

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-39

Date: 4 November 2020

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Lee G. Muthoga

Registrar: Mr. Abubacarr Tambadou

Decision of: 4 November 2020

PROSECUTOR

v.

AUGUSTIN BIZIMANA

PUBLIC

**DECISION ON REQUEST TO TERMINATE
THE PROCEEDINGS**

Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Thembile Segoete

I, JUDGE LEE G. MUTHOGA, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and the Single Judge in this case;¹

RECALLING that the operative indictment against Mr. Augustin Bizimana was confirmed on 13 October 2011 by Judge Khalida Rachid Khan of the International Criminal Tribunal for Rwanda (“ICTR”) and that it charges Bizimana with 13 counts of genocide, crimes against humanity, and violations of Common Article 3 and Additional Protocol II;²

RECALLING that, on 29 April 2013, Judge Vagn Joensen, acting in the capacity of the Single Judge of the Mechanism, vacated the previous ICTR warrant of arrest and order for transfer of Bizimana and issued a new warrant of arrest and order for the transfer of Bizimana under the authority of the Mechanism;³

BEING SEISED OF a motion filed confidentially by the Prosecutor on 26 October 2020 requesting that Bizimana’s proceedings be terminated on account of his death;⁴

BEING FURTHER SEISED OF the Prosecution’s request filed on 3 November 2020 to reclassify the Motion as public while maintaining the confidentiality of the annexes attached to it;⁵

CONSIDERING that the Prosecutor has presented a death certificate issued by the authorities of the Republic of Congo confirming that Bizimana died on 5 August 2000 and the results of field and recent forensic investigations supporting the death certificate’s accuracy;⁶

FINDING that the Prosecution has presented sufficient information to establish that Bizimana is deceased and that a judicial order closing his case before the Mechanism is warranted;⁷

¹ Order Assigning a Single Judge, 30 October 2020 (confidential), p. 1.

² See *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-I, Decision on the Prosecutor’s Request for Leave to File an Amended Indictment, 13 October 2011 (confidential and *ex parte*) (“*Bizimana* Decision of 13 October 2011”), pp. 6, 7; *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-71 *bis*, Amended Indictment, 17 October 2011 (confidential). The original indictment charging Bizimana before the ICTR was confirmed against him and seven others in August 1998 by Judge Navanethem Pillay. See *The Prosecutor v. Augustin Bizimana et al.*, Case No. ICTR-98-44-I, Confirmation and Non Disclosure of the Indictment, 29 August 1998, p. 3. Over the course of the following decade, the co-accused’s cases were severed from this joint indictment. See *Bizimana* Decision of 13 October 2011, para. 1.

³ Warrant of Arrest and Order for Transfer Addressed to All States, 29 April 2013 (original confidential and *ex parte* version filed on 25 April 2013).

⁴ Motion to Terminate Proceedings, 26 October 2020 (confidential, with confidential annexes A-H) (“Motion”), paras. 1-3.

⁵ Prosecution Request for Reclassification of Its Motion for Termination of Proceedings, 3 November 2020, para. 2.

⁶ See, *in particular*, Motion, Annex B, Registry pagination (“RP.”) 73, Annex C, RP. 71, Annex G, RP. 55, Annex H, RP. 43, 41, 40.

FINDING that the Prosecution has established that the confidential classification of the Motion is unnecessary and that the Motion should be reclassified as public;


FOR THE FOREGOING REASONS,

DECIDE that the case against Bizimana is now closed; and

ORDER that the Motion be reclassified as public.

Done in English and French, the English version being authoritative.

Done this 4th day of November 2020,
At Arusha,
Tanzania



Judge Lee G. Muthoga
Single Judge

[Seal of the Mechanism]

⁷ Cf. Rule 51(A)(ii) of the Rules of Procedure and Evidence. See also cf. *Prosecutor v. Janko Bobetko*, Case No. IT-02-62-I, Order Terminating Proceedings Against Janko Bobetko, 24 June 2003, p. 1; *Eliézer Niyitegeka v. Prosecutor*, Case No. MICT-12-16-R, Decision Dismissing a Request, 13 April 2018, pp. 1, 2.



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Rev: August 2019/ *Rév. : Août 2019*