



Before: 1-Eva Cabezas
2- Nour Nahleh
3- Jesús Alberto Solís

Decision of: 5 May 2007

The International Criminal tribunal for Rwanda

Tharcisse Renzaho
(Case No ICTR- 97-31 – DP)

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- It's a Court under the auspices of the United Nations for the prosecution of offences committed in Rwanda during the genocide occurred in 1994 there.
 - The intention it's clear: prosecute crimes which occurred in Rwanda in 1994.
 - The tribunal has jurisdiction over genocide , complicity in genocide and murder as a crimes against humanity. Under the statute of International Criminal Tribunal for Rwanda : articles 2, 3, 6 , 22 and 23.
 - **Article 2: Genocide.**
 - 1. The international criminal tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this Article or of committing any of the other acts enumerated in paragraph 3 of this Articles.
 - 2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, national, ethnical, racial or religious group, as such:
 - (a) Killing members of the group.
 - (b) Causing serious bodily or mental harm to members of the group.
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
 - (d) Imposing measures intended to prevent births within the groups.
 - (e) Forcibly transferring children of the group to another group.
 - **Article 3: Crimes against Humanity**
 - The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds.

Article 6: Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

■ Article 22 : Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

■ Article 23 : Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Introduction

Tharcisse Renzaho (born 1944) is a Rwandan soldier and former politician. He is best known for his alleged role in the Rwandan Genocide.

Renzaho was born in the Gaseta sector of the Kigarama commune, in the Rwandan prefecture of Kibungo. He was educated as a military engineer in various academies in Germany, France and Belgium. After returning to Rwanda he rose to the rank of colonel in the Rwandan Armed Forces.

In 1990, he entered politics. An ethnic Hutu, he was a part of Juvénal Habyarimana's dominant MRND party. He became governor of the prefecture of Kigali, and president of the Civil Defence Committee for Kigali.

According to the prosecutor for the International Criminal Tribunal for Rwanda, Renzaho is alleged to have contributed to the genocide in numerous ways between 7 April and July 1994, including exercising his authority to set up roadblocks for the interception and murder of Tutsis, dismissing councillors who objected to the genocide, personally ordering the detainment and murder of Tutsis, equipping genocidaires with Kalashnikov rifles, and ordering the murder of the journalist André Kameya.

Following the collapse of the interim government and the victory of the RPF, Renzaho fled to Zaire.

He was arrested on 26 September 2002 in the Democratic Republic of Congo, and was turned over to the ICTR on 29 September.

1. On 3rd of May 2007, Judges: Cabezas, Nahleh and Solis, started the Court session about Tharcisse Renzaho Case. The Tribunal opened the debate between Defense Team and Prosecution Team. The debate was about Genocide and Complicity in genocide.
2. On 4th of May 2007 the debate was on the Murder as crimes against humanity.
3. On 5th of May 2007 The Tribunal gave the judgment.

Amicus Curie

1. **Amnesty International:** implement an instrument for the protection of women rights and therefore approve the amendment that contemplates violations and sexual abuses as a charge in the Trial. Also they asks for creating a development framework to compensate the consequences of the victims of the conflict.
2. **United Nations:** asks for public apology around the United Nations.
3. **the republic of Congo:** they asks the tribunal to take into account the, people who died in the genocide of Rwanda, damages in the environments, sexual aggressions, destruction of legal, social and politics institutions and the firearms and tanks stolen from Congo.
4. **Republic of Rwanda:** Compensation for all the damages and public apology.

Judgment

The Chamber has carefully considered all the submissions of the parties. After discussing The Tribunal decide:

- taking into account that Renzaho actively participate in the massacre of Rwanda, the Tribunal deliberate that:

1. Genocide: the prosecuted is guilty.
2. Complicity in genocide: the prosecuted is guilty.
3. Murder as crime against humanity. the prosecuted is guilty.