

Summary of the trial of Mr EN

The assize trial of Mr EN, born in 1959, took place before the Assize Court of the Brussels-Capital judicial district from 8 April to 10 June 2024.

Mr EN was accused of committing serious violations of international humanitarian law in Kigali, Rwanda, between 6 April and 18 July 1994. In particular, he was prosecuted for committing the crime of genocide against the Tutsi ethnic group, and war crimes including intentional homicide, attempted murder and rape. EN was remanded in custody but appeared free.

Before the genocide, the accused had worked in Rwanda and Kenya for various companies. In 1992, he launched his own business activities as a freelancer. At the time of the genocide, Mr EN was running the AMGAR garage in Cyahafi, in the centre of Kigali. According to witnesses, this garage was described as the “headquarters” of the Interahamwe, and EN was one of the militia’s executives in Kigali.

After hearing around a hundred witnesses, the Assize Court found EN guilty of the crime of genocide against an unknown number of Tutsis, and guilty of war crimes for committing intentional homicide against an unknown number of victims in Kigali, as well as attempted murder and rape of an identified person.

The accused was a close friend of the most senior members of the Interahamwe national committee, such as Georges Rutaganda - vice-president, Robert Kajuga - president and - adviser. He never held an official position on the Interahamwe national committee, but nevertheless provided indispensable assistance to these notorious and powerful Interahamwe. He also took advantage of his proximity to these Interahamwe leaders to consolidate his power and play an active role in the genocide (massacres, looting, exfiltration of Tutsis for large sums of money, etc.).

EN’s garage was a key location for the genocide in Kigali. Fences have been erected in the immediate vicinity of the garage. Tutsis were massacred in the garage complex. In order to bury the bodies, pits were dug and filled with corpses in and around the garage. The abuses were sometimes carried out by the accused himself, sometimes ordered by him, and sometimes made possible by the assistance he provided to the Interahamwe.

Until the end of the proceedings, the accused denied his involvement in the genocide. He acknowledged his proximity to Georges Rutaganda (convicted by the ICTR), but claimed that he did not know what was really happening, and that he had to stay with Rutaganda to ensure his own safety. EN was sentenced to 25 years’ imprisonment on 10 June 2024. Mitigating circumstances were accepted by the Court insofar as EN was quite old and insofar as he had not committed any offences since 1994. EN was immediately taken into custody.

The convicted person has appealed to the Court of Cassation but was rejected on 18 December 2024.. The decision is therefore final.

2024/4093

**ASSIZE COURT
OF THE ADMINISTRATIVE DISTRICT
OF BRUSSELS-CAPITAL
FD.30.98.000101/2002
1st session of the year 2024**

Motivation judgment based on Articles 334 and 337 of the Code of Criminal Procedure

The Assize Court of the administrative district of Brussels-Capital,

Having regard to the judgment of the Court of Appeal sitting in Brussels, Indictments Chamber, delivered on 6 December 2018, indicting and referring to the Assize Court of the administrative district of Brussels-Capital:

2024/
5293 (NN _____ *alias* _____ born on _____
, of _____ nationality, residing at _____)

Accused of or having, the acts falling within the territorial jurisdiction of the Belgian courts pursuant to Article 6, par. 1, 1° *bis* of the Preliminary Title of the Code of Criminal Procedure,

- either gave an order, even if it was not followed by action, to commit crimes under international law;
- either proposed or offered to commit crimes under international law or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, gave such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;

f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;

g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;

- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

In Rwanda, in the prefecture of Kigali and elsewhere in Rwanda, between 6 April 1994 and 18 July 1994:

The first (**alias** **), (...)**

A. committed, 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, that is to say, in the present case, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, having committed murder against an indeterminate number of persons, members of the Tutsi ethnic group;

B. committed the serious offences listed below, classified as crimes under international law, causing damage by act or omission to persons and property protected by the Conventions signed in Geneva on 12 August 1949 and approved by the law of 3 September 1952 and by Protocols I and II additional to these Conventions, adopted in Geneva on 8 June 1977 and approved by the law of 16 April 1986;

I. Committed intentional homicide against the following persons mentioned in this case, namely:

1) The first, **alias**

a) (...)

b) In Kigali, on unspecified dates between 10 April 1994 and 28 May 1994, against an unspecified number of persons, not yet formally identified;

II. Attempted, within the meaning of Articles 51 to 53 of the Criminal Code, to commit intentional homicide, against the persons mentioned below, the resolution to commit the crime having been manifested by external acts which form a beginning of the execution of this crime and which were only suspended or failed to take effect by circumstances beyond his control,

1) The first, **alias**

In Kigali, on an unspecified date between 9 April 1994 and 15 April 1994, against the person of:

a)

2) (...)

III. Committed the crime of rape:

1) The first, alias

In Kigali, on an unspecified date between 9 April 1994 and 15 April 1994, against the person of:

2) (...)

3) (...)

Having regard to the decision of the jury on the questions answered by the President resulting from the order for committal, the indictment and the debates, and with the agreement of all the parties present;

Considering:

- the Geneva Conventions of 12 August 1949 and the Protocols I and II additional to these Conventions;
- the Articles 51, 52, 66, 67, 136*bis*, 136*quater*, §1, 1° and 4°, 136*quinquies*, 136*septies*, 136*octies*, former 375, 392, 393, 394, 417/5 and 417/11 of the Criminal Code;
- the new article 8 of the Preliminary Title of the Code of Criminal Procedure;
- the Articles 326 to 334, 337 and 353 of the Code of Criminal Procedure;
- the Articles 11, 12, 13, 19, 31 to 38 and 41 of the law of 15 June 1935 on the use of languages in judicial matters;

In honour and conscience, the jury has reached the following decision:

The answer is yes to questions 1, 2, 3 and 4.

Having regard to the decision of the jury:

The accused _____ alias _____ is guilty of:

the acts falling within the territorial jurisdiction of Belgian courts pursuant to the new article 8 of the Preliminary Title of the Code of Criminal Procedure,

A.

in Rwanda, in the prefecture of Kigali and elsewhere in Rwanda,

between 6 April 1994 and 18 July 1994,

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

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

- murder of members of the group;
- serious physical or mental harm to members of the group;
- intentional submission of the group to conditions of existence intended to result in its total or partial physical destruction;
- measures to prevent births within the group;
- forced transfer of children from the group to another group.

in this case, the murders of an unknown number of people, members of the Tutsi ethnic group;

for the following reasons:

- either gave an order, even if it was not followed by action, to commit the above-mentioned offence;
- either proposed or offered to commit that offence or accepted such a proposal or offer;
- either provoked to commit that offence, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in that offence, even if the participation was not followed by action, namely:
 - a) either carried out this crime or cooperated directly in its execution;
 - b) either, by any act whatsoever, given such assistance in the commission of this crime that, without his assistance, this crime could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to this crime;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit this crime;
 - e) either gave instructions to commit this crime;
 - f) either procured weapons, instruments or any other means that were used in this crime, knowing that they were

- intended for that purpose;
- g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of this crime in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out that offence or of acts that began their execution when he could have prevented or stopped their commission;

B.I.1).b)

in Rwanda, in Kigali

on unspecified dates between 10 April 1994 and 28 May 1994,

committed a war crime, causing damage by act or omission to persons and property protected by the Geneva Conventions of 12 August 1949,

or the intentional homicide of an unknown number of people, not yet formally identified;

for the following reasons:

- either gave an order, even if not followed by action, to commit crimes under international law; either proposed or offered to commit crimes under international law, or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, given such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;
 - f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;
 - g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

B.II.1).a)

in Rwanda, in Kigali,

on an unspecified date between 9 April 1994 and 15 April 1994,

committed a war crime, causing damage by act or omission to persons and property protected by the Geneva Conventions of 12 August 1949,

or attempted intentional homicide of the person of

for the following reasons:

- either gave an order, even if not followed by action, to commit crimes under international law; either proposed or offered to commit crimes under international law, or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, given such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;
 - f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;
 - g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

the intention to commit this crime having been manifested by external acts that form the beginning of the execution of this crime or offence, and which have only been suspended or failed to take effect by circumstances beyond the perpetrator's control.

B.III.1)

In Rwanda, in Kigali,

on an unspecified date between 9 April 1994 and 15 April 1994,

committed a war crime, causing damage by act or omission to persons and property protected by the Geneva Conventions of 12 August 1949,

or the crime of rape on the person of;

for the following reasons:

- either gave an order, even if it was not followed by action, to commit the above-mentioned offence;
- either proposed or offered to commit that offence or accepted such a proposal or offer;
- either provoked to commit that offence, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in that offence, even if the participation was not followed by action, namely:
 - a) either carried out this crime or cooperated directly in its execution;
 - b) either, by any act whatsoever, gave such assistance in the commission of this crime that, without his assistance, this crime could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to this crime;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit this crime;
 - e) either gave instructions to commit this crime;
 - f) either procured weapons, instruments or any other means that were used in this crime, knowing that they were intended for that purpose;
 - g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of this crime in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out that offence or of acts that began their execution when he could have prevented or stopped their commission;

The main reasons for the jury's decision are described below.

Second question:

1.

At least in April and May 1994, during the genocide of the Tutsis in Rwanda and while that country was at war, the accused lived in Kigali, in a place called Amgar.

The premises belonged to _____'s father and before the genocide began, the accused ran a _____ there, namely with alias "_____".

2.

During the genocide, the place called Amgar was one of the headquarters of the Interahamwes, i.e. the militia responsible for many of the massacres of Tutsis during the genocide.

This follows from the statements made at the hearing of:

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-
-

This is also confirmed by the statements made at the hearing of:

- _____ alias "_____";
-

The fact that Amgar was an Interahamwe headquarters is also confirmed by the following elements:

a)

Interahamwes came and went in Amgar during the day; some slept there at night.

This follows from the statements made at the hearing of:

- _____ alias "_____";
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-
-

b)

Weapons and ammunition were stockpiled in Amgar, to be distributed to the Interahamwes.

This follows especially from the statements made at the hearing of:

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-

This is also confirmed by statements made at the hearing of

c)

Looted goods were stored in Amgar.

This follows especially from the statements made at the hearing of:

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-

d)

A barrier guarded by Interahamwes stood right next to the entrance gate of Amgar.

This follows especially from the debates, in particular from the statements made at the hearing of:

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-
-
-

This also follows from the accused's own statements at the hearing.

This is also confirmed by the statements made at the hearing of:

- alias “ ”;
-
-

e)

Tutsis were killed at this barrier.

This follows especially from the debates, in particular from the statements made at the hearing of:

- alias “ ”;
-

f)

After the genocide, many Tutsi bodies were exhumed from graves in and around Amgar.

This follows especially from the debates, in particular from the statements made at the hearing of:

-
-
-

This also follows the report concerning “ of 1 July 1997, filed with the ICTR, attached to this file and referred to during the debates. The report shows indeed that in June 1996, twenty-seven bodies of people who had died violent deaths during the genocide were exhumed from mass graves located near the place known as Amgar, some of these mass graves even adjoining this place.

This is further confirmed by statements read out at the hearing of a neighbour of Amgar, who witnessed the prior exhumation of bodies from two mass graves located in and near Amgar by the RPF army after the war.

g)

Tutsis were killed in Amgar and their bodies were taken to mass graves below Amgar.

This follows from the statements made at the hearing of
and

Tutsis were also killed in the immediate vicinity of Amgar, sometimes after having been detained in Amgar.

This follows from the statements made at the hearing of
and

This was further confirmed by statements read out at the hearing of

h)

Young women were taken to Amgar against their will and raped or “married” by force to Interahamwes.

This follows from the statements made at the hearing of:

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-

3.

a long-time friend of the accused who lived with him in Amgar during the genocide, was one of the two vice-presidents of the Interahamwes national committee.

This follows from the statements made at the hearing by numerous witnesses and the accused's own statements at the hearing.

This also follows from a document dated 19 January 1994 filed by one of the accused's counsels.

In addition, it follows from the debates that [redacted] was sentenced to life imprisonment by the ICTR Appeal Chamber, in particular for having:

- committed the crime of genocide;
- distributed arms on three occasions in April 1994 in the Cyahafi sector;
- and, in April 1994:
 - ordered the detention, at [redacted] Amgar, of Tutsis arrested at the roadblock in front of this [redacted];
 - had fourteen of these prisoners taken to a hole near the so-called [redacted];
 - and had ten of the prisoners killed, whose bodies were then placed in a hole.

Furthermore, at the hearing, [redacted], [redacted]'s brother (see below), stated that [redacted] was a "virulent outspoken anti-Tutsi".

During his examination at the hearing, the accused admitted that [redacted] was partly responsible for the massacres of Tutsis during the genocide.

4.

As for [redacted] alias " [redacted]" - who was also a long-standing friend of the accused and whom he frequented during the genocide - he was an adviser to the Interahamwes national committee.

This follows from the statements made by the accused during his examination at the hearing and from the document dated 19 January 1994 filed by one of the accused's counsels.

This is also confirmed by statements made at the hearing of [redacted] and [redacted]

In addition, it follows from the debates - in particular from the statement made at the hearing of [redacted] alias " [redacted]" himself and an exhibit filed at the hearing by the Public Prosecutor's Office - that [redacted], alias " [redacted]" is currently serving a nineteen-year prison sentence in Rwanda for the crime of genocide and for complicity in the killing of a man, a sentence handed down by a Gacaca court on 12 January 2008.

During his examination at the hearing, the accused admitted that [redacted], alias " [redacted]", was partly responsible for the massacres of Tutsis during the genocide.

5.

During the genocide, the accused also frequented [redacted]

This follows from own statements made by the accused during his examination at the hearing,
from the statements at the hearing made by of from the statements read out
at the hearing of

Now, was the president of the Interahamwes national committee.

This follows from the document dated January 1994 filed by one of the accused's
counsels. This also follows from the two films shown at the hearing
of background witnesses and

During the genocide, the accused travelled several times to “”,
another Interahamwe headquarters and place of residence of

This follows from what the accused himself said during his examination at the hearing and
from statements made at the hearing of

6.

During the genocide, the accused wore a military jacket and/or carried a weapon.

This follows from his own statements during his examination at the hearing.

This also follows from the examination at the hearing of:

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Now, it follows from hearing of that, during the genocide,
owning a weapon gave you power, and it follows from the hearing of that, during the
genocide, having a military uniform was like having a pass.

7.

a)

During the genocide, the accused was the “man of the camp”, the “driver” of
and of

This follows from own statements made by the accused during his examination at the hearing.

This also follows from the statements made at the hearing by:

- alias “ ”;
-
-

b)

The accused also enjoyed a degree of autonomy in his movements.

In fact, he also moved around without and

- or unescorted:

this follows from the statements made at the hearing by
and

- or accompanied by an escort of armed young men in military uniform:

this follows from the statements made at the hearing by
and from the reading at the hearing of the email
of

c)

It follows from the examinations of the background witnesses at the hearing that it was very difficult to move around in Kigali during the genocide, and in particular to cross barriers, and that at the time only those most involved in the genocide, namely the members of the Interahamwe militia, were able to move around easily.

Now, from the start of the genocide, the accused moved around and crossed barriers quite easily.

This follows especially from the statements made at the hearing by ,
the accused's wife, who explained that on 12 April 1994, the accused had come to get her and their children, and that he had taken them to Amgar, passing through a number of barriers at which they were sometimes asked for their identity cards but sometimes not asked for anything at all.

8.

The accused, sometimes accompanied by , sometimes drove people seeking to escape to the Hotel des Mille Collines or elsewhere for large sums of money.

This follows from the statements made at the hearing by:

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

even stated that it was with the accused that he had directly negotiated the transfer price for his children.

9.

In mid-April, the accused accompanied during a public distribution of weapons, after Tutsis had been lured to the distribution site.

This follows from the statements made at the hearing by and

10.

During the genocide, the accused accompanied Interahamwes who were taking bodies of Tutsis killed near Amgar, to the pits below Amgar.

This follows from the examination at the hearing of

On one occasion, the accused even told the Interahamwes to go and kill Tutsis outside Amgar to prevent the smell from invading the establishment, before accompanying the Interahamwes outside Amgar.

This follows from the examination at the hearing of

Moreover, on several occasions, the accused gave orders and instructions to the Interahamwes who were killing Tutsis.

This follows from the testimonies given at the hearing of and

Lastly, the accused himself killed three Tutsis.

This follows from the examination at the hearing of

11.

It follows, first of all, from the foregoing considerations that, on unspecified dates between 10 April 1994 and 28 May 1994, the accused was an accomplice in the intentional murders of an unspecified number of people committed in Amgar or from Amgar and Photo Moussa, at the instigation of

alias “ ”, and of

Contrary to what he claimed at the hearing, from that time onwards the accused could not have been unaware of the abuses committed in and from those places, nor of the responsibility of alias “ ”, and

in this respect.

Indeed, as detailed above:

- the accused lived in Amgar:
 - in and around which Tutsis were killed;
 - near which Tutsis, killed at the barrier just beside the entrance or elsewhere, were thrown into pits;
 - and in which young women were raped and forcibly “married” to Interahamwes;
- Amgar was also an Interahamwe headquarters, where Interahamwes came and went, where Interahamwes slept, and where weapons, ammunition and looted goods were stored;
- the accused regularly visited “Photo Moussa”, another Interahamwe headquarters;
- the accused was the “man of the camp”, the “driver” of _____ and
- the accused spent the genocide in the company of _____ alias “_____”, and

In addition, it follows from the statements made at the hearing by _____ who met the accused in Bukavu in January 1995, that the accused confided in her, speaking as if he were speaking to himself and trying to explain his role during the genocide, referring in particular to “Our headquarters” when speaking of Amgar and “We the Interahamwes” when speaking of himself and the people he had frequented during the genocide.

Therefore, the accused knowingly aided or assisted those responsible for the intentional homicides described above.

12.

It then follows from the foregoing considerations in paragraphs 1 to 10 that, on unspecified dates between 10 April 1994 and 28 May 1994, the accused was a co-perpetrator of the intentional murders of an unspecified number of people committed in Amgar or from Amgar or Photo Moussa, at the instigation of _____, “alias” _____, and by cooperating directly in the execution of some of those murders.

13.

Lastly, it follows from the foregoing considerations in points 1 to 10 that, on an unspecified date between 10 April 1994 and 28 May 1994, the accused committed three intentional murders of persons of Tutsi ethnicity.

14.

The victims were people protected by the Geneva Conventions of 1949, as they were not taking a direct part in the hostilities.

Furthermore, the victims have not yet been formally identified.

15.

Nothing can justify intentional homicide for which the accused is criminally liable.

Moreover, in any case, the threats alleged by the accused - which, according to him, led him to protect himself or his family - must be put into perspective.

Indeed:

- if, since the beginning of the 90s, the accused had been in conflict with the Burgomaster [redacted] of his commune of origin ([redacted]) - responsible for the ‘disappearance’ of many Tutsis - this conflict clearly had its origins in a debt of money that the Burgomaster [redacted] owed to the accused’s family and which he refused to repay, and not in the accused’s desire to fight against the atrocities committed by [redacted], what would have made him an opponent to be neutralised;

this is the result of the examination at the hearing of [redacted] and of the document entitled “Malicious and violent acts perpetrated by [redacted], Burgomaster of the commune of [redacted]”, which was discussed in public hearing and from which it emerges that the Burgomaster [redacted] had borrowed money from, among others, the father of the accused [redacted], and remained in default of repayment;

this also follows from the fact, established during the debates, that the accused was not one of the signatories of the letter written by the Murambi intellectuals to President [redacted] to denounce the atrocities committed by [redacted] against the Tutsis in his area;

moreover, it appears from the document entitled “Malicious and violent acts perpetrated by [redacted], Burgomaster of the commune of [redacted]” that the problem the accused encountered with this Burgomaster dates from 27 March 1993; however, this event never prevented the accused from subsequently travelling between Rwanda and Burundi in particular, as evidenced by the testimony at the hearing of [redacted], to whom the accused regularly brought goods to Bujumbura in 1993 and 1994;

the character witness [redacted] - who sat on the prefectural council of Byumba, a commune close to [redacted] in 1991, 1992 and 1993 – stated at the hearing that, to his knowledge, there was no conflict between the accused and Burgomaster [redacted]; however, given the functions of this witness at the time, if a serious conflict had existed between the accused and Burgomaster [redacted], he would have known about it;

- although the accused was indeed the brother-in-law of [redacted], an opponent of the regime in power, he and his family were not directly threatened because of this relationship, in particular by marriage, as only his direct relatives were threatened;

this follows from the statements made at the hearing by
and by

- if, at the beginning of the genocide, the accused was denounced as “ ” on RTLM, this information was denied the same day, the accused being subsequently presented as a “resister” to the RPF and the “Inyenzis” by the aforementioned radio station;

This follows from the examination at the hearing of as well as the accused’s own statements during his examination at the hearing;

- the accused took several days to reach his home after the attack on the President’s plane; he took his wife and children to Amgar, but left his brother aged , behind; when his wife and children left Kigali for the former’s region of origin, it was not the accused who took them there; subsequently, the accused only went to visit them twice, obviously to accompany , alias “ ” who was going to the region; and the accused left Rwanda before his family and without returning to the place where they were staying;

this follows from own statements of the accused, as well as the statements made at the hearing by alias “ ” and

these elements establish that the accused had no real concerns for his wife, children and brother during the genocide;

- contrary to what he claims, the accused did not remain at the side of the Interahamwes chiefs to protect his “ ”, ; in fact, contrary to what the accused stated during his examination, and his family left Amgar and went respectively to the Red Cross and the Hotel des Mille Collines on the same day, at the end of April 1994, whereas the accused only left Kigali, according to his own statements, on 27 or 28 May 1994;

this follows from the statements made at the hearing by:

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-
- , alias “ ”.

16.

Taking into account all of the foregoing, the accused committed intentional homicides in Rwanda, in Kigali, on unspecified dates between 10 April 1994 and 28 May 1994, against an unspecified number of people who have not yet been formally identified, in the context of an armed conflict and while these people were protected by the Geneva Conventions of 12 August 1949.

Third and fourth questions:

1

During her examination at the hearing, _____ stated that, at the time of the genocide, she had been living for three months in Kigali, in _____, i.e. the area where Amgar was located, a statement that was not challenged by the accused's defence during the debates.

She said she had holed up at home for several days after the attack on President Habyarimana's plane, before going into hiding here and there. One day, which she places at around 14 April 1994, she had to leave her place to fetch charcoal. At one point during this expedition, she realised that she was out in the open and hid in the bush, in the company of other Tutsi women.

Shortly afterwards, she was flushed out by a group of assailants. She and the other women present were led to a road where they had to walk slowly, before being shared by a group of Interahamwes to which the accused belonged. She was then taken with other Tutsi women to Amgar.

Continuing her testimony in camera, _____ then explained that, in an Amgar building, the Interahamwes had shared out the girls, whom they led behind a vehicle. The accused first isolated himself with three women behind this vehicle, before pulling her by the jumper and taking her behind the same vehicle. There, he tore off her clothes before raping her on the wet floor of _____. He didn't stay on top of her for long and then called two Interahamwes, telling them: "Come and learn how to make love to a Tutsi woman". He then left her in their hands.

A little later and a little further down the road, she saw him use his knife to kill three Tutsis, while Interahamwes massacred others.

She then saw the accused walk around the premises to see if anyone was still alive. When he reached her, while she was trying to get dressed, the accused plunged the same knife into her "neck". She then lost consciousness.

2

The statements made at the hearing by _____ are credible, as they contain many details that cannot be invented.

There can be no doubt that the accused is responsible for the facts, _____ having stated, in a totally credible manner, that she had known the accused since before these events, specifying that she was a street trader and that she regularly saw the accused, a man said to be rich, driving around the area in a white car and sometimes in a red car, or going to the home of a neighbour from Cyangugu, or stopping in front of a container on the road not far from Amgar where beer was being sold.

The credibility of the testimony of _____ also lies in the lack of interest in incriminating the accused and exposing the sexual abuse to which she was subjected, when these issues are still, today, subject to a certain social taboo in Rwanda, as was apparent at the hearing.

Furthermore, the statements made at the hearing by _____ are supported by the photographs of the wounds in the neck, shown at the hearing, and the statements made by _____ as to the general course of events in Amgar on the day of the events and the assistance he gave to _____ up to the Avenue de la Justice.

3.

With regard to the third question it should also be noted:

- the nature of the weapon used by the accused, namely a knife;
- the location of the stab wound inflicted by the accused in a vital area, namely the neck;
- the frank nature of the blow struck by the accused ;
- the fact that this blow was part of a more general massacre of Tutsis held captive in Amgar;
- the fact that _____ was left for dead by the accused and that her life was saved only by the intervention of third parties, who helped her to move and transfer her to hospital, or by circumstances beyond the accused's control.

By acting as he did, the accused knowingly used means that would normally result in death, so that he cannot have had any intention other than to kill _____, a person protected by the Geneva Conventions of 12 August 1949.

4.

It follows from the foregoing considerations that in Rwanda, in Kigali, on an unspecified date between 9 April 1994 and 15 April 1994, the accused raped _____ and then attempted to kill her, in a context of war and while _____ was a person protected by the Geneva Conventions of 12 August 1949.

First question:

1.

It follows from the debates that all the war crimes of which the accused was guilty, as described above, were part of the genocide of hundreds of thousands of members of the Tutsi ethnic group, which took place in Rwanda from 6 April until mid-July 1994.

2.

The accused's intention to destroy, in whole or in part, the Tutsi ethnic group is clear from the nature of his acts, the context in which they were perpetrated and the following elements:

a)

Even before the genocide, in the climate of hatred and increasing violence against the Tutsis that existed at the time, the accused was seen to be in contact with notorious promoters of genocidal ideas. This is evidenced in particular by the statements made at the hearing by:

- [redacted] who explained that, even before the genocide, the accused had been travelling with [redacted] and [redacted] alias “ [redacted] ”, and shared the same ideas as them; he saw them going to and from MRND meetings; from August 1993, he saw them going around armed and accompanied by bodyguards every week; according to this witness, the accused was more virulent than certain members of the Interahamwes national committee;
- [redacted] who explained that, even before the genocide, the accused was always with the leaders of the Interahamwes, all over town, particularly in bistros including the café of the extremist Hutu party CDR called “ [redacted] ”.

Now, it follows from the examinations at the hearing of the background witnesses [redacted] and [redacted] that the genocide of the Tutsis in Rwanda was planned in particular by the Interahamwes national committee of the MRND party, of which [redacted] and [redacted], alias “ [redacted] ” were members.

b)

The proximity of the accused to notorious promoters of genocidal ideas continued throughout the genocide (see above).

c)

The accused himself, on his own initiative, either killed or attempted to kill people because of their Tutsi ethnicity, or gave instructions to Interahamwe militiamen to kill Tutsis or even provoked them to do so, which can only be explained by a personal desire to contribute to the elimination of the Tutsis.

This is evidenced in particular by the statements made at the hearing by:

- [redacted] who said that when the accused saw him in Amgar, he said: “He’s a Tutsi, why don’t you take him to be killed?”;
- [redacted] who stated at the hearing, as previously mentioned, that she had seen the accused kill three Tutsis and that he had tried to kill her herself, while [redacted] stated at the hearing that she had seen the accused give instructions to kill Tutsis, which was also stated by [redacted]

d)

The accused also raped and incited to rape a Tutsi woman, with the clear intention of destroying her physically or mentally, and through her, to undermine the very balance of the Tutsi ethnic group, over and above any motive to satisfy a sexual urge.

This follows from the statements made at the hearing by _____, who reported in detail that, in addition to having raped her himself, the accused had called two Interahamwes to rape her in turn, saying: “Come and learn how to make love to a Tutsi woman”.

e)

In the conversations of the group of friends, in which the accused took part, the killings of Tutsis were a subject of jokes and even pride:

- _____ explained at the hearing that - when the accused, _____ and _____ had taken her and her sisters from their home to Amgar - they had passed by the church of Saint-André, near which there were bodies piled up “like wood” and one of the three had said: “We’re starting to exaggerate too”, all in a relaxed and friendly atmosphere;
- _____ explained at the hearing that - when the accused _____ and an escort had come to take her and her family to the Hotel des Mille Collines in exchange for money - one of them had said that it was not the councillors but they who decided whether or not the killings would stop and that their mission was to exterminate all the Tutsis.

f)

Statements made by the accused during the genocide expressed hatred or threats specifically targeting Tutsis.

Thus, _____ and _____ stated at the hearing that, at the end of April or beginning of May, they had received a telephone call from the accused, from _____, from _____ alias “_____”, from _____ and from _____ and that, during this telephone call, the accused had told _____ that, if they had known beforehand that he was a Tutsi, they would have cut off his head.

3.

It is therefore clear that, at least during the period of the genocide, the accused was at the very centre of the genocidal machine, from which he did not try to deviate until he was forced to do so by the advance of the RPF, and supported it, both in his words and in his actions and the logistical assistance he provided.

4.

After the genocide, far from distancing himself from the people convicted of participating in the genocide whom he had associated with during the genocide, or from their actions, the accused continued to show his support for them:

- the accused continued to have contact with _____ and _____, alias “_____”:

- in one letter sent by [redacted] to the accused (found at the accused's home), [redacted] writes, after learning that the accused's wife had had a child: "Yes, we need the soldiers (...)";
 - in these letters, [redacted] also refers on several occasions to a "pact" between himself and the accused;
 - in the letters which [redacted], alias "[redacted]" addressed to the accused (found at the accused's home), "[redacted]" refers on several occasions to a "pact" or "blood pact" which exists between him and the accused;
- yet the background witness [redacted] stated at the hearing that there were indeed "blood pacts" between genocidaires, which she defined as the promise of a strong, indestructible relationship;
- the accused visited [redacted], alias "[redacted]", in the United States, where he had fled under a false identity;
 - the accused also helped to organise the defence of [redacted] before the ICTR, in particular by asking the witness [redacted] to lie about the day on which he had crossed [redacted] in Kigali during the genocide, a fact explained by the witness at the hearing;
- [redacted] told during the hearing that after the genocide, the survivors of the group were still in contact, that they had no regrets and that they talked about the genocide as they would talk about a football match.

These latter elements post-date the genocide. However, they reinforce the elements detailed above that establish the accused's genocidal intent.

5.

This genocidal intent is not contradicted by the fact that the accused "rescued" some people of Tutsi ethnicity during the genocide, these few "rescues" involving acquaintances of the accused or members of his family, or having been carried out in return for financial compensation.

Furthermore, in this respect:

- [redacted] told at the hearing that, during the genocide, it was common for killers of Tutsis to rescue people of this ethnic group at the same time; he distinguished this situation from real rescuers who were not involved in homicides;

- in one of his statements read out at the hearing, chairman of the Economic and Financial Affairs Commission of the Interahamwes National Committee, said: “It sounds strange, but that was the reality in April 94. As much as we have massacred Tutsis for no reason, we have also saved some without much more reason”.

Senior Interahamwes leaders such as and were themselves in this situation.

6.

It follows from the foregoing considerations that the accused committed, in Rwanda, in the prefecture of Kigali and elsewhere in Rwanda, between 6 April 1994 and 18 July 1994, in time of peace or in time of war, the crime of genocide, a crime under international law, the accused having committed the intentional homicides referred to above, with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, in this case members of the Tutsi ethnic group.

Delivered in open court at the Assize Court of the administrative district of Brussels-Capital on 6 June 2024 and signed by the President and the Registrars in accordance with Articles 334 and 353 of the Code of Criminal Procedure.

42/10/2024

PRO JUSTITIA

**ASSIZE COURT
OF THE ADMINISTRATIVE DISTRICT
OF BRUSSELS-CAPITAL
FD30.98.000101/2002
1st session of the year 2024**

CRIMINAL JUDGMENT

The Assize Court of the administrative district of Brussels-Capital,

Having regard to the judgment of the Court of Appeal sitting in Brussels, Indictments Chamber, delivered on 6 December 2018, indicting and referring to the Assize Court of the administrative district of Brussels-Capital:

5448/2024 (NN), in alias born on , of nationality, residing at

**Accused of
or having,**

the acts falling within the territorial jurisdiction of the Belgian courts pursuant to Article 6, par. 1, 1° *bis* of the Preliminary Title of the Code of Criminal Procedure,

- either gave an order, even if it was not followed by action, to commit crimes under international law;
- either proposed or offered to commit crimes under international law or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, gave such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;

In Kigali, on an unspecified date between 9 April 1994 and 15 April 1994, against the person of:

a)

2) (...)

III. Committed the crime of rape:

1) The first, alias

In Kigali, on an unspecified date between 9 April 1994 and 15 April 1994, against the person of:

2) (...)

3) (...)

Considering:

- the indictment drawn up in consequence of this judgment by the Federal Prosecutor - on 12 January 2024 and revised on 26 March 2024 following the severance order issued on 19 March 2024 - which was read out by , Federal Magistrate;
- the preliminary statement of the civil parties drawn up by and , lawyers at the Brussels Bar, on 8 April 2024;

Hearing:

- the witnesses listed in the judgment of the preliminary hearing of 20 February 2024, subject to the severance of 19 March 2024;
- the accused alias in his observations against the testimony of the witnesses;
- the civil parties, both themselves and through their respective counsels , and , lawyers at the Brussels Bar, in their pleas in support of the prosecution;
- The Federal Prosecutor, through his Federal Magistrate , in support of the prosecution;
- the accused alias in his defence, both personally and through his counsels, , and , lawyers at the Brussels Bar;

The accused alias was the last to speak.

By virtue of the judgment delivered on 6 June 2024 on the guilt resulting from the decision of the jury and for the reasons set out therein,

the accused alias was found guilty of having,

the acts falling within the territorial jurisdiction of Belgian courts pursuant to the new article 8 of the Preliminary Title of the Code of Criminal Procedure,

A.

in Rwanda, in the prefecture of Kigali and elsewhere in Rwanda,

between 6 April 1994 and 18 July 1994,

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

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

- murder of members of the group;
- serious physical or mental harm to members of the group;
- intentional submission of the group to conditions of existence intended to result in its total or partial physical destruction;
- measures to prevent births within the group;
- forced transfer of children from the group to another group.

in this case, the murders of an unknown number of people, members of the Tutsi ethnic group;

for the following reasons:

- either gave an order, even if not followed by action, to commit crimes under international law;
- either proposed or offered to commit crimes under international law, or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, given such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;

- d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
- e) either gave instructions to commit these crimes;
- f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;
- g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

B.I.1).b)

In Rwanda, in Kigali,

on unspecified dates between 10 April 1994 and 28 May 1994,

committed a war crime, causing damage by act or omission to persons and property protected by the Geneva Conventions of 12 August 1949,

or the intentional homicide of an unknown number of people, not yet formally identified;

for the following reasons:

- either gave an order, even if it was not followed by action, to commit crimes under international law;
- either proposed or offered to commit crimes under international law or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, given such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;
 - f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;

- g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

B.II.1).a)

in Rwanda, in Kigali,

on unspecified dates between 9 April 1994 and 15 April 1994,

committed a war crime, causing damage by act or omission to persons and property protected by the Geneva Conventions of 12 August 1949,

or attempted intentional homicide of the person of

for the following reasons:

- either gave an order, even if not followed by action, to commit crimes under international law;
- either proposed or offered to commit crimes under international law, or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, given such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;
 - f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;
 - g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

the intention to commit this crime having been manifested by external acts that form the beginning of the execution of this crime or offence, and which have only been suspended or failed to take effect by circumstances beyond the perpetrator's control.

B.III.1)

In Rwanda, in Kigali,

on unspecified dates between 9 April 1994 and 15 April 1994,

committed a war crime, causing damage by act or omission to persons and property protected by the Geneva Conventions of 12 August 1949,

or the crime of rape on the person of

for the following reasons:

- either gave an order, even if it was not followed by action, to commit crimes under international law;
- either proposed or offered to commit crimes under international law or accepted such a proposal or offer;
- either provoked to commit crimes under international law, even if the provocation was not followed by action;
- either participated, within the meaning of Articles 66 and 67 of the Criminal Code, in crimes under international law, even if the participation was not followed by action, namely:
 - a) either carried out these crimes or cooperated directly in their execution;
 - b) either, by any act whatsoever, given such assistance in the commission of these crimes that, without his assistance, these crimes could not have been committed;
 - c) either, by means of gifts, promises, threats, abuse of authority or power, or guilty machinations or artifices, directly incited to these crimes;
 - d) either, by speeches made at meetings or in public places, or by writings, printed matter, pictures or emblems of any kind, which have been displayed, distributed or sold, offered for sale or exposed to public view, directly incited to commit these crimes;
 - e) either gave instructions to commit these crimes;
 - f) either procured weapons, instruments or any other means that were used in these crimes, knowing that they were intended for that purpose;
 - g) either, except in the case provided for in point b above, knowingly aided or abetted the perpetrator of these crimes in the acts which prepared or facilitated them, or in those which consummated them;
- either failed to act within the limits of his power when he was aware of orders to carry out crimes under international law or of acts that began their execution when he could have prevented or stopped their commission;

Hearing:

- the Public Prosecutor’s Office in his indictment for enforcement of the law;
– the accused alias and one of his counsels,
lawyer at the Brussels Bar, in their defence in this regard;

The accused _____ alias _____ was the last to speak.

The above-mentioned acts committed by the accused _____ alias _____ are classified as crimes by law, and are punishable by criminal penalties under Articles 51, 52, 66, 67, 136*bis*, 136*quater*, §1, 1° and 4°, 136*quinquies*, paragraphs 1, 2 and 3, 136*septies*, former 375, 392, 393, 394, 417/5 and 417/11 of the Criminal Code.

The accused alias is found guilty of several crimes.

If there is more than one crime, only the heaviest penalty will be imposed.

There are extenuating circumstances for

On a proposal from the Chairman, a decision is taken by an absolute majority on the wording of the reasons for the penalty imposed.

Reasonable time limit exceeded:

1.

considers that the proceedings against him have exceeded the reasonable time limit within the meaning of Article 21^{ter} of the Preliminary Title of the Code of Criminal Procedure and seeks a reduction in sentence on this ground.

2.

The right of every person to have his case heard within a reasonable time limit is enshrined in Article 6.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in article 14.3.c) of the International Covenant on Civil and Political Rights.

Article 21^{ter} of the Preliminary Title of the Code of Criminal Procedure provides that, if the criminal proceedings have lasted longer than a reasonable time limit, the judge may convict by simple declaration of guilt, or impose a sentence that is less than the minimum provided for by law.

The reasonable time limit begins to run when the person concerned is charged with the offence to which the public prosecution relates, i.e. when he is actually obliged to defend himself.

The reasonableness of the length of proceedings is assessed according to the circumstances of the case, taking it as a whole and having regard to the complexity of the case, the conduct of the person concerned and that of the competent authorities, and the stakes involved in the dispute.

3.

In the present case, _____ was in fact obliged to defend himself from 23 March 2011, the day of his arrest and first hearing.

After 23 March 2011,

- numerous investigative tasks were carried out with a view to uncovering the truth, including several international letters rogatory in Rwanda and the hearing of a large number of witnesses, including many called by the defence;
- following the completion of these tasks, the file, which initially concerned several accused, was released for all purposes on 19 July 2013 ;
- on 3 September 2014, an initial indictment for dismissal was drawn up by the Public Prosecutor's Office;
- on 3 February 2015, the case was adjourned sine die by the Pre-trial Chamber, as the day before, motions for the performance of additional duties had been filed, in particular by
- then the application of _____ was partially granted and additional tasks were carried out, including a letter rogatory in the Netherlands;
- on 2 June 2016, the Public Prosecutor's Office signed a new indictment for dismissal;
- on 20 October 2017, the Pre-trial Chamber pronounced the order for committal;
- on 6 December 2018, the Indictments Chamber delivered the judgment referring the case to the Assize Court;
- on 23 January 2019, the Court of Cassation ruled on the appeal lodged by a co-accused against this order for committal;
- the case was then set down before the Assize Court on 3 October 2019 for the preliminary hearing, and then on 4 November 2019 for the opening of the session;

- at the preliminary hearing, the defence of _____ requested the severance of his case, which was granted by judgment of 9 October 2019;
- then came the Covid 19 epidemic;
- and on 28 June 2023, the case of _____ was once again set down before the Assize Court on 6 February 2024 for the preliminary hearing, and then on 8 April 2024 for the hearing on the merits.

4.

The above-mentioned dates do not indicate any abnormal delays.

Furthermore, the duration of the criminal proceedings against _____ taken as a whole did not exceed the reasonable time limit within the meaning of Article 21^{ter} of the Preliminary Title of the Code of Criminal Procedure, taking into account:

- the complexity of the case, in particular due to the need to carry out international letters rogatory and to hear a large number of witnesses;
- and the issue at stake, _____ having been prosecuted for the crime of genocide and war crimes, namely the intentional homicide of an unknown number of people, attempted intentional homicide and rape, all relating to the genocide of the Tutsis in Rwanda in 1994.

Accordingly, there is no reason to reduce the sentence on the grounds that the reasonable time limit was exceeded, as it was not in this case.

II.

Motivation for the penalty:

1.

_____ benefits from extenuating circumstances due to his age and lack of criminal record.

2.

The penalty to be specified in the operative part of this decision takes into account the following elements:

- a) During the genocide of the Tutsis in Rwanda, _____ was instrumental in turning Kigali, and more specifically the Cyahafi sector, into a place of despair and barbarism for the ethnic Tutsis who lived there.

He took part in the killings at a location known as Amgar, near Amgar and at the departure point from Amgar and Photo Moussa, along with _____, one of the Vice-Presidents

of the Interahamwes National Committee, and with _____, President of the same Committee.

He himself committed three intentional homicides, one attempted intentional homicide and one rape.

He committed the crime of genocide, conveying the genocidal and racist ideology that was rampant in Rwanda at the time, and had been for some time, through his words and through the discussions in which he participated without qualms.

_____ therefore committed the most serious crimes and, at the time he committed them, proved to be opportunistic, amoral, ruthless, cynical and driven by a desire for extermination and division as a tool of power and profit.

b)
In addition, the crimes committed by _____, either as a perpetrator or as a participant, affected a very large number of victims, either directly or through repercussions.

c)
These crimes have also irreparably damaged humanity as a whole, in that they constitute atrocities that defy the imagination and deeply shock the human conscience.

They have committed an intolerable violation of the essential value of respect for all human life, and have threatened the peace, security and well-being of the world.

d)
Finally, there is a risk that _____ will continue to propagate his genocidal ideology, which represents a current and specific danger of his own.

ON THESE GROUNDS, THE COURT,

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

Having regard to Articles:

- 1, 2, 7, 8, 9, 18, 19, 31, 51, 52, 62, 66, 67, 79, 80, 136*bis*, 136*quater*, §1, 1° and 4°, 136*quinquies*, 136*septies*, 136*octies*, former 375, 392, 393, 394, 417/5 and 417/11 of the Criminal Code;
- of the law of 4 October 1867 on extenuating circumstances;
- 341, 343, 344, 345, 346 and 353 of the Code of Criminal Procedure;

- 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 judicial matters;
- 29 of the law of 1 August 1985 and the Royal Decree of 18 December 1986 on tax and other measures;
- 91 of the general regulation on legal costs in criminal matters (Royal Decree of 28 December 1950);
- 59 of the law of 25 December 2011;

Condemns _____ alias _____ for the acts of which he was found guilty by the jury, to

TWENTY-FIVE (25) YEARS OF IMPRISONMENT

Declares him banned for life from exercising the rights listed in Article 31, paragraph 1°, of the Criminal Code;

Declares him banned from exercising the right to vote for a period of twenty-five years;

Declares him stripped of all titles, grades, functions, positions and public offices he may hold;

Condemns him to pay a contribution of two hundred euros (€ 200.00), i.e. twenty-five euros plus the additional decimals (i.e. € 25.00 x 8) to the Special fund for victims of intentional acts of violence and occasional rescuers;

Condemns him to pay compensation of fifty euros (€ 50.00);

Condemns him to pay the costs of the proceedings against the prosecution, taxed up to the sum of two hundred and nine thousand three hundred and fifty-eight euros and thirty-nine cents (€ 209,358.39);

Resolves that an extract of this judgment shall be printed and posted in the municipality where the crime was committed and in the city of Brussels where the judgment was delivered;

Delivered at a public hearing of the Assize Court of the administrative district of Brussels-Capital on 10 June 2024, where were present and seated:

Councillor at the Court of Appeal
of Brussels,
President,

Judge at the Court of First Instance of
Walloon Brabant,
Assessor,

Honorary judge at the French-speaking Court of First Instance of
Brussels,
Assessor,

Federal Magistrate,

And

Registrars at the French-speaking Court of First
Instance of Brussels,

, jurors.

And signed in accordance with Article 353 of the Code of Criminal Procedure by the President and the
Registrars.



For certified true copy
delivered to the Federal
Prosecutor The Registrar,