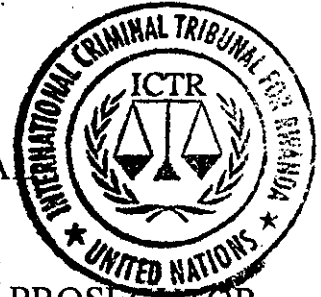


02.

ICTR-96-11-I  
22 July 1996  
(41-36)

41  
case

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR RWANDA



CASE NO: ICTR - 96 -

THE PROSECUTOR  
OF THE TRIBUNAL

AGAINST

FERDINAND NAHIMANA

**INDICTMENT**

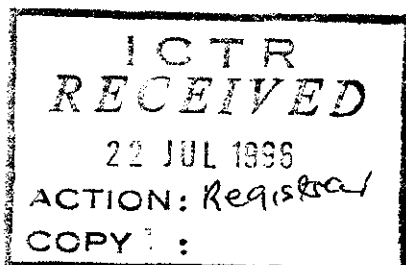
1. The Prosecutor of the International Criminal Tribunal for Rwanda, pursuant to his authority under Article 17 of the Statute of the International Criminal Tribunal for Rwanda ("the Statute of the Tribunal") charges:

**FERDINAND NAHIMANA**

with **CONSPIRACY TO COMMIT GENOCIDE, DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE, COMPLICITY IN GENOCIDE,** and **CRIMES AGAINST HUMANITY,** as set forth below:

2. **THE ACCUSED**

**Ferdinand Nahimana** is believed to have been born on 15 June 1950 in the Republic of Rwanda. During the time of the events alleged in this indictment, he was a senior representative of a company, Radio Television Libre des Milles Collines, SA (hereinafter referred to as R.T.L.M. SA) and its commercial radio station, Radio des Milles Collines (hereinafter referred to as RTL.M.)



The accused is currently detained in Cameroon.

3. CONCISE STATEMENT OF THE FACTS

3.1 At all times relevant to this indictment, Tutsis were identified as a racial or ethnic group.

3.2 In or around 1993, **Ferdinand Nahimana** and others planned and created RTLM SA. RTLM was an integral part of RTLM SA. RTLM operated within the territory of Rwanda during the time of the events alleged in this indictment. In addition to being involved in the creation of the RTLM SA, **Ferdinand Nahimana** was instrumental in the establishment of RTLM.

3.3. During the time of the events alleged in this indictment, **Ferdinand Nahimana** exercised control, or had the opportunity to exercise control, over the programming, operations and finances of RTLM SA and RTLM.

3.4 Between 1 January 1994 and approximately 31 July 1994, RTLM was used to broadcast messages designed to achieve inter-ethnic hatred and encourage the population to kill, commit acts of violence and persecutions against the Tutsi population and others on political grounds.

3.5 During the period alleged in this indictment, Tutsis and others were killed and suffered serious bodily or mental harm as the result of the RTLM broadcasts.

3.6 From a date unknown to the Prosecutor through the period alleged in this indictment, **Ferdinand Nahimana** by himself and/or with others planned, directed and defended the broadcasts made by RTLM.

3.7 During the period of the broadcasts alleged in this indictment, **Ferdinand Nahimana** knew or had reason to know of the broadcasts and the effects of the broadcast on the population. **Ferdinand Nahimana** could have taken reasonable measures to change or prevent the broadcasts, but failed to do so.

3.8 During the period of the broadcasts **Ferdinand Nahimana** knew or had reason to know that his subordinates in RTLM had facilitated and/or broadcasted such broadcasts, or were about to facilitate and/or broadcast such broadcasts, and failed to take the necessary and reasonable measures to prevent such broadcasts or punish the subordinates.

#### 4. CHARGES

COUNT 1: **Ferdinand Nahimana**, between about 1 January 1994 and 31 July 1994, in the Territory of the Republic of Rwanda, conspired with others to kill or cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy , in whole or part, an ethnic or racial group as such, and has thereby committed **CONSPIRACY TO COMMIT GENOCIDE**, a crime pursuant to Articles 2(3)(b) and 6(1) and punishable in reference to Article 22 and 23 of the Statute of the Tribunal;

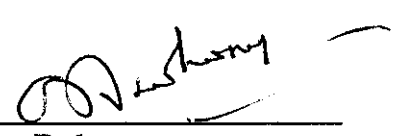
COUNT 2: **Ferdinand Nahimana**, between about 1 January 1994 and 31 July 1994, in the Territory of the Republic of Rwanda, is responsible for the direct and public incitement of the population to kill or cause serious bodily or mental harm to members of the Tutsi population, with the intent to destroy in whole or part an ethnic or racial group, as such and has thereby committed **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, a crime pursuant to Articles 2(3)(c), 6(1) and/or 6(3) and punishable in reference to Article 22 and 23 of the Statute of the Tribunal;

COUNT 3: **Ferdinand Nahimana**, between about 1 January 1994 and 31 July 1994, in the Territory of the Republic of Rwanda, was complicit in the killing or causing of serious bodily or mental harm to members of the Tutsi population, with the intent to destroy, in whole or part, an ethnic or racial group as such and is thereby responsible for **COMPLICITY IN GENOCIDE**, a crime recognized by Articles 2(3)(e) and 6(1) and punishable in reference to Article 22 and 23 of the Statute of the Tribunal; and

COUNT 4: **Ferdinand Nahimana**, between about 1 January 1994 and 31 July 1994, in the Territory of the Republic of Rwanda, is responsible for the persecution on political or racial ground of civilians as part of a widespread or systematic attack against a civilian population on political, ethnic, or racial grounds, and has thereby committed a **CRIME AGAINST HUMANITY**, a crime recognized by Articles 3(h), 6(1) and/or 6(3) and punishable in reference to Article 22 and 23 of the Statute of the Tribunal.

12 July 1996  
Kigali, Rwanda

For the Prosecutor  
The Deputy Prosecutor



\_\_\_\_\_  
Honore Rakotomanana

Interafrican commission  
for the non violence  
P.O. Box 1725 Nairobi-Kenya  
.....

ANNEX 3

To the executive committee of sympathizers  
for the non violence in Rwanda  
Kigali-Rwanda  
.....

Dear sympathizers we are very interested in what is happening in Rwanda. We are delighted that the democratization process of the institutions of your country are proceeding well and we are happy to remark that neat evolution towards the national competition in order to constitute/form a transitional multipartist government. We greatly encourage the principles of concessus and spiritual honesty on behalf of all african political leaders who, since now, must share one global view of the interests of their countries.

However, and concerning your country, we are obliged to inform you that the third phase/ stage of the war launched on 1 October 1990, against Rwanda is going to start. In fact, after the consecutive failures of the first phase ( convention war) and the second phase(harrassment war), the third phase will consist of terrorist acts: killings, destruction of goods/ properties and urban guerilla warfare.

Foreign terrorist agents,arabs or africans, have just been recruited for this purpose. They will incesantly infiltrate into Rwanda under diverse forms (businesses,tourism ,etc...) and as soon as they will have arrived in the country, they will get into contact with the top RPF authorities, represented by the liberal party directory ( refer to the letter of 11 nov 1991 ); liberal party, the frame/pillar/support of RPF , presided over by MUGENZI Justn.

Various personalities will be killed:politicians, businessmen, officers... all members of political parties and especially hutu people. The plan, as we have heard, is very simple but its result will be terrible. A leader of a given political party will be assassinated and that crapulous crime will be exploited by RPF leaders who will say that there was another hutu dominated political party behind this murder. These massacres will occur under the circumstances that people will think that hutu people are killing themselves.

Here is list to be killed; REFER TO THE LIST IN Report

Dear friends,

You are aware that the clandestine/secret RPF headquarters is currently functioning/operating in Nairobi but kenyan authorities do not know it. This headquarter works jointly (and is in direct and permanent contact )with its branch operating in Kigali under the control of liberal party.

In brief, it is because of the gravity of this situation, because of the stubbornness/tenacity of RPF-INKOTANYI that we have decided to assist you in your fight for the non- violence. We, please ask you, to remain vigilant and unite in order to anticipate and dissuade any action susceptible to provoke a tragic event in your country.

On behalf of the commission

James MAKUZA

Permanent Secretary

Nairobi 3 February 1992