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**UNITED NATIONS
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

Case No. ICTR-2005-84-I

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**THE PROSECUTOR
AGAINST
JOSEPH SERUGENDO**

INDICTMENT

Filed 21 July 2005

I. **The Prosecutor of the United Nations International Criminal Tribunal for Rwanda (“The Prosecutor”), pursuant to the authority stipulated in Article 17 of the Statute of the International Criminal Tribunal for Rwanda (the “Statute”), charges:**

Joseph SERUGENDO

With:

- Count 1 - **CONSPIRACY TO COMMIT GENOCIDE**, pursuant to Articles 2(3)(b) and 6(1) of the Statute;
- Count 2 - **GENOCIDE**, pursuant to Articles 2(3)(a), 6(1) and 6(3) of the Statute; or alternatively;
- Count 3 - **COMPLICITY IN GENOCIDE**, pursuant to Articles 2(3)(e), 6(1) and 6(3) of the Statute;
- Count 4 - **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, pursuant to Articles 2(3)(c), 6(1) and 6(3) of the Statute;
- Count 5 - **PERSECUTION as a CRIME AGAINST HUMANITY**, pursuant to Articles 3(h), 6(1) and 6(3) of the Statute.

II. **THE ACCUSED**

- 1. **Joseph SERUGENDO** was born in May 1953 in the sector Murambi, Satinsyi *commune*, Gisenyi *préfecture*, Rwanda.
- 2. At all times referred to in this indictment, **Joseph SERUGENDO** was:
 - (a) a Member of the Comite d’Initiative, the governing board of *Radio Television Libre des Mille Collines*, s.a. (“RTLM”),

Organizational structure of the *Comité d’Initiative Elargi de la RTLM*, dated 26 November 1993
 - (b) the Technical Chief of the RTLM radio station;
 - (c) the Technical Chief of Radio Rwanda within the Rwandan Information Agency (“ORINFOR”);
 - (d) a member of the National Committee of the Interahamwe za MRND, and of its *comité parallèle* that exercised effective control of the *Interahamwe* of Kigali and over the allied militia of the CDR, the *Impuzamugambi*.
 - (e) the owner of *La Terminus* also known as *Chez les CDR*, a bar in the Nyamirambo neighborhood in Kigali, Rwanda and a regular meeting

place for the leaders of the MRND, CDR, *Interahamwe*, and *Impuzamugambi*.

3. By virtue of his position and authority as a Member of the Comite d'Initiative, the governing board or steering committee of *Radio Television Libre des Mille Collines*, s.a, and as Technical Chief of both Radio Rwanda and RTLM, and his role in managing and supervising their work activities, **Joseph SERUGENDO** exercised control over subordinates including Radio Rwanda and RTLM broadcasters, technicians and other support personnel.
4. **Joseph SERUGENDO** also had close public associations with prominent business and political leaders such as President HABYARIMANA, Ferdinand NAHIMANA, Félicien KABUGA, Jean- Bosco BARAYAGWIZA, Phocas HABIMANA, Robert KAJUGA and other high-ranking political figures including fellow leaders of the MRND, CDR and the *Interahamwe*, and *Impuzamugambi* militias which further reinforced his authority over his subordinates at Radio Rwanda and RTLM.
5. As a member of the National Committee of the *Interahamwe*, **Joseph SERUGENDO** exercised control and authority over the members of the *Interahamwe* and *Impuzamugambi* militias.

III. CHARGES AND CONCISE STATEMENT OF FACTS

6. At all times referred to in this indictment there existed in Rwanda a minority ethnic or racial group known as Tutsis, officially identified as such by the government. The majority of the population was comprised of an ethnic or racial group known as Hutus, also officially identified as such by the government.
7. 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, and these attacks were widespread or systematic. Hundreds of thousands of civilian Tutsis were killed.

Count 1: CONSPIRACY TO COMMIT GENOCIDE

The Prosecutor charges **Joseph SERUGENDO** with **CONSPIRACY TO COMMIT GENOCIDE**, a crime stipulated in Articles 2(3)(b) of the Statute, in that on or between the dates of 1 January and 17 July 1994, **Joseph SERUGENDO** did conspire with others, including but not limited to other influential and powerful persons such as Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Hassan NGEZE, Georges RUGGIU, Félicien KABUGA, Phocas HABIMANA, leaders of the MRND, the CDR, and the *Interahamwe* and *Impuzamugambi* militias, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA, and others to kill or cause serious bodily or mental harm to members of the

Tutsi racial or ethnic group with the intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in paragraphs 8 through 25.

CONCISE STATEMENT OF FACTS FOR COUNT 1

Individual Criminal Responsibility

8. Pursuant to Section 6(1) of the Statute, the accused, **Joseph SERUGENDO**, is individually responsible for the crime of Conspiracy to Commit Genocide because he committed the act of agreeing with Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Félicien KABUGA, Phocas HABIMANA, leaders of the MRND, the CDR, and the *Interahamwe* and *Impuzamugambi* militias, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA, and others on a plan to destroy, in whole or in part, the Tutsi ethnic group as described in paragraphs 10 and 23. In furtherance of this plan he committed the specified acts that facilitated the destruction of the Tutsis, and ordered those over whom he had authority, by reason of the positions described in paragraphs 2 through 5, and instigated those over whom he did not have control, to commit acts that facilitated the destruction of the Tutsis, such actions taking place between an unknown date in early 1992 and 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 9 through 25.

RTLM Formation, Installation, and Operation

9. From 8 April 1993 through 17 July 1994, **Joseph SERUGENDO**, Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Phocas HABIMANA, Félicien KABUGA and others, agreed to plan, launch and operate RTLM as a radio station in a manner to further ethnic hatred between the Hutu and the Tutsi and to disseminate an anti-Tutsi message with the goal of destroying the Tutsi ethnic group.
10. On or about 8 April 1993, in furtherance of the agreement described in paragraph 10, **Joseph SERUGENDO**, Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, and Félicien KABUGA, and formed the *Comité d'Initiative*, organized for the purpose of creating RTLM, a company that would raise funds for the creation of RTLM, a private radio station that would further ethnic hatred between the Hutu and the Tutsi and disseminate an anti-Tutsi message with the goal of destroying the Tutsi ethnic group. This *Comité d'Initiative* was the effective governing board or steering committee of RTLM throughout its existence.
11. From its creation on 8 April 1993 until 17 July 1994, **Joseph SERUGENDO**, as a member of the steering committee of RTLM and Technical Chief, exercised authority over RTLM, RTLM radio reporters, announcers, technical employees, and all other employees of RTLM.

12. The RTLM steering committee was composed of **Joseph SERUGENDO**, Jean-Bosco BARAYAGWIZA, Ferdinand NAHIMANA, Ephrem NKEZABERA, and Félicien KABUGA.
13. In furtherance of the agreement described in paragraph 9, during 1993 and early 1994, the *Comité d'Initiative* invited persons to invest in RTLM who shared the Hutu extremist views of the founders including **Joseph SERUGENDO**, Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Felicien KABUGA, and the journalists Kantano HABIMANA, Valerie BEMERIKI, Noel HITIMANA, Gaspard GAHIGI and others.
14. From 8 April 1993 until 17 July 1994, in furtherance of the agreement described in paragraph 9, **Joseph SERUGENDO** was involved in the recruitment, selection and hiring of and technicians for RTLM.
15. In furtherance of the agreement described in paragraph 9, **Joseph SERUGENDO** effectuated a *de facto* merger between Radio Rwanda and RTLM by, *inter alia*, giving RTLM complete access to Radio Rwanda resources including trucks, equipment, parts, supplies, and AP news wires. **Joseph SERUGENDO** installed or ordered subordinates at Radio Rwanda to install for RTLM's use a transmitter purchased by RTLM combined with parts and equipment stolen from Radio Rwanda. **SERUGENDO** ordered his subordinates at Radio Rwanda, including but not limited to Innocent HABYARIMANA, Simon SHIMPAKA and others, to perform this installation work.
16. From the beginning of the technical work required to establish RTLM in April 1993 through the last broadcast in July 1994, in furtherance of the agreement described in paragraph 9, **Joseph SERUGENDO** ensured that RTLM was able to broadcast in a manner to further ethnic hatred between the Hutu and the Tutsi and to disseminate an anti-Tutsi message with the goal of destroying the Tutsi ethnic group. **SERUGENDO** did this by supervising all of the construction of the studios and broadcast equipment installation; and fixing technical problems as and when they arose.
17. Beginning on 8 July 1993, and continuing to 4 July 1994, in furtherance of the agreement described in paragraph 9 and due at least in part to the actions of **Joseph SERUGENDO**, RTLM broadcasted from Kigali and disseminated an anti-Tutsi message with the goal of destroying the Tutsi ethnic group.
18. Between 6 April 1994 and 17 July 1994, in furtherance of the agreement described in paragraph 9, RTLM, as a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and instigated members of the Rwandan population to find and kill all Tutsi.
19. During April, May, June and the first few weeks of July 1994, in furtherance of the agreement described in paragraph 9, RTLM broadcast messages that instigated the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.

The Interahamwe and the Killing Campaign

20. From unknown date in November 1992 through 17 July 1994, **Joseph SERUGENDO**, as a leading member of the *Interahamwe*, agreed with other leaders of the MRND, the CDR, and the *Interahamwe* and *Impuzamugambi* militias, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA, to organize and produce political meetings and rallies in order to indoctrinate, sensitize, and incite members of the *Interahamwe* and the CDR to kill or cause serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
21. From unknown date in early 1992 through 17 July 1994, in furtherance of the agreement described in paragraph 21, **Joseph SERUGENDO** was active in the planning and creation of the *Interahamwe* and regularly promoted Hutu extremist ideology and recruited members of his staff at Radio Rwanda to join the MRND and CDR parties and the *Interahamwe* and *Impuzamugambi* militias.
22. During this period, in furtherance of the agreement described in paragraph 21, **Joseph SERUGENDO** transported his subordinates at Radio Rwanda and RTL M to rallies where he ordered them to provide installation, operational and technical services for RTL M and to install and maintain the sound systems used at political rallies attended by the MRND, the CDR and the *Interahamwe* and *Impuzamugambi* militias.
23. On diverse unknown dates during 1992 through 1994, after the MRND and CDR rallies, in furtherance of the agreement described in paragraph 21, **Joseph SERUGENDO** and his wife entertained leaders of those parties, including leaders and members of the *Interahamwe* at **SERUGENDO**'s bar in Nyamirambo *Le Terminus* (also known as *Chez les CDR*) in order to plan and instigate the killing of Tutsis.
24. **Joseph SERUGENDO** also used the bar *Le Terminus* (also known as *Chez les CDR*) on diverse unknown dates during 1992 through 1994, in furtherance of the agreement described in paragraph 21, to recruit members and promote the MRND and CDR Hutu extremist ideology and the killing or causing of serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
25. On or about 9 April 1994, in furtherance of the agreement described in paragraph 21, **Joseph SERUGENDO** travelled through the streets of Kigali with fellow members of the *Interahamwe* National Committee, Bernard MANIGARABA and Ephrem NKEZABERA, to order and instigate the *Interahamwe* and other militia members at the roadblocks to identify and kill Tutsi civilians and to aid and abet the killing by praising the killers for their "good work."

Count 2: GENOCIDE

The Prosecutor charges **Joseph SERUGENDO** with **GENOCIDE**, a crime stipulated in Article 2(3)(a) of the Statute, in that on or between the dates of 1 January and 17 July 1994, throughout Rwanda, **Joseph SERUGENDO** was responsible for killing or causing serious

bodily or mental harm to members of the Tutsi racial or ethnic group with the intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in paragraphs 26 through 50.

or alternatively,

Count 3: COMPLICITY IN GENOCIDE

The Prosecutor charges **Joseph SERUGENDO** with **COMPLICITY IN GENOCIDE**, a crime stipulated in Article 2(3)(e) of the Statute, in that on or between the dates of 1 January and 17 July 1994, throughout Rwanda, **Joseph SERUGENDO** was responsible for killing or causing serious bodily or mental harm to members of the Tutsi racial or ethnic group with the intent to destroy, in whole or in part, a racial or ethnic group, as such, or with knowledge that other people intended to destroy, in whole or in part, the Tutsi racial or ethnic group, as such, and that his assistance would contribute to the crime of genocide, as outlined in paragraphs 26 through 50.

CONCISE STATEMENT OF FACTS FOR COUNTS 2 AND 3

Individual Criminal Responsibility

26. Pursuant to Section 6(1) of the Statute, the accused, **Joseph SERUGENDO**, is individually responsible for the crimes of Genocide or Complicity in Genocide because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of these crimes. With respect to the commission of those crimes, **Joseph SERUGENDO** ordered those over whom he had authority as a result of the positions described in paragraphs 2 through 5 and he instigated and aided and abetted those over whom he did not have command responsibility and control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the destruction of the Tutsi racial or ethnic group throughout Rwanda. To fulfill this criminal purpose, the accused acted with leaders and members of the MRND, the CDR and the *Interahamwe*, including Bernard MANIRAGABA and Ephrem NKEZABERA, with persons involved in the establishment and operation of RTLM as Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Georges RUGGIU, Phocas HABIMANA, and Félicien KABUGA; and other unknown participants, all such actions being taken either directly or through subordinates, for at least the period of 1 January 1994 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 27 through 40.

The Interahamwe and the Killing Campaign

27. From unknown date in early 1992 through 17 July, **Joseph SERUGENDO**, as a leading member of the *Interahamwe*, planned with other leaders of the MRND, the CDR, and the *Interahamwe* and *Impuzamugambi* militias, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA, to organize and produce political meetings and rallies in order to indoctrinate, sensitize, and incite members of

the *Interahamwe* and the CDR to kill or cause serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.

28. On or about 9 April 1994, **Joseph SERUGENDO** travelled through the streets of Kigali with fellow members of the *Interahamwe* National Committee, Bernard MANIGARABA and Ephrem NKEZABERA, to order and instigate the *Interahamwe* and other militia members at the roadblocks to identify and kill Tutsi civilians and to aid and abet the killing by praising the killers for their “good work.”

RTLTM Broadcasts

29. From 8 April 1993 through 17 July 1994, **Joseph SERUGENDO**, with Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Phocas HABIMANA, Georges RUGGIU and Félicien KABUGA amongst others planned the establishment, funding and operation of RTLTM as a radio station to disseminate an anti-Tutsi message and to further ethnic hatred between Hutu and Tutsi in order to cause death or serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
30. **Joseph SERUGENDO**, as a member of the Steering Committee of RTLTM and Technical Chief, exercised authority over RTLTM radio reporters, announcers and technical employees. As such, he aided and abetted the broadcasts by these RTLTM employees during the period when it was on the air from 8 July 1993 to 17 July 1994.
31. Beginning on 8 July 1993, and continuing to 4 July 1994, RTLTM broadcasted from Kigali and disseminated an anti-Tutsi message with the goal of destroying the Tutsi ethnic group.
32. Between 6 April 1994 and approximately 17 July 1994, **Joseph SERUGENDO**, accompanied by armed militia, went to the RTLTM studios regularly to assure that the RTLTM broadcasting continued uninterrupted, to assure proper functioning of the radio station equipment, to offer technical assistance when needed, and to offer moral encouragement to the journalists and staff, thus aiding and abetting the killing of members of the Tutsi ethnic group.
33. Between 6 April 1994 and 17 July 1994, RTLTM, as a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and instigated members of the Rwandan population to find and kill all Tutsi.
34. During April, May, June and the first few weeks of July 1994 RTLTM broadcast messages that instigated the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.
35. On an unknown date between 14 April 1994 and June 1994, while **Joseph SERUGENDO** was supervising the technical operations of Radio Rwanda in Gitarama, **SERUGENDO** expressed concern to others including Jean-Pierre BIZIMUNGU that those in Butare were “not working”. **SERUGENDO** described

killings of Tutsi and their accomplices that were taking place in Gitarama and Kigali and said it was a good thing.

36. In addition to the RTLM broadcasts described above, from April 1994 until July 1994, **Joseph SERUGENDO**, in his position as Chief Technician of Radio Rwanda, aided and abetted the broadcast of messages by his subordinates from Gitarama calling for the extermination of Tutsi and their accomplices. As Technical Chief, **SERUGENDO** was aware of the content and affect of the broadcasts of and their broadcasts. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.

RTLM Re-Installation and Operation in July 1994

37. On or about 4 July 1994, RPF forces entered Kigali and destroyed the RTLM transmitter located in Kigali rendering RTLM unable to broadcast. On or about that date, **Joseph SERUGENDO** traveled to Gisenyi to meet with BARAYAGWIZA, NAHIMANA, HABIMANA and other important RTLM personnel at the *Hotel Méridien* and the Pfunda Tea Factory house. This group of people planned to set up a new studio and transmission facility in Gisenyi that would enable the RTLM broadcasts to continue.
38. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** and RTLM technicians under his command and control took the RTLM equipment salvaged from Kigali to the top of Mount Muhe near Gisenyi and using the rely transmitter and antennae installed previously on Mount Muhe by **SERUGENDO** in January 1994 constructed a makeshift studio and transmission facility, allowing RTLM broadcasts to resume. These broadcasts continued to disseminate the call to exterminate the Tutsi ethnic group and instigated the killing and injuring of civilian Tutsis throughout Rwanda. By successfully establishing a makeshift transmitter on Mount Muhe and restoring RTLM's broadcast capability **SERUGENDO** aided and abetted the killing of members of the Tutsi ethnic group
39. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** provided technical expertise that enabled RTLM journalists such as BEMERIKI, and HABIMANA travel to the top of Mount Muhe on several occasions and continue to broadcast a call to exterminate Tutsis and their accomplices. In this way, **SERUGENDO** aided and abetted the killing of members of the Tutsi ethnic group.
40. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** provided technical expertise that enabled RTLM journalists such as Georges RUGGIU to record programs calling for the extermination of Tutsis and their accomplices on tape and sent the taped broadcasts to the top of Mount Muhe where they were broadcast over RTLM. In this way, **SERUGENDO** aided and abetted the killing of members of the Tutsi ethnic group.

Criminal Responsibility as a Superior

41. Pursuant to Section 6(3) of the Statute, the accused, **Joseph SERUGENDO**, is responsible for the crimes of Genocide or Complicity in Genocide because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included leaders and members of the *Interahamwe*, employees of RTLM and others. The particulars of the acts of his subordinates are set forth in paragraphs 42 through 50.

RTLM Broadcasts

42. **Joseph SERUGENDO**, as a member of the Steering Committee of RTLM and Technical Chief, from 8 April 1993 to 17 July 1994, had authority over RTLM employees including radio reporters, announcers and technical personnel. As such, he had effective control over these employees in the sense of having the power to prevent or punish their acts.
43. From 8 April 1993 through July 1994, employees of RTLM including radio reporters, announcers and technical personnel, who were subordinate to **Joseph SERUGENDO**, operated RTLM as a radio station to disseminate an anti-Tutsi message and to further ethnic hatred between Hutu and Tutsi in order to cause death or serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
44. Beginning on 8 July 1993, and continuing to 4 July 1994, RTLM reporters who were subordinates of **Joseph SERUGENDO**, broadcasted from Kigali and disseminating an anti-Tutsi message with the goal of destroying the Tutsi ethnic group.
45. Between 6 April 1994 and 17 July 1994, employees of RTLM, RTLM including radio reporters, announcers and technical personnel, who were subordinate to **Joseph SERUGENDO**, were a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and instigated members of the Rwandan population to find and kill all Tutsi.
46. Over the course of April, May, June and the first few weeks of July 1994 journalists and announcers of RTLM, who were subordinate to **Joseph SERUGENDO**, broadcast messages that instigated the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.
47. In addition to the RTLM broadcasts described above, subordinates of **Joseph SERUGENDO**, including radio reporters and announcers, broadcast messages calling for the extermination of Tutsi and their accomplices on Radio Rwanda from April 1994 until July 1994 from Gitarama. During this period **SERUGENDO** was Technical Chief of Radio Rwanda and as such he was aware of the content and effect

of the broadcasts and aided and abetted the broadcasts. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.

RTLM Re-Installation and Operation in July 1994

48. Between 5 July 1994 and 14 July 1994, RTLM technicians under the effective control of **Joseph SERUGENDO** took the RTLM equipment salvaged from Kigali to the top of Mount Muhe near Gisenyi and using the relay transmitter and antennae installed previously on Mount Muhe by **SERUGENDO** in January 1994 constructed a makeshift studio and transmission facility, allowing RTLM broadcasts to resume. These broadcasts continued to disseminate the call to exterminate the Tutsi ethnic group and instigated the killing and injuring of civilian Tutsis throughout Rwanda.
49. Between 5 July 1994 and 14 July 1994, employees of RTLM, who were subordinates of **Joseph SERUGENDO**, provided technical expertise that enabled other employees of RTLM, who were also subordinates of **SERUGENDO**, such as BEMERIKI, and HABIMANA to travel to the top of Mount Muhe on several occasions and continue RTLM broadcasts. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.
50. Between 5 July 1994 and 14 July 1994, employees of RTLM, who were subordinates of **Joseph SERUGENDO**, provided technical expertise that enabled other employees of RTLM, who were also subordinates of **SERUGENDO**, such as Georges RUGGIU, to record programs calling for the extermination of Tutsis and their accomplices on tape and sent the taped broadcasts to the top of Mount Muhe where they were broadcast over RTLM. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.

Count 4: DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE

The Prosecutor charges **Joseph SERUGENDO** with **DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE**, a crime stipulated in Article 2(3)(c) of the Statute, in that on or between the dates of 1 January and 17 July 1994, throughout Rwanda, **Joseph SERUGENDO** was responsible for the direct and public incitement of persons to kill or cause serious bodily or mental harm to members of the Tutsi population with the intent to destroy, in whole or in part, a racial or ethnic group, as outlined in paragraphs 51 through 73.

CONCISE STATEMENT OF FACTS FOR COUNT 4

Individual Criminal Responsibility

51. Pursuant to Section 6(1) of the Statute, the accused, **Joseph SERUGENDO**, is individually responsible for the crime of Direct and Public Incitement to Commit Genocide because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of this crime. With respect to the commission of those crimes, **Joseph SERUGENDO** ordered those over whom he had

authority as a result of the positions described in paragraphs 2 through 5 and he instigated and aided and abetted those over whom he did not have command responsibility and control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the direct and public incitement to commit genocide against the Tutsi racial or ethnic group throughout Rwanda. To fulfill this criminal purpose, the accused acted with leaders and members of the MRND, the CDR and the *Interahamwe*, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA; persons involved in the establishment and operation of RTLM such as Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Phocas HABIMANA, and Georges RUGGIU, and Félicien KABUGA; and other unknown participants, all such actions being taken either directly or through subordinates, for at least the period from an unknown date in early 1992 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 52 through 63.

The Interahamwe and the Killing Campaign

52. From unknown date in early 1992 through 17 July 1994, **Joseph SERUGENDO**, as a leading member of the *Interahamwe*, planned with other leaders of the MRND, the CDR, and the *Interahamwe* and *Impuzamugambi* militias, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA, to organize and produce political meetings and rallies in order to indoctrinate, sensitize, and incite members of the *Interahamwe* and the CDR to kill or cause serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.

RTLM Broadcasts

53. From 8 April 1993 through July 1994, **Joseph SERUGENDO**, with Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Phocas HABIMANA, and Félicien KABUGA amongst others planned the establishment, funding and operation of RTLM as a radio station to disseminate an anti-Tutsi message and to further ethnic hatred between Hutu and Tutsi in order to cause death or serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
54. **Joseph SERUGENDO**, as a member of the Steering Committee of RTLM and Technical Chief, exercised authority over RTLM radio reporters, announcers and technical employees. As such, he aided and abetted the broadcasts by these RTLM employees during the period when it was on the air from 8 July 1993 to 17 July 1994.
55. Beginning on 8 July 1993, and continuing to 4 July 1994, RTLM broadcasted from Kigali and disseminated an anti-Tutsi message with the goal of destroying the Tutsi ethnic group.
56. Between 6 April 1994 and approximately 17 July 1994, **Joseph SERUGENDO**, accompanied by armed militia, went to the RTLM studios regularly to assure that the RTLM broadcasting continued uninterrupted, to assure proper functioning of the radio

station equipment, to offer technical assistance when needed, and to offer moral encouragement to the journalists and staff, thus aiding and abetting the broadcast of a message inciting the killing of members of the Tutsi ethnic group.

57. Between 6 April 1994 and 17 July 1994, RTLM, as a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and inciting members of the Rwandan population to find and kill all Tutsi.
58. During April, May, June and the first few weeks of July 1994 RTLM broadcast messages that incited the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.
59. In addition to the RTLM broadcasts described above, from April 1994 until July 1994, **Joseph SERUGENDO**, in his position as Chief Technician of Radio Rwanda, aided and abetted the broadcast of messages by his subordinates from Gitarama calling for the extermination of Tutsi and their accomplices. As Technical Chief, **SERUGENDO** was aware of the content and affect of the broadcasts of and their broadcasts. These broadcasts incited the killing and injuring of civilian Tutsis throughout Rwanda.

RTLM Re-Installation and Operation in July 1994

60. On or about 4 July 1994, RPF forces entered Kigali and destroyed the RTLM transmitter located in Kigali rendering RTLM unable to broadcast. On or about that date, **Joseph SERUGENDO** traveled to Gisenyi to meet with BARAYAGWIZA, RUGGIU, NAHIMANA, HABIMANA and other important RTLM personnel at the *Hotel Méridien* and the Pfunda Tea Factory house. This group of people planned to set up a new studio and transmission facility in Gisenyi that would enable the RTLM broadcasts to continue.
61. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** and RTLM technicians under his command and control took the RTLM equipment salvaged from Kigali to the top of Mount Muhe near Gisenyi and using the rely transmitter and antennae installed previously on Mount Muhe by **SERUGENDO** in January 1994 constructed a makeshift studio and transmission facility, allowing RTLM broadcasts to resume. These broadcasts continued to disseminate the call to exterminate the Tutsi ethnic group and incited the killing and injuring of civilian Tutsis throughout Rwanda. By successfully establishing a makeshift transmitter on Mount Muhe and restoring RTLM's broadcast capability **SERUGENDO** aided and abetted the incitement to kill members of the Tutsi ethnic group
62. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** provided technical expertise that enabled RTLM journalists such as BEMERIKI, and HABIMANA to travel to the top of Mount Muhe on several occasions and continue to broadcast a call to exterminate Tutsis and their accomplices. In this way, **SERUGENDO** aided and abetted the incitement to kill members of the Tutsi ethnic group.

63. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** provided technical expertise that enabled RTLM journalists such as Georges RUGGIU to record programs calling for the extermination of Tutsis and their accomplices on tape and sent the taped broadcasts to the top of Mount Muhe where they were broadcast over RTLM. In this way, **SERUGENDO** aided and abetted the incitement to kill members of the Tutsi ethnic group.

Criminal Responsibility as a Superior

64. Pursuant to Section 6(3) of the Statute, the accused, **Joseph SERUGENDO**, is responsible for the crime of Direct and Public Incitement to Commit Genocide because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included employees of RTLM, leaders and members of the MRND, the CDR and the *Interahamwe* and others, the acts of whom are described in paragraphs 65 through 73.

RTLM Broadcasts

65. **Joseph SERUGENDO**, as a member of the Steering Committee of RTLM and Technical Chief, from 8 July 1993 to 17 July 1994, had authority over RTLM and was the superior of all of employees of RTLM, including radio reporters, announcers and technical personnel. As such, he had effective control over these employees of RTLM in the sense of having the power to prevent or punish their acts.
66. From 8 April 1993 through July 1994, employees of RTLM, including radio reporters, announcers and technical personnel, who were subordinate to **Joseph SERUGENDO**, operated RTLM as a radio station to disseminate an anti-Tutsi message and to further ethnic hatred between Hutu and Tutsi in order to cause death or serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
67. Beginning on 8 July 1993, and continuing to 4 July 1994, RTLM reporters who were subordinates of **Joseph SERUGENDO**, broadcasted from Kigali disseminating an anti-Tutsi message with the goal of destroying the Tutsi ethnic group.
68. Between 6 April 1994 and 17 July 1994, employees of RTLM, including radio reporters, announcers and technical personnel, who were subordinate to **Joseph SERUGENDO**, were a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and incited members of the Rwandan population to find and kill all Tutsi.
69. Over the course of April, May June and the first few weeks of July 1994 journalists and announcers of RTLM, who were subordinate to **Joseph SERUGENDO**,

broadcast messages that incited the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.

70. In addition to the RTLM broadcasts described above, subordinates of **Joseph SERUGENDO**, including radio reporters and announcers broadcast messages calling for the extermination of Tutsi and their accomplices on Radio Rwanda from April 1994 until July 1994 from Gitarama. During this period **SERUGENDO** was Technical Chief of Radio Rwanda and as such he was aware of the content and effect of the broadcasts and aided and abetted the broadcasts. These broadcasts incited the killing and injuring of civilian Tutsis throughout Rwanda.

RTLM Re-Installation and Operation in July 1994

71. Between 5 July 1994 and 14 July 1994, RTLM technicians under the effective control of **Joseph SERUGENDO** took the RTLM equipment salvaged from Kigali to the top of Mount Muhe near Gisenyi and using the relay transmitter and antennae installed previously on Mount Muhe by **SERUGENDO** in January 1994 constructed a makeshift studio and transmission facility, allowing RTLM broadcasts to resume. These broadcasts continued to disseminate the call to exterminate the Tutsi ethnic group and incited the killing and injuring of civilian Tutsis throughout Rwanda.
72. Between 5 July 1994 and 14 July 1994, employees of RTLM, who were subordinates of **Joseph SERUGENDO**, provided technical expertise that enabled other employees of RTLM, who were also subordinates of **SERUGENDO**, such as BEMERIKI and HABIMANA to travel to the top of Mount Muhe on several occasions and continue RTLM broadcasts. These broadcasts incited the killing and injuring of civilian Tutsis throughout Rwanda.
73. Between 5 July 1994 and 14 July 1994, employees of RTLM, who were subordinates of **Joseph SERUGENDO**, provided technical expertise that enabled other employees of RTLM, who were also subordinates of **SERUGENDO**, such as Georges RUGGIU, to record programs calling for the extermination of Tutsis and their accomplices on tape and sent the taped broadcasts to the top of Mount Muhe where they were broadcast over RTLM. These broadcasts incited the killing and injuring of civilian Tutsis throughout Rwanda.

Count 5: PERSECUTION a CRIME AGAINST HUMANITY

The Prosecutor of the International Criminal Tribunal for Rwanda charges **Joseph SERUGENDO** with **PERSECUTION as a CRIME AGAINST HUMANITY**, a crime stipulated in Article 3(h) of the Statute, in that on and between 1 January and 17 July 1994 throughout Rwanda, **Joseph SERUGENDO**, was responsible for acts or omissions constituting a violation of basic or fundamental human rights, against the Tutsi population and against Hutu opponents of ethnic division, on racial and political grounds as part of a widespread or systematic attack against that civilian population on racial, ethnic and political grounds, as outlined in paragraphs 74 through 96.

CONCISE STATEMENT OF FACTS FOR COUNT 5

Individual Criminal Responsibility

74. Pursuant to Section 6(1) of the Statute, the accused, **Joseph SERUGENDO**, is individually responsible for the crime of Persecution as a Crime Against Humanity because he planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of this crime. With respect to the commission of this crime, **Joseph SERUGENDO** ordered those over whom he had authority as a result of his positions described in paragraphs 2 through 5 and he instigated and aided and abetted those over whom he did not have command responsibility and control. In addition, the accused willfully and knowingly participated in a joint criminal enterprise whose object, purpose, and foreseeable outcome was the persecution of the Tutsi racial or ethnic group throughout Rwanda, and of Hutu opponents of ethnic division. To fulfill this criminal purpose, the accused acted with leaders and members of the MRND, the CDR and the *Interahamwe*, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA; persons involved in the establishment and operation of RTLM such as Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Phocas HABIMANA, and Georges RUGGIU, and Félicien KABUGA; and other unknown participants, all such actions being taken either directly or through subordinates, for at least the period of 1 January 1994 through 17 July 1994. The particulars that give rise to his individual criminal responsibility are set forth in paragraphs 75 through 86.

The Interahamwe and the Killing Campaign

75. From unknown date in early 1992 through 17 July 1994, **Joseph SERUGENDO**, as a leading member of the *Interahamwe*, planned with other leaders of the MRND, the CDR, and the *Interahamwe* and *Impuzamugambi* militias, including but not limited to Bernard MANIRAGABA and Ephrem NKEZABERA, to organize and produce political meetings and rallies in order to indoctrinate, sensitize, and incite members of the *Interahamwe* and the CDR to kill or cause serious bodily or mental harm to members of the Tutsi population and Hutu opponents of ethnic division with the goal of destroying the Tutsi ethnic group.

RTLM Broadcasts

76. From 8 April 1993 through July 1994, **Joseph SERUGENDO**, with Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Phocas HABIMANA, Georges RUGGIU and Félicien KABUGA amongst others planned the establishment, funding and operation of RTLM as a radio station to disseminate an anti-Tutsi message and to further ethnic hatred between Hutu and Tutsi in order to cause death or serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
77. **Joseph SERUGENDO**, as a member of the Steering Committee of RTLM and Technical Chief, exercised authority over RTLM radio reporters, announcers and

technical employees. As such, he aided and abetted the broadcasts by RTLM employees during the period when it was on the air from 8 July 1993 to 17 July 1994.

78. Beginning on 8 July 1993 and continuing to 4 July 1994, RTLM broadcasted from Kigali and disseminated a message of hatred against Tutsis and Hutu opponents of ethnic division, with the goal of destroying the Tutsi ethnic group.
79. Between 6 April 1994 and approximately 17 July 1994, **Joseph SERUGENDO**, accompanied by armed militia, went to the RTLM studios regularly to assure that the RTLM broadcasting continued uninterrupted, to assure proper functioning of the radio station equipment, to offer technical assistance when needed, and to offer moral encouragement to the journalists and staff, thus aiding and abetting the killing of members of the Tutsi ethnic group.
80. Between 6 April 1994 and 17 July 1994, RTLM, as a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and instigated members of the Rwandan population to find and kill all Tutsi.
81. During April, May, June and the first few weeks of July 1994 RTLM broadcast messages that instigated the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.
82. In addition to the RTLM broadcasts described above, from April 1994 until July 1994, **Joseph SERUGENDO**, in his position as Chief Technician of Radio Rwanda, aided and abetted the broadcast of messages by his subordinates, including radio reporters and announcers, from Gitarama calling for the extermination of Tutsi and their accomplices. As Technical Chief, **SERUGENDO** was aware of the content and affect of the broadcasts of and their broadcasts. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.

RTLM Re-Installation and Operation in July 1994

83. On or about 4 July 1994, RPF forces entered Kigali and destroyed the RTLM transmitter located in Kigali rendering RTLM unable to broadcast. On or about that date, **Joseph SERUGENDO** traveled to Gisenyi to meet with BARAYAGWIZA, RUGGIU, NAHIMANA, HABIMANA and other important RTLM personnel at the *Hotel Méridien* and the Pfunda Tea Factory house. This group of people planned to set up a new studio and transmission facility in Gisenyi that would enable the RTLM broadcasts to continue.
84. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** and RTLM technicians under his command and control took the RTLM equipment salvaged from Kigali to the top of Mount Muhe near Gisenyi and using the rely transmitter and antennae installed previously on Mount Muhe by **SERUGENDO** in January 1994 constructed a makeshift studio and transmission facility, allowing RTLM broadcasts to resume. These broadcasts continued to disseminate the call to exterminate the Tutsi ethnic group and instigated the killing and injuring of civilian Tutsis throughout Rwanda. By successfully establishing a makeshift transmitter on Mount Muhe and

restoring RTLM's broadcast capability **SERUGENDO** aided and abetted the killing of members of the Tutsi ethnic group

85. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** provided technical expertise that enabled RTLM journalists such as BEMERIKI, and HABIMANA to travel to the top of Mount Muhe on several occasions and continue to broadcast a call to exterminate Tutsis and their accomplices. In this way, **SERUGENDO** aided and abetted the killing of members of the Tutsi ethnic group.
86. Between 5 July 1994 and 14 July 1994, **Joseph SERUGENDO** provided technical expertise that enabled RTLM journalists such as Georges RUGGIU to record programs calling for the extermination of Tutsis and their accomplices on tape and sent the taped broadcasts to the top of Mount Muhe where they were broadcast over RTLM. In this way, **SERUGENDO** aided and abetted the killing of members of the Tutsi ethnic group.

Criminal Responsibility as a Superior

87. Pursuant to Section 6(3) of the Statute, the accused, **Joseph SERUGENDO**, is responsible for Persecution as a Crime Against Humanity because specific criminal acts were committed by subordinates of the accused and the accused knew or had reason to know that such subordinates were about to commit such acts before they were committed or that such subordinates had committed such acts and the accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. These subordinates included employees of RTLM, leaders and members of the MRND, the CDR and the *Interahamwe* and others. The particulars of the acts of his subordinates are set forth in paragraphs 88 through 96.

RTLM Broadcasts

88. **Joseph SERUGENDO**, as a member of the Steering Committee of RTLM and Technical Chief, from 8 July 1993 to 17 July 1994, had authority over employees of RTLM, including radio reporters, announcers and technical personnel. As such, he had effective control over these employees of RTLM in the sense of having the power to prevent or punish their acts.
89. From 8 April 1993 through July 1994, employees of RTLM, including radio reporters, announcers and technical personnel, who were subordinate to **Joseph SERUGENDO**, operated RTLM as a radio station to disseminate an anti-Tutsi message and to further ethnic hatred between Hutu and Tutsi in order to cause death or serious bodily or mental harm to members of the Tutsi population with the goal of destroying the Tutsi ethnic group.
90. Beginning on 8 July 1993, and continuing to 4 July 1994, RTLM reporters who were subordinates of **Joseph SERUGENDO**, broadcasted from Kigali disseminating a message of hatred against Tutsis and Hutu opponents of ethnic division, with the goal of destroying the Tutsi ethnic group.

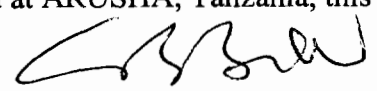
91. Between 6 April 1994 and 17 July 1994, employees of RTLM, including radio reporters, announcers and technical personnel, who were subordinate to **Joseph SERUGENDO**, were a major source of information to the population of Rwanda, broadcast information identifying the location of Tutsi and instigated members of the Rwandan population to find and kill all Tutsi.
92. Over the course of April, May, June and the first few weeks of July 1994 journalists and announcers of RTLM, who were subordinate to **Joseph SERUGENDO**, broadcast messages that instigated the killing of hundreds of thousands of civilian Tutsis throughout Rwanda.
93. In addition to the RTLM broadcasts described above, subordinates of **Joseph SERUGENDO**, including radio reporters, announcers and technical personnel, broadcast messages calling for the extermination of Tutsi and their accomplices on Radio Rwanda from April 1994 until July 1994 from Gitarama. During this period **SERUGENDO** was Technical Chief of Radio Rwanda and as such he was aware of the content and effect of the broadcasts of RUGGIU and BEMERIKI and aided and abetted their broadcasts. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.

RTLM Re-Installation and Operation in July 1994

94. Between 5 July 1994 and 14 July 1994, RTLM technicians under the command and control of **Joseph SERUGENDO** took the RTLM equipment salvaged from Kigali to the top of Mount Muhe near Gisenyi and using the relay transmitter and antennae installed previously on Mount Muhe by **SERUGENDO** in January 1994 constructed a makeshift studio and transmission facility, allowing RTLM broadcasts to resume. These broadcasts continued to disseminate the call to exterminate the Tutsi ethnic group and instigated the killing and injuring of civilian Tutsis throughout Rwanda.
95. Between 5 July 1994 and 14 July employees of RTLM, who were subordinates of **Joseph SERUGENDO**, provided technical expertise that enabled other employees of RTLM, who were also subordinates of **SERUGENDO**, such as BEMERIKI and HABIMANA to travel to the top of Mount Muhe on several occasions and continue RTLM broadcasts. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.
96. Between 5 July 1994 and 14 July 1994, employees of RTLM, who were subordinates of **Joseph SERUGENDO**, provided technical expertise that enabled other employees of RTLM, who were also subordinates of **SERUGENDO**, such as Georges RUGGIU, to record programs calling for the extermination of Tutsis and their accomplices on tape and sent the taped broadcasts to the top of Mount Muhe where they were broadcast over RTLM. These broadcasts instigated the killing and injuring of civilian Tutsis throughout Rwanda.

The acts and omissions of **Joseph SERUGENDO** detailed herein are punishable pursuant to Articles 22 and 23 of the Statute.

Signed at ARUSHA, Tanzania, this st 21 day of July 2005.



/s/HASSAN BUBACAR JALLOW

Prosecutor