

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-18-116-T

Date: 19 April 2021

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Vagn Joensen
Registrar: Mr. Abubacarr Tambadou
Decision of: 19 April 2021

PROSECUTOR

v.

**MAXIMILIEN TURINABO
ANSELME NZABONIMPA
JEAN DE DIEU NDAGIJIMANA
MARIE ROSE FATUMA
DICK PRUDENCE MUNYESHULI
AUGUSTIN NGIRABATWARE**

PUBLIC

**DECISION TERMINATING PROCEEDINGS
AGAINST MAXIMILIEN TURINABO**

Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Rashid S. Rashid

Counsel for the Defence:

Mr. Maximilien Turinabo
Mr. Stéphane Bourgon
Mr. Anselme Nzabonimpa
Mr. Geoffrey Roberts
Mr. Jean de Dieu Ndagijimana
Mr. Philippe Larochelle
Ms. Marie Rose Fatuma
Mr. Gatera Gashabana
Mr. Dick Prudence Munyeshuli
Mr. Kurt Kerns
Mr. Augustin Ngirabatware
Mr. David Hooper

I, VAGN JOENSEN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and the Single Judge in this case;¹

RECALLING the indictment against, *inter alia*, Mr. Maximilien Turinabo filed on 5 June 2018² and the amended indictments filed on 26 March 2019, 17 June 2019, 11 July 2019, and 21 October 2019, charging him with crimes of contempt under Article 1(4)(a) of the Statute and Rules 90(A)(ii), 90(A)(iii), 90(A)(iv), and 90(B) of the Rules of Procedure and Evidence (“Rules”);³

RECALLING that, pursuant to Article 19(3) of the Statute, Mr. Turinabo is presumed innocent until proved guilty according to the provisions of the Statute;

RECALLING that I ordered that Mr. Turinabo be provisionally released to Rwanda on 29 March 2019⁴ and that he has been unconditionally released since 11 September 2020;⁵

RECALLING that the testimonial phase of the Defence case commenced on 15 March 2021;⁶

RECALLING that Mr. Turinabo fell seriously ill during the course of the Defence case and was medically evacuated by the Mechanism to Nairobi, Republic of Kenya, on 24 March 2021 where he was hospitalized;⁷

¹ Order Assigning a Single Judge, 11 September 2018, p. 1. *See also* *Prosecutor v. Maximilien Turinabo et al.* and *Prosecutor v. Augustin Ngirabatware*, Case Nos. MICT-18-116-PT and MICT-19-121-PT, Decision on Prosecution Motion for Joinder of the *Ngirabatware* and *Turinabo et al.* Contempt Cases, 10 December 2019, pp. 14, 15.

² Order on Confirmation of Indictment, 24 August 2018 (strictly confidential and *ex parte*; made public on 18 September 2018), pp. 1, 2. *See also* Indictment, 5 June 2018 (strictly confidential; public redacted version filed on 5 September 2018).

³ Prosecution Notice of Compliance with Decisions Concerning the Indictment, 26 March 2019 (confidential, with confidential Annex), Annex, Registry pagination (“RP.”) 3963-3951; Prosecution Notice of Compliance with Decision on Motions Challenging the Amended Indictment, 17 June 2019 (confidential, with confidential Annex A and confidential and *ex parte* Annex B), RP. 5881-5869; Prosecution Notice of Compliance with Further Decision on Second Amended Indictment, 11 July 2019 (public, with public redacted Annex A and confidential Annex B), Annex A, RP. 6942-6932, Annex B, RP. 6930-6919; Prosecution Notice of Filing Third Amended Indictment, 21 October 2019, Annex A, RP. 10450-10437.

⁴ Decision on Maximilien Turinabo’s Motion for Provisional Release, 29 March 2019 (confidential; made public on 3 July 2019). The Appeals Chamber stayed the decision provisionally releasing Mr. Turinabo until it was affirmed on 5 August 2019. *See Prosecutor v. Maximilien Turinabo et al.*, Case Nos. MICT-18-116-AR68.2 & MICT-18-116-AR68.3, Decision on Prosecution Appeals Against the Decisions Granting Turinabo and Ndagijimana Provisional Release, 5 August 2019 (confidential; made public on 26 August 2019), paras. 4, 22. He was provisionally released to Rwanda on 22 August 2019. *See* Registrar’s Submission in Relation to Provisional Release, 23 August 2019 (confidential), paras. 1, 2.

⁵ *See* Decision on Order to Show Cause, 11 September 2020, para. 14.

⁶ *See* Transcript (“T.”) 15 March 2021 p. 1; T. 9 April 2021 p. 44.

⁷ Chambers Exhibit 5. *See also* T. 30 March 2021 p. 2.

NOTING that Counsel for Mr. Turinabo and the Registrar, based on reports received from the Medical Officer at the Arusha Branch of the Mechanism, informed me on Sunday, 18 April 2021 that Mr. Turinabo passed away that morning;⁸

FINDING that the death of Mr. Turinabo necessarily results in the termination of the proceedings against him;⁹

FOR THE FOREGOING REASONS,

DECIDE that the contempt proceedings against Mr. Maximilien Turinabo are hereby terminated;

INFORM the parties that the impact of this decision on the modalities of this case will be determined if necessary in due course; and

INSTRUCT the Registrar to file a copy of Mr. Turinabo's death certificate on the record as soon as practicable after its receipt.

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



Done this 19th day of April 2021,
At Arusha,
Tanzania

Judge Vagn Joensen
Single Judge

[Seal of the Mechanism]

⁸ Counsel for Mr. Turinabo – through my Senior Legal Officer – informed me of Mr. Turinabo's passing on Sunday, 18 April 2021 by way of email.

⁹ See, e.g., *Prosecutor v. Eliézer Niyitegeka*, Case No. MICT-12-16-R, Decision Dismissing a Request, 13 April 2018, pp. 1, 2 and references cited therein. See also *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision Relating to Registrar's Submission Notifying the Demise of Accused Joseph Nzirorera, 12 August 2010, para. 2 and references cited therein.



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From/ De :	☐ President / Président	☒ Chambers / Chambre	☐ Prosecution/ Bureau du Procureur	☐ Defence / Défense
	☐ Registrar / Greffier	☐ Other/ Autre		
Case Name/ Affaire :	Prosecutor v. Maximilien Turinabo et al.		Case Number/ Affaire n° :	MICT-18-116-T
Date Created/ Daté du :	19 April 2021	Date transmitted/ Transmis le :	19 April 2021	No. of Pages/ Nombre de pages : 3
Original Language / Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda ☐ B/C/S	☐ Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	Decision Terminating Proceedings Against Maximilien Turinabo			
Classification Level/ Catégories de classification :	☒ Unclassified/ Non classifié	☐ Ex Parte Defence excluded/ Défense exclue		
	☐ Confidential/ Confidentiel	☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu		
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☐ Motion/ Requête	☐ Judgement/ Jugement/Arrêt	☐ Book of Authorities/ Recueil de sources	☐ Warrant/ Mandat	
☒ Decision/ Décision	☐ Submission from parties/ Écritures déposées par des parties	☐ Affidavit/ Déclaration sous serment	☐ Notice of Appeal/ Acte d'appel	
☐ Order/ Ordonnance	☐ Submission from non-parties/ Écritures déposées par des tiers	☐ Indictment/ Acte d'accusation		

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