

IV. VERDICT

THE CHAMBER unanimously finds Ferdinand Nahimana:

Count 1: Guilty of Conspiracy to Commit Genocide

Count 2: Guilty of Genocide

Count 3: Guilty of Direct and Public Incitement to Commit Genocide

Count 4: Not Guilty of Complicity in Genocide

Count 5: Guilty of Crimes Against Humanity (Persecution)

Count 6: Guilty of Crimes Against Humanity (Extermination)

Count 7: Not Guilty of Crimes Against Humanity (Murder)

THE CHAMBER unanimously finds Jean-Bosco Barayagwiza:

Count 1: Guilty of Conspiracy to Commit Genocide

Count 2: Guilty of Genocide

Count 3: Not Guilty of Complicity in Genocide

Count 4: Guilty of Direct and Public Incitement to Commit Genocide

Count 5: Guilty of Crimes Against Humanity (Extermination)

Count 6: Not Guilty of Crimes Against Humanity (Murder)

Count 7: Guilty of Crimes Against Humanity (Persecution)

THE CHAMBER unanimously finds Hassan Ngeze:

Count 1: Guilty of Conspiracy to Commit Genocide

Count 2: Guilty of Genocide

Count 3: Not Guilty of Complicity in Genocide

Count 4: Guilty of Direct and Public Incitement to Commit Genocide

Count 5: Not Guilty of Crimes Against Humanity (Murder)

Count 6: Guilty of Crimes Against Humanity (Persecution)

Count 7: Guilty of Crimes Against Humanity (Extermination)

FERDINAND NAHIMANA

Ferdinand Nahimana, you were a renowned academic, Professor of History at the National University of Rwanda. You were Director of ORINFOR and founded RTLM radio station as an independent private radio. You were Political Adviser to the Interim Government sworn in after 6 April 1994 under President Sindikubwabo.

You were fully aware of the power of words, and you used the radio – the medium of communication with the widest public reach – to disseminate hatred and violence. You may have been motivated by your sense of patriotism and the need you perceived for equity for the Hutu population in Rwanda. But instead of following legitimate avenues of recourse, you chose a path of genocide. In doing so, you betrayed the trust placed in you as an intellectual and a leader. Without a firearm, machete or any physical weapon, you caused the deaths of thousands of innocent civilians. Representations were made by your witnesses as to your good character and high standing in society but in the Chamber's view, these circumstances are not mitigating. They underscore your betrayal of public trust. Having considered all the relevant factors, the Chamber sentences you in respect of all the counts on which you have been convicted to imprisonment for the remainder of your life.

HASSAN NGEZE

Hassan Ngeze, as the owner and editor of a well-known newspaper in Rwanda, you were in a position to inform the public and shape public opinion towards achieving democracy and peace for all Rwandans. Instead of using the media to promote human rights, you used it to attack and destroy human rights. You had significant media networking skills and attracted support earlier in your career from international human rights organizations who perceived your commitment to freedom of expression. However, you did not respect the responsibility that comes with that freedom. You abused the trust of the public by using your newspaper to instigate genocide. The Chamber notes that you saved Tutsi civilians from death by transporting them across the border out of Rwanda. Your power to save was more than matched by your power to kill. You poisoned the minds of your readers, and by words and deeds caused the death of thousands of innocent civilians. Having considered all the relevant factors, the Chamber sentences you in respect of all the counts on which you have been convicted to imprisonment for the remainder of your life.

JEAN-BOSCO BARAYAGWIZA

Jean-Bosco Barayagwiza was Director of Political Affairs in the Ministry of Foreign Affairs and a founder of RTLM. He was also the founder of CDR and its President in Gisenyi Prefecture, later National President of CDR. He is a lawyer by training and in his book professes a commitment to international human rights standards. Yet he deviated from these standards and violated the most fundamental human right, the right to life. He did so both through the institutions he created, and through his own personal acts of participation in the genocide. He was the lynchpin of the conspiracy, collaborating closely with both Nahimana and Ngeze. The Chamber sentences Barayagwiza in respect of all the counts on which he has been convicted to 35 years' imprisonment. Pursuant to Rule 101(D) of the Rules, Barayagwiza is further entitled to credit for time served, to be calculated from the date of his initial arrest in Cameroon, on 26 March 1996. Credit for time served has been calculated as seven years, eight months and nine days. Therefore, Barayagwiza will serve twenty-seven years, three months and twenty-one days, being the remainder of his sentence, as of 3 December 2003.