



The International Residual Mechanism for Criminal Tribunals (“Mechanism”) was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”), which closed in 2015 and 2017, respectively.

CASE INFORMATION SHEET

On 24 August 2018, Judge Seon Ki Park confirmed an Indictment against Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli, dated 5 June 2018 and submitted by Prosecutor Serge Brammertz, for contempt of court and incitement to commit contempt, pursuant to Article 1(4)(a) of the Mechanism’s Statute (Statute) and Rule 90 of the Mechanism’s Rules of Procedure and Evidence (Rules).

On 10 October 2019, Judge Vagn Joensen confirmed an Indictment against Augustin Ngirabatware, dated 9 August 2019 and submitted by Prosecutor Serge Brammertz, for contempt of court and incitement to commit contempt, pursuant to Article 1(4)(a) of the Statute and Rule 90 of the Rules.

On 10 December 2019, Judge Joensen issued a decision that the Turinabo et al. and Ngirabatware contempt cases would be joined and prosecuted on the basis of the two separate Indictments.

On 22 October 2020, the trial commenced with the Prosecution’s opening statement, and nine Prosecution witnesses were heard between 26 October and 24 November 2020.

On 15 March 2021, the trial continued with the Defence’s opening statement, and six Defence witnesses (including two accused) were heard between 15 March and 9 April 2021. Following the death of accused Maximilien Turinabo on 18 April 2021, the proceedings against him were terminated on 19 April 2021.

Closing arguments were held on 21, 22, and 23 June 2021 and the trial judgement has been scheduled to be pronounced on 25 June 2021.

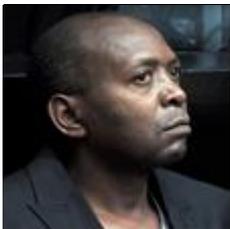
MICT-18-116

NZABONIMPA et al. – Contempt of Court



ANSELME NZABONIMPA

Anselme Nzabonimpa was the *bourgmestre* of Kayove Commune, Gisenyi Prefecture, Rwanda, before mid-1994.



JEAN DE DIEU NDAGIJIMANA

Jean de Dieu Ndagijimana was a teacher and school administrator in the Gisenyi area before mid-1994, including at Kiloji and Bwitereke schools.



MARIE ROSE FATUMA

Marie Rose Fatuma is the widow of Augustin Ngirabatware’s half-brother Édouard Byukusenge, also known as “Cenge”.



DICK PRUDENCE MUNYESHULI

Dick Prudence Munyeshuli served as a Defence investigator on a number of cases before the ICTR and the Mechanism. From approximately August 2015 until January 2018, he was an investigator on the Defence team of Augustin Ngirabatware.



AUGUSTIN NGIRABATWARE

In July 1990, Augustin Ngirabatware was appointed Minister of Planning, a position he retained as part of the Interim Rwandan Government in April 1994. He was also a member of the Prefecture Committee of the National Republican Movement for Democracy and Development (“MRND”) political party in Gisenyi Prefecture, the National Committee of the MRND, and the technical committee of Nyamyumba Commune.

**Indictments**

A strictly confidential Indictment against Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli, dated 5 June 2018, was confirmed by Judge Seon Ki Park on 24 August 2018. A public redacted version of the Indictment was filed on 5 September 2018. On 17 October 2019, Judge Vagn Joensen, the Single Judge seised of the *Turinabo et al.* case, granted the Prosecution's motion to amend the Indictment and the Prosecution filed an amended Indictment on 21 October 2019.

The Prosecution filed a Revised Third Amended Indictment on 12 May 2021 in accordance with the instructions of Judge Joensen, who, on 7 May 2021, ordered modifications that removed Mr. Turinabo's status as an accused in the indictment due to his death on 18 April 2021.

Separately, a strictly confidential Indictment against Augustin Ngirabatware, dated 9 August 2019, was confirmed by Judge Joensen on 10 October 2019. A public version of the Indictment was filed on the same day.

IRMCT Single Judge

Judge Vagn Joensen.

Status of the Case

Each of the six accused pleaded not guilty to the respective count or counts charged against him or her. On 10 December 2019, Judge Joensen issued a decision that the *Turinabo et al.* and *Ngirabatware* contempt cases would be joined and prosecuted on the basis of the two separate Indictments.

The joined trial commenced on 22 October 2020 with the Prosecution's opening statement. In addition, the Defence teams for Dick Prudence Munyeshuli and Augustin Ngirabatware elected to give opening statements, and Maximilien Turinabo also gave a statement in accordance with Rule 101 of the Rules. Nine Prosecution witnesses testified between 26 October and 24 November 2020.

Following an order issued by Judge Joensen on 12 January 2021, Defence oral arguments for judgment of acquittal pursuant to Rule 121 of the Rules commenced on 8 March 2021 and the Prosecution presented its response the next day. On 12 March 2021, Judge Joensen denied the Defence motions pursuant to Rule 121. On the same day, the Pre-Defence conference was held, and on Monday, 15 March 2021 the Defence opening statements and the presentation of evidence began. The testimony phase of the trial concluded on 9 April 2021. On 27 April 2021, Judge Joensen ordered that final trial briefs shall be filed no later than on Monday, 24 May 2021 and that the oral closing arguments shall be held on 14, 15 and 16 June 2021.

As noted above, the operative Indictment against Maximilien Turinabo's co-accused was amended to remove Mr. Turinabo's status as an accused, due to the termination of proceedings against him following his death.

On 7 May 2021, following informal communications from Counsel for the accused requesting an extension, Judge Joensen amended his order of 27 April 2021 to allow final briefs to be filed no later than 31 May 2021 and to provide that oral closing arguments shall be held on 21, 22, and 23 June 2021.

On 23 June 2021, Judge Joensen issued an order scheduling the pronouncement of judgement in the case for Friday, 25 June 2021 at 12.00 p.m. EAT in the Courtroom of the Mechanism's Arusha branch.

INDICTMENTS

In accordance with Article 1(4)(a) of the Statute and Rule 90 of the Rules, the Mechanism has the competence to conduct investigations, trials, and appeals in cases of contempt of court arising out of Mechanism, ICTR or ICTY proceedings. Those who knowingly and willfully interfere with the administration of justice, or incite or attempt to commit any of the acts punishable as contempt of the Mechanism, the ICTY, or the ICTR, may be held in contempt.

NZABONIMPA, NDAGIJIMANA, FATUMA, AND MUNYESHULI INDICTMENT

The Indictment against Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli charges two counts of contempt of the ICTR and the Mechanism and one count of incitement to commit contempt of the ICTR and the Mechanism. The original Indictment, which also included Maximilien Turinabo as an accused (*Turinabo et al.* Indictment), was confirmed by Judge Seon Ki Park on 24 August 2018. The Prosecution filed a public redacted version of this Indictment on 5 September 2018. On 17 October 2019, Judge Vagn Joensen granted the Prosecution's request to amend the *Turinabo et al.* Indictment, and the amended version was filed on 21 October 2019. On 12 May 2021, following the Single Judge's 7 May 2021 order, the Prosecution filed a Revised Third Amended Indictment, reflecting that Maximilien Turinabo is no longer an accused in this case (*Nzabonimpa et al.* Indictment).

The Prosecution alleges in the *Nzabonimpa et al.* Indictment that, from at least August 2015 through September 2018, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma sought to overturn Augustin Ngirabatware's final conviction by interfering with the administration of justice, directly and/or through others, including by pressuring, offering bribes to, and otherwise influencing protected witnesses. In addition, or in the alternative, the Prosecution alleges that they incited others to commit contempt by interfering with protected witnesses. Furthermore, the Prosecution alleges that Dick Prudence Munyeshuli knowingly violated the protective measures ordered by the relevant Trial and Appeals Chambers by disclosing the identities of protected witnesses and that Dick Prudence Munyeshuli had prohibited indirect contact with the protected witnesses in knowing violation of court orders.



NGIRABATWARE INDICTMENT

The Indictment against Augustin Ngirabatware charges two counts of contempt of the ICTR and the Mechanism and one count of incitement to commit contempt of the ICTR and the Mechanism. Judge Vagn Joensen confirmed the *Ngirabatware* Indictment on 10 October 2019, and the Prosecution filed a public version of the Indictment on the same day.

The Prosecution alleges in the *Ngirabatware* Indictment that, from at least August 2015 through September 2018, Augustin Ngirabatware, directly and/or through Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and/or Marie Rose Fatuma sought to influence protected witnesses to recant their trial testimonies in order to overturn his final conviction, thereby interfering with the administration of justice. In addition, or in the alternative, the Prosecution alleges that Augustin Ngirabatware knowingly and willfully incited, *inter alia*, Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and/or Marie Rose Fatuma to commit contempt of the ICTR and the Mechanism. Furthermore, the Prosecution alleges that Augustin Ngirabatware knowingly disclosed confidential information and had prohibited contact with a protected witness in knowing violation of court orders.

CHARGES

The charges against Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli, which are set forth in the *Nzabonimpa et al.* Indictment, include:

Count 1 - Contempt of the ICTR and the Mechanism

- Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma
- Interfering with protected witnesses

Count 2 - Incitement to commit contempt of the ICTR and the Mechanism

- Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma
- Additionally or alternatively incited others to commit contempt by interfering with protected witnesses

Count 3 - Contempt of the ICTR and the Mechanism

- Dick Prudence Munyeshuli
- Knowingly disclosing the identities of protected witnesses in violation of court orders
- Having prohibited indirect contact with protected witnesses in violation of court orders

The charges against Augustin Ngirabatware, which are set forth in the separate *Ngirabatware* Indictment, include:

Count 1 - Contempt of the ICTR and the Mechanism

- Augustin Ngirabatware
- Interfering with protected witnesses

Count 2 - Incitement to commit contempt of the ICTR and the Mechanism

- Augustin Ngirabatware
- Additionally or alternatively inciting a protected witness to recant her testimony
- Additionally or alternatively inciting others to commit contempt by interfering with protected witnesses

Count 3 - Contempt of the ICTR and the Mechanism

- Augustin Ngirabatware
- Knowingly disclosing the identities of protected witnesses in violation of court orders
- Having prohibited contact with a protected witness in violation of a court order

CASE BACKGROUND INFORMATION

The original *Turinabo et al.* and *Ngirabatware* Indictments alleged that, following the Mechanism Appeals Chamber's affirmation of Augustin Ngirabatware's convictions for genocide and direct and public incitement to commit genocide, Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Augustin Ngirabatware engaged in a concerted effort to secure Ngirabatware's acquittal at the review stage of his proceedings before the Mechanism through witness interference.



The Indictments further alleged that, during the same period, Dick Prudence Munyeshuli, Maximilien Turinabo, and Augustin Ngirabatware committed contempt by violating certain court orders related to protected witnesses.

In separate proceedings, Augustin Ngirabatware's review hearing took place from 16 to 24 September 2019. Augustin Ngirabatware called six witnesses. At the conclusion of the presentation of evidence by Augustin Ngirabatware, the Appeals Chamber heard oral submissions by the parties for the purpose of determining whether Augustin Ngirabatware had presented sufficient evidence capable of belief to establish the new fact. On 24 September 2019, the Appeals Chamber decided that Augustin Ngirabatware had not presented such evidence and that it was not necessary to hear Prosecution evidence in rebuttal.

In its Review Judgement pronounced on 27 September 2019, the Appeals Chamber of the Mechanism rejected Augustin Ngirabatware's attempt to show in review proceedings that the four key witnesses underpinning his convictions for direct and public incitement to commit genocide and instigating and aiding and abetting genocide had truthfully recanted their trial testimonies. The Appeals Chamber decided that the Appeal Judgement, sentencing Augustin Ngirabatware to 30 years of imprisonment for these crimes, remains in force in all respects.

For more information please visit the Mechanism website www.irmct.org.
For press inquiries, email mict-press@un.org.