



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ORIGINAL: ENGLISH

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Arlette Ramaroson
Judge Solomy Balungi Bossa

Registrar: Adama Dieng

Date: 24 June 2011

THE PROSECUTOR

v.

Pauline NYIRAMASUHUKO
Arsène Shalom NTAHOBALI
Sylvain NSABIMANA
Alphonse NTEZIRYAYO
Joseph KANYABASHI
Élie NDAYAMBAJE

Case No. ICTR-98-42-T

SUMMARY OF JUDGEMENT AND SENTENCE

Office of the Prosecutor

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For **Pauline Nyiramasuhuko**
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For **Arsène Shalom Ntahobali**
Normand Marquis & Mylène Dimitri
For **Sylvain Nsabimana**
Josette Kadji & Pierre Tientcheu Weledji
For **Alphonse Nteziryayo**
Titinga Frederick Pacere &
Gershom Otachi Bw'Omanwa
For **Joseph Kanyabashi**
Michel Marchand & Alexandra Marciel
For **Élie Ndayambaje**
Pierre Boulé & Claver Sindayigaya

INTRODUCTION

1. The Chamber will now read out a summary of the Judgement in this case, which will address the central findings in the written Judgement. In doing so, the Chamber emphasises that only the written Judgement is authoritative. It will be made available as soon as possible.
2. This case concerns six Accused: Pauline Nyiramasuhuko, the former Minister of Women's Development; her son, Arsène Shalom Ntahobali, who was a student in 1994; Sylvain Nsabimana, who served as *Préfet* of Butare from 19 April until 17 June 1994; Alphonse Nteziryayo, a lieutenant colonel in the armed forces who was appointed *Préfet* of Butare on 17 June 1994; Joseph Kanyabashi, the long-serving *Bourgmestre* of Ngoma *commune* from 1974 through July 1994; and Élie Ndayambaje, a former *Bourgmestre* of Muganza *commune* who was reappointed to his post as *Bourgmestre* on 18 June 1994.
3. The Prosecution has charged each of them with conspiracy to commit genocide; genocide; complicity in genocide; the crimes against humanity of extermination, murder, persecution, and other inhumane acts; and violence to life as a war crime. All except for Ntahobali are also charged with direct and public incitement to commit genocide. Finally, the Prosecution has charged Nyiramasuhuko and Ntahobali with rape as a crime against humanity, and with outrages upon personal dignity as a war crime. For the most part, each Accused is charged with both direct and superior responsibility.
4. The Defence teams have challenged the credibility of the Prosecution's evidence. They have also raised alibis, as well as various procedural challenges. These are discussed in the written Judgement.
5. The Chamber notes that this has been a complex and lengthy case. The Prosecution and the six Accused presented a total of 189 witnesses. Almost 13,000 pages of documents were tendered into evidence, resulting in 913 exhibits. These proceedings have produced more than 125,000 transcript pages. Alongside the proceedings, handling and conclusion of the trial, ten other cases were interspersed with this case. The Judgement, excluding the annexes, will be approximately 1500 pages in length.

FACTUAL AND LEGAL FINDINGS

6. The Prosecution alleges that the six Accused conspired to commit genocide of the Tutsi ethnic group. While the Prosecution's final submissions alleged various conspiracies, the Chamber recalls that principles of fairness require that the Prosecution must be held to the case it formulated at the beginning of trial. In its Opening Statement, the Prosecution clarified the charge of conspiracy in the Indictment, alleging that Nyiramasuhuko conspired with members of the Interim Government prior to the swearing-in of Nsabimana as *Préfet* of Butare on 19 April 1994. Ntahobali was alleged to have participated in a conspiracy with the other Accused by identifying places where Tutsis would be separated from Hutus. Nsabimana, Nteziryayo, Kanyabashi, and Ndayambaje were alleged to have agreed with the Interim Government's plan to kill Tutsis at the ceremony on 19 April. In response, the Defence teams have disputed these allegations as untrue and as unsupported by credible evidence.

7. The evidence established that between 9 April 1994 and 14 July 1994, the Interim Government of which Nyiramasuhuko was a member adopted directives and issued instructions during Cabinet meetings. In addition, the Chamber considers that the intention behind these directives and instructions was to encourage the population to hunt down and take action against the "enemy" and its "accomplices"; terms which referred to Tutsis in general. The evidence established that on 16 or 17 April, Nyiramasuhuko agreed with the other members of the Interim Government to remove *Préfet* Habyalimana of Butare *préfecture*, who had posed an obstacle to the killing of Tutsis, and to replace him with Nsabimana. On 19 April, she attended the swearing-in ceremony of Nsabimana, lending further support to the Interim Government's decision. On 27 April, the Interim Government, including Nyiramasuhuko, issued a Directive encouraging the population to mount and man roadblocks, with the intention of encouraging the population to kill Tutsis. As a member of the Interim Government, Nyiramasuhuko participated in many of the Cabinet meetings at which the massacre of Tutsis was discussed, and she took part in the decisions which triggered the onslaught of massacres in Butare *préfecture*. Considering all of these elements, the Chamber has found that only one reasonable conclusion can be reached: Nyiramasuhuko entered into an agreement with members of the Interim Government on or after 9 April 1994 to kill Tutsis within Butare *préfecture* with the intent to destroy in whole or in part the Tutsi ethnic group. She conspired with the Interim Government to commit genocide against the Tutsis of Butare *préfecture*.

8. The other Accused were alleged to have joined this conspiracy. The Chamber has considered their involvement in events in Butare *préfecture*, but because the evidence of their alleged agreement is equivocal, the Chamber finds that the Prosecution has not proven this allegation beyond a reasonable doubt.

9. On 17 April 1994, *Préfet* Habyalimana of Butare was removed from office and, two days later, Nsabimana ascended to *Préfet* in a public ceremony. Many important personalities attended this ceremony, including Nyiramasuhuko, Nsabimana, and Kanyabashi. The Prime Minister of the Interim Government, as well as the Interim President, also attended, and they both gave inflammatory speeches that exhorted their listeners to kill Tutsis.

10. The Chamber has found that Nyiramasuhuko and Nsabimana remained silent during these inflammatory speeches and, by doing so, offered their tacit approval of them. Kanyabashi gave his own speech in which he supported their message and committed to carrying out their instructions, although this speech was not inflammatory. Bearing in mind the burden of proof, the Chamber cannot conclude beyond a reasonable doubt that either Nyiramasuhuko's or Nsabimana's tacit approval, or Kanyabashi's offer of support, substantially contributed to the genocide that followed. The Chamber therefore has not found that they bear criminal responsibility for these actions at Nsabimana's swearing-in ceremony on 19 April 1994.

11. The following day, 20 April 1994, massive killings of people, mainly of the Tutsi ethnic group, began throughout Butare *préfecture*. The Trial Chamber has found this amounted to genocide, as the evidence established that they were committed with the intent to destroy, in whole or in part, this group. The evidence established that on 20 April, Ndayambaje went to Mugombwa Church, showed a photograph of President Habyarimana to those taking refuge inside the Church, and told them that they were going to be killed for being accomplices. Armed assailants then attacked the Tutsis sheltering inside. Ndayambaje returned the following day, and incited the crowd to continue killing those in the church. That afternoon, the church was bombarded by grenades and, as those taking shelter escaped into the courtyard of the church, they were slaughtered. This two-day attack resulted in the death of hundreds, if not thousands, of Tutsis. The Chamber has found that Ndayambaje aided and abetted this attack.

12. Also on 20 April 1994, Ndayambaje travelled to Ngiryi bridge and forced Tutsis who were trying to flee the country to return to Gisagara marketplace. They were later escorted to Kabuye Hill. On 22 April, Ndayambaje was present at Kabuye Hill as soldiers, *commune* police, and civilians attacked the Tutsis taking refuge there. Thousands were killed. That night,

survivors of the attack were guarded and prevented from escaping. Furthermore, the evidence established that on 23 April 1994 Ndayambaje distributed weapons including rifles and grenades at both the Muganza *commune* office and Kabuye Hill, which were later used in the massacres at Kabuye Hill on 23 and 24 April 1994. Ndayambaje transported soldiers, civilians and *commune* policemen to Kabuye Hill where they participated in attacks against Tutsis. Finally, Ndayambaje was present during the attacks against Tutsis at Kabuye Hill on 23 and 24 April 1994, and thousands of deaths resulted from these attacks.

13. The Chamber recalls that Ndayambaje exercised considerable moral authority over the population in his *commune* at the time. As such, the Chamber finds that Ndayambaje's presence on 22, 23, and 24 April 1994 at Kabuye Hill during the attacks encouraged and substantially contributed to the attacks at Kabuye Hill, and the Chamber is satisfied that Ndayambaje knew that his presence would be considered by the assailants as tacit approval of the attacks. The Chamber has therefore found that Ndayambaje aided and abetted these attacks.

14. It is the Chamber's finding that Ndayambaje's acts of distributing weapons at both the Muganza *commune* office and Kabuye Hill on 23 April 1994, weapons which were used in the subsequent attacks at Kabuye Hill, as well as transporting soldiers, civilians and *commune* policemen to Kabuye Hill, substantially contributed to the commission of the crimes at Kabuye Hill on 23 and 24 April 1994. The Chamber is satisfied that Ndayambaje knew that his positive acts substantially contributed to the commission of the attacks at Kabuye Hill on 23 and 24 April 1994. The Chamber has therefore found that Ndayambaje aided and abetted these attacks.

15. On 21 April, Ntahobali participated in the abduction of some 40 Tutsis at a roadblock, and ordered the *Interahamwe* to take them near the IRST. Once there, Ntahobali ordered the *Interahamwe* to kill them. All told, approximately 200 Tutsis were killed at the IRST that day. The Chamber has found that Ntahobali is responsible for ordering these killings.

16. The evidence established that, elsewhere in Butare on 21 April, local authorities and members of the *Interahamwe* directed Tutsis to Kabakobwa Hill. At least 500 and up to 10,000 Tutsis went there to take refuge from the ongoing genocide. The next day, soldiers and civilians, along with Ngoma *commune* police officers, launched an attack against these Tutsis. At least hundreds, if not thousands, were killed. Attackers returned the following day to finish off any survivors. The Prosecution did not charge Kanyabashi with ordering this attack, but instead alleged that he is responsible as a superior. After considering the evidence, the Chamber has found that, in his position as *Bourgmestre* of Ngoma *commune*, Kanyabashi bears superior

responsibility for the participation of Ngoma *commune* police officers in the attack at Kabakobwa Hill.

17. The Chamber has also found that Tutsis were killed at Mutunda Stadium around 25 through 27 April. The evidence does not establish however that Nyiramasuhuko was present during this attack, and the Chamber has concluded that neither Nyiramasuhuko's nor Nsabimana's alleged responsibility for this attack has been proven beyond a reasonable doubt.

18. As for the events at Matyazo Clinic, the Prosecution alleged that Kanyabashi ordered soldiers to open fire on Tutsis taking refuge there. The Prosecution, however, did not charge Kanyabashi with ordering these deaths, but instead alleged that he is responsible as a superior. The Chamber considers that this was a serious omission on the part of the Prosecution. The evidence established that, as Tutsis were sheltering in Matyazo Clinic in late April, Kanyabashi ordered soldiers to open fire on them, resulting in many deaths. A majority of the Chamber has found, Judge Ramaroson dissenting, that these soldiers were acting as subordinates of Kanyabashi, and that Kanyabashi is responsible as a superior for these killings.

19. The Prosecution also alleged that numerous Tutsis were massacred at the Ngoma Parish Church at the end of April. After considering the evidence, the Chamber has not found it established beyond a reasonable doubt that the Accused are criminally responsible for this massacre.

20. The Chamber has found that, in late April, a roadblock was set up near Hotel Ihuliro. Ntahobali manned this roadblock, which he utilised, with the assistance of soldiers and members of the *Interahamwe*, to abduct, rape, and kill members of the Tutsi population. The roadblock outside Hotel Ihuliro earned the reputation of being one of the most terrifying roadblocks in Butare, and the evidence established that it was the site of numerous beatings, rapes, and killings of members of the Tutsi ethnic group. In this regard, the Chamber has found that Ntahobali personally raped and murdered a Tutsi girl there, and ordered the *Interahamwe* to kill a Tutsi named Léopold Ruvurajabo at the roadblock. The Chamber has also found that Ntahobali aided and abetted the killing of the Rwamukwaya family near the end of April. Because the Prosecution has not established beyond a reasonable doubt that Nyiramasuhuko was present at the time when any specific crime was perpetrated, and adduced insufficient evidence to establish that she was in a superior-subordinate relationship with anyone involved in these crimes at the time they occurred, the Chamber has acquitted Nyiramasuhuko of this allegation.

21. The Chamber will now address the Butare *préfecture* office. By way of introduction, the Chamber notes that, as these horrific events unfolded throughout Butare, and as the violence in other parts of Rwanda pushed people to seek refuge in places they considered safe like churches and government offices, numerous already traumatised, mainly Tutsi, civilians went to the Butare *préfecture* office seeking refuge. Hoping to find safety and security, they instead found themselves subject to abductions, rapes, and murder. The evidence presented by these survivors, and accepted by the Chamber, is among the worst encountered by this Chamber; it paints a clear picture of unfathomable depravity and sadism.

22. The evidence established that, around the end of April, the attacks started at the Butare *préfecture* office, when assailants began to abduct and kill civilians seeking shelter there. In mid-May, Nyiramasuhuko, Ntahobali, and about 10 *Interahamwe* drove to the Butare *préfecture* office in a pickup truck. Nyiramasuhuko identified Tutsis taking refuge there, and ordered the *Interahamwe* to force them onto the truck. Once full, Ntahobali ordered the *Interahamwe* to stop because the vehicle could not accept any more dead. The Tutsis were taken to other parts of Butare to be killed.

23. The Chamber has also found that, on two occasions in the last half of May, Ntahobali and *Interahamwe* came to the Butare *préfecture* office. Ntahobali violently raped Witness TA, while the *Interahamwe* obeyed his orders and raped six other women. The second time, Ntahobali ordered about seven *Interahamwe* to rape this same witness, while he raped another woman.

24. The evidence also proves that further attacks took place in the first half of June. During these attacks, Nyiramasuhuko ordered *Interahamwe* to rape Tutsi women, and Ntahobali aided and abetted the rape of Witness TA by seven *Interahamwe*.

25. The Chamber notes that the Indictment clearly charged Nyiramasuhuko and Ntahobali with rape. The Chamber has concluded however that the Nyiramasuhuko and Ntahobali Indictment was defective in failing to plead rape as genocide. Furthermore, this defect was not cured by the Prosecution. After reading the Indictment as a whole, and taking into account the procedural history outlined in the written Judgement, the Chamber cannot conclude that the Prosecution pled rapes in support of genocide. Although the evidence establishes in this case that rape was utilized as a form of genocide, the Chamber has concluded that it would be prejudicial to the Accused to hold them responsible for a charge of which they had insufficient notice. Therefore,

the Chamber has not taken the rapes into account when assessing genocide and has not entered a conviction for genocide on the basis of rape.

26. The Chamber notes that rapes were clearly charged in support of the counts of rape as a crime against humanity, and outrages upon personal dignity as a war crime. The Chamber has therefore considered rapes in the context of these allegations. In this regard, however, the Chamber notes a serious omission by the Prosecution. Although the evidence clearly established Nyiramasuhuko's direct role in ordering *Interahamwe* to rape Tutsi women at the Butare *préfecture* office, the Prosecution only charged Nyiramasuhuko with responsibility as a superior for rape. Therefore the Chamber has only assessed Nyiramasuhuko's superior responsibility for the rapes at the Butare *préfecture* office. The evidence established that she, indeed, had superior responsibility over *Interahamwe* who committed rapes at the Butare *préfecture* office.

27. In sum, the Chamber has found that between around the end of April and around mid-June 1994, Nyiramasuhuko, Ntahobali, *Interahamwe*, and soldiers went to the Butare *préfecture* office to abduct hundreds of Tutsis. Many were physically assaulted, raped, abducted, and taken away to various places in Butare, where they were killed. During the course of these repeated attacks on vulnerable civilians, both Nyiramasuhuko and Ntahobali ordered killings. They also ordered rapes. Ntahobali further committed rapes, and Nyiramasuhuko aided and abetted rapes and is responsible as a superior for rapes committed by members of the *Interahamwe*.

28. The Chamber has found that Nsabimana, as *Préfet* of Butare, had a legal duty to act to protect the civilians at the Butare *préfecture* office. In particular, the Chamber notes that the Rwandan Penal Code imposes an obligation on every Rwandan citizen to provide assistance to persons in danger where it would not cause risk to oneself, and failure to do so is a criminal offense. Further, under Rwandan domestic law, Nsabimana had an obligation to ensure the tranquillity, public order, and security of people within his *préfecture*. The Geneva Conventions also impose a legal duty on Nsabimana to protect civilians, including the wounded and sick, against acts or threats of violence.

29. The evidence established that Nsabimana knew of the genocidal attacks being perpetrated upon Tutsis taking refuge at the *préfecture* office. On multiple occasions, Tutsis asked Nsabimana directly for protection from the ongoing attacks. Nsabimana knew that those taking refuge were being abducted, raped, and killed. In this regard, the Chamber recalls Nsabimana's

testimony that after he learned of the massacres, he would go home at night fearing that the refugees would not be at the Butare *préfecture* office when he returned in the morning.

30. The Chamber has found that Nsabimana requisitioned armed forces around 5 to 15 June, after which soldiers came to the Butare *préfecture* office. These soldiers succeeded in forestalling attacks against those taking refuge there. Taking this into account, the Chamber has found that Nsabimana had the ability to act to prevent the attacks at the Butare *préfecture* office. Even if the presence of the armed force may not have been able to stop the attacks altogether, the evidence establishes that their presence would have alleviated the situation of recurring abductions, rapes, and killings.

31. While Nsabimana may have discharged his legal duty when he requisitioned these forces in June, it is clear that he did nothing for a significant period of time before that point in time. The Chamber recalls that genocidal attacks were ongoing from the end of April until around mid-June at the Butare *préfecture* office and, in light of this, the Chamber has found that Nsabimana's failure to discharge his legal duty before June had a substantial effect on the perpetration of these crimes. Therefore, the Chamber has concluded that Nsabimana aided and abetted, by omission, the attacks and killings at the Butare *préfecture* office during this time period.

32. The Chamber has also found that persons taking refuge at the Butare *préfecture* office were transferred to other locations with similarly deplorable conditions, often on the arrangements of Nsabimana or Kanyabashi. Tutsis were transferred in this way to the *École Évangéliste du Rwanda* (EER), to Nyange *secteur*, and to Rango Forest. The Chamber, however, has not concluded that these transfers constituted a crime for which Nsabimana or Kanyabashi could be held responsible. In contrast, the evidence establishes that after Tutsis were transferred to the *École Évangéliste du Rwanda* (EER), Ntahobali and *Interahamwe* members abducted and killed them in the nearby woods. The Chamber has found that Ntahobali aided and abetted these killings. Soldiers also participated in attacks, rapes, and killings at the *École Évangéliste du Rwanda* (EER). The Prosecution charged Nsabimana with responsibility as a superior for the actions of the soldiers at the *École Évangéliste du Rwanda* (EER), however the Prosecution has not proven this allegation.

33. It has also been established that, around late May, Kanyabashi drove through Butare town and, using a megaphone, incited the population to search for and kill Tutsis. Again in June,

Kanyabashi used a megaphone to publicly incite further killings. The Chamber has therefore found that Kanyabashi directly and publicly incited the commission of genocide.

34. As for Nteziryayo, it is clear from the evidence that he replaced Nsabimana as *préfet* on 17 June. The Chamber has found beyond a reasonable doubt that Nteziryayo, at a meeting in Muyaga *commune* around mid-June, referred to Tutsis as “lice”, whose “eggs” needed to be destroyed. At another meeting in Kibayi *commune* around mid- to late June, he called upon the population to abduct and kill Tutsi women married to Hutus, and to flush out Tutsi children and kill them. Nteziryayo also incited the population to continue killing Tutsis at Ndayambaje’s swearing-in ceremony on 22 June in Muganza *commune*. The Chamber has therefore found that Nteziryayo directly and publicly incited the commission of genocide. The Chamber notes that, although Nteziryayo is implicated in three instances of incitement, it has not been established that his conduct contributed to any specific instances of killing.

35. The Chamber has found that, on 22 June, Ndayambaje was sworn in as *Bourgmestre* of Muganza *commune* at a public ceremony near the Muganza *commune* office, during which he incited the population to kill more Tutsis. Afterwards, searches were conducted to locate Tutsis, and Tutsi women and girls were abducted near the Statue of the Virgin Mary. During the abduction, Ndayambaje arrived and told the abductors that they were free to do what they wanted with the girls. The evidence establishes that, following Ndayambaje’s instigation, the assailants slaughtered the group at a brick factory at Gasenyi.

36. More generally, the Chamber has found that civil defence forces were organised before April 1994, and that they received training and weapons in May and June. Both Nteziryayo and Kanyabashi played a role in these training exercises, and in the distribution of weapons. Furthermore, the Chamber has found that Nteziryayo was an official in charge of the civil defence. However, because these events occurred at the same time as the RPF advance towards Butare *préfecture*, a reasonable inference remains that they may have been done to forestall the RPF incursion. The Chamber therefore has not found it established that Nteziryayo and Kanyabashi bear criminal responsibility for these actions.

VERDICT

37. For the reasons set out in the written Judgement, having considered all evidence and submissions of the Parties, the Trial Chamber finds unanimously in respect of:

PAULINE NYIRAMASUHUKO as follows:

38. On Count One of the Indictment, Conspiracy to Commit Genocide, the Chamber finds you GUILTY for entering into an agreement with members of the Interim Government on or after 9 April 1994 to kill Tutsis in Butare *préfecture*.

39. On Count Two of the Indictment, Genocide, the Chamber finds you GUILTY for ordering the killing of Tutsis taking refuge at the Butare *préfecture* office.

40. On Count Three of the Indictment, Complicity in Genocide, the Chamber DISMISSES the charge because it is pled as an alternative to Genocide.

41. On Count Four of the Indictment, Direct and Public Incitement to Commit Genocide, the Chamber finds you NOT GUILTY.

42. On Count Five of the Indictment, Murder as a Crime Against Humanity, the Chamber DISMISSES the charge because it is cumulative of Extermination as a Crime Against Humanity.

43. On Count Six of the Indictment, Extermination as a Crime Against Humanity, the Chamber finds you GUILTY for ordering the killing of Tutsis taking refuge at the Butare *préfecture* office.

44. On Count Seven of the Indictment, Rape as a Crime Against Humanity, the Chamber finds you GUILTY as a superior of the *Interahamwe* who raped Tutsis taking refuge at the Butare *préfecture* office.

45. On Count Eight of the Indictment, Persecution as a Crime Against Humanity, the Chamber finds you GUILTY for ordering the killing of Tutsis taking refuge at the Butare *préfecture* office.

46. On Count Nine of the Indictment, Other Inhumane Acts as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

47. On Count Ten of the Indictment, Violence to Life as a War Crime, the Chamber finds you GUILTY for ordering the killing of Tutsis taking refuge at the Butare *préfecture* office.

48. On Count Eleven of the Indictment, Outrages upon Personal Dignity as a War Crime, the Chamber finds you GUILTY as a superior of the *Interahamwe* who raped Tutsis taking refuge at the Butare *préfecture* office.

ARSÈNE SHALOM NTAHOBALI as follows:

49. On Count One of the Indictment, Conspiracy to Commit Genocide, the Chamber finds you NOT GUILTY.

50. On Count Two of the Indictment, Genocide, the Chamber finds you GUILTY for killing Tutsis at the Hotel Ihuliro roadblock, including the murder of a Tutsi girl, ordering the killing of Léopold Ruvurajabo at the Hotel Ihuliro roadblock, ordering the killing of about 200 Tutsis at the IRST, ordering the killings of Tutsis taking refuge at the Butare *préfecture* office, aiding and abetting the killing of the Rwamukwaya family, and aiding and abetting the killing of Tutsis abducted from the *École Évangéliste du Rwanda* (EER).

51. On Count Three of the Indictment, Complicity in Genocide, the Chamber DISMISSES the charge because it is pled as an alternative to Genocide.

52. The Indictment does not charge you with a Count Four.

53. On Count Five of the Indictment, Murder as a Crime Against Humanity, the Chamber DISMISSES the charge because it is cumulative of Extermination as a Crime Against Humanity.

54. On Count Six of the Indictment, Extermination as a Crime Against Humanity, the Chamber finds you GUILTY for killing Tutsis at the Hotel Ihuliro roadblock, including the murder of a Tutsi girl, ordering the killing of Léopold Ruvurajabo at the Hotel Ihuliro roadblock, ordering the killing of about 200 Tutsis at the IRST, ordering the killings of Tutsis taking refuge at the Butare *préfecture* office, aiding and abetting the killing of the Rwamukwaya family, and aiding and abetting the killing of Tutsis abducted from the *École Évangéliste du Rwanda* (EER).

55. On Count Seven of the Indictment, Rape as a Crime Against Humanity, the Chamber finds you GUILTY for committing rapes at the Hotel Ihuliro roadblock and at the Butare *préfecture* office, and for ordering and aiding and abetting rapes at the Butare *préfecture* office.

56. On Count Eight of the Indictment, Persecution as a Crime Against Humanity, the Chamber finds you GUILTY for killing Tutsis at the Hotel Ihuliro roadblock, including the murder of a Tutsi girl, ordering the killing of Léopold Ruvurajabo at the Hotel Ihuliro roadblock, ordering the killing of about 200 Tutsis at the IRST, ordering the killings of Tutsis taking refuge at the Butare *préfecture* office, aiding and abetting the killing of the Rwamukwaya family, and aiding and abetting the killing of Tutsis abducted from the *École Évangéliste du Rwanda* (EER).

57. On Count Nine of the Indictment, Other Inhumane Acts as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

58. On Count Ten of the Indictment, Violence to Life as a War Crime, the Chamber finds you GUILTY for killing Tutsis at the Hotel Ihuliro roadblock, including the murder of a Tutsi girl, ordering the killing of Léopold Ruvurajabo at the Hotel Ihuliro roadblock, ordering the killing of about 200 Tutsis at the IRST, ordering the killings of Tutsis taking refuge at the Butare *préfecture* office, aiding and abetting the killing of the Rwamukwaya family, and aiding and abetting the killing of Tutsis abducted from the *École Évangéliste du Rwanda* (EER).

59. On Count Eleven of the Indictment, Outrages upon Personal Dignity as a War Crime, the Chamber finds you GUILTY for committing rapes at the Hotel Ihuliro roadblock and at the Butare *préfecture* office, and for ordering and aiding and abetting rapes at the Butare *préfecture* office.

SYLVAIN NSABIMANA as follows:

60. On Count One of the Indictment, Conspiracy to Commit Genocide, the Chamber finds you NOT GUILTY.

61. On Count Two of the Indictment, Genocide, the Chamber finds you GUILTY for failing to discharge your legal duty, and thereby aiding and abetting the killing of Tutsis taking refuge at the Butare *préfecture* office.

62. On Count Three of the Indictment, Complicity in Genocide, the Chamber DISMISSES the charge because it is pled as an alternative to Genocide.

63. On Count Four of the Indictment, Direct and Public Incitement to Commit Genocide, the Chamber finds you NOT GUILTY.

64. On Count Five of the Indictment, Murder as a Crime Against Humanity, the Chamber DISMISSES the charge because it is cumulative of Extermination as a Crime Against Humanity.

65. On Count Six of the Indictment, Extermination as a Crime Against Humanity, the Chamber finds you GUILTY for failing to discharge your legal duty, and thereby aiding and abetting the killing of Tutsis taking refuge at the Butare *préfecture* office.

66. On Count Seven of the Indictment, Persecution as a Crime Against Humanity, the Chamber finds you GUILTY for failing to discharge your legal duty, and thereby aiding and abetting the killing of Tutsis taking refuge at the Butare *préfecture* office.

67. On Count Eight of the Indictment, Other Inhumane Acts as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

68. On Count Nine of the Indictment, Violence to Life as a War Crime, the Chamber finds you GUILTY for failing to discharge your legal duty, and thereby aiding and abetting the killing of Tutsis taking refuge at the Butare *préfecture* office.

ALPHONSE NTEZIRYAYO as follows:

69. On Count One of the Indictment, Conspiracy to Commit Genocide, the Chamber finds you NOT GUILTY.

70. On Count Two of the Indictment, Genocide, the Chamber finds you NOT GUILTY.

71. On Count Three of the Indictment, Complicity in Genocide, the Chamber finds you NOT GUILTY.

72. On Count Four of the Indictment, Direct and Public Incitement to Commit Genocide, the Chamber finds you GUILTY for your speeches at two *commune* meetings in June, and for your speech at Ndayambaje's swearing-in ceremony on 22 June 1994.

73. On Count Five of the Indictment, Murder as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

74. On Count Six of the Indictment, Extermination as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

75. On Count Seven of the Indictment, Persecution as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

76. On Count Eight of the Indictment, Other Inhumane Acts as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

77. On Count Nine of the Indictment, Violence to Life as a War Crime, the Chamber finds you NOT GUILTY.

JOSEPH KANYABASHI as follows:

78. On Count One of the Indictment, Conspiracy to Commit Genocide, the Chamber finds you NOT GUILTY.

79. On Count Two of the Indictment, Genocide, the Chamber finds you GUILTY as a superior of Ngoma *commune* policemen who killed Tutsis at Kabakobwa Hill, and a majority of the Chamber, Judge Ramaroson dissenting, finds you GUILTY as a superior of soldiers who killed Tutsis at Matyazo Clinic.

80. On Count Three of the Indictment, Complicity in Genocide, the Chamber DISMISSES the charge because it is pled as an alternative to Genocide.

81. On Count Four of the Indictment, Direct and Public Incitement to Commit Genocide, the Chamber finds you GUILTY for your megaphone announcements in May and June 1994.

82. On Count Five of the Indictment, Murder as a Crime Against Humanity, the Chamber DISMISSES the charge because it is cumulative of Extermination as a Crime Against Humanity.

83. On Count Six of the Indictment, Extermination as a Crime Against Humanity, the Chamber finds you GUILTY as a superior of Ngoma *commune* policemen who killed Tutsis at Kabakobwa Hill, and a majority of the Chamber, Judge Ramaroson dissenting, finds you GUILTY as a superior of soldiers who killed Tutsis at Matyazo Clinic.

84. On Count Seven of the Indictment, Persecution as a Crime Against Humanity, the Chamber finds you GUILTY as a superior of Ngoma *commune* policemen who killed Tutsis at Kabakobwa Hill, and a majority of the Chamber, Judge Ramaroson dissenting, finds you GUILTY as a superior of soldiers who killed Tutsis at Matyazo Clinic.

85. On Count Eight of the Indictment, Other Inhumane Acts as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

86. On Count Nine of the Indictment, Violence to Life as a War Crime, the Chamber finds you GUILTY as a superior of Ngoma *commune* policemen who killed Tutsis at Kabakobwa Hill, and a majority of the Chamber, Judge Ramaroson dissenting, finds you GUILTY as a superior of soldiers who killed Tutsis at Matyazo Clinic.

ÉLIE NDAYAMBAJE as follows:

87. On Count One of the Indictment, Conspiracy to Commit Genocide, the Chamber finds you NOT GUILTY.

88. On Count Two of the Indictment, Genocide, the Chamber finds you GUILTY for aiding and abetting the killing of Tutsis at Mugombwa Church and at Kabuye Hill, and for instigating the killing of Tutsis after your swearing-in ceremony on 22 June 1994.

89. On Count Three of the Indictment, Complicity in Genocide, the Chamber DISMISSES the charge because it is pled as an alternative to Genocide.

90. On Count Four of the Indictment, Direct and Public Incitement to Commit Genocide, the Chamber finds you GUILTY for your inciting statements at Mugombwa Church and at your swearing-in ceremony on 22 June 1994.

91. On Count Five of the Indictment, Murder as a Crime Against Humanity, the Chamber DISMISSES the charge because it is cumulative of Extermination as a Crime Against Humanity.

92. On Count Six of the Indictment, Extermination as a Crime Against Humanity, the Chamber finds you GUILTY for aiding and abetting the killing of Tutsis at Mugombwa Church and at Kabuye Hill, and for instigating the killing of Tutsis after your swearing-in ceremony on 22 June 1994.

93. On Count Seven of the Indictment, Persecution as a Crime Against Humanity, the Chamber finds you GUILTY for aiding and abetting the killing of Tutsis at Mugombwa Church and at Kabuye Hill, and for instigating the killing of Tutsis after your swearing-in ceremony on 22 June 1994.

94. On Count Eight of the Indictment, Other Inhumane Acts as a Crime Against Humanity, the Chamber finds you NOT GUILTY.

95. On Count Nine of the Indictment, Violence to Life as a War Crime, the Chamber finds you GUILTY for aiding and abetting the killing of Tutsis at Mugombwa Church and at Kabuye Hill, and for instigating the killing of Tutsis after your swearing-in ceremony on 22 June 1994.

96. The Chamber notes that it has found that the Accused are not guilty in relation to the remaining allegations charged by the Prosecution. These are addressed in the written Judgement.

SENTENCING

97. In considering sentencing, the Chamber has taken into account the individual, aggravating, and mitigating circumstances of each Accused. The Chamber also recalls that the gravity of the offences is the deciding factor in the determination of the sentence. These have been fully detailed in the Judgement. The Chamber has the discretion to impose a single sentence and chooses to do so.

98. The Chamber invites the six Accused to stand.

99. Pauline Nyiramasuhuko, the Chamber has found you guilty of conspiracy to commit genocide, genocide, the crimes against humanity of extermination, rape and persecution, and the

war crimes of violence to life and outrages upon personal dignity. For these crimes, and considering all relevant circumstances, the Chamber sentences you to life imprisonment.

100. Arsène Shalom Ntahobali, the Chamber has found you guilty of genocide, the crimes against humanity of extermination, rape and persecution, and the war crimes of violence to life and outrages upon personal dignity. For these crimes, and considering all relevant circumstances, the Chamber sentences you to life imprisonment.

101. Sylvain Nsabimana, the Chamber has found you guilty of genocide, the crimes against humanity of extermination and persecution, and violence to life as a war crime. For these crimes, and considering all relevant circumstances, the Chamber sentences you to 25 years' imprisonment.

102. Alphonse Nteziryayo, the Chamber has found you guilty of direct and public incitement to commit genocide. For this crime, and considering all relevant circumstances, the Chamber sentences you to 30 years' imprisonment.

103. Joseph Kanyabashi, the Chamber has found you guilty of genocide, direct and public incitement to commit genocide, the crimes against humanity of extermination and persecution, and violence to life as a war crime. For these crimes, and considering all relevant circumstances, the Chamber sentences you to 35 years' imprisonment.

104. Élie Ndayambaje, the Chamber has found you guilty of genocide, direct and public incitement to commit genocide, the crimes against humanity of extermination and persecution, and violence to life as a war crime. For these crimes, and considering all relevant circumstances, the Chamber sentences you to life imprisonment.

105. Nyiramasuhuko, Ntahobali, Nsabimana, Nteziryayo, Kanyabashi, and Ndayambaje shall receive credit for time served since their arrest, where applicable, and they shall be kept in detention under the present conditions until their transfer to their designated places of imprisonment.

CONCLUSION

106. This has been the summary of the Judgement, and the trial proceedings in this case have now come to a close. The Chamber thanks all those involved in this case.