: PA

Witness statement by: SGM

Witness statement by: SGU

Witness Statement by: AFX

- 9 During the first half of 1994 but especially during the period of 6 April to 17 July, **Protais ZIGIRANYIRAZO**, with government and military authorities including Col. Théoneste BAGOSORA, *Chef du Cabinet*, Ministry of Defence, and Lt. Col. Anatole NSENGIYUMVA, CDR leaders such as Jean Bosco BARAYAGWIZA, regional administrative officials such as Gisenyi *sous-préfet* Raphael BIKUMBI, and *interahamwe* leaders such as Bernard MUNYAGISHARI, planned, prepared, ordered, instigated, or facilitated attacks on Tutsis with the intention of destroying, in whole or in part, the Tutsi population of Rwanda.

Witness statement by: DCD

Witness statement by: SGP-2

- 10 **Protais ZIGIRANYIRAZO**, by agreement with or in concert with the persons cited in paragraph 9 hereof, amongst others, ordered, authorised or participated in various meetings of regional and local administrative officials, including Gisenyi *sous-préfet* 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, in order to plan, organise or facilitate attacks on the Tutsis in the Gisenyi *préfecture*.

Witness statement by: ON

Witness statement by: SFG

Witness statement by: SFI

Witness statement by: SGO

Witness statement by: SGP-2

Witness Statement by: AFX

Witness statement by: SGD

- 11 **Protais ZIGIRANYIRAZO**, in collaboration with Wellars BANZI and Bernard MUNYAGISHARI, amongst others, was instrumental in initiating the formation of the *interahamwe* in Gisenyi. **Protais ZIGIRANYIRAZO** participated in and facilitated the organising, arming, training and clothing of the *interahamwe* and the arming of the local population in Gisenyi, with the purpose of attacking and destroying the Tutsi population.

Witness statement by: ON

Witness statement by: SFG

Witness statement by: SFI

Witness statement by: SGO

Witness statement by: SGP-2

Witness Statement by: AFX

Charges II and III: GENOCIDE, Alternatively COMPLICITY IN GENOCIDE

- 12 **Protais ZIGIRANYIRAZO** intended to destroy, in whole or in part, the ethnic Tutsi group. As an influential and powerful person he was responsible, both individually and through the acts of his subordinates, for causing, facilitating or assisting in the killing of Tutsis, or causing serious bodily or mental harm to Tutsis, because they were Tutsis including refugees at Gashihe Hill, people at roadblocks at Giciye, "La Corniche" and Kiyovu, the family of Jean Sapeur SEKIMONYO and members of the Bahoma Tutsi clan.

Pursuant to Article 6 (1) of the Statute, by virtue of affirmative acts done individually or in concert with others in pursuit of a common purpose, for having planned, instigated, ordered, committed, or otherwise, aided and abetted in the planning, preparation or execution of the crime charged, as enumerated in the particulars set forth in paragraphs 13, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26 and 27; and

Pursuant to Article 6(3) of the Statute, by virtue of his actual or constructive knowledge of the acts or omissions of his subordinates, including members of the Presidential Guard, soldiers, gendarmes, immigration police, *interahamwe* and local civilian militia, and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the planning, preparation or execution of the crime charged as enumerated in the particulars set forth in paragraphs 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27;

Particulars

- 13 **Protais ZIGIRANYIRAZO** was a powerful and influential businessman. He had served the 2nd Republic MRND government of Juvénal HABYARIMANA as *préfet* of Ruhengeri *prefecture* from 1974 to 1989. Through his business and political contacts **Protais ZIGIRANYIRAZO** had close contact with government, military and militia leaders who came almost exclusively from Rwanda's northern *préfectures* as he did, and who shared his political beliefs. The close contact gave **Protais ZIGIRANYIRAZO** authority and effective control over civil authorities, members of the military and members of the militia.

Witness statement by: KY
 Witness statement by: ON
 Witness Statement by: GHK
 Witness statement by: PA
 Witness statement by: SGM
 Witness statement by: SGU
 Witness statement by: SGY
 Witness Statement by: AFX

Gashihe Hill

- 14 On or about 7 April 1994, the local Tutsi population, numbering approximately 2000, sought refuge at Gashihe or Kesho Hill in Kabayengo *cellule*, Rwili *secteur*, Gaseke *commune*, Gisenyi *prefecture*.

Witness statement by: AKO-1

Witness statement by: AKK-1

- 15 On or about 8 April 1994, **Protais ZIGIRANYIRAZO**, with intent that the Tutsi who sought refuge at Gashihe or Kesho Hill be killed because they were Tutsi, lead a convoy of armed Presidential Guard soldiers, gendarmes and *interahamwe* as part of the attack on the Tutsis seeking refuge on the hill.

Witness statement by: AKL-1

Witness statement by: AKO-1

Witness statement by: AKK-1

Witness statement by: AKM-1

- 16 The convoy of armed Presidential Guard soldiers, gendarmes and *interahamwe*, on the orders of **Protais ZIGIRANYIRAZO**, attacked and killed approximately 1000 Tutsi who had sought refuge on Gashihe or Kesho hill.

Witness statement by: AKL-1

Witness statement by: AKO-1

Witness statement by: AKK-1

Witness statement by: AKM-1

Roadblocks

- 17 Between April and July 1994 **Protais ZIGIRANYIRAZO** ordered or authorised roadblocks to be established in direct proximity to each of three of his residences: in Gasiza *cellule*, Giciye *commune*, Gisenyi *prefecture*, "La Corniche" border, Rubavu *commune*, Gisenyi *prefecture* and in Kiyovu *cellule*, Kigali-ville *prefecture*, intending that they would be used in the campaign of killing Tutsis.

Giciye roadblock

- 18 Between April and July 1994, **Protais ZIGIRANYIRAZO**, on numerous occasions visited various roadblocks mounted in Gisenyi, including the Giciye roadblock, and publicly ordered those manning the roadblocks to "work" and encouraged them by providing them with drinks and money to buy food. The word "work" was, during the events referred to in this indictment, a coded reference for killing Tutsi and "moderate" Hutu.

Witness statement by: SGP

Witness statement by: AKN-1

- 19 In early-May 1994, **Protais ZIGIRANYIRAZO** ordered or authorised the mounting of a roadblock next to his residence in Giciye *commune*, Gisenyi *prefecture*. **Protais ZIGIRANYIRAZO** provided or authorised soldiers to command the roadblock. Persons operating the roadblock were variously armed with guns, grenades and

traditional weapons and controlled the traffic of persons fleeing from Rwanda to Zaire. This stretch of road from Gitarama through Giciye-Karago-Mukamira was the main route of flight during April to July 1994; the Kigali to Gisenyi tarmac road via Ruhengeri was impassable due to fighting between the FAR and the RPF. Soldiers, *interahamwe* and armed civilians subject to **Protais ZIGIRANYIRAZO**'s authority, and following his orders, killed numerous Tutsis.

Witness statement by: SGA

Witness statement by: SGI

Witness statement by: SGK

Witness statement by: SGO

Witness statement by: SGP

Witness statement by: SGS

Witness statement by: AKN-1

- 20 **Protais ZIGIRANYIRAZO** paid the *interahamwe* to dig a mass grave known as "the Pit". The Pit was situated behind the compound of **Protais ZIGIRANYIRAZO**'s home in Giciye. Bodies of those killed near **Protais ZIGIRANYIRAZO**'s home were first thrown into the Pit and later into the BASERA River.

Witness statement by: SGO

Witness statement by: SGP - 2

"La Corniche" roadblock

- 21 In April 1994, *interahamwe* militia mounted a roadblock on the "La Corniche" roadway in Gisenyi-town leading toward the main border crossing into Zaire. As with the roadblocks mentioned in Kiyovu and Giciye, the "La Corniche" roadblock was situated in close proximity to one of **Protais ZIGIRANYIRAZO**'s residences.

Witness Statement by: SGO

Witness statement by: GHK

- 22 "La Corniche" roadblock was under the general control of *interahamwe* leaders, including Omar SERUSHAGO, reporting to Lt. Colonel Anatole NSENGIYUMVA and Bernard MUNYAGISHARI. The roadblock 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, characterised as accomplices of "the enemy", being Tutsis, from escaping across the border to Zaire. The *interahamwe* routinely checked persons passing through the roadblock on their way to the border crossing. 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 authorised, encouraged or assisted operations at the roadblock to facilitate the killing of Tutsi and "moderate" Hutu.

Witness statement by: SFH

Witness statement by: GHK

- 23 During June 1994, **Protais ZIGIRANYIRAZO** encouraged the *interahamwe*, gendarmes and immigration police who were manning "La Corniche" roadblock at the Gisenyi-Goma border in the killing and harming of Tutsi by asking if they were "working" well and by ordering them to "work."

Witness statement by: SFH

Witness statement by: GHK

Expert witness:

Kiyovu roadblock

- 24 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 neighbourhood 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 supervised this roadblock, the largest roadblock in Kiyovu *cellule*. The civilians manning the roadblock were armed with machetes and clubs.

Witness statement by: DAS

- 25 Approximately one week later, in mid-April 1994, **Protais ZIGIRANYIRAZO** instructed soldiers and *interahamwe* militia at the roadblock near his Kiyovu residence to search the homes in the neighbourhood and to kill any Tutsi that were found. **Protais ZIGIRANYIRAZO** further instructed the soldiers and *interahamwe* at the roadblock, including Second Lt. Jean Claude SEYOBOKA BONKE and Jacques KANYAMIGEZI who supervised the roadblock, to kill all Tutsi who attempted to pass through. Shortly thereafter, and on a continuing basis, soldiers and *interahamwe* killed those who were identified at Tutsis, in the neighbourhood and attempting to pass through the roadblock.

Witness statement by: DAS

Witness statement by: SGH

SEKIMONYO Family

- 26 During May 1994 **Protais ZIGIRANYIRAZO** ordered *interahamwe* militia to kill the family of Jean Sapeur SEKIMONYO whom he characterised as Inyenzi. The SEKIMONYO family had sought refuge at the home of President HABYARIMANA in Karago *commune*. The *interahamwe* carried out the order, killing the entire family, resulting in the death of over thirty persons.

Witness Statement by: SGO

The Bahoma Tutsi

- 27 Toward the end of May 1994, **Protais ZIGIRANYIRAZO** ordered the arrest of approximately 18 members of the Bahoma Tutsi clan, who had sought refuge at his Giciye residence, knowing that that they would be killed. The victims were related to one of **Protais ZIGIRANYIRAZO**'s wives.

Witness Statement by: SGO

Charge IV: EXTERMINATION as a CRIME AGAINST HUMANITY

- 28 Between 7 April 1994 and 14 July 1994, **Protais ZIGIRANYIRAZO**, as an influential and powerful person, was responsible, individually and through the acts of his subordinates, for the extermination, as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds, of refugees at Gashihe or Kesho Hill and persons at roadblocks at Giciye, "La Corniche" and Kiyovu.

Pursuant to Article 6 (1) of the Statute, by virtue of affirmative acts done individually or in concert with others in pursuit of a common purpose, for having planned, instigated, ordered, committed, or otherwise, aided and abetted the planning, preparation or execution of the crime charged, as enumerated in the particulars set forth in paragraphs 30, 31, 32, 33, 34, 35, 36, 37, 38 and 40; and;

Pursuant to Article 6(3) of the Statute: by virtue of his actual or constructive knowledge of the acts or omissions of his subordinates, including members of the Presidential Guard, soldiers, gendarmes, immigration police, *interahamwe* and local civilian militia and his failure to take necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the planning, preparation or execution of the crime charged as enumerated in the particulars set forth in paragraphs 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40;

Particulars

Gishehe Hill

- 29 On or about 7 April 1994, the local Tutsi population, numbering approximately 2000, sought refuge at Gashihe or Kesho Hill in Kabayengo *cellule*, Rwili *secteur*, Gaseke *commune*, Gisenyi *prefecture*.

Witness statement by: AKO-1

Witness statement by: AKK-1

Witness statement by: AKP-1

- 30 On or about 8 April 1994, **Protais ZIGIRANYIRAZO**, with intent that the Tutsi who sought refuge at Gashihe or Kesho Hill be killed because they were Tutsi, lead a

convoy of armed Presidential Guard soldiers, gendarmes and *interahamwe* as part of the attack on the Tutsis seeking refuge on the hill.

Witness statement by: AKL-1

Witness statement by: AKO-1

Witness statement by: AKK-1

Witness statement by: AKM-1

- 31 The convoy of armed Presidential Guard soldiers, gendarmes and *interahamwe*, on the orders of **Protais ZIGIRANYIRAZO**, attacked and killed approximately 1000 Tutsi who had sought refuge on Gashihe or Kesho hill.

Witness statement by: AKL-1

Witness statement by: AKO-1

Witness statement by: AKK-1

Witness statement by: AKM-1

Roadblocks

- 32 Between April and July 1994 **Protais ZIGIRANYIRAZO** ordered or authorised roadblocks to be established in direct proximity to each of his three residences in Kiyovu *cellule*, Kigali-ville *prefecture*, Gasiza *cellule*, Giciye *commune*, Gisenyi *prefecture*, and at "La Corniche" border, Rubavu *commune*, Gisenyi *prefecture*, intending that they would be used in the campaign of killing Tutsis.

Giciye Roadblock

- 33 Between April and July 1994, **Protais ZIGIRANYIRAZO**, on numerous occasions visited various roadblocks mounted in Gisenyi, particularly the Giciye roadblock, and publicly encouraged those manning the roadblocks to "work" by providing them with drinks and money to buy food. The word "work" was a coded reference to killing Tutsi and "moderate" Hutu.

Witness statement by: SGP

Witness statement by: AKN-1

- 34 In early-May 1994, **Protais ZIGIRANYIRAZO** ordered or authorised the mounting of a roadblock next to his residence in Giciye *commune*, Gisenyi *prefecture*. **Protais ZIGIRANYIRAZO** provided or authorised soldiers to command the roadblock. Persons operating the roadblock were variously armed with guns, grenades and traditional weapons and controlled the traffic of persons fleeing from Rwanda to Zaire. This stretch of road from Gitarama through Giciye-Karago-Mukamira was the main route of flight during April to July 1994; the Kigali to Gisenyi tarmac road via Ruhengeri was impassable due to fighting between the FAR and the RPF. Soldiers, *interahamwe* and armed civilians subject to **Protais ZIGIRANYIRAZO**'s authority, and following his orders, killed numerous civilians at the roadblock.

Witness statement by: SGA

Witness statement by: SGI
 Witness statement by: SGK
 Witness statement by: SGO
 Witness statement by: SGP
 Witness statement by: SGS
 Witness statement by: AKN-1
 Gisenyi Base Map & Map of Communes & Prefectures of Rwanda

- 35 **Protais ZIGIRANYIRAZO** paid the *interahamwe* to dig a mass grave known as "the Pit". The Pit was situated behind the compound of **Protais ZIGIRANYIRAZO's** home in Giciye. Bodies of those killed near **Protais ZIGIRANYIRAZO's** home were first thrown into the Pit and later into the BASERA River.

Witness statement by: SGO
 Witness statement by: SGP-2

"La Corniche" Roadblock

- 36 In April 1994, *interahamwe* militia mounted a roadblock on the "La Corniche" roadway in Gisenyi-town leading toward the main border crossing into Zaire. As with the roadblocks mentioned in Kiyovu and Giciye, the "La Corniche" roadblock was situated in close proximity to one of **Protais ZIGIRANYIRAZO's** residences.

Witness Statement by: SGO
 Witness statement by: GHK

- 37 "La Corniche" roadblock was under the general control of *interahamwe* leaders, including Omar SERUSHAGO, reporting to Lt. Colonel Anatole NSENGIYUMVA and Bernard MUNYAGISHARI. The roadblock 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. The *interahamwe* routinely checked persons passing through the roadblock on their way to the border crossing. 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 authorised, encouraged or assisted operations at the roadblock to facilitate the killing of Tutsi and "moderate" Hutu.

Witness statement by: SFH
 Witness statement by: GHK

- 38 In June 1994, on a date uncertain, **Protais ZIGIRANYIRAZO** addressed *interahamwe* and CDR-affiliated militia and gendarmes and immigration police that were manning the "La Corniche" roadblock at the Gisenyi-Goma border and inquired if they were "working" well and encouraged them to "work."

Witness statement by: SFH

Witness statement by: GHK

Kiyovu roadblock

- 39 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 neighbourhood 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 supervised this roadblock, the largest roadblock in Kiyovu *cellule*. The civilians manning the roadblock were armed with machetes and clubs.

Witness statement by: DAS

- 40 Approximately one week later, in mid-April 1994, **Protais ZIGIRANYIRAZO** instructed soldiers and *interahamwe* militia at the roadblock near his Kiyovu residence to search the homes in the neighbourhood and to kill any Tutsi that were found. **Protais ZIGIRANYIRAZO** further instructed the soldiers and *interahamwe* at the roadblock, including Second Lt. Jean Claude SEYOBOKA BONKE and Jacques KANYAMIEZI who supervised the roadblock, to kill all Tutsi who attempted to pass through. Shortly thereafter, and on a continuing basis, soldiers and *interahamwe* killed those who were identified as Tutsis, in the neighbourhood and attempting to pass through the roadblock.

Witness statement by: DAS

Witness statement by: SGH

Charge V: MURDER as a CRIME AGAINST HUMANITY

- 41 Between 7 April 1994 and 14 July 1994, **Protais ZIGIRANYIRAZO**, as an influential and powerful person, was responsible, individually and through the acts of his subordinates, for the murder, as part of a widespread or systematic attack against the civilian population, on political, ethnic or racial grounds, of three gendarmes at the Giciye roadblock, Gisenyi *préfecture*; Stanislas SINIBAGIWE, sometimes identified as Stanislas SIMBIZI; members of the family of Jean Sapeur SEKIMONYO; and members of the Bahoma Tutsi clan.

Pursuant to Article 6 (1) of the Statute, by virtue of affirmative acts done individually or in concert with others in pursuit of a common purpose, for having planned, instigated, ordered, committed, or otherwise, aided and abetted the planning, preparation or execution of the crime charged, as enumerated in the particulars set forth in paragraphs 41, 42, 43, 44, 45, 46 and 47; and;

Pursuant to Article 6(3) of the Statute, by virtue of his actual or constructive knowledge of the acts or omissions of his subordinates, including, gendarmes, immigration police, *interahamwe* and local civilian militia, and his failure to take

necessary and reasonable measures to stop or prevent them, or to discipline and punish them, for their acts in the planning, preparation or execution of the crime charged as enumerated in the particulars set forth in paragraphs 41, 42, 43, 44, 45, 46 and 47;

Particulars

- 42 During May 1994, **Protais ZIGIRANYIRAZO** ordered his son, **Jean-Marie-Vianney MAKIZA**, to kill three gendarmes that were detained at the Giciye 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 the **ZIGIRANYIRAZO** Giciye residence. The gendarmes were travelling toward Gisenyi and were identified as Tutsi or characterised as RPF accomplices or infiltrators.

Witness statement by: SGC

Witness statement by: SGD

Witness statement by: SGO

- 43 **Protais ZIGIRANYIRAZO** further associated himself with the killing of the three gendarmes by forcing several local residents to make false official reports of the killing. The false reports indicated that the gendarmes had been killed as defensive acts at the roadblock: in order to prevent an assault by one of them or to thwart their escape. The reports also characterised the gendarmes as brigands or impostors or deserters from the battlefield.

Witness statement by: SGA

Witness statement by: SGI

P/V de Reseignement du Ministre de la Justice, Parquet de La Republique, Gisenyi, Canton Giciye, dated 5 December 1999, signed by IPJ de la Commune Giciye Victor KABERA.

- 44 In June 1994, on a date uncertain, **Protais ZIGIRANYIRAZO** addressed *interahamwe* and CDR-affiliated militia and gendarmes and immigration police that were manning the "La Corniche" roadblock at the Gisenyi-Goma border and inquired if they were "working" well and encouraged them to "work", a coded reference to killing Tutsi and "moderate" Hutu.

Witness statement by: SFH

Witness statement by: GHK

- 45 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 RTLM radio broadcasts. **Protais ZIGIRANYIRAZO** ordered *interahamwe* at the roadblock to take Stanislas

SINIBAGIWE away and kill him. The *interahamwe* removed Stanislas SINIBAGIWE to the "Commune Rouge" and killed him, and later returned to the roadblock and reported to **Protais ZIGIRANYIRAZO** and the others that Stanislas SINIBAGIWE had been killed.

SEKIMONYO Family

- 46 Sometime during May 1994 **Protais ZIGIRANYIRAZO** ordered *interahamwe* militia to kill the family of Jean Sapeur SEKIMONYO, whom he characterised 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, resulting in the death of over thirty persons.

Witness Statement by: SGO

The Bahoma Tutsi

- 47 Toward the end of May 1994, **Protais ZIGIRANYIRAZO** ordered the arrest of approximately 18 members of the Bahoma Tutsi clan, who had sought refuge at his Giciye residence, knowing that that they would be killed. The victims were related to one of **Protais ZIGIRANYIRAZO**'s wives.

Witness Statement by: SGO

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

Signed at Arusha, this 5th day of November 2003.

/S/ Hassan Bubacar Jallow
Prosecutor

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ICTR-2001-73-I
5-11-2003
(1283-1274)

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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-2001-73-I

THE PROSECUTOR

AGAINST

PROTAIS ZIGIRANYIRAZO

2003 NOV -5 10 41:22
ICTR
PROSECUTOR GENERAL'S OFFICE
KIGALI

AMENDED INDICTMENT

The Prosecutor of the International 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

- I **CONSPIRACY TO COMMIT GENOCIDE** in terms of Article 2(3)(b) of the Statute of the Tribunal;
- II **GENOCIDE**, pursuant to Article 2(3)(a) of the Statute of the Tribunal; alternatively
- III **COMPLICITY IN GENOCIDE**, pursuant to Article 2(3)(e) of the Statute of the Tribunal;
- IV **EXTERMINATION**, as a **CRIME AGAINST HUMANITY** pursuant to Article 3(a) of the Statute of the Tribunal; and
- V **MURDER**, as a **CRIME AGAINST HUMANITY**, pursuant to Article 3(b) of the Statute of the Tribunal.

THE ACCUSED

- 1 **Protais ZIGIRANYIRAZO**, *alias* Mr. "Z", was born in 1938 in Giciye *commune*, Gisenyi *Préfecture*, Rwanda. Giciye together with the adjoining *commune* of Karago constitutes Bushiro which 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.

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS	
NAME / NOM:	CONSTANT K. HOMETOWU
SIGNATURE:	<i>[Signature]</i> DATE: 06-11-2003

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 RTLM radio broadcasts. **Protais ZIGIRANYIRAZO** ordered *interahamwe* at the roadblock to take Stanislas SINIBAGIWE away and kill him. The *interahamwe* removed Stanislas SINIBAGIWE to the “*Commune Rouge*” and killed him, and later returned to the roadblock and reported to **Protais ZIGIRANYIRAZO** and the others that Stanislas SINIBAGIWE had been killed.

SEKIMONYO Family

- 46 Sometime during May 1994 **Protais ZIGIRANYIRAZO** ordered *interahamwe* militia to kill the family of Jean Sapeur SEKIMONYO, whom he characterised 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, resulting in the death of over thirty persons.

The Bahoma Tutsi

- 47 Toward the end of May 1994, **Protais ZIGIRANYIRAZO** ordered the arrest of approximately 18 members of the Bahoma Tutsi clan, who had sought refuge at his Giciye residence, knowing that that they would be killed. The victims were related to one of **Protais ZIGIRANYIRAZO**'s wives.

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


Signed at Arusha, this 5th day of November 2003.

Hassan Bubacar Fallow
Prosecutor



TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS

(Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

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From:	<input type="checkbox"/> Chamber (name) <input type="checkbox"/> Defence (name) <input checked="" type="checkbox"/> Prosecutor's Office Stephen Rapp (name)  <input type="checkbox"/> Other: (name)				
Case Name:	The Prosecutor vs. Protais Zigiranyirazo.		Case Number: ICTR-2001-73-I		
Date:	Transmitted: 5 November 2003		Document's date: 5 November 2003		No. of Pages: 10 - 14 - 4
Original / Transl.	Document <input checked="" type="checkbox"/> ORIGINAL: Fill sections below <input type="checkbox"/> TRANSLATION into <input type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyar. (original was filed on)				
Doc. Title	Amended Indictment - Annotated Amended Indictment - The Prosecutor's Annexure Re: Amended Indictment.				
Classification Level:		TRIM Doc Type:			
<input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Order <input type="checkbox"/> Motion <input type="checkbox"/> Judgement <input type="checkbox"/> Decision <input type="checkbox"/> Correspondence <input type="checkbox"/> Disclosure <input checked="" type="checkbox"/> Submission from parties <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Affidavit <input type="checkbox"/> Accused particulars <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Book <input type="checkbox"/> Book of Authorities			

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PROOF OF SERVICE – ARUSHA
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Date:	05 November 2003	Case Name / Affaire:	The Prosecutor vs.	Protais ZIGIRANYIRAZO
		Case No /Affaire No.:	ICTR-01-73-I	
To:	<input type="checkbox"/> TC1	received by / reçu par:	ALO:	received by / reçu par
A:	<input type="checkbox"/> Judge E. Mose, President	<input type="checkbox"/>
	<input type="checkbox"/> Judge J. R. Reddy	<input type="checkbox"/>
	<input type="checkbox"/> Judge S. A. Egorov	<input type="checkbox"/>
	<input type="checkbox"/> Judge N. Pillay (Nahimana et al.)	<input type="checkbox"/>
	<input type="checkbox"/> Judge A. Z. Gunawardana (Nahimana et al.)	<input type="checkbox"/>
	<input type="checkbox"/> Judge K. R. Khan (Ndindabahizi)	<input type="checkbox"/>
	<input type="checkbox"/> Judge S. B. Bossa (Ndindabahizi)	<input type="checkbox"/>
	<input type="checkbox"/> J. Neuwirth, SLO	<input type="checkbox"/>
	<input type="checkbox"/> E. Nahamya, Co-ordinator	<input type="checkbox"/>
	<input type="checkbox"/> TC2			
	<input type="checkbox"/> Judge W. H. Sekule	<input type="checkbox"/>
	<input type="checkbox"/> Judge A. Z. Gunawardana	<input type="checkbox"/>
	<input type="checkbox"/> Judge A. Ramaroson	<input type="checkbox"/>
	<input type="checkbox"/> Judge K. R. Khan (Bizimungu et al.)	<input type="checkbox"/>
	<input type="checkbox"/> Judge L. G. Muthoga (Bizimungu et al.)	<input type="checkbox"/>
	<input type="checkbox"/> Judge S. B. Bossa (Nyiramasuhuku et al.)	<input type="checkbox"/>
	<input type="checkbox"/> C. Eboe-Osuji, SLO	<input type="checkbox"/>
	<input type="checkbox"/> A. Leroy, Co-ordinator	<input type="checkbox"/>
	<input checked="" type="checkbox"/> TC3			
	<input checked="" type="checkbox"/> Judge L. G. Williams	se 6-11-03	<input type="checkbox"/>	se 6-11-03
	<input type="checkbox"/> Judge Y. Ostrovsky	<input type="checkbox"/>
	<input type="checkbox"/> Judge P. Dolenc	Nequest 6/11/03	<input type="checkbox"/>	Nequest sur 6/11/03
	<input checked="" type="checkbox"/> Judge A. Vaz	<input type="checkbox"/>
	<input type="checkbox"/> Judge J. R. Reddy (Gacumbitsi)	<input type="checkbox"/>
	<input type="checkbox"/> Judge S. A. Egorov (Gacumbitsi)	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Judge K. R. Khan	6-11-03	<input type="checkbox"/>
	<input type="checkbox"/> Judge F. R. Arrey (Karemara et al.)	<input type="checkbox"/>
	<input type="checkbox"/> Judge F. Lattanzi (Karemara et al.)	<input type="checkbox"/>
	<input type="checkbox"/> E. O'Donnell, SLO	<input type="checkbox"/>
	<input type="checkbox"/> R. Adjovi, Co-ordinator	6-11-03	<input type="checkbox"/>
	<input type="checkbox"/> R. Diarra, Co-ordinator (Karemara et al.)	<input type="checkbox"/>
	<input checked="" type="checkbox"/> OTP / BUREAU DU PROCUREUR			
	<input type="checkbox"/> Trial Attorney in charge of case:.....	S. Rapp	received by
	<input checked="" type="checkbox"/> DEFENSE			
	<input type="checkbox"/> Accused / Accusé:.....	P. Zigiranyirazo		complete / remplir "CMS4 FORM"
	<input type="checkbox"/> Lead Counsel / Conseil Principal:....	J. Philpot		
	<input type="checkbox"/> In / à Arusha Arusha(signature)	<input type="checkbox"/> by fax	complete / remplir "CMS3bis FORM"
	<input type="checkbox"/> Co-Counsel / Conseil Adjoint....			
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	All Decisions & Important Public Documents:	<input type="checkbox"/> Press & Public Affairs		<input type="checkbox"/> Legal Library
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De:				<input type="checkbox"/> F. A. Talon (Appeals)
Cc:	<input type="checkbox"/> A. Dieng	<input type="checkbox"/> A. Miller, OLA, NY	<input type="checkbox"/> L. G. Munlo	<input type="checkbox"/> M. Niang
	<input type="checkbox"/> WVSS-D	<input type="checkbox"/> WVSS-P	<input checked="" type="checkbox"/> E. O'Donnell	<input type="checkbox"/> DCMS
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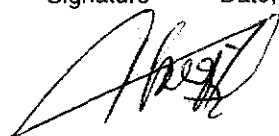


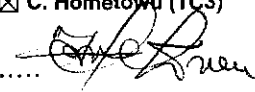


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**PROOF OF SERVICE TO DETAINEES
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Upon signature of the detainee, please return this sheet to the originator as proof of service.
Formulaire à être renvoyé à l'expéditeur dûment signé par le détenu.

Date:		Case Name /Affaire: The Prosecutor vs. Protais ZIGIRANYIRAZO		
		Case No / Affaire No: ICTR-01-73-I		
To: A:	Name of detainee / nom du détenu ZIGIRANYIRAZO	TO BE FILLED IN BY THE DETAINEE A COMPLETER PAR LE DETENU I confirm reception of the document(s) listed below. Signature Date, Time / Heure <i>Je confirme réception du/des document mentionné(s) ci-dessous.</i>  6/11/03		
Via:	Security Officer Commanding Officer, UNDF	Print name / nom  S. Guindo	Signature 	Date, Time / Heure 6.11.03
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