

COURT OF ASSIZES
OF THE BRUSSELS CAPITAL
ADMINISTRATIVE DISTRICT
FD30-98.102/02
6th session of 2019

Criminal judgment

The Court of Assizes of the Brussels Capital administrative district, sitting in Brussels,

Having regard to the judgment of the Indictment Division of the Court of Appeal sitting in Brussels, handed down on 6 December 2018, issuing an indictment to and referring back to the Court of Assizes of the Brussels Capital administrative district:

N... F..., alias **N... F...**,
born on 21 October 1948, in Mataba (Rwanda), of Rwandan nationality,
residing in but
with an address for service at the office of his adviser, J. F..., avenue Franklin Roosevelt 112
in Ghent

Accused of having,

with the acts falling within the territorial jurisdiction of the Belgian courts under Articles 6 and 10 – 1^o bis of the Preliminary title of the Code of Criminal Procedure and the second subparagraph of Article 29 §3 of the Law of 5 August 2003 on serious violations of international humanitarian law,

- either given the order, even if it was not executed, to commit crimes under international law;
- or proposed or offered to commit crimes under international law or accepted a similar proposition or offer;
- or incited to commit crimes under international law, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed through, that is to say:
 - a) either carried out these crimes or directly cooperated in their execution;
 - b) or, through any act, provided help such that, without his assistance, these crimes could not have been committed;
 - c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited these crimes;
 - d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited these crimes to be committed;
 - e) or given instructions for the commission of these crimes;
 - f) or procured weapons, instruments or any other means used in these crimes, in the knowledge that they would be put to that use;
 - g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of these crimes in their preparation or facilitation or in their accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing crimes under international law or of acts which started the commission of such crimes even though he could have stopped their accomplishment or put an end to them;

In Rwanda, in the prefectures of Kigali, Gitarama and Ruhengeri, and related actions elsewhere in Rwanda, between 6 April 1994 and 14 July 1994:

A. committed, whether in time of peace or in time of war, the crime of genocide constituting a crime under international law, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 approved by the Law of 26 June 1951, specifically in the case at bar, with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, having killed an unknown number of currently unidentified people, who were members of the Tutsi ethnic group;

B. committed the grave breaches listed below, defined as crimes under international law causing injury, whether through an act or failure to act, to persons or property protected by the Geneva Conventions of 12 August 1949, approved by the Law of 3 September 1952 and by Protocols I and II additional to these Conventions, which were adopted in Geneva on 8 June 1977 and approved by the Law of 16 April 1986;

I. Committed the wilful killing of the people referred to below in the case at bar, namely:

1) In Kigali, in Nyamirambo, rue Mont Ndusu, on 9 April 1994, of the following people:

- a) I... B.....
- b) C... B.....
- c) K... B.....
- d) C... S.....
- e) L... U.....
- f) G... T.....
- g) J... S.....
- h) I... N.....
- i) S... R.....
- j) J... M.....
- k) I... G.....

2) in the prefectures of Gitarama and Ruhengeri, in an unknown location, on 19 June 1994, of the following person:

- a) J... M.....

3) in the prefecture of Ruhengeri, in Mataba, in the commune of Ndusu, and, related actions, in the neighbouring communes and towns, on an unknown date between 1 and 31 May 1994, of the following person:

- a) A... N.....

4) in the prefecture of Ruhengeri, in Mataba, in the commune of Ndusu, and, related actions, in the neighbouring communes and towns, on unknown dates between 16 April 1994 and 14 July 1994, of an unknown number of currently unidentified people;

II. Attempted to, within the meaning of Articles 51 to 53 of the Criminal Code, commit the wilful killing of the persons mentioned below, with the will to commit the offence having been demonstrated by observable acts that constitute the beginning of the commission of this crime, and that were suspended or failed in their purpose only because of circumstances outside his control,

1) In Kigali, in Nyamirambo, rue Mont Ndusu, on 9 April 1994, of the following people:

- a) R... B.....
- b) E... N.....
- c) M... U.....⁴¹

* * *

Having regard to the bill of indictment issued as a result of this judgment by the Federal Prosecutor, on 29 July 2019 and revised on 28 October 2019, which was read out by Mr A. d'O..., federal magistrate;

Having regard to the defence drawn up by J. F... and J-P J..., the accused's legal advisers, which was partially read out by J. F... and J-P J..., lawyers at the Ghent and Liège bars, respectively;

Having regard to the civil parties' statement drawn up by M. H..., E. G..., M. B..., M A..., A. De B..., A-M K... and A. E... M..., which was read out by M. H... and E.G..., lawyers at the Brussels bar;

Having heard the witnesses listed in the judgment of the preliminary hearing of 9 October 2019 and the witness heard under the President's discretionary authority;

Having heard the arguments of the accused N... F... alias N... F... against the witnesses' statements;

Having heard the arguments of the following civil parties in support of the charge:

- B..... M..., born in [...], on [...], residing in
- U..... S..., , residing in
- B..... C..., , residing in
- S.... E..., , residing in
- B..... R..., , residing in
- G..... G..., , residing in

represented by M. H..., E. G... and M. B..., lawyers at the Brussels bar;

- M..... G..., born in ... (Rwanda (Rep)) in ..., residing in

¹Judgment referring the case back of the Indictment Division of the Court of Appeal of Brussels of 6 December 2018.

- R..... J..., born in ... (Rwanda (Rep)) on ..., residing in
- J..... J..., born on ..., of Rwandan nationality, residing in and with an address for service at the office ...;
- M..... J..., born on 19 November 1975, in ..., of Rwandan nationality, residing in with an address for service at the office...;
- M..... E..., born on 1 January 1977, ..., of Rwandan nationality, currently residing in with an address for service at the office of ... ;
- M..... L..., born on 11 November 1964, in M..., of Rwandan nationality, currently residing in with an address for service at the office of ...;
- M..... R..., born on 3 February 1966, in ... , of Rwandan nationality, residing inand with an address for service at the office of ...;
- M..... J... born on ..., in M..., of Rwandan nationality, residing in, and with an address for service at the office ...

represented by A. ..., M. A..., A. De B..., A. T..., lawyers at the Brussels bar;

- U..... E..., born in Rwanda on ..., of Rwandan nationality, residing in
- R..... N..., of Belgian nationality, born in Rwanda on ... residing in
- N..... P... , born in Rwanda on ..., of Rwandan nationality, residing in
- H..... A... , born in Rwanda on ..., of Rwandan nationality, residing in
- B..... B..., born in Rwanda in ..., residing in
- M..... I... L..., born in Rwanda on ..., residing in
- M..... L..., born in Rwanda on ..., residing in
- R..... J... born in Rwanda on ..., residing in

represented by A-M K..., A. El ..., I. G..., lawyers at the Brussels bar

Having heard the Federal Prosecutor’s arguments in support of the charge, through Mr A. d’O..., federal magistrate;

Having heard the grounds of defence of the accused F... N... alias F... N... both in his own statements and those made through his legal advisers J. F... and J-P J..., lawyers at the Ghent and Liège bars, respectively;

The accused F... N... alias F... N... was given the floor last.

Pursuant to the judgment handed down on 19 December 2019 arising from the jury's guilty verdict and for the reasons set out therein,

The accused F... N... alias F... N... was found guilty of the offence of having,

A.

o In Rwanda, in the prefectures of Kigali, Gitarama and Ruhengeri, and related actions elsewhere in Rwanda,

between 6 April 1994 and 14 July 1994,

committed, in time of peace or in time of war, the crime of genocide,

of having committed one of the following acts, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- o killing members of the group;
- o causing serious bodily or mental harm to members of the group;
- o deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- o imposing measures intended to prevent births within the group;
- o forcibly transferring children of the group to another group;

in the case at bar, of killing an unknown number of currently unidentified people, who were members of the Tutsi ethnic group;

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not actually followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;

- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crimes, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

B.

o In Rwanda, in Kigali, in Nyamirambo, rue Mont Ndusu,

on 9 April 1994,

committed war crimes, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of I... B....., C... B....., K... B....., C... S....., L... U....., Gv T....., J. ... S....., J M..... and I... G..... ;

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not actually followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crimes, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in the prefectures of Gitarama and Ruhengeri, in an unknown location, on 19 June 1994,

committed a war crime, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of J... M.....,

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not actually followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crimes, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in the prefecture of Ruhengeri, in the Ndusu commune, in Mataba,
on an unknown date between 1 and 31 May 1994,

committed a war crime, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of A... N.....,

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not actually followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:
 - a) or carried out this crime or directly cooperated in its execution;
 - b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
 - c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
 - d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
 - e) or given instructions for the commission of this crime;
 - f) or procured weapons, instruments or any other means used in this crimes, in the knowledge that they would be put to that use;
 - g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;
- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in the prefecture of Ruhengeri, in the Ndusu commune, in Mataba,
on unknown dates between 16 April 1994 and 14 July 1994,

committed a war crime, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of an unknown number of currently unidentified people,

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not actually followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crimes, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in Kigali, in Nyamirambo, rue Mont Ndusu,

on 9 April 1994,

committed war crimes, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the attempted wilful killings of R... B....., E... N..... and M... - A... U.....

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not actually followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crimes, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them;

the will to commit the offence has been demonstrated by observable acts that constitute the beginning of the commission of these crimes, and that were suspended or failed in their purpose only because of circumstances outside the control of the accused.

* * *

Having heard the charge brought by the public prosecutor for enforcement of the law;

Having heard the statements in that respect of the accused F... N... alias F... N... and his legal advisers J. F... and J-P J... s, lawyers at the Ghent and Liège bars, respectively;

The accused F... N... alias F... N... was given the floor last.

The acts committed by the accused F... N..., alias F... N..., and mentioned above in subparagraphs A and B are classified as crimes under law and punishable with criminal sentences by Articles 51, 52, 66, 67, 136 bis, 136 quater, § 1, 1°, 136 quinquies, 136 septies, 136 octies, 392, 393 and 394 of the Criminal Code.

The accused F... N..., alias F... N..., is found guilty of several crimes.

Where several crimes are committed, only the severest penalty is handed down.

On a proposal from the President, it was decided, by an absolute majority, that the grounds for determining the penalty imposed would be stated.

F... N... benefits from mitigating circumstances due to his age.

The penalty which will be set out below takes into consideration the following evidence:

- The offences committed by F... N... have caused irreparable harm to the whole of humanity, as they are unimaginable atrocities that deeply shock the conscience of humanity.
- They are an intolerable violation of the fundamental value of respect for all human life, and they threatened the peace, security and well-being of the world.
- They reveal a will to exterminate another and a will to divide as a tool of power.
- F... N... helped to make the Tutsi genocide a neighbourhood genocide, including by reporting his neighbours in Kigali and encouraging people to denounce others in Mataba and Gitarama.
- The acts of F... N... affected a substantial number of both identified and unknown victims, and they have had, and will still have, significant implications for the civil parties and all of the victims' families.
- They also played a part in depriving the Tutsi population of all hope.
- F... N... showed himself to be pitiless and extremely organised, going as far as setting up a militia, which played a decisive role in the massacres committed in an entire sector.
- Convinced of his impunity and the rightness of his actions, he did not hesitate to boast and even to present one of his victims as a trophy.
- As a result of his moral authority, F... N..., also dragged ordinary people into his genocide project, and they responded to the call from the authorities, to which he belonged, and helped to trivialise the crime.
- F... N... has shown no evidence of having questioned his actions. Moreover, during this trial, he continued to convey his genocidal ideology.
- His persistence in revising History reveals that he poses a current and specific danger.

Having regard to Articles:

- 1, 7, 8, 9, 18, 19, 31, 51, 52, 62, 63, 66, 67, 79, 80, 136 bis, 136 quater, § 1, 1°, 136 quinquies, 136 septies, 136 octies, 392, 393 and 394 of the Criminal Code; 226, 227, 341, 343, 344, 345, 346 and 353 of the Code of Criminal Procedure;
- Articles 11, 12, 13, 19, 21, 31 to 38, 41, 48, 68, § 1, of the Law of 15 June 1935 on the use of languages in court proceedings, amended by the Law of 24 March 1980;
- 28 to 41 of the Law of 1 August 1985 on tax and other measures, amended by the Laws of 24 December 1993 and 22 April 2003 and by the Royal Decree of 31 October 2005;
- the Royal Decree of 18 December 1986, amended by the Royal Decree of 19 December 2003;

THE COURT,

After deliberating with the jury in accordance with the provisions of Article 343 of the Code of Criminal Procedure,

Sentences **F... N... alias F... N...**

for the offences of which the jury found him guilty, to:

TWENTY-FIVE YEARS IN PRISON

And acquits him of the offences of which the jury found him not guilty.

Hereby prohibits him in perpetuity from enjoying the rights listed in subparagraph 1 of Article 31 of the Criminal Code.

Hereby removes him from any public titles, ranks, offices and jobs that he may have held.

Orders him to pay the costs of the proceedings to the public party, with tax amounting to TWO HUNDRED AND SEVENTY THOUSAND NINE HUNDRED AND EIGHTY-FIVE EUROS AND EIGHTY-TWO CENTS (EUR 270 985.82).

Orders him to pay the amount of TWENTY-FIVE EUROS as a contribution to the special fund for the assistance of victims of acts of intentional violence.

Orders that, pursuant to the Law on additional decimals, the amount of twenty-five euros will be rounded to two hundred euros (EUR 200.00).

Also orders him to pay compensation of FIFTY-FOUR EUROS AND SEVENTY-EIGHT CENTS (EUR 54.78) pursuant to the Royal Decree of 13 November 2012 amending the General rules on legal costs in criminal cases, established by the Royal Decree of 28 December 1950 on the administrative costs related to criminal cases.

Orders him to pay the amount of TWENTY EUROS (EUR 20.00) as a contribution to the budget fund for secondary legal aid.

Declares that this judgment will be printed as an extract and displayed in the commune in which the crime was committed, and in the city of Brussels where the judgment was handed down.

Issued at a public sitting of the Brussels Court of Assizes on 20 December 2019, with the following persons present and sitting:

Ms S. L... Counsellor at the Court of Appeal sitting in Brussels,
President,
Ms Y. P... Judge of the French-speaking Brussels Court of First Instance,
Mr Th. D... Judge of the French-speaking Brussels Court of First Instance,
Assessors,
Mr A. d'O... Federal magistrate,
and
Ms S. A... Clerk of the French-speaking Brussels Court of First Instance,

M. D. G....., jurors Ms S. J....., Ms K A....., Ms H. A....., Ms
Y. A..., Ms A. V....., M. F. R....., Ms N. M....., M. M. A....., M. O. D., M.
M. D.... and M. S. B....., .

COURT OF ASSIZES
OF THE BRUSSELS CAPITAL
ADMINISTRATIVE DISTRICT
FD30-98.102/02
6th session of 2019

Judgment stating reasons pursuant to Articles 334 and 337 of the Code of Criminal Procedure

The Court of Assizes of the Brussels Capital administrative district, sitting in Brussels,

Having regard to the judgment of the Indictment Division of the Court of Appeal sitting in Brussels, handed down on 6 December 2018, issuing an indictment to and referring back to the Court of Assizes of the Brussels Capital administrative district:

N...F..., alias [...],
born on [...], in [...] (Rwanda), of Rwandan nationality,
residing in but with
an address for service at the office of his adviser, J...F..., avenue

Accused of having,

with the acts falling within the territorial jurisdiction of the Belgian courts under Articles 6 and 10 – 1^o bis of the Preliminary title of the Code of Criminal Procedure and the second subparagraph of Article 29 §3 of the Law of 5 August 2003 on serious violations of international humanitarian law,

- either given the order, even if it was not executed, to commit crimes under international law;
- or proposed or offered to commit crimes under international law or accepted a similar proposition or offer;
- or incited to commit crimes under international law, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed through, that is to say:
 - a) either carried out these crimes or directly cooperated in their execution;
 - b) or, through any act, provided help such that, without his assistance, these crimes could not have been committed;
 - c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited these crimes;
 - d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited these crimes to be committed;
 - e) or given instructions for the commission of these crimes;

- f) or procured weapons, instruments or any other means used in these crimes, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of these crimes in their preparation or facilitation or in their accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing crimes under international law or of acts which started the commission of such crimes even though he could have stopped their accomplishment or put an end to them;

In Rwanda, in the prefectures of Kigali, Gitarama and Ruhengeri, and related actions elsewhere in Rwanda, between 6 April 1994 and 14 July 1994:

A. committed, whether in time of peace or in time of war, the crime of genocide constituting a crime under international law, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 approved by the Law of 26 June 1951, specifically in the case at bar, with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, having killed an unknown number of currently unidentified people, who were members of the Tutsi ethnic group;

B. committed the grave breaches listed below, defined as crimes under international law causing injury, whether through an act or failure to act, to persons or property protected by the Geneva Conventions of 12 August 1949, approved by the Law of 3 September 1952 and by Protocols I and II additional to these Conventions, which were adopted in Geneva on 8 June 1977 and approved by the Law of 16 April 1986;

I. Committed the wilful killing of the people referred to below in the case at bar, namely:

1) In Kigali, in Nyamirambo, rue Mont Ndusu, on 9 April 1994, of the following people:

- a) I... B.....
- b) C... B.....
- c) K... B.....
- d) C... S.....
- e) L... U.....
- f) G... T.....
- g) J...S.....
- h) I... N.....
- i) S... R.....
- j) J... M.....
- k) I... G.....

2) in the prefectures of Gitarama and Ruhengeri, in an unknown location, on 19 June 1994, of the following person:

- a) J... M.....

3) in the prefecture of Ruhengeri, in Mataba, in the commune of Ndusu, and, related actions, in the neighbouring communes and towns, on an unknown date between 1 and 31 May 1994, of the following person:

- a) A... N.....

4) in the prefecture of Ruhengeri, in Mataba, in the commune of Ndusu, and, related actions, in the neighbouring communes and towns, on unknown dates between 16 April 1994 and 14 July 1994, of an unknown number of currently unidentified people;

II. Attempted to, within the meaning of Articles 51 to 53 of the Criminal Code, commit the wilful killing of the persons mentioned below, with the will to commit the offence having been demonstrated by observable acts that constitute the beginning of the commission of this crime, and that were suspended or failed in their purpose only because of circumstances outside his control,

1) in Kigali, in Nyamirambo, rue Mont Ndusu, on 9 April 1994, of the following people:

- a) R... B.....
- b) E... N.....
- c) M...U..... “1

* * *

Having regard to the jury's verdict on the questions asked by the President resulting from the judgment referring the case back, the bill of indictment, the defence and the proceedings and, with the agreement of all the parties here present,

Having regard to,

- o the Geneva Conventions of 12 August 1949 and Protocols I and II additional to these Conventions;
- o Articles 51, 52, 66, 67, 136 bis, 136 quater, § 1, 1°, 136 quinquies, 136 septies, 136 octies, 392, 393 and 394 of the Criminal Code;
- o Articles 6, 1° bis and 10, 1° bis of the Preliminary title of the Code of Criminal Procedure and the second subparagraph of Article 29, §3, of the Law of 5 August 2003 on serious violations of international humanitarian law;
- o Articles 226, 227, 326 to 334 and 337 of the Code of Criminal Procedure;
- o Articles 11, 12, 13, 19, 31 to 38 and 41 of the Law of 15 June 1935 on the use of languages in court proceedings,

Upon its honour and conscience, the jury reached the following verdict:

It answered in the affirmative to questions 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17 and 18.

It answered in the negative to questions 9 and 10.

* * *

Having regard to the jury's verdict, affirmative to questions 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17 and 18 and negative to questions 9 and 10.

The accused F... N...alias [...] is guilty

of having,

A.

o In Rwanda, in the prefectures of Kigali, Gitarama and Ruhengeri, and related actions elsewhere in Rwanda,

between 6 April 1994 and 14 July 1994,

committed, in time of peace or in time of war, the crime of genocide,

of having committed one of the following acts, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- o killing members of the group;
- o causing serious bodily or mental harm to members of the group;
- o deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- o imposing measures intended to prevent births within the group;
- o forcibly transferring children of the group to another group;

in the case at bar, of killing an unknown number of currently unidentified people, who were members of the Tutsi ethnic group;

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crime, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a

crime even though he could have stopped their accomplishment or put an end to them.

B.

o In Rwanda, in Kigali, in Nyamirambo, rue Mont Ndusu,

on 9 April 1994,

committed war crimes, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of I... B....., C... B....., K... B....., C... S....., L...U....., G... T....., J... S....., J... M..... and I... G..... ;;

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crime, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in the prefectures of Gitarama and Ruhengeri, in an unknown location,

on 19 June 1994,

committed a war crime, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of J... M.....

for having:

- either given the order, even if it was not actually executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crime, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in the prefecture of Ruhengeri, in the Ndusu commune, in Mataba,

on an unknown date between 1 and 31 May 1994,

committed a war crime, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of A... N....,

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold,

put on sale or displayed visibly to the public, directly incited this crime to be committed;

- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crime, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in the prefecture of Ruhengeri, in the Ndusu commune, in Mataba,

on unknown dates between 16 April 1994 and 14 July 1994,

committed a war crime, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the wilful killing of an unknown number of currently unidentified people;

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crime, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them.

o In Rwanda, in Kigali, in Nyamirambo, rue Mont Ndusu,

on 9 April 1994,

committed war crimes, violating, by acting or failing to act, the protection of persons and property protected by the Geneva Conventions of 12 August 1949,

namely the attempted wilful killings of R... B....., E... N..... and M...U.....

for having:

- either given the order, even if it was not executed, to commit the offence cited above;
- or proposed or offered to commit this offence, or accepted a similar proposition or offer;
- or incited to commit this offence, even if the incitation was not followed through;
- or taken part, within the meaning of Articles 66 and 67 of the Criminal Code, in this offence, even if the participation was not followed through, that is to say:

- a) either carried out this crime or directly cooperated in its execution;
- b) or, through any act, provided help such that, without his assistance, this crime could not have been committed;
- c) or by gifts, promises, threats, abuse of authority or of power, criminal conspiracy or deception, directly incited this crime;
- d) or through statements at meetings or in public places, or through writings, printed documents, images or emblems of any kind that are displayed, distributed or sold, put on sale or displayed visibly to the public, directly incited this crime to be committed;
- e) or given instructions for the commission of this crime;
- f) or procured weapons, instruments or any other means used in this crime, in the knowledge that they would be put to that use;
- g) or, apart from the case referred to in point b) above, knowingly aided or abetted the perpetrator of this crime in its preparation or facilitation or in its accomplishment;

- or failed to act within his capacity even though he had knowledge of orders that had been given with a view to committing this crime or of acts which started the commission of such a crime even though he could have stopped their accomplishment or put an end to them;

the will to commit the offence has been demonstrated by observable acts that constitute the beginning of the commission of these crimes, and that were suspended or failed in their purpose only because of circumstances outside the control of the accused.

* * *

The main reasons for the jury's verdict are described below:

I.

With regard to questions 2, 3, 4, 5, 6, 7, 8, 11 and 12:

On 9 April 1994, nine people, namely I... B....., C... B....., K... B....., C... S....., L... U....., G... T....., J...S....., J...M..... and Inès G..... were executed by soldiers, on the plot of land belonging to the S..... family while they were getting ready to leave the Nyamirambo neighbourhood, in Kigali, to obtain protection from UNAMIR.

This follows from the proceedings, particularly the statements made in court by:

- o R... B.....and E... N..... , who both escaped from this attack;
- o G... G..... , the husband of J... M..... and father of I... G.....;
- o and F... G....., who heard the shots and saw the bodies the following day.

This was also confirmed by the statements read at the hearing by:

- o J... I....., who heard the shots and buried the bodies the following day;
- o and J... B... N....., who heard the shots and learned of the death of these people.

It also emerged in the proceedings that it was the accused who warned the soldiers that these people were preparing to leave the neighbourhood and that, when the soldiers arrived, it was the accused who told them the location of the plot of land belonging to the S.... family, thereby enabling, in full knowledge of all the considerations involved, these soldiers to execute the aforementioned people.

These circumstances are established sufficiently from the statements made in court by:

- o G... G....., who saw the accused watching the future victims preparing to leave; the arrival of the soldiers, who stopped directly at the accused's home; and the accused gesture to indicate to these soldiers the location of the plot of land belonging to the S.... family;
- o and B... N..., the accused's wife, who stated that he was not inside their house at the time of the attack, contrary to his claim during questioning.

This also follows from the many inconsistencies in the accused's changing statements, particularly as regards:

- o his alleged confinement from 6 to 10 April 1994, while several witnesses saw him moving around the neighbourhood, including C... R....., V... S..... and B...N.....;

- o the fact that, on the date in question, he alleged that he did not see any preparations for leaving or of the movements of his close neighbours, while, at the same time, he stated at the hearing that he was aware of an initial trip made by G... G....., and his family, and this initial trip was confirmed by the latter, who explained that he tried in vain to find help at the neighbourhood's mosque;
- o the nature of the boundary fence that separated his plot from that of the S..... family;
- o and his alleged friendship with this family.

The accused's implication in the commission of the acts is also confirmed by the written statements, which were read at the hearing, of J... P....., who, after burying the victims' bodies, returned to his house when his father was explaining to his mother and to his older sisters that the accused had told him, during the burial, that he had reported his neighbours.

The nine aforementioned victims were persons protected by the Geneva Conventions of 1949, as they did not directly participate in the hostilities.

By acting as he did, the accused provided help for the wilful killing of these persons, such that, without his assistance, these crimes could not have been committed.

Therefore, he is guilty of having committed the nine war crimes mentioned in questions 2, 3, 4, 5, 6, 7, 8, 11 and 12 on 9 April 1994.

2.

With regard to questions 16, 17 and 18:

On 9 April 1994, during the same attack, the soldiers also attempted to kill three children, namely R... B....., E... N..... and M...U.....

The lives of the first two were only saved because they were protected by the bodies of the people who died that day.

The third was injured during the events and his whining attracted the attention of the people hiding in the ceiling of the S..... family house the following day.

This follows from the proceedings, in particular from the statements made in court by the first two victims and from the statements of E...S....., who learned of this from his aunt (one of the people who was hiding in the ceiling), by telephone, on the night from 9 to 10 April 1994.

This was also confirmed by the statements read at the hearing of V... S....., who died on 25 February 2012.

For the same reasons as those set out in section 1 above, the accused must be held criminally responsible for these three attempted wilful killings.

The three victims in questions were persons protected by the Geneva Conventions of 1949, as they did not directly participate in the hostilities.

By acting as he did, the accused provided help for these attempted wilful killings, such that, without his assistance, these crimes could not have been committed.

Therefore, he is guilty of having committed the three war crimes mentioned in questions 16, 17 and 18 on 9 April 1994.

3.

As regards question 9:

On 10 April 2019, the accused and other people from the Nyamirambo neighbourhood went to the S..... family plot of land.

This follows from the proceedings, particularly the statements that the accused himself made in court.

Doctor V... S..., who was present, put M... U..... and her grandmother in a car to take them to hospital. They were accompanied by I... N..... When they arrived at the KINGI barrier, the latter was killed.

The jury considers that it does not have sufficient information before it regarding the circumstances leading to the death of this person and on the potential involvement of the accused in that death, as the only written statement of V...S....., which was read at the hearing, was not sufficient in that respect.

Therefore, the accused is not guilty of the war crime referred to in question 9.

4.

As regards question 10:

It follows from the proceedings that, on the day after the attack of 9 April 1994, S...R..... was found on the S..... family plot of land, hidden in one of the house's ceilings.

He allegedly fled, before being killed in unknown circumstances.

The jury considers that it does not have sufficient information before it regarding the circumstances leading to the death of this person and on the accused's potential involvement in that death.

Therefore, the accused is not guilty of the war crime referred to in question 10.

5.

With regard to questions 13, 14 and 15:

5.1.

It follows from the proceedings, in particular the statements made in court by the accused, C... R..... and J... M..... that the former left Kigali on 16 April 1994 and arrived in Mataba, in the Ruhengeri prefecture, the next day.

It follows from the proceedings that the accused was from this region, where part of his family lived and where a secondary school, the Saint-Alain school, was located and managed by the ACEDI-MATABA association, and he was the legal representative of that association.

The accused was a powerful man from Mataba, as he had provided development and

employment, and he was regarded as the connection with the authorities.

This follows from numerous testimonies, in particular the statements made in court by:

- o J...H....
- o P... U....
- o F... M....., who even stated that the accused was more respected than the prefect.

Furthermore, following disturbances related to ethnicity, which occurred in the ACEDI-MATABA school in 1993, several new guards were recruited to provide security.

During questioning, the accused admitted that those named N....., N....., M....., E....., M..... alias T....., H..... and B..... were among these guards.

Other people were also either guards, militia members, or employees of the accused, namely:

- o the person named O.... mentioned at the hearing in particular by M... N....., F... M....., C... M....., V... K....., I... R....., A... S....., J... H....., A... H....., A...N..... and J... N.....;
- o the person named M.... alias T....., mentioned at the hearing in particular by M...N....., H... H..... and J...H.....;
- o and the person named M..... alias S..... mentioned in particular by M... N....., J...S..... and H...H.....

Contrary to the accused's claims during questioning, N....., whose own father said had become an animal during the genocide, continued to work for the accused until he left for Gama.

This follows from the proceedings, and particularly the statements made in court by:

- o V... N.....
- o L... K....., the father of N.....
- o and A... N....., the Uncle of N.....

All of these persons were actually militia members, who took part in attacks, during which several people were killed.

This follows from the proceedings, and particularly the statements made in court by:

- o J...H..... ;
- o G...T..... ;
- o J...N..... ;
- o H... H..... ;
- o F... M....., , who stated that the killers who lived at the ACEDI-MATABA school were those that the population feared the most.

The accused was well aware that these militia members took part in these attacks.

This follows from the proceedings, and in particular the statements that the accused himself made when questioned at the hearing; he said that M..... alias T had taken part in several killings.

These militia members were housed in small maisonettes located on the accused's plot of land, which was near the school.

This follows from the proceedings, particularly the statements made in court by:

- o J...H....., a teacher at the ACEDI-MATABA school;
- o F... M..... ;
- o C... M....., a survivor, who lived at a house next door to the ACEDI-MATABA school, who stated that the people who worked at the school took part in attacks and then returned to spend the night in small cabins located near the accused's house.

These militia members were paid through the school bursar, on the accused's orders.

This follows from the proceedings, and particular the statements made in court by F...M..... and J...H.....

Moreover, it follows from the proceedings and from the context at the time that the ACEDI-MATABA school was only operating in a very limited manner during the genocide.

These militia members were armed with at least two guns, which had been obtained through the accused's brother, B... N.....

This follows from the proceedings, particularly the statements made in court by:

- o J...H..... ;
- o A...N..... ;
- o L... N....., son of B... N..... and the accused's nephew;
- o F... M....., teacher and bursar at the ACEDI-MATABA school;
- o J...H....., prefect of discipline at the ACEDI-MATABA school.

The accused allowed his militia to give training, including in handling firearms, to other people from the region.

This follows from the statements made in court by:

- o C... H....., who took part in these training sessions;
- o M... N....., who also took part in these training sessions;
- o and F... M....., who saw them training.

In addition, in the month of May 1994, a meeting was held in Mataba. Among those in attendance were the prefect of Ruhengeri (B... N.....), the sub-prefect D... N..... and the mayor J...B.....

During this meeting, the accused was sat next to these authorities, contrary to his statements during questioning.

This follows from the statements made in court by:

- o A... N..... ;
- o J...H..... ;
- o and J... N.....

During this meeting, some comments were made encouraging people from the community to monitor each other; to kill enemies, that is the Tutsis and the people who were protecting them; and to destroy the houses of those who had been killed in order to not leave any traces.

This follows from the statements made in court by:

- o A... N..... ;
- o F...M..... ;
- o J...H..... ;
- o A... S..... ;
- o and F... M.....

At the end of this meeting, the accused asked the militia members to give a shooting demonstration, which terrified the population.

This follows from the statements made in court by:

- o F... M..... ;
- o J...H..... ;
- o M... N..... ;
- o and J...N.....

Following the arrival of the accused in Mataba and this meeting, the massacres and their organisation intensified in the region.

This follows from, in particular:

- o the testimony of C... M....., who stated that her father had tried to hide her mother at the accused's house, but he had refused, telling her father that it was over for the Tutsis;
- o the statements of F... M....., who said that most people who were killed in Mataba were killed after the accused's arrival;
- o the statements of C... K....., who was driven to despair by this meeting and whose wife was tracked down and killed after it;
- o the testimony of M... N....., who stated that after the accused arrived in Mataba, people 'responsible for security', of whom he was one, were assigned by the accused to each sector, and that the accused had stated that if Tutsis were found in a sector and the sector supervisor had not reported them, he would be considered a Tutsi;
- o the statements made in court by P... N....., who stated that M was present during the second attack against her and her family;
- o and the statements made in court by F...M.....

It follows from all of this evidence that the accused ran a militia in Mataba and that he supported the message given by the authorities at the aforementioned meeting, thereby enabling the massacres of Tutsis and people who were treated like them.

5.1.

It follows from the proceedings that, during the genocide, the family of A... N..... suffered several attacks, including by members of the accused's militia.

During this period, A... N..... found refuge at the house of the accused's mother.

When the accused arrived in Mataba in April 1994, he was unhappy with that situation and ran A...N..... and his brother out of his mother's house.

On an unknown date in May 1994, immediately after the aforementioned meeting, A...N..... was followed and killed by J... S....., who was forced to do so by the accused's militia members.

This follows from the proceedings, particularly the statements made in court by:

- o L... M....., wife of A... N....., who was present when members of the accused's militia came to find her husband, as well as during the previous attacks against her family;
- o I... M....., the younger brother of A... N....., who knew the accused's militia members well as he had spent time with them throughout his childhood; who was present when the accused reproached his mother for hiding 'snakes'; and who was present during the attack, during which his brother was killed and during which he himself was injured with a machete before fleeing;
- o J... S....., who stated that he was forced, under threat of being killed himself, to hit A... N..... with a worn-down hoe, as N....., a member of the accused's militia, held his arm;

- o M.... alias S....., who was present when the accused's militia members caught A...N.....;
- o F... G....., who was one of the people who the accused's militia members forcibly took away during the fatal attack on A... N.....

Furthermore, the father of A... N....., F... G....., who died in 1997, and whose statement was read at the hearing, stated that the accused had come to collect his militia members, after they had thrown his son into the river.

C... M.... also stated at the hearing that, after this attack, she saw the accused's vehicle pass the location where she was staying (which was very near the ACEDI-MATABA school) to go in the direction of MUNINI and that, in the evening, she heard the accused's 'interahamwes' boasting about killing A... N.....

A... N..... was a person protected by the Geneva Conventions of 1949 as he did not directly participate in the hostilities.

By acting as he did, the accused provided help for the wilful killing of A... N....., such that, without his assistance, this crime could not have been committed.

Accordingly, he is guilty of committing the war crime mentioned in question 14 on an unknown date in May 1994.

5.3.

Since 6 April 1994, J... M....., a man of peace, had been wanted and forced to leave the Ndusu commune and hide in the Nyakabanda commune.

This follows from the statements made in court by M...M....., G...M..... and J... R.....

On 19 June 1994, the accused was informed of the location in which J... M..... was hiding, by one of his employees, M alias T, whose sister, P... M....., had told him.

He then set out to find him, in a car, with members of his militia, referred to above in section 5.1.

Once they had arrived near MUVUMBA, at the bridge over the river Nyabarongo, several members of the accused's militia crossed the bridge, went up the hills and then came back down again, a few moments later, with J... M....., tied up.

This follows from the proceedings, particularly the statements made in court by:

- o J... R....., one of the sons of J...M....., who were on the hills;
- o M... M....., in charge of security on the bridge;
- o J-P...M....., another son of J...M....., who was in M.....

The accused waited near his car, which he had turned round in the direction in which they would return.

When the militia members returned with J... M..... near the accused's vehicle, people from the community, who were at the market very nearby, approached, and the accused told them that J... M..... was an accomplice of the RPF.

He then left by car for Mataba, with J... M..... and his militia members.

This follows from the proceedings, particularly the statements made in court by M... M..... and J...-P... M.....

On route towards Mataba, the accused picked up four people, W... T....., S... A....., Etienne S..... and P...N....., who made statements at the hearing.

Three of them confirmed that J...M..... was tied up and that the people who were with him in the car were members of the accused's militia.

After arriving in Mataba, on a Sunday, market day, the accused stopped at the trade centre and showed off J... M....., telling the people that an accomplice had been caught.

This follows from the proceedings, in particular the statements made at the hearing by ... H....., F... M..... and J... H....., three teachers at the ACEDI-MATABA school, who were at that centre.

The accused then went to KIVURUGA, where a military position was located. On route there, he picked up M...N....., a pupil at his school.

This follows from the accused's statements made at the hearing.

After arriving in KIVURUGA, the accused left J... M..... there.

This follows from the statements made at the hearing by F... M....., who the accused told that he had left J... M..... with a captain.

No one ever saw J... M..... again.

Several people who had seen him in the accused's vehicle that day stated that they had no doubts in their minds as to what fate was awaiting him and that they knew that he was going to be killed, in particular W... T....., S... A....., P... N....., F...M..... and J...H.....

F... M... even stated that on his return to KIVURUGA, the accused said that he had left J...M..... and that he had been killed.

At the hearing, M... N..... stated that E... M..... had told him how Joseph M..... had been killed, i.e. that he had been put inside a bag and that the bag had been thrown down a hill.

It follows from this evidence that the accused did not attempt to help J... M..... to flee, that he was not commandeered by soldiers, and that J... M..... had not been caught by other soldiers, as he stated, completely unbelievably, when questioned at the hearing.

The witness E... H....., a soldier at the time, also stated that the soldiers did not requisition civilian vehicles.

The accused hunted down J... M....., had him caught, humiliated him, and handed him over to soldiers so that he would be killed.

This is confirmed by the statement of B... N....., prefect of Ruhengeri at the time of the events, which was read at the hearing; he died on 17 March 2016 and stated that one evening the accused said to him in his ear 'We got him', talking about J... M.....

J... M..... was a person protected by the Geneva Conventions of 1949 as he did not directly participate in the hostilities.

By acting as he did, the accused provided help for the accomplishment of this crime, such that, without his assistance, this crime could not have been committed.

Accordingly, he is guilty of committing the war crime mentioned in question 13 on 19 June 1994.

5.4.

During the genocide, the accused's militia members hunted down and killed other people on the hills.

This follows from the hearings in court of:

- o J... S....., who stated that in the attack during which A...N..... was killed, another person called K..... was killed by one of the accused's militia members;
- o A... M..... alias S....., saw the accused's militia members take away both A...N..... and the person named K..... during this attack;
- o F... M....., who stated that he had been hit and threatened by M....., a member of the

accused's militia, while the latter and other people were looking for a certain G....., who, once found, was forced to bury his children alive, before being killed, and who also stated that M..... had also been seen in all the massacres committed in the sector;

- o A... H....., son of the person named G....., who was also attacked by members of the accused's militia (including C..... and M.....) and who confirmed that M..... was in the attack that killed his father;
- o A... S....., son of a guard at the ACEDI-MATABA school, who stated that lots of Tutsis had been killed in the region, including some of his neighbours, and that he had seen people forced to walk in a line to the river Nyabarongo and members of the accused's militia, specifically M....., N..... and C....., walk in front of him, with guns, to join the attacks and take people to the river to be killed;
- o J...N....., who lived a few minutes away from the ACEDI--MATABA school and who looked after the school's livestock, stated that the members of the accused's militia (M....., C..... and M..... alias T.....) hunted Tutsis on the hills.

All of these victims, who have still not been identified or not properly identified, were simply residents of the region and were clearly persons protected by the Geneva Conventions of 1949 as they did not directly participate in the hostilities.

It follows from the evidence outlined above and in section 5.1 that the accused provided help for the commission of these crimes, such that, without his assistance, these crimes could not have been committed.

Accordingly, he is guilty of committing the war crime mentioned in question 15 between 16 April 1994 and 14 July 1994.

6.

As regards question 1:

It follows from the proceedings that all of the war crimes described above, of which the accused has been found guilty, were part of the genocide of the Tutsis, which took place in Rwanda from 6 April 1994.

It follows from the evidence against him outlined in sections 1 to 5, and from the following evidence, which is taken as a whole, that the accused's intention was to destroy, in whole or in part, the Tutsi ethnic group:

- o Contrary to what he alleged at the hearing, the accused was not ousted by the MRND in 1992; his departure from the OCIR-Café was only a result of his wrongdoings on the GBK project, as shown in the documents filed during the investigation by the witness A...G.... and which were mentioned at the hearing. The accused left the OCIR-Café with the sole aim of protecting himself.
- o The accused visited F... K....., leader of the extremist MDR Power party, in Kigali, in the Nyamirambo neighbourhood, after the start of the genocide. This follows from the statements made at the hearing by Françoise G..... and Gérard G.....
- o The Tutsi residents of that neighbourhood were scared of the accused. This follows from

the statements made at the hearing by F...G..... and F... G.....

- o On several occasions, the accused made comments explicitly reflecting his genocidal intent:
 - o He made M... M....., who was in charge of security for an administrative cell in a neighbouring sector to the one in Mataba, who protected Tutsi refugees in his sector, hunt down Tutsis both on the road and in the hills.
 - o C... M..... stated that her father had tried to hide her mother at the accused's house, but he refused, telling her father that it was over for the Tutsis.
 - o D... T..... stated at the hearing that his cousin had told him that when the accused arrived in Mataba, he had advised him to kill a little Tutsi girl who had lost her parents.
 - o I... M..... stated at the hearing that, on the day that his mother was killed, the accused said that he did not want any Tutsi blood in Mataba and that he then handed over his mother to an interahamwe, who took her to the river.
- o M... N..... explained that meetings were held, in the morning, at the ACEDI-MATABA school, during which the accused appointed people in charge of security and told them to identify Tutsis in their respective cells. This witness also stated that the accused had explained that the Tutsis must be taken to the river because they shouldn't tire themselves digging graves. This witness also stated that after days of massacres, the killers had to report to those in charge of these sectors, on the accused's orders.
- o J...N..... also mentioned these meetings, stating that the accused led them and that their aim was to determine who should be killed on the hills.
- o M... M..... stated at the hearing that after the attack on J... M..... by the accused's and his militia, the Tutsis who were hiding in the bush were thrown in the river Nyabarongo, which carried them away, or they left to prevent other people from losing their lives for hiding them and died elsewhere. He also said that one day the accused had asked him if, for that purpose, there was anything he was missing, and he then gave him ten bullets for his gun.
- o While the accused's mother hid people who were being hunted on her plot of land, the same cannot be said for the accused, who, on the contrary, ensured that the people hiding there no longer stayed when he arrived in Mataba in April 1994. This follows from the statements made at the hearing by T... H....., who stated that the day after the accused arrived in Mataba, the person who had left him at the accused's mother's house came to collect him.

All of this evidence is supported by the fact that, after leaving Rwanda, the accused continued to stay in contact with the genocidal government in exile, as follows from the statement made at the hearing by E... T..... and he changed his identity, by adopting, outside any legal framework, his father's surname, clearly to avoid prosecution.

All of this evidence establishes that, between 6 April 1994 and 14 July 1994, the accused committed the crime of genocide, in Rwanda, in the prefecture of Kigali, as well as in those of

Ruhengeri and Gitarama, and that he is guilty of the offence mentioned in question I.

Delivered at a public sitting of the Court of Assizes of the Brussels Capital administrative district on Thursday, 19 December 2019 and signed in accordance with Article 353 of the Code of Criminal Procedure by the President and the court clerk.

Court clerk

President