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Case No. ICTR-96-4-S

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International Criminal Tribunal for Rwanda-8 A 10:03
Tribunal Pénal International pour le Rwanda

Trial Chamber I

OR : FR

Before: Judge Laïty Kama, Presiding Judge
Judge Lennart Aspegren
Judge Navanethem Pillay

Registry: Mr. Agwu U. Okali
Ms. Prisca Nyambe
Mr. Antoine Mindua

Decision of: 2 October 1998

THE PROSECUTOR
versus
JEAN PAUL AKAYESU

Case N°: ICTR-96-4-T

SENTENCE

The Office of the Prosecutor: Ms. Louise Arbour
Mr. Pierre-Richard Prosper

Jean Paul Akayesu in person

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the TRIBUNAL”),

SITTING AS Trial Chamber I composed of Judge Laïty Kama, presiding, Judge Lennart Aspegren and Judge Navanethem Pillay;

CONSIDERING that on 2 September 1998 a judgement was rendered by this Chamber in the matter of the Prosecutor versus Jean Paul Akayesu;

CONSIDERING that Jean Paul Akayesu was convicted of Genocide, Crime against Humanity (extermination), Direct and Public Incitement to commit Genocide, Crime against Humanity (torture), Crime against Humanity (rape), Crime against Humanity (other inhumane acts) and on three counts of Crimes against Humanity (murder);

CONSIDERING the written brief dated 21 September 1998 filed by the Prosecutor on the sentence and the points that she raised in support of the said brief at the pre-sentencing hearing of 28 September 1998;

CONSIDERING also the oral submission made by Jean Paul Akayesu at the said hearing of 28 September 1998, after having specifically renounced his right to be represented by counsel, despite having been informed of his right to counsel by the Chamber;

CONSIDERING Articles 22 and 27 of the Statute of the Tribunal (the “Statute”) and Rules 100 to 104¹ of the Rules of Procedure and Evidence (“the Rules”);

I. Applicable law and principles

1. The Chamber will now summarize the legal provisions relating to sentences and their enforcement, before going on to specify the applicable scale of sentences, on the one hand, and the general principles on the determination of sentences, on the other.

A. Applicable provisions

2. The Chamber recalls below the provisions of the Statute and the Rules on sentencing, applicable to Akayesu.

Article 22 of the Statute: Judgement

“The Trial Chamber shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.”

¹ Rules 100 to 102 are being applied as they were worded before 8 June 1998. (This footnote does not appear in the French version of this document.)

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Rule 100 of the Rules: Pre-sentencing procedure

“If the accused pleads guilty or if a Trial Chamber finds the accused guilty of a crime, the Prosecutor and the defence may submit any relevant information that may assist the Trial Chamber in determining an appropriate sentence.”

Article 23 of the Statute: 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.”

Rule 101 of the Rules: Penalties

“(A) A convicted person may be sentenced to imprisonment for a term up to and including the remainder of his life.

(B) In determining the sentence, the Trial Chamber shall take into account the factors mentioned in Article 23 (2) of the Statute, as well as such factors as:

- (i) any aggravating circumstances;
- (ii) any mitigating circumstances including the substantial co-operation with the Prosecutor by the convicted person before or after conviction;
- (iii) the general practice regarding prison sentences in the courts of Rwanda;
- (iv) the extent to which any penalty imposed by a court of any State on the convicted person for the same act has already been served, as referred to in Article 9 (3) of the Statute.

(C) The Trial Chamber shall indicate whether multiple sentences shall be served consecutively or concurrently.

(D) The sentence shall be pronounced in public and in the presence of the convicted person, subject to Rule 102 (B).

(E) Credit shall be given to the convicted person for the period, if any, during

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which the convicted person was detained in custody pending his surrender to the Tribunal or pending trial or appeal.”

Article 26 of the Statute: Enforcement of sentences

“Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.”

Rule 102 of the Rules: Status of the Convicted Person

“(A) The sentence shall begin to run from the day it is pronounced under Rule 101(D). However, as soon as notice of appeal is given, the enforcement of the judgement shall thereupon be stayed until the decision on the appeal has been delivered, the convicted person meanwhile remaining in detention, as provided in Rule 64.

(B) If, by a previous decision of the Trial Chamber, the convicted person has been provisionally released, or is for any reason at liberty, and he is not present when the judgement is pronounced, the Trial Chamber shall issue a warrant for his arrest. On arrest, he shall be notified of the conviction and sentence, and the procedure provided in Rule 103 shall be followed.”

Rule 103 of the Rules: Place of imprisonment

“(A) Imprisonment shall be served in Rwanda or any State designated by the Tribunal from a list of States which have indicated their willingness to accept convicted persons for the serving of sentences. Prior to a decision on the place of imprisonment, the Chamber shall notify the Government of Rwanda.

(B) Transfer of the convicted person to that State shall be effected as soon as possible after the time-limit for appeal has elapsed.”

Article 27 of the Statute: Pardon or commutation of sentences

“If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.”



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Rule 104 of the Rules: Supervision of imprisonment

“All sentences of imprisonment shall be served under the supervision of the Tribunal or a body designated by it .”

B. Scale of sentences applicable to the accused found guilty of one of the crimes listed in Articles 2, 3 or 4 of the Statute of the Tribunal.

3. As noted from a reading of all the above provisions on sentences, the only penalties the Chamber can impose on an accused who pleads guilty or is convicted as such are prison terms up to and including life imprisonment, pursuant in particular to Rule 101 (A) of the Rules, whose provisions apply to all crimes which fall within the jurisdiction of the Tribunal, namely genocide, (Article 2 of the Statute), crimes against humanity (Article 3) and violations of Article 3 common to the Geneva Conventions and of Additional Protocol II thereto (Article 4). The Statute of the Tribunal excludes other forms of punishment such as the death sentence, penal servitude or a fine.

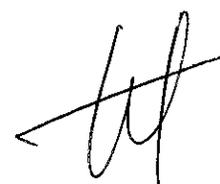
4. Neither Article 23 of the Statute nor Rule 101 of the Rules determine any specific penalty for each of the crimes falling under the jurisdiction of the Tribunal. The determination of sentences is left to the discretion of the Chamber, which shall take into account, apart from the general practice regarding prison sentences in the courts of Rwanda, a number of other factors, in particular the gravity of the crime, the personal circumstances of the convicted person, the existence of any aggravating or mitigating circumstances, including the substantial cooperation by the convicted person before or after conviction.

5. Whereas in most national criminal systems the scale of penalties is determined in accordance with the gravity of the offence, the Chamber notes that, as indicated *supra*, the Statute does not rank the various crimes falling under the jurisdiction of the Tribunal and, thereby, the sentence to be handed down. In theory, the sentences are the same for each of the three crimes, namely prison terms of up to life imprisonment.

6. It should be noted, however, that in imposing a sentence, the Trial Chamber shall take into account, in accordance with Article 23 (2) of the Statute, such factors as the gravity of the offence.

7. As the Chamber stated in the sentencing judgement handed down on 4 September 1998 in the matter of the “Prosecutor versus Jean Kambanda”, it seems difficult for the Chamber to rank genocide and crimes against humanity in terms of their respective gravity. The Chamber held that crimes against humanity, already punished by the Nuremberg and Tokyo Tribunals, and genocide, a concept defined later, are crimes which particularly shock the collective conscience.

8. Regarding the crime of genocide, in particular, the preamble to the Genocide Convention recognizes that at all periods of history, genocide has inflicted great losses on humanity and reiterates the need for international cooperation to liberate humanity from this scourge. The crime of genocide is unique because of its element of *dolus specialis* (special intent) which requires that the crime be committed with the intent “to destroy in whole or in part, a national, ethnic, racial



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or religious group as such”, as stipulated in Article 2 of the Statute; hence the Chamber is of the opinion that genocide constitutes the “crime of crimes”, and will decide an appropriate sentence for this crime.

9. With regard to crimes against humanity, the Chamber holds, like other courts before it, that such crimes are particularly shocking to the human conscience because they typify inhumane acts committed against civilians on a discriminatory basis.

10. There is no argument that, precisely on account of their extreme gravity, genocide and crimes against humanity must be punished appropriately. Article 27 of the Charter of the Nuremberg Tribunal empowered that Tribunal, pursuant to Article 6 (c) of the said Charter, to sentence any accused found guilty of crimes against humanity to death or such other punishment as was determined by it to be just.

11. Rwanda, like all the States which have incorporated genocide or crimes against humanity in their domestic legislation, has envisaged the most severe penalties in its criminal legislation for these crimes.

C. General principles regarding the determination of sentences

12. As indicated *supra*, in determining the sentence, the Chamber must, among other things, “have recourse to the general practice regarding prison sentences in the courts of Rwanda” (Article 23 of the Statute and Rule 101 of the Rules).

13. The Chamber notes that it is logical that in the determination of the sentence, it has recourse only to prison sentences applicable in Rwanda, to the exclusion of other sentences applicable in that country, including the death sentence, since the Statute and the Rules provide that the Tribunal cannot impose this type of sentence.

14. That said, the Chamber raises the question as to whether the scale of sentences applicable in Rwanda is mandatory or whether it is to be used only as a reference. The Chamber is of the opinion that such reference is but one of the factors that it has to take into account in determining sentences. Consequently, it holds, as in its sentencing judgement of 4 September 1998 in the case of the “Prosecutor versus Jean Kambanda” and as did Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia (the “ICTY”) in the Erdemovic case, that “reference to this practice can be used for guidance, but is not binding”.² According to that Chamber, this opinion is supported by the interpretation of the Secretary-General of the United Nations, who in his report on the establishment of the ICTY stated that: “in determining the term of imprisonment, the Trial Chamber should have recourse to the general practice of prison sentences applicable in the courts of the former Yugoslavia.”³

² International Criminal Tribunal for the former Yugoslavia, decision of Trial Chamber I of 1 November 1996, Drazen Erdemovic case, paragraph 39.

³ Report of the Secretary-General prepared in accordance with paragraph 2 of Security Council resolution 808(1993), S/25704, 3 May 1993, paragraph 111.



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15. Regarding the penalties applicable in Rwanda, the Chamber notes that since the trials related to the events in 1994 began in this country, the death penalty and prison terms of up to life imprisonment have been passed on several occasions. However, the Chamber has not been able to have information on the contents of these decisions, particularly their underlying reasons.

16. In this regard, the Chamber nevertheless recalls that by enabling legislation, Rwanda acceded to the Genocide Convention of 12 February 1975.⁴ Therefore, as the Chamber stated in its judgement, criminal liability for the crime of genocide existed in Rwanda in 1994, when the crimes with which Akayesu is charged were committed and the perpetrators of such crimes could indeed be charged before the appropriate Rwandan courts.

17. Therefore, while referring as much as practicable to "the general practice regarding prison sentences in the courts of Rwanda," the Chamber will prefer, in this instances, to lean more on its unfettered discretion each time that it has to pass sentence on persons found guilty of crimes falling within its jurisdiction, taking into account the circumstances of the case and the standing of the accused persons.

18. In determining the sentence, the Chamber has to always bear in mind that this Tribunal was established by the Security Council pursuant to Chapter VII of the Charter of the United Nations within the context of measures the Council was empowered to take under Article 39 of the said Charter to ensure that violations of international humanitarian law in Rwanda in 1994 were halted and effectively redressed. As required by the Charter in such cases, the Council noted that the situation in Rwanda constituted a threat to international peace and security. Resolution 955 of 8 November 1994, which was adopted by the Council in this connection, clearly indicates that the establishment of the Tribunal was to prosecute and punish the perpetrators of the atrocities in Rwanda in such a way as to put an end to impunity and thereby to promote national reconciliation and the restoration of peace.

19. It is therefore clear that the penalties imposed on convicted persons must be directed not only at retribution of the said persons, who must see their crimes punished, but also at deterrence, namely dissuading for good those who will be tempted in future to perpetrate such atrocities by showing them that the international community was no longer ready to tolerate serious violations of international humanitarian law and human rights.

20. The Chamber recalls, however, that in the determination of sentences, it is required by Article 23 (2) of the Statute and Rule 101 (B) of the Rules to also take into account a number of factors including the gravity of the offence, the individual circumstances of the convicted person, the existence of any aggravating or mitigating circumstances, including the substantial cooperation by the convicted person with the Prosecutor before or after conviction. It is a matter, as it were, of individualizing the penalty.

21. Clearly to the Chamber, however, as far as the individualization of penalties is concerned,

⁴ Legislative Decree No. 8/75 of 12 February 1975, Official Gazette of the Republic of Rwanda, 1975, p. 230. Rwanda acceded to the Genocide Convention but stated that it was not bound by Article 9 of this Convention.



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the judges cannot limit themselves to the factors mentioned in the Statute and the Rules. Here again, their unfettered discretion to evaluate the facts and attendant circumstances should enable them to take into account any other factor that they deem pertinent.

22. Similarly, the factors at issue in the Statute and in the Rules cannot be interpreted as having to be mandatorily cumulative in the determination of the sentence.

23. Recalling these factors, the Chamber would like to emphasize three of them, in particular. These are the aggravating circumstances, mitigating circumstances and the individual circumstances of the accused (Article 23 (2) of the Statute).

II. Case on Merits

24. Having reviewed the principles set out above, the Trial Chamber proceeds to consider all relevant information submitted by both parties in order to determine an appropriate sentence in accordance with Rule 100 of the Rules.

A. Facts of the Case

25. In rendering judgement on 2 September 1998 in the trial of Akayesu, the Trial Chamber found that it was established beyond a reasonable doubt that:

(i) Akayesu is individually criminally responsible for the killing of and causing serious bodily or mental harm to members of the Tutsi group;

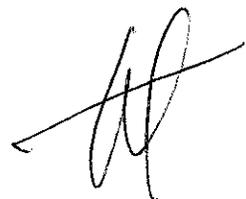
(ii) Akayesu aided and abetted in the commission of acts of sexual violence by allowing such acts to take place on or near the premises of the *bureau communal*, while he was present on the said premises; he encouraged the commission of such acts through his words, which by virtue of his authority clearly suggested that acts of sexual violence were officially tolerated;

(iii) On 19 April 1994 Akayesu addressed a meeting at Gishyeshye and called on the population to fight against the accomplices of the *Inkotanyi*, knowing full well that his utterances would be construed by the people present as a call to kill the Tutsi; the widespread killing of Tutsi subsequently started in Taba;

(iv) At this meeting at Gishyeshye, Akayesu mentioned the name of Ephrem Karangwa and later that same day groups of people, acting on the orders of Akayesu and in his presence, destroyed Karangwa's house and Karangwa's mother's house and killed Karangwa's three brothers;

(v) Akayesu is individually criminally responsible for the death of eight refugees from Runda who were killed in his presence by the *Interahamwe*, acting on his orders;

vi) Akayesu is individually criminally responsible for the killing of five teachers, who were killed by the *Interahamwe* and local population, acting on his orders;



(vii) Akayesu is individually criminally responsible for the torture of Victims U,V, W, X, Y, and Z.

B. The Prosecutor’s submissions on sentence

26. In her brief and in her oral submissions made at the pre-sentencing hearing, the Prosecutor submitted that the crimes committed by Akayesu are of extreme gravity and that they deserve to be punished appropriately. She submitted that the Chamber should assess the personal role of Akayesu in the crimes as well as the attendant circumstances of those crimes. She recalled that Akayesu performed executive duties in Taba *commune*, that he was responsible for the enforcement of laws and regulations as well as for the administration of justice and that he also had absolute authority over the *communal* police.

27. The Prosecutor stated that in her opinion, the following aggravating circumstances justify an enhancement in sentence in this matter:

- (i) Akayesu was in a position of authority and had the duty to protect the population and ensure their security;
- (ii) He betrayed the trust of the people and used his power as *bourgmestre* to commit crimes. He also used the *communal* police he was in charge of in commission of these crimes. He thus abused his powers;
- (iii) He possessed the specific intent to commit genocide and planned his actions accordingly, thus acting with premeditation;
- (iv) His criminal conduct was sustained and systematic and lasted for almost three months, becoming ever more intensive.

28. Furthermore, the Prosecutor submits that in her opinion, on the basis of the information available there are no mitigating circumstances for Akayesu’s conviction.

29. With regard to the issue of multiple sentences which could be imposed on Akayesu as envisaged by Rule 101(C) of the Rules, the Prosecutor asked for separate sentences for each of the counts on which Akayesu was found guilty while specifying that the Chamber could impose concurrent sentences for offences arising from the same acts. In the opinion of the Prosecutor, the Chamber should impose a sentence for each of the offences committed in order to reflect the gravity of each and every one of them and to properly assess the guilt of the accused.

30. In the final analysis, the Prosecutor is asking for the following sentences for the crimes for which Akayesu was convicted:

Count 1 -Genocide: life imprisonment;

Count 3 -Crime against humanity (extermination): life imprisonment;



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Count 4 -Direct and public incitement to commit genocide: life imprisonment;

Count 5 -Crime against humanity (murder): life imprisonment or a minimum term of 30 years imprisonment;

Count 7 -Crime against humanity (murder): life imprisonment or a minimum of 30 years imprisonment;

Count 9 -Crime against humanity (murder): life imprisonment or a minimum term of 30 years imprisonment;

Count 11 -Crime against humanity (torture): minimum of 25 years imprisonment;

Count 13 -Crime against humanity (rape): life imprisonment;

Count 14 -Crime against humanity (inhumane acts): ten years imprisonment.

C. Akayesu's Submissions

31. During the aforementioned pre-sentencing hearing, Akayesu told the Chamber that although he was innocent of the crimes of which he was convicted, he nevertheless intended to submit to the Chamber the following mitigating circumstances which according to him are in his favour:

- (i) Several testimonies submitted to the Chamber during the trial show that he was opposed to the killings and violence. Akayesu argued that he even risked his own life in order to protect the population. He was pursued and one of the policemen responsible for his protection was killed and another policeman wounded.
- (ii) In his own words, as a "small *bourgmestre*" he had at his disposal only eight *communal* policemen. Akayesu compared his very limited powers and resources to those of Major General Dallaire, Commander of the United Nations Assistance Mission for Rwanda (UNAMIR), who, during his appearance before the Chamber, explained that even the international community itself was powerless in the face of the Rwandan tragedy.
- (iii) Akayesu submitted that he co-operated with the Prosecutor and the Tribunal in that he was available and disciplined and never obstructed the judicial process or sought to evade it.

32. In fine, Akayesu also publicly paid tribute to all the victims of the tragic events which took place in Rwanda, be they Tutsi, Hutu or Twa. He asked for the forgiveness of the people of Rwanda and more specifically the people of Taba *commune*, not because he felt he was guilty of the crimes with which he was charged, but because he regretted that he was not able to carry out successfully his duty, namely the protection of the population of Taba.



D. The personal circumstances of Jean Paul Akayesu

33. Akayesu was born in 1953 in Mureshe sector, Taba *commune* in Rwanda. He is married and is father of five children. Akayesu served as a teacher and later was promoted to Primary School Inspector in the *commune* of Taba. In 1993, he was elected *bourgmestre* of Taba.

34. The Chamber has scrupulously examined all the submissions presented by the Parties in determination of sentence, from which the following can be drawn:

E. Mitigating circumstances

35. The Chamber notes that :

- Akayesu was not a very high official in the governmental hierarchy in Rwanda and his influence and power over the events of 1994 were commensurate with his then level of office;

(i) Akayesu expressed sympathy for the many victims of the genocide and of the war and he identified with the survivors of the events of 1994;

(ii) Akayesu tried to prevent killings in Taba until 18 April 1994. Many Prosecution witnesses, including the then Inspector of Judicial Police, Ephrem Karangwa, testified that the killings in Taba would have started much earlier, had it not been for Akayesu's efforts in preventing such killings;

(iii) The Prosecutor has not proved any prior criminal convictions against Akayesu and does not dispute Akayesu's submission that he has no prior criminal conviction.

F. Aggravating circumstances

36. The Chamber notes that:

(i) Following a meeting held at Gitarama on 18 April 1994 with senior government officials, including the then Prime Minister, Jean Kambanda, Akayesu consciously chose to participate in the systematic killings that followed in Taba;

(ii) Despite the fact that he was not a very high official in the Government, in holding the Office of *Bourgmestre*, Akayesu was the highest Governmental authority in Taba and as such he was entrusted with the protection of the population and he betrayed this trust. He publicly incited killings in Taba. He also ordered and participated in the killing of a number of people, some of whom were killed in his presence. He also condoned and by his presence and actions, encouraged the rape of many women at the *bureau communal*.

37. The Trial Chamber, having considered the mitigating factors as well as the aggravating factors in this case, finds that the aggravating factors overwhelm the mitigating factors, particularly in the light of the fact that Akayesu consciously chose to participate in the genocide.



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38. The Trial Chamber holds the view that a finding of mitigating circumstances relates to assessment of sentence and in no way derogates from the gravity of the crime. It mitigates punishment, not the crime. In this respect the Trial Chamber refers to its decision in the Jean Kambanda case which followed the reasoning of the "*Hostage*" case as referred to by the ICTY in the "*Erdemovic*" case, cited therein:

"It must be observed however that mitigation of punishment does not in any sense of the word reduce the degree of the crime. It is more a matter of grace than of defence. In other words, the punishment assessed is not a proper criterion to be considered in evaluating the findings of the court with reference to the degree of magnitude of the crime."⁵

39. The degree of magnitude of the crime is still an essential criterion for evaluation of sentence.

40. A sentence must reflect the predominant standard of proportionality between the gravity of the offence and the degree of responsibility of the offender. A just sentence contributes to respect of the law and the maintenance of a just, peaceful and safe society.

41. Before delivering the verdict, the Chamber directs the Prosecutor to the provisions of Rule 101(C) of the Rules which states that the Tribunal may, in the event of the accused being convicted of several counts, impose either a single sentence for all the counts or multiple sentences, with the understanding that in the case of the latter, the Tribunal shall decide whether such sentences should be served consecutively or concurrently.

⁵ Drazen Erdemovic Sentencing Judgement ICTY IT96-22 citing: USA v. Wilhelm List et al. (Hostage Case), XI T.W.C. 757, p. 1317 (1948). (This footnote does not appear in the French version of this document.)

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III. VERDICT

TRIAL CHAMBER I,

FOR THE FOREGOING REASONS,

DELIVERING its decision in public, *inter partes* and in the first instance;

PURSUANT to Articles 23, 26 and 27 of the Statute of the Tribunal and Rules 100, 101, 102, 103 and 104 of the Rules of Procedure and Evidence;

NOTING the general practice of sentencing by the courts of Rwanda;

NOTING that Akayesu was convicted on counts 1, 3, 4, 5, 7, 9, 11, 13 and 14 of the Indictment in the judgement of 2 September 1998;

NOTING the brief submitted by the Prosecutor;

HAVING HEARD the Prosecutor and Akayesu;

IN PUNISHMENT OF THE ABOVEMENTIONED CRIMES,

SENTENCES Jean Paul Akayesu,
born in 1953 in Murehe sector, Taba *commune*, Gitarama *prefecture*, Rwanda, to:

COUNT 1 :life imprisonment for the crime of Genocide;

COUNT 3 :life imprisonment for Crime against humanity (extermination);

COUNT 4 :life imprisonment for the crime of Direct and Public incitement to commit genocide;

COUNT 5 :fifteen years imprisonment for Crime against humanity (murder);

COUNT 7 :fifteen years imprisonment for Crime against humanity (murder);

COUNT 9 :fifteen years imprisonment for Crime against humanity (murder);

COUNT 11:ten years imprisonment for Crime against humanity (torture);

COUNT 13:fifteen years imprisonment for Crime against humanity (rape);

COUNT 14 :ten years imprisonment for Crime against humanity (other in humane acts);

DECIDES that the above sentences shall be served concurrently and therefore directs that Akayesu serve:

A SINGLE SENTENCE OF LIFE IMPRISONMENT

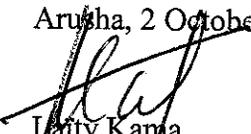
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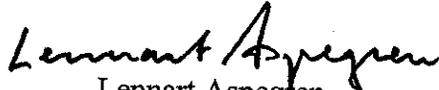
RULES that imprisonment shall be served in a State designated by the President of the Tribunal, in consultation with the Trial Chamber and the said designation shall be conveyed to the Government of Rwanda and the designated State by the Registrar;

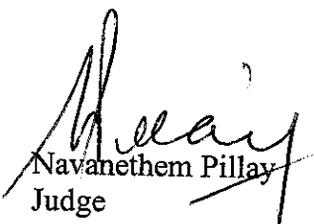
RULES that this judgement shall be enforced immediately, and that, however:

- (i) Until his transfer to the said place of imprisonment, Akayesu shall be kept in detention at the Detention Facility of the Tribunal in Arusha;
- (ii) Upon notice of appeal, if any, the enforcement of the sentence shall be stayed until a decision has been rendered on the appeal, with the convicted person nevertheless remaining in detention.

Arusha, 2 October 1998.


Lality Kanta
Presiding Judge


Lennart Aspegren
Judge


Navanethem Pillay
Judge

(Seal of the Tribunal)