

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No: MICT-18-116-T

Date: 24 September 2021

Original: English

---

**BEFORE A SINGLE JUDGE**

**Before: Judge Vagn Joensen**

**Registrar: Mr. Abubacarr Tambadou**

**THE PROSECUTOR**

**v.**

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

**PUBLIC**

---

**PROSECUTION NOTICE OF FILING PUBLIC REDACTED  
VERSION OF PRE-TRIAL BRIEF**

---

**The Office of the Prosecutor:**

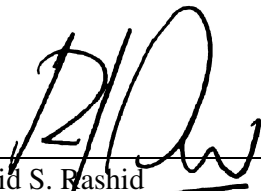
Mr. Rashid S. Rashid

**Counsel for the Accused:**

Mr. Geoffrey Roberts, Counsel for Mr. Anselme Nzabonimpa  
Mr. Philippe Larochelle, Counsel for Mr. Jean de Dieu Ndagijimana  
Mr. Gatera Gashabana, Counsel for Ms. Marie Rose Fatuma  
Mr. Kurt Kerns, Counsel for Mr. Dick Prudence Munyeshuli  
Mr. David Hooper, Counsel for Mr. Augustin Ngirabatware

1. The Prosecution hereby files a public redacted version of its Pre-Trial Brief.<sup>1</sup>

Word Count: 27

  
 Rashid S. Rashid  
 Legal Officer

Dated this 24<sup>th</sup> day of September 2021  
 At Arusha, Tanzania.

---

<sup>1</sup> *Prosecutor v. Turinabo et al.*, Case No. MICT-18-116-PT, Pre-Trial Brief, 24 January 2020.

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No: MICT-18-116-PT

Date: 24 January 2020

Original: English

**BEFORE A SINGLE JUDGE**

**Before: Judge Vagn Joensen**

**Registrar: Mr. Olufemi Elias**

**THE PROSECUTOR**

**v.**

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

**PUBLIC REDACTED VERSION**

**PRE-TRIAL BRIEF**

**The Office of the Prosecutor:**

Mr. Rashid S. Rashid

**Counsel for the Defence:**

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

<b>I. INTRODUCTION .....</b>	<b>2</b>
<b>II. THE ACCUSED AND THE INTERMEDIARIES.....</b>	<b>4</b>
<b>A. The Accused.....</b>	<b>4</b>
Augustin NGIRABATWARE .....	4
<b>B. The Co-Accused.....</b>	<b>4</b>
<b>C. The Intermediaries.....</b>	<b>4</b>
1. Laurent MANIRAGUHA (ANAE's Intermediary) .....	5
2. Valentine MUKAMISHA (ANAM's Intermediary) .....	5
3. Vedaste MBARIMO (ANAN's Intermediary) .....	5
4. Vincent TWAGIRAYEZU (ANAT's Intermediary) .....	6
5. ANAL's [REDACTED].....	6
<b>III. THE <i>MODUS OPERANDI</i> AND PATTERN OF CRIMINAL CONDUCT.....</b>	<b>6</b>
<b>A. The impetus for contempt: overturning NGIRABATWARE's conviction .....</b>	<b>6</b>
<b>B. NGIRABATWARE and the Four co-Accused were highly organized and interfered with Protected Witnesses through coordinated communications, meetings and payments of bribes.....</b>	<b>7</b>
<b>C. Procuring recantations for the NGIRABATWARE Defence .....</b>	<b>10</b>
1. ANAE .....	10
2. ANAM .....	11
3. ANAN .....	12
4. ANAT .....	13
5. Meeting of then-Defence Counsel with the Intermediaries .....	14
<b>D. Defence request to meet the Recanting Witnesses .....</b>	<b>15</b>
<b>E. Pressuring ANAE and ANAM to meet the Defence.....</b>	<b>15</b>
<b>F. Sending the Consent Letters and recantation letters .....</b>	<b>17</b>
<b>G. Continued pressure on ANAE to recant.....</b>	<b>19</b>
<b>H. Fabricating false evidence for the Recanting Witnesses to give the Defence .....</b>	<b>20</b>
<b>I. Instructing the Recanting Witnesses and Intermediaries on what to say to WISP and to the Prosecution prior to the August 2016 interviews.....</b>	<b>22</b>
<b>J. Pressuring, instructing and offering bribes to ANAL in November 2016 .....</b>	<b>23</b>
<b>K. Interfering with witnesses from July through September 2017 and breaching protective measures.....</b>	<b>25</b>
<b>L. The pattern of witness interference continued until the Four co-Accused's arrest in September 2018 .....</b>	<b>32</b>
<b>M. NGIRABATWARE kept his co-Accused updated through the unlawful disclosure of confidential information.....</b>	<b>38</b>
<b>IV. CRIMINAL RESPONSIBILITY OF THE ACCUSED.....</b>	<b>39</b>
<b>A. Legal Elements .....</b>	<b>39</b>
1. Contempt.....	39
(a) Otherwise interfering with a witness.....	39
(b) Offering a bribe .....	40
2. Incitement to commit contempt .....	40
3. Violation of and failure to comply with court orders .....	41
<b>B. Criminal Conduct.....</b>	<b>42</b>
1. Counts 1 and 2: Contempt and Incitement to Commit Contempt.....	43
2. Count 3: Contempt (Knowing Violation of and Failure to Comply with Court Orders).....	50
<b>V. CONCLUSION.....</b>	<b>51</b>

## I. INTRODUCTION

1. Augustin **NGIRABATWARE** is charged with interfering with witnesses and potential witnesses as part of an organised effort to overturn his genocide convictions rendered at trial and confirmed on appeal.<sup>1</sup> In July 2016, **NGIRABATWARE** filed a Motion for Review of his Appeal Judgement on the basis that four witnesses (“Recanting Witnesses”),<sup>2</sup> whose evidence underpinned **NGIRABATWARE**’s convictions, had recanted their trial testimonies.<sup>3</sup> **NGIRABATWARE** procured these recantations and fabricated evidence surrounding the circumstances of the recantations through the crimes charged in this case. On 19 June 2017, the Mechanism Appeals Chamber granted **NGIRABATWARE**’s Motion for Review.<sup>4</sup> The Review Hearing was held from 16 to 24 September 2019.<sup>5</sup> On 27 September 2019, the Appeals Chamber rendered the Review Judgement, finding that **NGIRABATWARE** had not presented sufficient evidence capable of belief to prove the existence of the new fact; therefore, the Appeal Judgement remains in force in all respects.<sup>6</sup>

2. The crimes with which **NGIRABATWARE** is charged spanned more than three years and required a high level of organisation.<sup>7</sup> **NGIRABATWARE** was, at all points relevant to the charges in this case, detained in the UNDF in Arusha, Tanzania. To procure the recantations, **NGIRABATWARE** gave instructions to and coordinated with four of his co-Accused in this case, namely Maximilien **TURINABO**, Anselme **NZABONIMPA**, Jean de Dieu **NDAGIJIMANA** and Marie Rose **FATUMA** (“Four co-Accused”).

3. **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** were the central organisers of a criminal campaign in Rwanda that targeted five key trial witnesses (“Protected Witnesses”)<sup>8</sup> whose evidence was crucial to proving the crimes for which **NGIRABATWARE** was convicted. **NGIRABATWARE** and the Four co-Accused began the campaign to secure his acquittal after **NGIRABATWARE**’s final conviction on appeal sentencing him to 30 years’ imprisonment.<sup>9</sup>

4. **NGIRABATWARE** committed his crimes both directly and through the Four co-Accused, who, in turn, used a network of Intermediaries<sup>10</sup> to influence the Protected Witnesses through a

---

<sup>1</sup> See *Ngirabatware TJ*; *Ngirabatware AJ*.

<sup>2</sup> ANAE, ANAM, ANAN and ANAT.

<sup>3</sup> *Ngirabatware Review Motion*.

<sup>4</sup> *Ngirabatware Review Decision*.

<sup>5</sup> See *Ngirabatware Review Judgement*, para.23.

<sup>6</sup> *Ngirabatware Review Judgement*, p.26.

<sup>7</sup> Indictment, para.16.

<sup>8</sup> ANAE, ANAM, ANAN, ANAT and ANAL.

<sup>9</sup> *Ngirabatware AJ*. See also *Ngirabatware TJ*.

<sup>10</sup> Below Section II.C.

combination of pressure, instructions, payments, offers of bribes and/or other inducements. In particular, **NGIRABATWARE** committed and incited contempt as he:

(1) influenced the Protected Witnesses, both directly and through the Four co-Accused, to recant their trial testimonies underpinning his convictions;<sup>11</sup>

(2) instructed the Protected Witnesses, through the Four co-Accused, regarding what information to provide during interviews with the *Ngirabatware* Defence, during interviews with the Prosecution, and/or during their testimonies at the Review Hearing;<sup>12</sup>

(3) took steps to procure false evidence from the Intermediaries, through **TURINABO** and **NDAGIJIMANA**, which would be used to corroborate the alleged recantations, as the Intermediaries were prospective witnesses themselves;<sup>13</sup> and

(4) offered and paid bribes, through the Four co-Accused, to the Protected Witnesses and Intermediaries in exchange for their cooperation with the *Ngirabatware* Defence and to influence their prospective evidence.<sup>14</sup>

5. **NGIRABATWARE** planned, coordinated and executed his crimes through telecommunications and emails from within the UNDF. Through his own conduct and through the conduct of the Four co-Accused acting on his behalf, **NGIRABATWARE** intended to disturb the administration of justice by influencing the content of the evidence of witnesses and potential witnesses.

6. **NGIRABATWARE** also violated court orders by repeatedly revealing confidential information to **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA** over a period of approximately nine months.<sup>15</sup> **NGIRABATWARE** kept **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** apprised of the status of his review proceedings. In this process, **NGIRABATWARE** knowingly and wilfully divulged confidential information, including information identifying protected witnesses, and contacted ANAE in knowing violation of court orders that required maintaining confidentiality and prohibited contact with ANAE and other protected witnesses except through WISP.<sup>16</sup>

---

<sup>11</sup> Indictment, para.20.

<sup>12</sup> Indictment, para.21.

<sup>13</sup> Indictment, para.22.

<sup>14</sup> Indictment, para.23.

<sup>15</sup> Indictment, para.28.

<sup>16</sup> Indictment, paras.26-28.

7. The Prosecution’s evidence will prove beyond reasonable doubt the allegations of organised interference with witnesses and potential witnesses and of deliberate disregard for protective measures and the confidentiality of court orders, as outlined in the Indictment.

## II. THE ACCUSED AND THE INTERMEDIARIES

8. The key players in this case fall into three categories—the Accused, the Intermediaries, and the Protected Witnesses. These individuals are connected through intertwined relationships, which were exploited to facilitate the witness interference charged in this case.

### A. The Accused

#### Augustin NGIRABATWARE

9. **NGIRABATWARE** was born on 12 January 1957, in Ruhondo Cell, Munanira sector, Nyamyumba Commune of the Gisenyi Prefecture, Rwanda. In July 1990, **NGIRABATWARE** became Minister of Planning of Rwanda. **NGIRABATWARE** was a member of the MRND party from its inception in 1975. He was elected a member of the Prefecture Committee of the MRND, was elected a member of the National Committee of the MRND and was an appointed member of the technical committee of Nyamyumba Commune.<sup>17</sup>

### B. The Co-Accused

10. The Four co-Accused and Dick Prudence **MUNYESHULI** are charged with contempt in a separate Indictment for their parts in the same recantation scheme.<sup>18</sup> **NGIRABATWARE** directly contacted ANAE and used the Four co-Accused to contact the Protected Witnesses. He prepared and provided information which the Four co-Accused used in training witnesses and potential witnesses on what to say regarding the circumstances of the recantations. **NGIRABATWARE** also provided **NZABONIMPA** with the funds used to bribe witnesses and potential witnesses and coordinated with him in their distribution. Hence, **NGIRABATWARE** committed his crimes both directly and through the Four co-Accused, who in turn committed their crimes both directly and by using a network of Intermediaries.

### C. The Intermediaries

11. The Four co-Accused directly contacted the Protected Witnesses and also used a group of Intermediaries, all of whom had pre-existing relationships with the Protected Witnesses, to contact,

<sup>17</sup> *Ngirabatware* TJ, paras.3, 5-6.

<sup>18</sup> *Turinabo et al.* Indictment.

influence, pressure, instruct and/or offer and pay bribes to the Protected Witnesses. **FATUMA** used some of ANAL's [REDACTED] to try to influence ANAL to recant her trial testimony, but ANAL refused to do so. Consequently, ANAL's [REDACTED] were never trained to support the circumstances of a recantation. **TURINABO** and **NDAGIJIMANA** instructed the remaining Intermediaries on what they should say to the Prosecution and WISP. Additionally, **NGIRABATWARE** and **NZABONIMPA** used **NZABONIMPA**'s son Hippolyte HIRWA to facilitate the transfer of funds and payments to the Intermediaries and Protected Witnesses.

1. Laurent MANIRAGUHA (ANAE's Intermediary)

12. **TURINABO**, **NZABONIMPA**, and **NDAGIJIMANA** used MANIRAGUHA to influence and pressure [REDACTED] ANAE, [REDACTED].<sup>19</sup> MANIRAGUHA is also [REDACTED].<sup>20</sup>

13. [REDACTED].<sup>21</sup> After being pressured by **TURINABO**, MANIRAGUHA [REDACTED].<sup>22</sup> MANIRAGUHA and **TURINABO** are now friends.<sup>23</sup>

2. Valentine MUKAMISHA (ANAM's Intermediary)

14. **TURINABO** and **NDAGIJIMANA** used MUKAMISHA to influence and pressure ANAM. MUKAMISHA is [REDACTED]. [REDACTED].<sup>24</sup> MUKAMISHA is a friend of **FATUMA**; she took refuge at **FATUMA**'s house during the genocide.<sup>25</sup> [REDACTED].<sup>26</sup>

3. Vedaste MBARIMO (ANAN's Intermediary)

15. **TURINABO** and **NZABONIMPA** used MBARIMO to contact and influence ANAN. [REDACTED]. They were long-time friends and both members of the CDR political party.<sup>27</sup> [REDACTED].<sup>28</sup>

<sup>19</sup> TNN30; TNN4; TNN5. *See below* para.25.

<sup>20</sup> TNN5.

<sup>21</sup> TNN4.

<sup>22</sup> [REDACTED]. *See also* TNN4.

<sup>23</sup> TNN4.

<sup>24</sup> MUKAMISHA.

<sup>25</sup> *See Ngirabatware* TJ, para.359.

<sup>26</sup> *See* [REDACTED]. [REDACTED].

<sup>27</sup> Rule70#00113, pp.21, 23. *See also Ngirabatware* Review Motion, para.25.

<sup>28</sup> *See* [REDACTED]. *See also generally* Ngirabatware TJ ([REDACTED]); [REDACTED].



4. Vincent TWAGIRAYEZU (ANAT's Intermediary)

16. **TURINABO** and **NDAGIJIMANA** used TWAGIRAYEZU to influence and pressure ANAT. TWAGIRAYEZU and ANAT were long-time acquaintances.<sup>29</sup> [REDACTED].<sup>30</sup>

5. ANAL's [REDACTED]

17. **FATUMA** used Florida ICYTEGETSE, Monique NYIRAHABINEZA and TNN1 to influence and pressure ANAL. All three [REDACTED].<sup>31</sup> [REDACTED].<sup>32</sup>

### III. THE *MODUS OPERANDI* AND PATTERN OF CRIMINAL CONDUCT

#### A. The impetus for contempt: overturning NGIRABATWARE's conviction

18. After **NGIRABATWARE's** conviction was confirmed on appeal, **NGIRABATWARE** reached out to **NZABONIMPA**, who was his point of contact with the Four co-Accused in the recantation scheme.<sup>33</sup> **NGIRABATWARE** and **NZABONIMPA** communicated over text messages and agreed that WhatsApp and email was the best way to continue to communicate.<sup>34</sup> Thereafter, the Four co-Accused, on behalf of **NGIRABATWARE**, sought to procure recantations from the Protected Witnesses. **NGIRABATWARE's** conviction for direct and public incitement to commit genocide relied primarily on the evidence of ANAN and ANAT.<sup>35</sup> His convictions for instigating and for aiding and abetting genocide were based principally on the evidence of ANAE and ANAM,<sup>36</sup> with ANAL corroborating relevant parts of these accounts.<sup>37</sup>

19. From at least the summer of 2015, **NGIRABATWARE** and the Four co-Accused began targeting the Protected Witnesses.<sup>38</sup> They obtained recantations from ANAE, ANAM, ANAN and ANAT; had Intermediaries provide information to **NGIRABATWARE's** Defence team; pressured, induced and influenced the Recanting Witnesses to meet with **NGIRABATWARE's** Defence team; and instructed witnesses and Intermediaries, as prospective witnesses, about what information and evidence to give both when interviewed by **NGIRABATWARE's** Defence, the Prosecution or

<sup>29</sup> *Ngirabatware* Review Motion, para.19.

<sup>30</sup> [REDACTED]. See also generally *Ngirabatware* TJ ([REDACTED]); *Ngirabatware* AB, para.261.

<sup>31</sup> TNN2; TNN6.

<sup>32</sup> TNN1; TNN6.

<sup>33</sup> See below para.20.

<sup>34</sup> Rule70#00078B.1/Rule70#00078A.1; Rule70#00078B.681/Rule70#00078A.681; Rule70#00078B.696/Rule70#00078A.696; Rule70#00078B.716/Rule70#00078A.716; Rule70#00078B.682/Rule70#00078A.682; Rule70#00078B.683/Rule70#00078A.683; Rule70#00078B.684/Rule70#00078A.684.

<sup>35</sup> *Ngirabatware* TJ, paras.300-319. See also *Ngirabatware* AJ, para.62.

<sup>36</sup> *Ngirabatware* TJ, paras.803-804, 815. See also *Ngirabatware* AJ, paras.213-215.

<sup>37</sup> *Ngirabatware* TJ, paras.841-855. See also *Ngirabatware* TJ, paras.886, 919-920; *Ngirabatware* AJ, paras.197-208.

<sup>38</sup> TNN4; TNN5.

WISP, and at the Review Hearing. They also offered and paid bribes to the Recanting Witnesses and Intermediaries and offered bribes to ANAL, who refused to recant her testimony. **NGIRABATWARE** kept in contact with **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA** throughout the entire period specified in the Indictment.<sup>39</sup>

**B. NGIRABATWARE and the Four co-Accused were highly organized and interfered with Protected Witnesses through coordinated communications, meetings and payments of bribes**

20. **NGIRABATWARE** and the Four co-Accused were highly organised, adapting their actions according to the stage of **NGIRABATWARE**'s review proceedings. From at least June 2015, **NGIRABATWARE** communicated with **NZABONIMPA**<sup>40</sup> via contraband mobile devices smuggled into the UNDF. **NGIRABATWARE** also communicated with **NDAGIJIMANA** in this manner<sup>41</sup> and relayed messages for **FATUMA** and **TURINABO** through **NZABONIMPA**.<sup>42</sup> **TURINABO** also requested instructions from **NGIRABATWARE** through **NZABONIMPA**.<sup>43</sup> The Four co-Accused were in regular contact with one another via mobile telephones and other electronic devices and held numerous meetings to plan and implement their crimes. Many of the Four co-Accused's communications contain references to—and even copies of—their communications with

<sup>39</sup> See e.g. Rule70#00078B.91/Rule70#00078A.91; Rule70#00078B.191/Rule70#00078A.191; Rule70#00078B.694/Rule70#00078A.694; Rule70#00078B.203/Rule70#00078A.203; Rule70#00078B.223/Rule70#00078A.223; Rule70#00078B.224/Rule70#00078A.224; Rule70#00078B.317/Rule70#00078A.317; Rule70#00078B.318/Rule70#00078A.318; Rule70#00078B.321/Rule70#00078A.321; Rule70#00078B.343/Rule70#00078A.343; Rule70#00078B.344/Rule70#00078A.344; Rule70#00078B.385/Rule70#00078A.385; Rule70#00078B.386/Rule70#00078A.386; Rule70#00078B.390/Rule70#00078A.390; Rule70#00078B.392/Rule70#00078A.392; Rule70#00078B.394/Rule70#00078A.394; Rule70#00078B.402/Rule70#00078A.402; Rule70#00078B.717/Rule70#00078A.717. See above fn.34; below fns.40-44, below paras.70, 93, 101-102, 104.

<sup>40</sup> See e.g. Rule70#00078B.1/Rule70#00078A.1; Rule70#00078B.681/Rule70#00078A.681; Rule70#00078B.696/Rule70#00078A.696; Rule70#00078B.682/Rule70#00078A.682; Rule70#00078B.683/Rule70#00078A.683; Rule70#00078B.684/Rule70#00078A.684; Rule70#00078B.631/Rule70#00078A.631.

<sup>41</sup> See e.g. Rule70#00078B.485/Rule70#00078A.485; Rule70#00078B.685/Rule70#00078A.685; Rule70#00078B.686/Rule70#00078A.686; Rule70#00078B.532/Rule70#00078A.532; Rule70#00078B.533/Rule70#00078A.533; Rule70#00078B.688/Rule70#00078A.688; Rule70#00078B.548/Rule70#00078A.548.

<sup>42</sup> See e.g. Rule70#00078B.688/Rule70#00078A.688; Rule70#00078B.447/Rule70#00078A.447; Rule70#00078B.448/Rule70#00078A.448; Rule70#00078B.449/Rule70#00078A.449; Rule70#00078B.450/Rule70#00078A.450; Rule70#00078B.451/Rule70#00078A.451; Rule70#00078B.690/Rule70#00078A.690; Rule70#00078B.452/Rule70#00078A.452; Rule70#00078B.691/Rule70#00078A.691; Rule70#00078B.454/Rule70#00078A.454.

<sup>43</sup> See e.g. Rule70#00078B.196/Rule70#00078A.196; Rule70#00078B.694/Rule70#00078A.694; Rule70#00078B.223/Rule70#00078A.223; Rule70#00078B.224/Rule70#00078A.224; Rule70#00078B.265/Rule70#00078A.265; Rule70#00078B.289/Rule70#00078A.289; Rule70#00078B.317/Rule70#00078A.317; Rule70#00078B.325/Rule70#00078A.325; Rule70#00078B.357/Rule70#00078A.357; Rule70#00078B.367/Rule70#00078A.367; Rule70#00078B.368/Rule70#00078A.368; Rule70#00078B.439/Rule70#00078A.439; Rule70#00079B.4/Rule70#00079A.4; Rule70#00078B.692/Rule70#00078A.692; Rule70#00079B.36/Rule70#00079A.36.

**NGIRABATWARE**.<sup>44</sup> **TURINABO** described **NZABONIMPA**'s telephone as "the phone that coordinates us" as well as "the phone that connects us".<sup>45</sup>

21. The Four co-Accused also used telecommunications and in-person meetings to coordinate and instruct the network of Intermediaries and Recanting Witnesses described above. They used the Intermediaries to contact, influence, pressure, instruct and/or offer and pay bribes to the Protected Witnesses.<sup>46</sup> **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** were in regular contact about their plans to meet the Recanting Witnesses and Intermediaries.<sup>47</sup>

22. In the intercepted and extracted telecommunications,<sup>48</sup> **NGIRABATWARE** and the Four co-Accused used code names and nicknames to refer to themselves, the Intermediaries, the Protected Witnesses and other relevant persons to conceal their criminal activities. **NGIRABATWARE** almost always, and the Four co-Accused sometimes, referred to themselves in the third person using the code names/nicknames detailed in Annex D.<sup>49</sup> The code names/nicknames were often references to the place people were from, their relationships with others, their professions, or shortened versions of their names. Notably, **NGIRABATWARE** referred to himself, and was referred to, as "Uwacu" meaning "our person".<sup>50</sup>

23. The high degree of organisation with which **NGIRABATWARE** and the Four co-Accused operated is particularly demonstrated by the records of payments—to Protected Witnesses, Intermediaries, the Four co-Accused themselves and others—kept by **NZABONIMPA** from at least 15 August 2015 until February 2018.<sup>51</sup> **NGIRABATWARE** also kept a financial spreadsheet, and he was providing **NZABONIMPA** with the funds used in making payments to Protected Witnesses and Intermediaries.<sup>52</sup> As early as June 2015, **NGIRABATWARE** recorded sending 2,000 Euros to **NZABONIMPA**, and **NZABONIMPA** recorded receiving this amount in his own financial

<sup>44</sup> See e.g. Rule70#00078B.693/Rule70#00078A.693; Rule70#00078B.485/Rule70#00078A.485; Rule70#00078B.439/Rule70#00078A.439.

<sup>45</sup> Rule70#00078B.580/Rule70#00078A.580; Rule70#00078B.585/Rule70#00078A.585.

<sup>46</sup> See e.g. Rule70#00024.9; Rule70#00024.63. See also above para.11.

<sup>47</sup> See e.g. Rule70#00078B.10/Rule70#00078A.10; Rule70#00078B.11/Rule70#00078A.11; Rule70#00078B.29/Rule70#00078A.29; Rule70#00078B.49/Rule70#00078A.49; Rule70#00078B.111/Rule70#00078A.111; Rule70#00078B.178/Rule70#00078A.178; Rule70#00078B.214/Rule70#00078A.214; Rule70#00078B.259/Rule70#00078A.259; Rule70#00078B.277/Rule70#00078A.277; Rule70#00078B.415/Rule70#00078A.415; Rule70#00078B.502/Rule70#00078A.502; Rule70#00055.2.1.

<sup>48</sup> Call logs will, among other things, corroborate these intercepted telecommunications and messages extracted from seized devices.

<sup>49</sup> Many individuals had multiple code names. See Annex D.

<sup>50</sup> See Annex D. See e.g. Rule70#00078B.485/Rule70#00078A.485.

<sup>51</sup> Rule70#00073A.43.

<sup>52</sup> Rule70#00081.28.

spreadsheet.<sup>53</sup> Again, at the end of October 2015, **NGIRABATWARE** recorded sending 5,000 Euros to beneficiary “Hirwa H” for the “4 colis”,<sup>54</sup> receipt of which was recorded on **NZABONIMPA**’s spreadsheet.<sup>55</sup> Indeed, **NGIRABATWARE** often noted a reference to “HH”<sup>56</sup> in the “purpose”<sup>57</sup> column of his financial spreadsheet when he recorded the payments that ultimately went to **NZABONIMPA**.<sup>58</sup> This reference to “HH” was also used by **NGIRABATWARE** and **NZABONIMPA** when they discussed these bribes and payments in coded language.<sup>59</sup> Similarly, **NZABONIMPA** and **TURINABO** used coded language to discuss these bribes and payments,<sup>60</sup> including the “budget” they had for **MANIRAGUHA**.<sup>61</sup> **NZABONIMPA** also made payments to **TURINABO**<sup>62</sup> and **NDAGIJIMANA**,<sup>63</sup> including for onward transfer to Protected Witnesses.<sup>64</sup>

<sup>53</sup> Compare Rule70#00081.28, row 4 of KA15-1209 (payment of 2,000 Euros with beneficiary noted as “Vumbi” (a nickname for **NZABONIMPA**) on 25 June 2015) with Rule70#00073A.43, row 2, columns I and J (note of 2000, and June 2015).

<sup>54</sup> In English, four “parcels” or “packages”. The Prosecution case is that this refers to the four Recanting Witnesses.

<sup>55</sup> Compare Rule70#00081.28, row 10 of KA15-1210 (payment of 5,000 Euros with beneficiary noted as “Bosenibamwe- Hirwa H.” and “purpose” noted as “4 colis” on 29-30 October 2015) with Rule70#00073A.43, row 26, columns I and J (note of 5000 and October 2015).

<sup>56</sup> The Prosecution’s case is that HH technically refers to Hippolyte HIRWA, however, as HIRWA was the person used to facilitate payments related to bribing witnesses and potential witnesses (*see above* para.11 and *below* para.94), HH is more generally used by the Accused to refer to payments related to witness interference.

<sup>57</sup> Rule70#00081.28 has a column called “Dates et OBJET” in French, which translates to “dates and PURPOSE”.

<sup>58</sup> Compare Rule70#00081.28, row 23 of KA15-1210 (payment of 2,000 Euros on 15 February 2016 with purpose noted as “HH”) with Rule70#00073A.43, row 65, columns I and J (note of 2000 and 17 February 2016); compare Rule70#00081.28, row 2 of KA15-1211 (payment of 3,000 Euros on 26 February 2016 with purpose noted as “HH”) with Rule70#00073A.43, row 71, columns I and J (note of 3000 and 29 February); compare Rule70#00081.28, row 3 of KA15-1211 (payment of 3,000 Euros on 29 February 2016 with purpose noted as “HH”) with Rule70#00073A.43, row 72, columns I and J (note of 3000 and 1 March).

<sup>59</sup> See e.g. Rule70#00078B.711/Rule70#00078A.711; Rule70#00078B.466/Rule70#00078A.466; Rule70#00078C.3; Rule70#00078B.545/Rule70#00078A.545; Rule70#00078B.553/Rule70#00078A.553; Rule70#00078B.718/Rule70#00078A.718.

<sup>60</sup> They used the coded reference of “trees” being “planted” as well as referring to witnesses as “plots” of land. See Annex D. Rule70#00078C.41; Rule70#00078C.35; Rule70#00078C.34; Rule70#00078B.565/Rule70#00078A.565; Rule70#00078B.566/Rule70#00078A.566; Rule70#00078B.377/Rule70#00078A.377; Rule70#00078B.380/Rule70#00078A.380; Rule70#00078B.398/Rule70#00078A.398. See also Rule70#00078A.28/Rule70#00078B.28; Rule70#00078B.30/Rule70#00078A.30.

<sup>61</sup> Rule70#00078B.24/Rule70#00078A.24.

<sup>62</sup> Rule70#00078B.189/Rule70#00078A.189; Rule70#00078B.190/Rule70#00078A.190; Rule70#00078B.275/Rule70#00078A.275; Rule70#00078B.305/Rule70#00078A.305.

<sup>63</sup> See Rule70#00073A.43; Rule70#00078B.243/Rule70#00078A.243; Rule70#00078B.135/Rule70#00078A.135; Rule70#00078B.136/Rule70#00078A.136; Rule70#00078B.137/Rule70#00078A.137; Rule70#00078B.138/Rule70#00078A.138; Rule70#00078B.139/Rule70#00078A.139; Rule70#00078B.141/Rule70#00078A.141; Rule70#00078B.143/Rule70#00078A.143.

<sup>64</sup> See e.g. Rule70#00078B.135/Rule70#00078A.135; Rule70#00078B.136/Rule70#00078A.136; Rule70#00078B.137/Rule70#00078A.137; Rule70#00078B.138/Rule70#00078A.138; Rule70#00078B.139/Rule70#00078A.139; Rule70#00078B.141/Rule70#00078A.141; Rule70#00078B.143/Rule70#00078A.143; Rule70#00189. See also Rule70#00073A.43 (2 August 2016 entry ‘Gor’ for 300,000 RWF).

Intercepted telecommunications,<sup>65</sup> SMS and WhatsApp messages,<sup>66</sup> and Mobile Money and bank records<sup>67</sup> corroborate many of these payments.

24. **NGIRABATWARE** and the Four co-Accused continued the implementation of their criminal scheme until the arrest of the Four co-Accused.

### C. Procuring recantations for the NGIRABATWARE Defence

#### 1. ANAE

25. Acting on instructions from **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA**, **MANIRAGUHA** repeatedly tried to get ANAE to recant her testimony.<sup>68</sup> In August 2015, **TURINABO** and **NZABONIMPA** planned for Protected Witnesses to travel to Kampala, Uganda for meetings with supporters of **NGIRABATWARE**.<sup>69</sup> **NGIRABATWARE** provided the funds for this trip to **NZABONIMPA**, who in turn made a payment of 350,000 RWF to **MANIRAGUHA**.<sup>70</sup> On or around 15 August 2015, **MANIRAGUHA** forced ANAE to travel with him to Kampala, Uganda.<sup>71</sup> **MANIRAGUHA** had [REDACTED], and her continued refusal to heed his pressure to recant caused her to fear [REDACTED].<sup>72</sup> In Uganda, ANAE met with a man named “Deo” who thanked her for coming and said he had asked **MANIRAGUHA** to bring ANAE to Uganda.<sup>73</sup> Deo told ANAE that **NGIRABATWARE** wanted her assistance and he put her in direct telephone contact

<sup>65</sup> Rule70#00024.8 (regarding the requirement for sustaining payments as those bribed went through the process); Rule70#00024.61 (for individual payments being followed up).

<sup>66</sup> See e.g. Rule70#00078B.6/Rule70#00078A.6; Rule70#00073A.43, rows 7-8 (100,000 RWF to “Majigo”); Rule70#00078B.36/Rule70#00078A.36; Rule70#00073A.43, row 51 (20,000 RWF to “Twagi”); Rule70#00078B.245/Rule70#00078A.245; Rule70#00073A.43, row 140 (50,000 RWF to “Twagi”); Rule70#00078B.264/Rule70#00078A.264; Rule70#00078B.268/Rule70#00078A.268; Rule70#00073A.43, row 144 (110,000 RWF to “jigo”); Rule70#00078B.284/Rule70#00078A.284; Rule70#00073A.43, row 156 (20,000 RWF to “jigo”); Rule70#00078B.285/Rule70#00078A.285; Rule70#00073A.43, row 158 (15,000 RWF to “Mbal”); Rule70#00078B.294/Rule70#00078A.294; Rule70#00073A.43, rows 163-164 (15,000 RWF to “ros” and “L moto”); Rule70#00078B.302/Rule70#00078A.302; Rule70#00073A.43, row 170 (10,000 RWF to “Mbal”); Rule70#00078B.337/Rule70#00078A.337; Rule70#00073A.43, row 180 (5,000 RWF to “L Moto”); Rule70#00078B.431/Rule70#00078A.431; Rule70#00073A.43, row 196 (15,000 RWF to “mwal”).

<sup>67</sup> Rule70#00073A.43, rows 48 (see Rule70#00232.1, K066-2276), 50 (see Rule70#00232.6, K066-2331), 51 (see Rule70#00232.4, K066-2272), 59 (see Rule70#00232.2, K066-2290). See also Rule 70#00073A.1, row 109; Rule70#00189 (13 August 2016); Rule70#00073A.43, rows 114-117; Rule70#00189 (20 August 2016); Rule 70#00073A.1, rows 172-173; Rule 70#00192 (17 August 2017).

<sup>68</sup> TNN4. See also Rule70#00078B.2/Rule70#00078A.2.

<sup>69</sup> Rule70#00078B.3/Rule70#00078A.3. TNN4. See also Rule70#00118, para.19 and Annex A.

<sup>70</sup> See Annex D. Rule70#00081.28, row 5 of KA15-1209. **NGIRABATWARE** notes 250 Euros for “Voyage R&L + postponement SD August 2015”. The Prosecution’s case is that “R&L” refers to ANAE and **MANIRAGUHA**, and “SD” refers to **SEBUREZE** Deogratis, a former member of **NGIRABATWARE**’s legal team based in Kampala, Uganda. The third row of **NZABONIMPA**’s spreadsheet has an entry of 350,000 RWF for “L”. The Prosecution’s case is that this refers to **MANIRAGUHA** being paid to take ANAE to Kampala, Uganda, in August 2015. See Rule70#00073A.43, row 3.

<sup>71</sup> TNN30; Rule70#00228.

<sup>72</sup> TNN30; TNN4; TNN5.

<sup>73</sup> TNN30. See also TNN4.

with him.<sup>74</sup> During that telephone conversation, **NGIRABATWARE** told ANAE that he was the one who asked Deo and MANIRAGUHA to bring ANAE to Uganda<sup>75</sup> because he was trying to get his case reviewed. **NGIRABATWARE** then asked ANAE to assist him and promised that if she did he would recognize her gesture.<sup>76</sup>

## 2. ANAM

26. Over the following months, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** pressured ANAM to agree to recant her testimony. **TURINABO** and **NDAGIJIMANA** contacted MUKAMISHA to convince her to arrange a meeting between ANAM and **NDAGIJIMANA**, with ANAM travelling to Gisenyi from Nyagatare between 22 October and 24 October 2015.<sup>77</sup> On 22 October, **TURINABO** noted that the “training” had started.<sup>78</sup>

27. **NGIRABATWARE** participated in preparing a letter, dated 25 October 2015, in which ANAM purportedly recanted her testimony.<sup>79</sup> A draft<sup>80</sup> of ANAM’s letter was found on **NZABONIMPA**’s hard disk.<sup>81</sup> While the author is recorded as “user” in the metadata,<sup>82</sup> the structure and style of the letter is significantly similar to drafts of ANAM’s recantation letter, which have the author recorded as “NGIRABATWARE”.<sup>83</sup> Further, a comparison between the draft of ANAM’s recantation letter and a question and answer document prepared specifically for ANAM and authored by **NGIRABATWARE**<sup>84</sup>—also found on **NZABONIMPA**’s hard disk<sup>85</sup>—reveals a number of phrases with identical wording between the two documents.<sup>86</sup>

<sup>74</sup> TNN30; TNN4.

<sup>75</sup> See also above fn.70. The Prosecution’s case is that “Deo” is Deogratias SEBUREZE.

<sup>76</sup> TNN30. See also TNN4.

<sup>77</sup> Rule70#00193 (showing **TURINABO** contacting MUKAMISHA on 26 July 2015); Rule70#00194 (showing ANAM’s phone connecting to different cell sites as it moves from Nyagatare to Gisenyi); Rule70#00078B.8/Rule70#00078A.8; MUKAMISHA. See also TNN4.

<sup>78</sup> Rule70#00078B.11/Rule70#00078A.11.

<sup>79</sup> Rule70#00009.

<sup>80</sup> Rule70#00073A.10.

<sup>81</sup> This device was seized from **NZABONIMPA** on 3 September 2018 when he was arrested. See Rule70#00152.

<sup>82</sup> Rule70#000277.

<sup>83</sup> See below para.29.

<sup>84</sup> Rule70#00279.

<sup>85</sup> Rule70#00073A.16.

<sup>86</sup> Compare Rule 70#00073A.10 at KA06-8846 (“kumbeshyera kuko nohejwe kuvuga ntyo hejuru y’inyungu nari nasezeranyijwe kubonamo;”) with Rule 70#00279 at KA06-8860 (“mubeshyera kuko nohejwe kuvuga ntyo hejuru y’inyungu nali nasezeranyijwe kubonamo;”); compare Rule 70#00073A.10 at KA06-8846 (“natangiye gushakisha abantu bangira inama n’uburyo nabonana namwe nk’umwunganizi wa Ngirabatware kugira ngo mbasabe ko”) with Rule 70#00279 at KA06-8858 (“natangiye gushakisha abantu bangira inama n’uburyo nabonana n’umwunganizi wa Ngirabatware kukira ngo musabe ko;”); compare Rule 70#00073A.10 at KA06-8846 (“icyaha namuregeretseho kandi atarigeze agikora, ntarigeze mubona na rimwe muri 1994”) with Rule 70#00279 at KA06-8859 (“namugeretseho icyaha kandi atarigeze agikora, ko ntigeze mubona na rimwe muri 1994”). The minor differences in the cited words above stem from the June 2016 document being written in the third person while the recantation letter is written in the first person.

28. **NGIRABATWARE** sent this draft recantation letter to **NZABONIMPA**, who downloaded it to his computer before printing a copy to give to **NDAGIJIMANA**.<sup>87</sup> On 16 November 2015, **NDAGIJIMANA** and ANAM met, and ANAM signed the letter.<sup>88</sup> By this date, **NZABONIMPA** had recorded just over 900,000 RWF paid to MUKAMISHA (ANAM's Intermediary).<sup>89</sup>

### 3. ANAN

29. **NGIRABATWARE** also prepared the letter in which ANAN purportedly recanted his testimony.<sup>90</sup> Two drafts of the letter were found on **NZABONIMPA**'s hard disk with **NGIRABATWARE** listed as the "author" in the metadata.<sup>91</sup> ANAN signed this letter on 29 November 2015.<sup>92</sup>

30. The Four co-Accused bribed and influenced ANAN to sign the letter **NGIRABATWARE** had prepared. **TURINABO** began taking steps to contact ANAN about recanting in July 2015. **TURINABO** first contacted MBARIMO on 11 July 2015 and remained in contact with him over the next month and a half. MBARIMO contacted ANAN on 31 August 2015, with **NZABONIMPA** contacting MBARIMO the next day.<sup>93</sup> **NZABONIMPA** went to see MBARIMO to ascertain where he could meet ANAN.<sup>94</sup> **NZABONIMPA** also transferred 30,600 RWF to MBARIMO on 1 September 2015.<sup>95</sup> The three then met at the end of September 2015.<sup>96</sup> MBARIMO stated that during this meeting, ANAN confirmed he would recant his testimony.<sup>97</sup> On 29 September 2015, **NZABONIMPA** transferred 100,000 RWF to ANAN and 50,000 RWF to MBARIMO.<sup>98</sup> On 6

---

<sup>87</sup> Rule70#00276.

<sup>88</sup> Rule70#00195 (showing ANAM and NDAGIJIMANA's mobile phones connecting with the same cell tower in Giporoso on 16 November 2015). *See also* Rule70#00078B.18/Rule70#00078A.18.

<sup>89</sup> MUKAMISHA received over 500,000 RWF by 6 November 2015, and on 9 November 2015 she received 400,000 RWF. *See* Rule70#00073A.43, rows 4, 18, 19, 21, 22 and 28.

<sup>90</sup> Rule70#00293; Rule70#00294.

<sup>91</sup> Rule70#00073A.31; Rule70#00073A.24. A third version was found, which was a scanned copy of the signed letter. **NZABONIMPA** scanned the signed recantation letter of ANAN along with the Identification cards of ANAT and ANAN in the middle of December 2015. *See* Rule70#00073A.17.

<sup>92</sup> Rule70#00078B.26/Rule70#00078A.26; Rule70#00197 (showing **NZABONIMPA**'s and ANAN's phones connecting to a cell tower in Muhanga at the same time on 29 November 2015).

<sup>93</sup> Rule70#00193.

<sup>94</sup> TNN12.

<sup>95</sup> Rule70#00232.2, p.1 (shows a transfer of 30,600 RWF from **NZABONIMPA**'s number on 1 Sep 2015); Rule70#00073A.43, row 11.

<sup>96</sup> Rule70#00196 (showing all the phones connecting to the same cell tower at Muhanga at the same time). *See also* TNN12.

<sup>97</sup> TNN12.

<sup>98</sup> Rule70#00078B.6/Rule70#00078A.6.

November 2015, **NZABONIMPA** scheduled a conversation with ANAN<sup>99</sup> and on the same day paid him 200,000 RWF.<sup>100</sup>

31. On 16 November 2015, **TURINABO** sent a message to **NZABONIMPA** reporting the outcome of **NDAGIJIMANA**'s interactions with ANAN: "The teacher [**NDAGIJIMANA**] on his/her way back has told me that mission accomplished. Tell Buzazi's son [**NGIRABATWARE**] that [REDACTED] [ANAN] is remaining".<sup>101</sup>

#### 4. ANAT

32. ANAT's recantation letter was also pre-prepared. While there is no draft of ANAT's recantation letter found on **NZABONIMPA**'s hard disk, the content and language of the three recantation letters—of ANAM, ANAN and ANAT<sup>102</sup>—are similar, showing that they all were pre-prepared.<sup>103</sup> The metadata lists **NGIRABATWARE** as the author of two drafts of ANAN's recantation letter.<sup>104</sup> There are also distinct similarities between the recantation letter signed by ANAT which was received by the Mechanism and the document prepared specifically for ANAT's interview with the Defence in June 2016,<sup>105</sup> a document that has "NGIRABATWARE" listed as the "author" in the metadata.<sup>106</sup>

33. [REDACTED],<sup>107</sup> and **NZABONIMPA** and **TURINABO** discussed this concern.<sup>108</sup> As outlined below, **NZABONIMPA** and **TURINABO** later fabricated evidence intended to hide their involvement in the transmission of the recantation letters.<sup>109</sup>

<sup>99</sup> See Rule70#00078B.15/Rule70#00078A.15; Rule70#00078B.16/Rule70#00078A.16.

<sup>100</sup> Rule70#00073A.43, row 26.

<sup>101</sup> Rule70#00078B.18/Rule70#00078A.18.

<sup>102</sup> The Prosecution has not received a recantation letter from ANAE.

<sup>103</sup> Compare Rule70#00009 ("having given some thought"; "my conscience will not let me rest"; noting that she received benefits for testimony and claiming that she sought advice of others in deciding to recant) with Rule70#00008 ("having given much thought"; "I was troubled by my own conscience") with Rule70#00011 ("I have never been able to have a clear conscience"; noting that he "stood to gain" from his testimony and claiming that he sought advice of others in deciding to recant).

<sup>104</sup> Rule70#00293; Rule70#00294.

<sup>105</sup> Rule70#00073A.23. E.g. compare Rule70#00011, para.2 ("nakomeje kugira icyizere ko abacamanza bazabona ko namubeshyeye") with Rule70#00073A.23, p.2 ("yakomeje kugira icyizere ko abacamanza bazabona ko yamubeshyeye"); compare Rule70#00011, para.3 ("ko nshobora kuvugisha ukuri nta nkurikizi zihari, nahise nshakisha abantu bamufasha kwirega icyo cyaha cyo kubeshyera umuntu agafungwa kandi ari umwere") with Rule70#00073A.23, p.3 ("ko ashobora kuvugisha ukuri nta nkurikizi zihari, kandi agashobora, gukiranuka n'Imana, yahise ashakisha abantu bamufasha kwirega icyo cyaha cyo kubeshyera umuntu agafungwa kandi ari umwere"). The minor differences in the cited words above stem from the June 2016 document being written in the third person while the recantation letter is written in the first person.

<sup>106</sup> Rule70#00278.

<sup>107</sup> [REDACTED].

<sup>108</sup> Rule70#00078B.175/Rule70#00078A.175.

<sup>109</sup> See below paras.48, 82.



34. As with the other Recanting Witnesses, the Four co-Accused bribed and influenced ANAT to sign his recantation letter. **TURINABO** made contact with TWAGIRAYEZU on 11 July 2015, the same day he made contact with MBARIMO.<sup>110</sup> **NZABONIMPA** began paying TWAGIRAYEZU in October 2015 with the understanding that he would pass some along to ANAT to secure his recantation. On 26 October 2015, **TURINABO** provided **NZABONIMPA** with TWAGIRAYEZU's number and **NZABONIMPA** then paid TWAGIRAYEZU 49,600 RWF.<sup>111</sup> On 9 and 11 November 2015, TWAGIRAYEZU received two payments totalling 335,000 RWF from **NZABONIMPA**.<sup>112</sup> ANAT testified during the Review Hearing that he was receiving money from TWAGIRAYEZU.<sup>113</sup> Between 6 and 11 November 2015, **TURINABO** and TWAGIRAYEZU were frequently in contact, and TWAGIRAYEZU and ANAT were also in contact.<sup>114</sup> On 11 November 2015, ANAT signed a letter purportedly recanting his testimony.<sup>115</sup>

##### 5. Meeting of then-Defence Counsel with the Intermediaries

35. In November 2015, the Four co-Accused intensified their interference with the administration of justice by creating a false narrative which the Intermediaries promulgated by informing ROBINSON that Protected Witnesses had told them that they had given false testimony against **NGIRABATWARE**.

36. On 16 November 2015, **TURINABO** relayed to **NZABONIMPA** that **MUNYESHULI** would be coming and that they would "exchange views".<sup>116</sup> **TURINABO** asked that **NZABONIMPA** pass on information about the status of the recantations to **NGIRABATWARE**.<sup>117</sup> On 21 November 2015, **NZABONIMPA** sent the trial pseudonyms of ANAE, ANAM, ANAN and ANAT to **TURINABO**,<sup>118</sup> who responded that what he needed was the Defence witness pseudonyms

<sup>110</sup> Rule70#00193.

<sup>111</sup> Rule70#00073A.43, row 20.

<sup>112</sup> Rule70#00073A.43, rows 28, 29.

<sup>113</sup> *Prosecutor v. Augustin Ndirabatware*, Case No.MICT-12-29-R, T.36-37, lines 15-3; T.61, lines 2-14 (17 September 2019).

<sup>114</sup> Rule70#00198.

<sup>115</sup> Rule70#00011.

<sup>116</sup> Rule70#00078B.17/Rule70#00078A.17. *See also* Rule70#00078B.19/Rule70#00078A.19. *See e.g.* Rule70#00078B.17/Rule70#00078A.17; Rule70#00078B.18/Rule70#00078A.18; Rule70#00078B.20/Rule70#00078A.20; Rule70#00078B.21/Rule70#00078A.21; Rule70#00078B.23/Rule70#00078A.23; Rule70#00078B.24/Rule70#00078A.24; Rule70#00078B.25/Rule70#00078A.25.

<sup>117</sup> Rule70#00078B.18/Rule70#00078A.18.

<sup>118</sup> Rule70#00078B.20/Rule70#00078A.20.

of the five Intermediaries who would meet **NGIRABATWARE**'s Defence.<sup>119</sup> **NZABONIMPA** reverted with the pseudonyms the following morning.<sup>120</sup>

37. On 24 November 2015, **MANIRAGUHA**, **TWAGIRAYEZU**, **MBARIMO** and **NDAGIJIMANA** met with **ROBINSON** and informed him that the Recanting Witnesses claimed to have given false testimony at the *Ngirabatware* trial and were now seeking to come forward to change their evidence.<sup>121</sup>

#### **D. Defence request to meet the Recanting Witnesses**

38. Following the 24 November 2015 meetings, **ROBINSON** sought to interview the Recanting Witnesses, which required **WISP** to obtain their consent.<sup>122</sup> **NZABONIMPA** and **TURINABO** were informed on 18 January 2016 that **WISP** would be contacting the Recanting Witnesses.<sup>123</sup> **WISP** met the Recanting Witnesses on 19 and 20 January 2016.<sup>124</sup> **ANAN** and **ANAT** agreed to meet the Defence. On 20 January 2016, **NZABONIMPA** made a Mobile Money transfer to **TWAGIRAYEZU**, **ANAT**'s Intermediary.<sup>125</sup>

39. Despite having signed a recantation letter in October 2015, **ANAM** refused to meet with the Defence. **ANAE** also refused to attend a Defence meeting.<sup>126</sup>

#### **E. Pressuring ANAE and ANAM to meet the Defence**

40. Immediately thereafter, **NGIRABATWARE**, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** pressured **ANAE** and **ANAM** to sign letters consenting to meet with the **NGIRABATWARE** Defence ("Consent Letters"). Four days after **WISP**'s meeting with **ANAE** and **ANAM**, **TURINABO** fretted to **NZABONIMPA** that **ANAE**'s and **ANAM**'s refusal to meet with the Defence was "AN UNSPEAKABLE LOSS AND OUR PERSON [**NGIRABATWARE**] WILL ENDLESSLY ENDURE THE MISFORTUNE HE IS IN."<sup>127</sup> **NZABONIMPA** had tried to prevent this "unspeakable loss" by sending both **MANIRAGUHA** and **ANAM** 30,600 RWF the day before **WISP** met with the Recanting Witnesses.<sup>128</sup> Since that strategy failed, on 25 January 2016,

<sup>119</sup> Rule70#00078B.21/Rule70#00078A.21.

<sup>120</sup> Rule70#00078B.23/Rule70#00078A.23. See also *Ngirabatware* Reply Brief: Assignment of Counsel, Annex A.

<sup>121</sup> *Ngirabatware* Motion to Assign Counsel, paras.9-10 & Annex A, paras.4-7; *Ngirabatware* Reply Brief: Assignment of Counsel, Annex A.

<sup>122</sup> *Ngirabatware* 6 May 2009 Decision; *Ngirabatware* 28 January 2010 Decision.

<sup>123</sup> See Rule70#00078B.34/Rule70#00078A.34.

<sup>124</sup> See also Rule70#00007; Rule70#00010; Rule70#00010.

<sup>125</sup> Rule70#00078B.35/Rule70#00078A.35.

<sup>126</sup> See Rule70#00078B.37/Rule70#00078A.37; Rule70#00007; Rule70#00010; Rule70#00010.

<sup>127</sup> Rule70#00078B.37/Rule70#00078A.37.

<sup>128</sup> Rule70#00073A.43, rows 48, 50; Rule70#00232.1, 18 January 2016; Rule70#00232.6.

**NDAGIJIMANA** and **NZABONIMPA** coordinated to send ANAM additional bribes of approximately 30,000 RWF.<sup>129</sup>

41. Between 19 and 27 January 2016,<sup>130</sup> **NGIRABATWARE** sent draft Consent Letters to **NZABONIMPA**.<sup>131</sup> The Consent Letters were found on **NZABONIMPA**'s hard disk,<sup>132</sup> and the metadata lists "NGIRABATWARE" as the author.<sup>133</sup> The drafts contain strikingly similar language.<sup>134</sup>

42. On 27 January 2016, at Mahoko Market near Gisenyi, **NZABONIMPA** and **NDAGIJIMANA** pressured ANAE and ANAM to sign the Consent Letters.<sup>135</sup> The previous day, **TURINABO** informed **NZABONIMPA** that he had given **NDAGIJIMANA** "both documents".<sup>136</sup> **TURINABO** stayed in touch with **NDAGIJIMANA** and **MANIRAGUHA** during the day and contacted **NZABONIMPA** that evening.<sup>137</sup>

43. ANAE and ANAM signed the Consent Letters, dated 26 and 27 January 2016 respectively.<sup>138</sup> ANAE and ANAM did not know the contents of the letters.<sup>139</sup> **MANIRAGUHA** had brought ANAE to Mahoko Market on 27 January 2016, and, while there, he and **NDAGIJIMANA** also tried to get her to agree to recant her trial testimony.<sup>140</sup> When ANAE returned [REDACTED] upset from a later meeting with **WISP**, she asked **MANIRAGUHA** "why he wrote things she did not tell him."<sup>141</sup>

<sup>129</sup> **NZABONIMPA**'s financial spreadsheet showing 30,000 RWF for "Gor" and Mobile Money records showing ANAM received 29,750 RWF (after transaction fees). Rule70#00073A.43, row 57; Rule70#00238A.18. *See also* Rule70#00078B.38/Rule70#00078A.38; Rule70#00078B.39/Rule70#00078A.39; Rule70#00078B.40/Rule70#00078A.40.

<sup>130</sup> On 19 January 2016, ANAE and ANAM told **WISP** they did not consent to meet the Defence. On 27 January 2016, ANAE and ANAM were forced to sign the pre-prepared Consent Letters.

<sup>131</sup> Rule70#00283; Rule70#00284; Rule70#00291; Rule70#00292.

<sup>132</sup> *See* Rule70#00073; Rule70#00073A.13; Rule70#00073A.14; Rule70#00073A.15; Rule70#00073A.32; Rule70#00073A.28.

<sup>133</sup> Both of the drafts of ANAE's letter and two of the three drafts of ANAM's letter show **NGIRABATWARE** as the author. Rule70#00283; Rule70#00284; Rule70#00291; Rule70#00292.

<sup>134</sup> *Compare* Rule70#00007 (for example: "sowed much confusion", "after giving much thought [...], I hereby inform you that I see no harm in meeting with Counsel for Augustin Ngirabatware"); *with* Rule70#00010 (for example: "sown confusion", "after some thought, I have decided to meet with them because I no longer see any harm in doing so").

<sup>135</sup> TNN4. *See also* Rule70#00118, paras.31-33 and Annex D.

<sup>136</sup> Rule70#00078B.41/Rule70#00078A.41. The DHL Waybill for ANAE's consent letter was found in **NDAGIJIMANA**'s possession. Rule70#00158. *See also* Rule70#00078B.363/Rule70#00078A.363.

<sup>137</sup> Rule70#00199.

<sup>138</sup> TNN4.

<sup>139</sup> TNN4.

<sup>140</sup> TNN4.

<sup>141</sup> TNN4.

44. On 2 February 2016, **NZABONIMPA** paid bribes of just under 100,000 RWF each to: ANAE,<sup>142</sup> ANAM, and TWAGIRAYEZU.<sup>143</sup> On 29 January 2016, **TURINABO** advised **NZABONIMPA** that “means should be freed” for the Recanting Witnesses as a “motivation to stay strong”, and on 2 February 2016, a short time after the money was paid, **TURINABO** reported to **NZABONIMPA** that the “message reached all the three and it had a very good effect”.<sup>144</sup>

#### **F. Sending the Consent Letters and recantation letters**

45. Once finalised, **NGIRABATWARE**, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** arranged to send the Consent Letters as well as the recantation letters of ANAM, ANAN and ANAT.

46. **TURINABO** and **NZABONIMPA** coordinated mailing the Consent Letters.<sup>145</sup> On 12 February 2016, **NZABONIMPA** sent the Consent Letters from DHL’s office in Kigali within minutes of one another.<sup>146</sup> The waybill for ANAE’s Consent Letter was found in **NDAGIJIMANA**’s possession when he was arrested.<sup>147</sup>

47. On 15 February 2016, **NGIRABATWARE** recorded a 2,000 Euro payment with the “purpose” noted as “HH”,<sup>148</sup> coded language referring to payments related to witness interference.<sup>149</sup> This amount was recorded as being received by **NZABONIMPA** a couple of days later.<sup>150</sup>

48. After coordinating with **TURINABO**,<sup>151</sup> on 16 February 2016, **NZABONIMPA** sent ANAM’s and ANAN’s recantation letters from DHL Kigali.<sup>152</sup> The two letters were posted within seconds of each other.<sup>153</sup> **TURINABO** and **NZABONIMPA** later instructed ANAN never to mention **NZABONIMPA**’s involvement regarding the mailing of the letters.<sup>154</sup> Later, **TURINABO**,

---

<sup>142</sup> While the mobile money transfer went to a phone number attributed to ANAE, in **NZABONIMPA**’s records the money was for MANIRAGUHA, and there is other evidence of MANIRAGUHA using ANAE’s phone.

<sup>143</sup> Rule70#00073A.43, rows 60-62.

<sup>144</sup> Rule70#00078B.47/Rule70#00078A.47.

<sup>145</sup> Rule70#00078B.52/Rule70#00078A.52; Rule70#00078B.55/Rule70#00078A.55; Rule70#00078B.53/Rule70#00078A.53; Rule70#00078B.59/Rule70#00078A.59.

<sup>146</sup> Rule70#00001 (ANAE’s Consent Letter posted at 16:16 hours; ANAM’s Consent Letter posted at 16:21 hours). *See also* Rule70#00078B.51/Rule70#00078A.51; Rule70#00078B.52/Rule70#00078A.52; Rule70#00078B.53/Rule70#00078A.53; Rule70#00078B.55/Rule70#00078A.55; Rule70#00078B.58/Rule70#00078A.58; Rule70#00078B.59/Rule70#00078A.59.

<sup>147</sup> Rule70#00158; Rule70#00001.

<sup>148</sup> Rule70#00081.28, row 23 of KA15-1210 (payment of 2,000 Euros on 15 February 2016 with purpose noted as “HH”). *See also above* fn.56.

<sup>149</sup> *See above* para.23, fn. 56.

<sup>150</sup> Rule70#00073A.43, row 64, columns I and J (note of 2000 and 17 February 2016).

<sup>151</sup> Rule70#00078B.60/Rule70#00078A.60; Rule70#00078B.62/Rule70#00078A.62. *See also* Rule70#00078B.32/Rule70#00078A.32.

<sup>152</sup> **NZABONIMPA** tells ANAN: “it was I who delivered the letters. I hope you are listening carefully, you understand.” Rule70#00024.68.

<sup>153</sup> Rule70#00001 (ANAM’s letter was posted at 12:10 hours; ANAN’s letter was posted at 12:12 hours).

<sup>154</sup> Rule70#00024.68; Rule70#00078A.61/Rule70#00078B.61.

**NZABONIMPA** and **NDAGIJIMANA** changed their strategy and decided that **MANIRAGUHA** would say he mailed these two letters.<sup>155</sup>

49. **NGIRABATWARE** knew that **NZABONIMPA** was the one who mailed the letters. Accordingly, when **ROBINSON** asked **MUNYESHULI** to conduct an investigation at DHL Kigali, **NGIRABATWARE** was worried that if **MUNYESHULI** reviewed the DHL surveillance cameras he might be able to recognise **NZABONIMPA**.<sup>156</sup> Meanwhile, **NZABONIMPA** was worried that he might have left his contact information at DHL.<sup>157</sup>

50. On 23 February 2016, **NZABONIMPA** mailed **ANAT**'s recantation letter from DHL Kigali.<sup>158</sup> The waybill was later found in **NDAGIJIMANA**'s possession.<sup>159</sup> The day before the letter was mailed, **NZABONIMPA** made a payment of 250,000 RWF to **NDAGIJIMANA**.<sup>160</sup>

51. Also on 22 February 2016, **NZABONIMPA** recorded a payment of 1 million RWF to **ANAN**.<sup>161</sup> On 26 February 2016, **TURINABO** informed **NZABONIMPA** that **ANAM** and **ANAT** were requesting a more "substantial" amount next time, although they were not showing as much discontent as **MANIRAGUHA**'s "people".<sup>162</sup> On 5 March 2016, **NZABONIMPA** recorded a second payment of 1 million RWF to **ANAN**.<sup>163</sup>

52. Following the posting of the letters, **NGIRABATWARE** began transferring more substantial sums to **NZABONIMPA**. On 26 February 2016, and again on 29 February 2016, **NGIRABATWARE** recorded a payment of 3,000 Euros to **NZABONIMPA** with the "purpose" noted as "HH" for each payment.<sup>164</sup> **NZABONIMPA** recorded receiving 3,000 Euros on 29 February 2016 and again on 1 March 2016.<sup>165</sup>

<sup>155</sup> Rule70#00078B.299/Rule70#00078A.299. See below para.82.

<sup>156</sup> Rule70#00078C.21. [REDACTED]. See [REDACTED].

<sup>157</sup> Rule70#00024.62.

<sup>158</sup> Rule70#00300.

<sup>159</sup> Rule70#00158; Rule70#00001.

<sup>160</sup> Rule70#00073A.43, row 67 (MWAL is short for "Mwalimu," which means teacher and refers to **NDAGIJIMANA** as explained in Annex D).

<sup>161</sup> Rule70#00073A.43, rows 70, 72 (**NZABONIMPA**'s financial spreadsheet showing payments of 1 million RWF on 22 Feb and again on 5 March 2016 to **ANAN**). **NZABONIMPA** withdrew 1.2 million RWF on 23 February 2016 and again on 5 March 2016. Rule70#00078A.714/Rule70#00078B.714; Rule70#00078A.715/Rule70#00078B.715.

<sup>162</sup> Rule70#00078B.70/Rule70#00078A.70.

<sup>163</sup> Rule70#00073A.43, rows 70, 72 (**NZABONIMPA**'s financial spreadsheet showing payments of 1 million RWF on 22 Feb and again on 5 March 2016 to **ANAN**). **NZABONIMPA** withdrew 1.2 million RWF on 23 February 2016 and again on 5 March 2016. Rule70#00078A.714/Rule70#00078B.714; Rule70#00078A.715/Rule70#00078B.715.

<sup>164</sup> Rule70#00081.28, row 2 of KA15-1211 (payment of 3,000 Euros on 26 February 2016 with purpose noted as "HH"); Rule70#00081.28, row 3 of KA15-1211 (payment of 3,000 Euros on 29 February 2016 with purpose noted as "HH"). See also above fn.56.

<sup>165</sup> Rule70#00073A.43, row 71, columns I and J (note of 3000 and 29 February); Rule70#00073A.43, row 72, columns I and J (note of 3000 and 1 March).

**G. Continued pressure on ANAE to recant**

53. By March 2016, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** had sent recantation letters for ANAM, ANAN and ANAT, and they had influenced and pressured ANAE and ANAM to agree to be interviewed by the **NGIRABATWARE** Defence. They had also already made substantial payments to the Recanting Witnesses and Intermediaries.<sup>166</sup> Over the following months, they continued to influence and pressure ANAE to also recant her testimony.

54. On 5 March 2016, in advance of a visit from **MUNYESHULI**,<sup>167</sup> **TURINABO** and **NZABONIMPA** discussed that **MANIRAGUHA** needed to “teach” ANAE.<sup>168</sup> Over the coming days, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** worried that they would have to leave ANAE out of the “strategy”.<sup>169</sup> In the meantime, they continued to take steps to influence other Protected Witnesses, making substantial payments to them and to Intermediaries,<sup>170</sup> from the funds that **NGIRABATWARE** had provided to **NZABONIMPA**.<sup>171</sup>

55. On 8 April 2016, **TURINABO** told **NZABONIMPA** that he needed to see **MANIRAGUHA** to determine “which side” he would be on.<sup>172</sup> By 20 April 2016, they were reassured that there was “nothing to worry about” concerning **MANIRAGUHA** and ANAE.<sup>173</sup> Nonetheless, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** remained distrustful of **MANIRAGUHA**.<sup>174</sup>

56. Sometime before October 2017, ANAE wrote on a piece of paper the names of those she feared might kill her if she did not recant her testimony: **TURINABO**, **NZABONIMPA**, **NDAGIJIMANA** and **MANIRAGUHA**.<sup>175</sup>

<sup>166</sup> By March 2016, the following amounts had been paid: 640,000 RWF for **MANIRAGUHA**; 955,000 RWF for **MUKAMISHA**; 940,000 RWF for **TWAGIRAYEZU**; 220,600 RWF for **MBARIMO**; 160,000 RWF for **ANAM**; 2,635,000 RWF for **ANAN**; and 430,000 RWF for **ANAT**. See Rule70#00073A.43, rows 3-81.

<sup>167</sup> Rule70#00078B.74/Rule70#00078A.74.

<sup>168</sup> Rule70#00078B.74/Rule70#00078A.74; Rule70#00078B.75/Rule70#00078A.75.

<sup>169</sup> Rule70#00078B.76/Rule70#00078A.76. See also Rule70#00078B.77/Rule70#00078A.77.

<sup>170</sup> Rule70#00073A.43, rows 72, 74, 84, 87. See also rows 78, 79, 85. See also Rule70#00078B.78/Rule70#00078A.78; Rule70#00078B.79/Rule70#00078A.79.

<sup>171</sup> See above para.52. See also above para.23.

<sup>172</sup> Rule70#00078B.81/Rule70#00078A.81.

<sup>173</sup> Rule70#00078B.84/Rule70#00078A.84.

<sup>174</sup> Rule70#00078B.85/Rule70#00078A.85; Rule70#00078B.86/Rule70#00078A.86; Rule70#00078B.87/Rule70#00078A.87; Rule70#00078B.91/Rule70#00078A.91; Rule70#00078B.103/Rule70#00078A.103.

<sup>175</sup> TNN4.

**H. Fabricating false evidence for the Recanting Witnesses to give the Defence**

57. In June and July 2016, ROBINSON came to Rwanda to interview both the Intermediaries and the Recanting Witnesses. In June 2016, **NGIRABATWARE** prepared answers that the Recanting Witnesses should give during their first interviews with ROBINSON and transmitted them to **NZABONIMPA**. Documents found on **NZABONIMPA**'s hard disk—with “NGIRABATWARE” recorded as the “author” in the metadata<sup>176</sup>—listed questions these witnesses were expected to be asked and the answers they should provide.<sup>177</sup> These answers, prepared by **NGIRABATWARE**, provided the basis for the stories used in training the Recanting Witnesses and Intermediaries. Indeed, before their first interviews with ROBINSON, ANAE and ANAM were trained by **NDAGIJIMANA**, who was getting advice from **TURINABO** and **NZABONIMPA** on what he should tell the Recanting Witnesses to say.<sup>178</sup> A comparison between the answers prepared by **NGIRABATWARE** and the answers given by the Recanting Witnesses—as was dictated to them by **NZABONIMPA**, **TURINABO** and/or **NDAGIJIMANA**<sup>179</sup>—demonstrates that **NGIRABATWARE**'s answers were

---

<sup>176</sup> See Rule70#00073A.35; Rule70#00073A.36; Rule70#00073A.16; Rule70#00073A.19. The properties of these documents (extracted from **NZABONIMPA**'s hard disk) indicate that they were created on 2 June 2016—*i.e.*, before the witnesses' interviews—and that the author is **NGIRABATWARE**; *Ngirabatware* Review Motion, paras.16-31, Confidential Annexes A-D (noting that interviews occurred on 5 July 2016).

<sup>177</sup> See Rule70#00073A.35; Rule70#00073A.36; Rule70#00073A.16; Rule70#00073A.19. The properties of these documents (extracted from **NZABONIMPA**'s hard disk) indicate that they were created on 2 June 2016—*i.e.*, before the witnesses' interviews—and that the author is **NGIRABATWARE**; [REDACTED].

<sup>178</sup> TNN30. See also TNN31.

<sup>179</sup> See *e.g.* TNN30; TNN31.

used in training the witnesses.<sup>180</sup> Indeed, the overall goal was to assist **NGIRABATWARE** in his quest to get his case reviewed.<sup>181</sup>

58. **TURINABO** and **NZABONIMPA** began coordinating the Intermediaries in preparation for the Defence interviews.<sup>182</sup> On 25 June 2016, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** informed **MANIRAGUHA**, **MBARIMO**, **TWAGIRAYEZU** and **MUKAMISHA** about upcoming interviews with **ROBINSON** and prayed that everything would go according to plan.<sup>183</sup> Around 29 June 2016, **MUNYESHULI** informed **TURINABO** that the Prosecution’s participation in the interviews had been confirmed.<sup>184</sup> The same day, **MUKAMISHA** received 500,000 RWF and **TWAGIRAYEZU** received 250,000 RWF from **NZABONIMPA**.<sup>185</sup> **MBARIMO** also received money from **NZABONIMPA** through **TURINABO**.<sup>186</sup>

59. On 3 July 2016, two days before **ANAM**’s interview, **TURINABO** reminded **NZABONIMPA** to tell **NDAGIJIMANA** to speak with **ANAM** to try and ensure they got the “intended result”.<sup>187</sup> On 4 July 2016, the day before **ROBINSON**’s first interview with the Recanting

<sup>180</sup> *E.g. compare* Rule70#00073A.35, p.3 (**NGIRABATWARE** notes that **ANAE** will be asked why she lied about him distributing machetes and firearms and giving the order to kill **Tutsis**) *with* Rule70#000103, paras.3-7 (**ANAE** states her testimony about **NGIRABATWARE** distributing weapons and inciting others to kill **Tutsis** is not true); *compare* Rule70#00073A.16 p.3 (**NGIRABATWARE** notes that **ANAM** will be asked why she lied about him distributing weapons and giving orders to kill **Tutsis**) *with* Rule70#00107, paras.3-4, 6-7, 9 (**ANAM** states her testimony about seeing **NGIRABATWARE** distribute weapons and saying he did not want to see any more **Tutsis** was not true); *compare* Rule70#00073A.23, p.2 (**NGIRABATWARE** notes that **ANAT** framed him on issues including inciting followers to kill **Tutsis** at a roadblock at [REDACTED] and giving 50,000 RWF to **Honoré**) *with* Rule70#00116, p.2 (**ANAT** agrees his testimony is untrue, including specific questions on **NGIRABATWARE** inciting **ANAT** and others to kill **Tutsis** at the [REDACTED] and giving 50,000 RWF to **Honoré**); *compare* Rule70#00073A.19, pp.1-2 (**NGIRABATWARE** notes that **ANAN**’s testimony on incitement and distribution of weapons was untrue, including incitement of 150 people at **Cyanika** roadblock, noting that **ANAN** never left **Kibilira**, 150km from the location) *with* Rule70#00111 pp.4-5 (**ANAN** states that his **Cyanika** roadblock testimony is untrue, accentuating the “140 or 150” kilometres between **Kibilira** and **Gisenyi/Cyanika**); *compare* Rule70#00073A.35, p.3 (**NGIRABATWARE** notes **ANAE** should say she had “been asked and trained” to give evidence against him at trial) *with* Rule70#000103, paras.8-9 (**ANAE** states she said those things at trial because she had been trained to do so); *compare* Rule70#00073A.16 pp.3-4 (**NGIRABATWARE** notes **ANAM** should say she “lied to the **Arusha Tribunal**... as I have been encouraged to do so by the promise of certain benefits”) *with* Rule70#00107, paras.10, 13 (**ANAM** states she gave false testimony because she was encouraged to do so and some people said she would receive certain benefits if she did); *compare* Rule70#00073A.23, pp.2-3 (**NGIRABATWARE** notes **ANAT** should say he gave false testimony because of the reward of being released from prison and that he got assistance with it) *with* Rule70#00116, pp.3-4, 6 (**ANAT** states he gave false testimony because of his personal interests and to get released from prison, and that “**Sebuwa**” was telling him what to say); *compare* Rule70#00073A.19, p.2 (**NGIRABATWARE** notes **ANAN** should say “everything I said before the Court is what I was asked, I was taught, and in which I had some personal interests of being released”) *with* Rule70#00111 pp.4-5, 7 (**ANAN** states he was writing down how to accuse **NGIRABATWARE** “for my personal interests, because I was promised to be removed from the list of first category and finally to be released”).

<sup>181</sup> *See above* para.25.

<sup>182</sup> Rule70#00078B.93/Rule70#00078A.93.

<sup>183</sup> Rule70#00078B.95/Rule70#00078A.95.

<sup>184</sup> Rule70#00078B.99/Rule70#00078A.99. *See also* Rule70#00078B.100/Rule70#00078A.100; Rule70#00078B.103/Rule70#00078A.103; Rule70#00078B.104/Rule70#00078A.104.

<sup>185</sup> Rule70#00073A.43, rows 100-101, 29/30 June 2016 entries; Rule70#00189.

<sup>186</sup> Rule70#00078B.101/Rule70#00078A.101.

<sup>187</sup> Rule70#00078B.104/Rule70#00078A.104.



Witnesses, **TURINABO** again asked **NZABONIMPA** to “pray” that they would do as planned during the interviews.<sup>188</sup> The morning of the interviews, **NZABONIMPA** explained to **ANAN** what **DHL** is and how it works<sup>189</sup>—information that would help **ANAN** claim that he mailed his own recantation letter. Later that day, all four Recanting Witnesses confirmed that they recanted their trial testimony during their interviews with the Defence. On 8 July 2016, **NGIRABATWARE** requested a review of his conviction based on the statements taken at these interviews.<sup>190</sup>

**I. Instructing the Recanting Witnesses and Intermediaries on what to say to WISP and to the Prosecution prior to the August 2016 interviews**

60. After the interviews with **ROBINSON**, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** continued to influence and pressure the Recanting Witnesses and Intermediaries to ensure that they could control their contacts with and information provided to the Prosecution and WISP.

61. At the end of July 2016, through WISP, the Prosecution requested interviews with the Recanting Witnesses. On 9 and 10 August 2016, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** exchanged messages about “matching” the “4 elements”, that is ensuring that the Recanting Witnesses would say what they were meant to say.<sup>191</sup> Between 11 and 12 August 2016, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** instructed these witnesses to say they would only meet the Prosecution with the Defence present.<sup>192</sup> On 13 August 2016, **NDAGIJIMANA** provided his bank account details to **NZABONIMPA** for him to deposit 300,000 RWF for onward transfer to **ANAM**. **NZABONIMPA** deposited the money the same day.<sup>193</sup>

62. On 15 August 2016, **TURINABO** reported to **NZABONIMPA** that **MANIRAGUHA**’s WISP interview went well and they would look into “the management of the 2”, referring to **ANAE** and **ANAM**,<sup>194</sup> since **MANIRAGUHA** considered that these two needed to be prepared

<sup>188</sup> Rule70#00078B.105/Rule70#00078A.105.

<sup>189</sup> Rule70#00078B.106/Rule70#00078A.106; Rule70#00078B.107/Rule70#00078A.107; Rule70#00078B.108/Rule70#00078A.108.

<sup>190</sup> *Ngirabatware* Review Motion.

<sup>191</sup> Rule70#00078B.128/Rule70#00078A.128; Rule70#00078B.129/Rule70#00078A.129; Rule70#00078B.134/Rule70#00078A.134; Rule70#00078B.135/Rule70#00078A.135.

<sup>192</sup> Rule70#00078B.131/Rule70#00078A.131; Rule70#00078B.132/Rule70#00078A.132; Rule70#00078B.133/Rule70#00078A.133; Rule70#00078B.134/Rule70#00078A.134.

<sup>193</sup> Rule70#00078B.135/Rule70#00078A.135; Rule70#00078B.136/Rule70#00078A.136; Rule70#00078B.137/Rule70#00078A.137; Rule70#00078B.138/Rule70#00078A.138; Rule70#00078B.139/Rule70#00078A.139; Rule70#00078B.141/Rule70#00078A.141; Rule70#00078B.143/Rule70#00078A.143; Rule70#00189 (13 August 2016). *See also* Rule70#00073A.43, row 109.

<sup>194</sup> Rule70#00078B.146/Rule70#00078A.146.

“psychologically” for the upcoming interviews by the Prosecution.<sup>195</sup> On 17 August 2016, **NDAGIJIMANA** met with ANAN before his WISP interview.<sup>196</sup> **NDAGIJIMANA** scheduled to meet MUKAMISHA and ANAM on 20 August 2016.<sup>197</sup>

63. The Prosecution scheduled interviews with the Recanting Witnesses and **NDAGIJIMANA** between 29 and 31 August 2016. In the week before the interviews, bribes were paid: 500,000 RWF to ANAM; 1 million RWF to ANAE; 300,000 RWF to MANIRAGUHA; and 200,000 RWF to ANAN.<sup>198</sup> On 28 August 2016, **TURINABO** again encouraged **NZABONIMPA** to “pray” that the Recanting Witnesses and **NDAGIJIMANA** “speak the same language and complement each other”.<sup>199</sup> Although the witnesses were protected, **NZABONIMPA** was informed about the content of the interviews, and on 31 August 2016 he told **TURINABO** that **NDAGIJIMANA** and ANAT were “perfect”<sup>200</sup> and that ANAN’s and ANAM’s interview went well but that ROBINSON had concerns about the recantation letters.<sup>201</sup>

#### **J. Pressuring, instructing and offering bribes to ANAL in November 2016**

64. By November 2016, **NGIRABATWARE** and the Four co-Accused had expanded their effort to obtain **NGIRABATWARE**’s release by targeting ANAL, whose evidence corroborated the accounts of ANAE and ANAM at trial.<sup>202</sup> **NGIRABATWARE** made contact with ANAL through **FATUMA**, who is the widow of **NGIRABATWARE**’s half-brother and who lives on **NGIRABATWARE**’s property with her current husband Jean-Pierre GAHUTU.<sup>203</sup>

65. Between September and November 2016, **FATUMA** sent Florida ICYITEGETSE and Monique NYIRAHABINEZA, [REDACTED], to ask ANAL to recant her testimony.<sup>204</sup> After ANAL refused, **FATUMA** approached [REDACTED] TNN1 to ask ANAL to change her testimony, promising ANAL “a big amount of money” if she agreed.<sup>205</sup> [REDACTED].<sup>206</sup> **FATUMA** thereafter

<sup>195</sup> Rule70#00078B.153/Rule70#00078A.153.

<sup>196</sup> Rule70#00078B.148/Rule70#00078A.148; Rule70#00078B.150/Rule70#00078A.150; Rule70#00078B.151/Rule70#00078A.151; *See also* Rule70#00078B.147/Rule70#00078B.147.

<sup>197</sup> Rule70#00078B.152/Rule70#00078A.152.

<sup>198</sup> Rule70#00073A.43, rows 114, 120, 123, 126.

<sup>199</sup> Rule70#00078B.171/Rule70#00078A.171.

<sup>200</sup> Rule70#00078B.176/Rule70#00078A.176.

<sup>201</sup> Rule70#00078B.175/Rule70#00078A.175. *See also* Rule70#00078B.219/Rule70#00078A.219.

<sup>202</sup> At this time, ROBINSON was seeking to interview ANAL. *See* [REDACTED]. *See also* Rule70#00078B.317/Rule70#00078A.317; Rule70#00078B.320/Rule70#00078A.320.

<sup>203</sup> TNN4; TNN5; TNN6; TNN1.

<sup>204</sup> TNN1 (FATUMA read TNN1 portions of ANAL’s trial testimony to show that she knew that ANAL had testified); TNN6; TNN2; [REDACTED]. *See also* Rule70#00078B.320 (noting that “Kanyenz had accepted [...] towards 26.10.2016”); TNN13.

<sup>205</sup> TNN1; TNN6.

<sup>206</sup> TNN6; TNN1; [REDACTED]. *See also* TNN13.

met ANAL and TNN1 at Françoise NYIRABUNORI's house and at the Stella Maris church in Gisenyi, Rwanda.<sup>207</sup>

66. **FATUMA** offered ANAL 3,000 USD or a house to change her testimony and told her she would have to sign a document.<sup>208</sup> **FATUMA** also told ANAL that ANAE had received money to recant her testimony.<sup>209</sup>

67. At Stella Maris church, **FATUMA** read ANAL a “script” of what she should say when she met with the **NGIRABATWARE** Defence.<sup>210</sup> **FATUMA** said she received this script from **NGIRABATWARE** or one of his family members.<sup>211</sup> [REDACTED]<sup>212</sup> [REDACTED]. ANAL and TNN1 gave the notes to the local prosecutor.<sup>213</sup> Later they asked **FATUMA** to give them another copy of the notes, which **FATUMA** provided.<sup>214</sup>

68. ANAL felt pressured by **FATUMA** because **FATUMA** had tried to arrange a meeting with **NGIRABATWARE**'s Defence team. ANAL feared for her safety [REDACTED].<sup>215</sup>

69. In August 2017, **FATUMA** continued to try and “woo[]” ANAL, including by trying to approach her through TNN1, and with bribes.<sup>216</sup> On 20 August 2017, **TURINABO** told **FATUMA** that the woman she was trying to persuade should state her price. When **FATUMA** responded that ANAL had asked for 3,000 USD, **TURINABO** told **FATUMA** she should convince her to accept 500 USD because ANAL would not have to appear in court—they “only need[ed] her to deny everything”.<sup>217</sup>

70. On 27 November 2017, the Registry confidentially distributed two submissions that included evidence about [REDACTED].<sup>218</sup> **NGIRABATWARE** immediately informed **NZABONIMPA**—who in turn informed **TURINABO**—that he had seen ANAL's statement, that it was “bad” and that

<sup>207</sup> TNN1; TNN2; TNN6.

<sup>208</sup> TNN1; TNN2; TNN6; [REDACTED]. ANAL stated that 3,000 USD was only a small amount of money and they should buy her a house. *See* TNN6.

<sup>209</sup> TNN1; TNN6.

<sup>210</sup> TNN6.

<sup>211</sup> TNN1; TNN6.

<sup>212</sup> TNN6; [REDACTED].

<sup>213</sup> Rule70#00133; TNN1; TNN6.

<sup>214</sup> TNN1. **FATUMA**'s notes are similar but not identical to those taken by TNN1. Rule70#00132.

<sup>215</sup> TNN6.

<sup>216</sup> Rule70#00078B.305/Rule70#00078B.305; TNN6; [REDACTED]. *See also* Rule70#00078B.317/Rule70#00078A.317; Rule70#00078B.320/ Rule70#00078A.320.

<sup>217</sup> Rule70#00024.71.

<sup>218</sup> *Ngirabatware* Order Regarding Status of Filings, p.2 (reminding the parties “to strictly comply with the applicable witness protective measures”); [REDACTED].

it implicated **FATUMA**, **ICYITEGETSE** and **NYIRAHABINEZA**.<sup>219</sup> **NZABONIMPA** noted “relief” that neither he nor **TURINABO** were mentioned.<sup>220</sup> On 29 November 2017, **TURINABO** indicated that **MUNYESHULI** had information that there may be an investigation concerning **ANAL**’s account, but added “no fear” as **TURINABO** and **NDAGIJIMANA** “trained well”.<sup>221</sup> On 2 December 2017, **TURINABO** and **NZABONIMPA** discussed meeting **ICYITEGETSE** as soon as possible in view of the potential investigation.<sup>222</sup> The following day, **TURINABO** met with **FATUMA** and her husband Jean-Pierre **GAHUTU**.<sup>223</sup>

**K. Interfering with witnesses from July through September 2017 and breaching protective measures**

71. Between 15 July 2017 and 2 August 2017, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** directed the Recanting Witnesses and Intermediaries regarding what they should say and do if they were requested to meet with **WISP** or the Prosecution.

72. **NZABONIMPA** continued to pay bribes to ensure the Recanting Witnesses continued to adhere to their purported recantations in the pre-Review Hearing stage. For example, he paid **ANAN** 110,000 RWF between 22 and 25 May 2017.<sup>224</sup>

73. On 14 July 2017, the Prosecution informed **ROBINSON** that it wanted to re-interview nine witnesses: the Recanting Witnesses, their four Intermediaries and **NDAGIJIMANA**. The Prosecution then contacted **WISP** to ascertain who would agree to be interviewed.

74. On 15 July 2017, **MUNYESHULI** called **TURINABO** to inform him of the Prosecution’s intention to conduct these interviews. Immediately thereafter, **TURINABO** sent a text message to both **NZABONIMPA**<sup>225</sup> and **NDAGIJIMANA**<sup>226</sup> saying the three of them needed to meet to work out a “response formula” so that the nine witnesses or potential witnesses would “know what to

<sup>219</sup> Rule70#00078B.411/Rule70#00078A.411 (adding “The difficult question is how our person will explain to Tot about the questions which were copied.”). *See also* Rule70#00078B.426/Rule70#00078A.426; Rule70#00078B.433/Rule70#00078A.433. Rule70#00078B.436/Rule70#00078A.436.

<sup>220</sup> Rule70#00078B.412/Rule70#00078A.412. *See also* Rule70#00078B.415/Rule70#00078A.415.

<sup>221</sup> Rule70#00078B.419/Rule70#00078A.419.

<sup>222</sup> Rule70#00078B.428/Rule70#00078B.428; Rule70#00078B.432/Rule70#00078A.432; Rule70#00078B.434/Rule70#00078B.434; Rule70#00078B.435/Rule70#00078A.435. *See also* Rule70#00078B.427/Rule70#00078A.427.

<sup>223</sup> Rule70#00078B.436/Rule70#00078A.436. *See also* Rule70#00078B.433/Rule70#00078A.433; Rule70#00078B.435/Rule70#00078A.435.

<sup>224</sup> Rule70#00073A.43, row 144; Rule70#00078B.264/Rule70#00078A.264; Rule70#00078B.268/Rule70#00078A.268; Rule70#00232.8, p.14. *See also* Rule70#00078B.266/Rule70#00078A.266.

<sup>225</sup> Rule70#00078B.277/Rule70#00078A.277. The extraction report for **NZABONIMPA**’s telephone was set to GMT, and therefore all the messages extracted from this telephone are two hours behind Rwanda time (GMT+2). *See* Rule70#00078D.

<sup>226</sup> Rule70#00024.8.

say”.<sup>227</sup> Within minutes, **NDAGIJIMANA** called **TURINABO**, confirming that the Prosecution sought to interview “[t]he 4 people”, identifying the Recanting Witnesses by code name and their “corresponding person” (their respective Intermediary).<sup>228</sup> **TURINABO** wanted the three of them to meet urgently before communicating with the witnesses. **NDAGIJIMANA** emphasized that “preparing” the witnesses or potential witnesses would require paying them something.<sup>229</sup> **TURINABO** repeated to **NZABONIMPA** that all nine needed to “adopt a common language”.<sup>230</sup>

75. Two days later, on 17 July 2017, the Accused started to implement this agreed plan. Their first priority was to control what information all nine would give WISP when contacted for consent to be interviewed by the Prosecution. **TURINABO** instructed **MBARIMO**<sup>231</sup> and **MANIRAGUHA**<sup>232</sup> not to agree to meet the Prosecution and that they should state they had nothing to add to their statements. **TURINABO** further instructed **MANIRAGUHA** to pass this instruction on to **ANAE** without disclosing **TURINABO**’s involvement.<sup>233</sup> **TURINABO** also met with **TWAGIRAYEZU**,<sup>234</sup> later informing **NDAGIJIMANA** and **NZABONIMPA** that **ANAT** was “on board”.<sup>235</sup> Meanwhile, **NDAGIJIMANA** instructed **MUKAMISHA**<sup>236</sup> and **ANAM**<sup>237</sup> to also refuse to meet the Prosecution. The following day, **NDAGIJIMANA** reiterated **TURINABO**’s instructions to **MANIRAGUHA** and confirmed that **MANIRAGUHA** had passed the message on to **ANAE**.<sup>238</sup> In the early evening, **TURINABO** provided a status report about his contacts to **NZABONIMPA** and said that he would be calling **MUNYESHULI**.<sup>239</sup>

76. In mid-July 2017, the Four co-Accused received money to pay to witnesses and Intermediaries. **NZABONIMPA** was expecting 5,000 Euros and was disappointed that he had received only 490 Euros, which he said was not even enough to cover **ANAN**, and questioned how he would cover monetary “arrears”.<sup>240</sup> **TURINABO** complained that 490 Euros, which he referred to as “pepper”—a small amount of money—was discouraging, but that they had to “persevere.”<sup>241</sup>

---

<sup>227</sup> Rule70#00024.9.

<sup>228</sup> Rule70#00024.9.

<sup>229</sup> Rule70#00024.9.

<sup>230</sup> Rule70#00024.10.

<sup>231</sup> Rule70#00024.15.

<sup>232</sup> Rule70#00024.14.

<sup>233</sup> Rule70#00024.18; Rule70#00024.20.

<sup>234</sup> Rule70#00024.17; Rule70#00024.20.

<sup>235</sup> Rule70#00024.29. *See also* Rule70#00024.28.

<sup>236</sup> Rule70#00024.16.

<sup>237</sup> Rule70#00024.19.

<sup>238</sup> Rule70#00024.27; Rule70#00024.29.

<sup>239</sup> Rule70#00024.21; Rule70#00024.22.

<sup>240</sup> Rule70#00078B.697/Rule70#00078A.697; Rule70#00024.26. *See also* Rule70#00078B.672/Rule70#00078A.672; Rule70#00078B.673/Rule70#00078A.673; Rule70#00078B.698/Rule70#00078A.698.

<sup>241</sup> Rule70#00078B.280/Rule70#00078A.280.

On 21 July 2017, **NDAGIJIMANA** and **TURINABO** agreed that the 490 Euros was “really insufficient compared to the breakdown of expenses that was submitted.”<sup>242</sup> Over the following weeks substantial sums were transferred to **NZABONIMPA**.<sup>243</sup>

77. On 26 July 2017, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** made active efforts to influence those witnesses the Prosecution wanted to interview. **TURINABO** told **NDAGIJIMANA** that the process was moving quickly and noted the need to pay the Recanting Witnesses and Intermediaries: TWAGIRAYEZU or ANAT (the “man from Gisa”)<sup>244</sup> could be kept quiet with a small amount of money, while the others could wait for “the final reward”.<sup>245</sup> After WISP contacted **NDAGIJIMANA** for a meeting,<sup>246</sup> he strategized with **TURINABO**, and they decided that **NDAGIJIMANA** should have the first WISP meeting and then brief the others.<sup>247</sup> **TURINABO** reported this plan to **NZABONIMPA**<sup>248</sup> and instructed MBARIMO,<sup>249</sup> MANIRAGUHA,<sup>250</sup> TWAGIRAYEZU,<sup>251</sup> and MUKAMISHA<sup>252</sup> accordingly. Afterwards, **TURINABO** reported back to **MUNYESHULI** on his contacts with the witnesses and advised **MUNYESHULI** to “follow the case as the situation is accelerating”.<sup>253</sup> On 28 July 2017, **NDAGIJIMANA** met WISP and told them, in an apparent change of strategy, that he would only meet the Prosecution in the presence of the Defence. **NDAGIJIMANA**, **TURINABO** and **NZABONIMPA** then instructed “the rest” to do the same.<sup>254</sup> They used MANIRAGUHA to make sure that ANAE attended the meeting.<sup>255</sup> In preparation for the WISP meetings, between 27 and 28 July 2017, **NZABONIMPA** made several payments to Recanting Witnesses and Intermediaries.<sup>256</sup>

78. After ensuring that the witnesses and potential witnesses followed their instructions with respect to interacting with WISP, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** provided

<sup>242</sup> Rule70#00024.30.

<sup>243</sup> See Rule70#00078B.703/Rule70#00078A.703; Rule70#00078B.704/Rule70#00078A.704; Rule70#00078B.705/Rule70#00078A.705.

<sup>244</sup> See Annex D.

<sup>245</sup> Rule70#00024.41. See also Rule70#00024.40; Rule70#00024.85; Rule70#00024.47.

<sup>246</sup> Rule70#00024.90. See also Rule70#00024.37.

<sup>247</sup> Rule70#00024.91.

<sup>248</sup> Rule70#00024.42.

<sup>249</sup> Rule70#00024.43.

<sup>250</sup> Rule70#00024.44.

<sup>251</sup> Rule70#00024.45.

<sup>252</sup> Rule70#00024.46.

<sup>253</sup> Rule70#00024.49. See also Rule70#00024.38.

<sup>254</sup> Rule70#00024.50; Rule70#00024.51; Rule70#00024.52.

<sup>255</sup> Rule70#00078B.290/Rule70#00078A.290 (TURINABO reminded MANIRAGUHA that they “completed [REDACTED] contract” and “he agreed”).

<sup>256</sup> Rule70#00073A.43, rows 149-162. See also Rule70#00024.51.

further instructions about what they should say to the Prosecution.<sup>257</sup> These instructions included directing ANAE and ANAM on what to say regarding why they decided to recant. Specifically, ANAE was told to say that “her conscience appealed to her”, while ANAM, together with MUKAMISHA, were instructed to say that the latter “advised [ANAM] to speak up and be liberated” from her “lie”.<sup>258</sup> **TURINABO** and **NDAGIJIMANA** discussed how they needed to train MUKAMISHA to “stick to” the same story as ANAM.<sup>259</sup> As noted above,<sup>260</sup> in June 2016 **NGIRABATWARE** had provided the stories and information that the witnesses should give when asked questions about the circumstances of the recantations. **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** used this information from **NGIRABATWARE** to train the witnesses on what to say, and then used further information sent by **NGIRABATWARE** in September 2017 to refine those stories.<sup>261</sup>

79. **TURINABO** directed ANAN to give minimal information to WISP, stating he “should say it in a few words like those” and, over the telephone, went through the account ANAN should give to the Prosecution.<sup>262</sup> **TURINABO** and **NDAGIJIMANA** discussed that ANAM should be trained to explain her recantation in the same way as ANAT, both to the Prosecution and “before the court”.<sup>263</sup> **TURINABO** instructed MBARIMO himself, telling him they would “start looking into strategies” when MBARIMO came back from his meeting with WISP.<sup>264</sup> **TURINABO** also reminded **NZABONIMPA** to instruct ANAN.<sup>265</sup>

80. On 30 July 2017, **TURINABO** asked **NZABONIMPA** if he remembered to “train” ANAN to say that he talked to MBARIMO and hide that it in fact had been **NZABONIMPA** who mailed the letters, adding that this was “very important”.<sup>266</sup> On 31 July 2017, **NDAGIJIMANA** assured ANAM that she, and the others, would be given instructions about what to say in court.<sup>267</sup> On 1 August 2017, **TURINABO** told **NZABONIMPA** that the WISP interviews of MBARIMO and TWAGIRAYEZU

---

<sup>257</sup> On 4 August 2017, WISP informed the Prosecution that eight of the nine witnesses requested to be interviewed consented on the condition that Defence counsel for **NGIRABATWARE** is present; MUKAMISHA was the only witness who did not consent.

<sup>258</sup> Rule70#00024.54.

<sup>259</sup> Rule70#00024.54.

<sup>260</sup> See above para.57.

<sup>261</sup> See below para.88.

<sup>262</sup> Rule70#00024.52.

<sup>263</sup> Rule70#00024.53.

<sup>264</sup> Rule70#00024.55.

<sup>265</sup> Rule70#00024.56.

<sup>266</sup> Rule70#00024.56.

<sup>267</sup> Rule70#00024.57.

went “successfully” but that they wanted “the team” to meet in order “to have one language” when they are summoned.<sup>268</sup>

81. On 1 August 2017, **TURINABO** and **NZABONIMPA** offered and transmitted bribes to MANIRAGUHA and ANAE in exchange for their cooperation with the **NGIRABATWARE** Defence and to influence their prospective evidence.<sup>269</sup> MANIRAGUHA and ANAE had not yet attended meetings with WISP to discuss whether or not they agreed to be interviewed by the Prosecution.<sup>270</sup> **TURINABO** was concerned that ANAE could “spoil things” by not agreeing to meet the Prosecution,<sup>271</sup> and stressed that she needed to be trained on how to respond if asked about recanting.<sup>272</sup> Despite complaining that they had already diverted “millions”, **NZABONIMPA** sent MANIRAGUHA 31,000 RWF through Mobile Money and confirmed that he received this amount: 15,000 RWF for MANIRAGUHA and 15,000 RWF for ANAE, as agreed with **TURINABO**.<sup>273</sup> MANIRAGUHA then arranged to meet WISP on 2 August 2017. He called **NDAGIJIMANA** the morning of his meeting to again confirm what he should say.<sup>274</sup> Also on 1 August 2017, **NZABONIMPA** sent 1 million RWF to ANAN.<sup>275</sup>

82. On 7 August 2017, **TURINABO** and **NZABONIMPA** discussed instructing ANAM and ANAE, noting that it would “come with fees”.<sup>276</sup> They also discussed the false evidence that should be provided regarding posting the recantation letters and Consent Letters, with **NZABONIMPA** emphasising that his involvement should appear “nowhere”.<sup>277</sup> They concocted an elaborate narrative to explain the timing of the mailing of ANAM’s and ANAT’s letters. MANIRAGUHA would say he mailed ANAE’s, ANAM’s and ANAN’s letters, and TWAGIRAYEZU would say he mailed ANAT’s letter.<sup>278</sup> This constituted a change in the Accused’s strategy and required that ANAN “change his story”.<sup>279</sup> The following day, **NZABONIMPA** reminded **TURINABO** that ANAN should insist that he was in regular contact with MBARIMO.<sup>280</sup> Also on 8 August 2017, **NDAGIJIMANA** spoke with TWAGIRAYEZU to coordinate and “support” each other’s versions of events and to emphasize that

<sup>268</sup> Rule70#00078B.293/Rule70#00078A.293.

<sup>269</sup> Indictment, para. 25(ii).

<sup>270</sup> Rule70#00024.87; Rule70#00078B.292/Rule70#00078A.292; Rule70#00024.58.

<sup>271</sup> Rule70#00024.50. *See also* Rule70#00024.53.

<sup>272</sup> Rule70#00024.54.

<sup>273</sup> Rule70#00078B.294/Rule70#00078A.294; Rule70#00024.60.

<sup>274</sup> Rule70#00024.61.

<sup>275</sup> Rule70#00073A.43. *See also* Rule70#00078B.674/Rule70#00078A.674; Rule70#00078B.675/Rule70#00078A.675; Rule70#00078B.676/Rule70#00078A.676; Rule70#00078B.677/Rule70#00078A.677; Rule70#00078B.678/Rule70#00078A.678; Rule70#00078B.680/Rule70#00078A.680.

<sup>276</sup> Rule70#00078B.298/Rule70#00078A.298.

<sup>277</sup> Rule70#00078B.299/Rule70#00078A.299. *See also* Rule70#00078B.300/Rule70#00078A.300. *See above* para.48.

<sup>278</sup> Rule70#00078B.299/Rule70#00078A.299.

<sup>279</sup> Rule70#00078B.299/Rule70#00078A.299. *See above* para.48.

<sup>280</sup> Rule70#00024.62.



people should not be able to deduce that they had met before as that would lead to “absolute disaster”.<sup>281</sup> A meeting took place on or around 10 August 2017 to ensure that everyone’s ideas supported each other and to strategize in concealing that the Recanting Witnesses and Intermediaries had met beforehand, with **TURINABO**, **NDAGIJIMANA** and **MBARIMO** present.<sup>282</sup>

83. On 13 August 2017, **TURINABO** requested training for **TWAGIRAYEZU**, **MANIRAGUHA** and **ANAN** in preparation for their interviews with the Prosecution. He also called for a meeting with **NZABONIMPA** and **NDAGIJIMANA** to accelerate the “preparation”.<sup>283</sup>

84. On 14 August 2017, **NZABONIMPA** instructed **ANAN** about the false evidence he should provide regarding the recantation letters. **NZABONIMPA** admitted that he in fact had mailed the recantation letters.<sup>284</sup> On 16 August 2017, **NZABONIMPA** and **TURINABO** discussed training **MANIRAGUHA** and giving him 50,000 RWF in exchange for services.<sup>285</sup> On 17 August 2017, **TURINABO** informed **TWAGIRAYEZU** about a meeting with **ANAN** and **MANIRAGUHA** to fabricate evidence regarding the recantation letters.<sup>286</sup>

85. On 3 September 2017, **TURINABO** first instructed **MANIRAGUHA** and **ANAN** on the new version of how **ANAN**’s recantation letter had been sent.<sup>287</sup> During these conversations, **TURINABO** confessed that he knew the Prosecution was wondering how “the stuff was sent at the same time by people who are not neighbours” and noted the importance of saying the payment was in cash because if it were Mobile Money the Prosecution could “trace it” and “see that it is a lie”.<sup>288</sup>

86. Later on 3 September 2017, **TURINABO** realized that **MANIRAGUHA** had incorrectly relayed the story to **MUNYESHULI**.<sup>289</sup> Further confirming his involvement in the fabrication of evidence, **TURINABO** confirmed that he had instructed **ANAN** to change his story to remove Mobile Money references.<sup>290</sup> **TURINABO** warned **MANIRAGUHA** that “[e]verything would be spoilt if

<sup>281</sup> Rule70#00024.63.

<sup>282</sup> Rule70#00024.63; TNN12; Rule70#78B00305/Rule70#78A00305. *See also* Rule70#78B.00302/Rule70#78A.00302.

<sup>283</sup> Rule70#00024.67.

<sup>284</sup> Rule70#00024.68.

<sup>285</sup> Rule70#00024.69.

<sup>286</sup> Rule70#00024.70. *See also* Rule70#00078B.311/Rule70#00078A.311.

<sup>287</sup> **MANIRAGUHA** should tell the Prosecution that he knew **ANAN** through a person named **NDAYISABA**, that **ANAN** gave him cash to mail his recantation letter, and that he received this cash from **MBARIMO**. Rule70#00024.74; Rule70#00024.75; Rule70#00024.76; Rule70#00024.77. **ANAN** clarified numerous things about the new details, including that **MBARIMO** had initially not sent the letter because it was too expensive.

<sup>288</sup> Rule70#00024.77.

<sup>289</sup> Rule70#00024.80.

<sup>290</sup> Rule70#00024.80 (explaining the Prosecution “can verify and find that [...] it’s a made up story”).

[he] answered wrongly”.<sup>291</sup> When **TURINABO** reported the problems to **NZABONIMPA**,<sup>292</sup> he responded that they had to start at square one.<sup>293</sup>

87. As a consequence, **TURINABO** began planning his “urgent [...] training” of **MANIRAGUHA**. He considered it crucial to “help[ing] the other 8 who will be summoned by [the Prosecution]”.<sup>294</sup> The day after the Prosecution had informed **NGIRABATWARE**’s Defence Counsel about the dates of the Prosecution interviews, **NZABONIMPA** knew and informed **TURINABO**.<sup>295</sup> On 11 September 2017, **NZABONIMPA** and **NDAGIJIMANA** discussed how **MANIRAGUHA** still had to master information. They agreed to meet with him to test his knowledge.<sup>296</sup>

88. On 19 September 2017, **NGIRABATWARE** sent **NZABONIMPA** notes of the August 2016 interviews of **ANAE** and **ANAM**. The notes of **ANAM**’s had some words written in italics, stating what she should say at the next interview that she had not at the interview in August 2016. **NZABONIMPA** shared the content of these documents with **TURINABO** and **NDAGIJIMANA** after checking how to send it to them. **NDAGIJIMANA** replied it was “important that they see it and read it and master all those things in italics...”<sup>297</sup> Both sets of notes were found in **NDAGIJIMANA**’s possession.<sup>298</sup> As noted earlier,<sup>299</sup> **NGIRABATWARE** provided the relevant information and **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA** used it in instructing the Recanting Witnesses to memorize and “master” the script prepared by **NGIRABATWARE**.<sup>300</sup> The Prosecution’s case is that **NGIRABATWARE** sent **NZABONIMPA** interview notes for **ANAT** and **ANAN** as well. For example, when **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** went to see **ANAN**,<sup>301</sup> **NDAGIJIMANA** told **NZABONIMPA** to bring **ANAN**’s interview for training purposes because it “has some loopholes”.<sup>302</sup> Accordingly, these notes prepared by **NGIRABATWARE** in September 2017 were used to provide additional information that the witnesses should give concerning the circumstances of the recantations and to correct parts of the Recanting Witnesses’ stories that did not fully adhere to the narrative **NGIRABATWARE** had provided.

<sup>291</sup> Rule70#00024.80.

<sup>292</sup> Rule70#00078B.326/Rule70#00078A.326. *See above* fn.225 regarding GMT timestamp.

<sup>293</sup> Rule70#00078B.324/Rule70#00078A.324; Rule70#00078B.327/Rule70#00078A.327.

<sup>294</sup> Rule70#00078B.330/Rule70#00078A.330. *See also* Rule70#00078B.331/Rule70#00078A.331.

<sup>295</sup> Rule70#00078B.331/Rule70#00078A.331.

<sup>296</sup> Rule70#00024.88.

<sup>297</sup> Rule70#00078B.348/Rule70#00078A.348.

<sup>298</sup> Rule70#00157.

<sup>299</sup> *See above* para.57.

<sup>300</sup> *See also* Rule70#00078B.724/Rule70#00078A.724.

<sup>301</sup> Rule70#00024.78.

<sup>302</sup> Rule70#00078B.355/Rule70#00078A.355.

89. On 20 September 2017, the Prosecution informed **NGIRABATWARE**'s former Defence Counsel that it only intended to interview the Recanting Witnesses. This confidential information reached the Accused immediately; the next day, **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA** agreed that it was no longer a priority to prepare MANIRAGUHA while they still needed to "train[]" ANAN who would be interviewed.<sup>303</sup> On 22 September 2017, **NDAGIJIMANA** told **NZABONIMPA** that ANAM had asked for "the usual amount of money" in anticipation of her upcoming Prosecution interview—**NZABONIMPA** confirmed he would send it.<sup>304</sup> **TURINABO** also suggested to **NZABONIMPA** that ANAT should get "the total" before he went.<sup>305</sup> On 26 September 2017, after ANAM's interview with the Prosecution, **NGIRABATWARE** reported to **NZABONIMPA** that he had seen the summary of ANAM's interview and "deemed it correct", but ROBINSON was not happy.<sup>306</sup> **NZABONIMPA** passed along this information to **TURINABO**.<sup>307</sup> Accordingly, the following day, **NZABONIMPA** and **TURINABO** discussed reminding ANAT and ANAE—who remained to be interviewed—of the details contained in their letters.<sup>308</sup>

**L. The pattern of witness interference continued until the Four co-Accused's arrest in September 2018**

90. The pattern of witness interference continued until the Four co-Accused were arrested in September 2018. **NGIRABATWARE** and the Four co-Accused continued to communicate before major events related to the review proceedings. Often, these communications were preceded by **NGIRABATWARE** and/or **MUNYESHULI** leaking information and were followed by the organisation of "trainings" and the payment of bribes.

91. In October 2017, **TURINABO** heard a rumour that the Review Hearing would take place in November 2017.<sup>309</sup> **TURINABO** emphasized that **NZABONIMPA** had to train ANAN in preparation for the hearing,<sup>310</sup> and hoped that **NGIRABATWARE** responded.<sup>311</sup> **TURINABO** also requested that **NZABONIMPA** ask **NGIRABATWARE** for a copy of ANAE's September 2017 interview so that MANIRAGUHA and ANAE could be corrected in what they were claiming.<sup>312</sup> **NZABONIMPA**

<sup>303</sup> Rule70#00078B.352/Rule70#00078A.352; Rule70#00078B.351/Rule70#00078A.351; Rule70#00024.78.

<sup>304</sup> Rule70#00078B.353/Rule70#00078A.353; Rule70#00078B.354/Rule70#00078A.354.

<sup>305</sup> Rule70#00078B.360/Rule70#00078A.360.

<sup>306</sup> Rule70#00078B.361/Rule70#00078A.361.

<sup>307</sup> Rule70#00078B.361/Rule70#00078A.361.

<sup>308</sup> Rule70#00078B.362/Rule70#00078A.362; Rule70#00078B.363/Rule70#00078A.363.

<sup>309</sup> Rule70#00078B.365/Rule70#00078A.365; Rule70#00078B.366/Rule70#00078A.366; Rule70#00078B.368/Rule70#00078A.368. *See also* Rule70#00095 (Peter Robinson noting he heard a rumour yesterday that the hearing may begin on 9 November).

<sup>310</sup> Rule70#00078B.366/Rule70#00078A.366; Rule70#00078B.368/Rule70#00078A.368.

<sup>311</sup> Rule70#00078B.366/Rule70#00078A.366; Rule70#00078A.368.

<sup>312</sup> Rule70#00078B.367/Rule70#00078A.367; Rule70#00078B.371/Rule70#00078A.371.

complied with **TURINABO**'s request; the notes of ANAE's interview with the Prosecution were found on **NZABONIMPA**'s hard disk.<sup>313</sup> Once again, **NZABONIMPA** was passing on and using information he received for **NGIRABATWARE** to train the Recanting Witnesses and Intermediaries. **TURINABO** and **NZABONIMPA** also discussed the bribes they would pay the Recanting Witnesses by November 2017.<sup>314</sup>

92. Likewise, the notes of ANAN's interview are recorded as being created, or downloaded onto **NZABONIMPA**'s hard disk, on 27 November 2017. The next day, **NZABONIMPA** and **NDAGIJIMANA** began training ANAN.<sup>315</sup> **NDAGIJIMANA** also met ANAE and discussed whether her "contract" with the Accused had been "honored".<sup>316</sup>

93. When the Registry submissions involving ANAN's allegations of witness interference were provided to the Parties on 27 November 2017,<sup>317</sup> **NGIRABATWARE** immediately leaked this confidential information to **NZABONIMPA**. **NGIRABATWARE** asked for "urgent advice" because he deemed the situation to be "[b]ad" and considered that it would be "difficult" to explain to ROBINSON "the questions which were copied".<sup>318</sup> **NZABONIMPA** passed this information on to **TURINABO**,<sup>319</sup> who considered that the "difficult and compromising" situation required that **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** meet to determine what advice they should give **NGIRABATWARE**.<sup>320</sup> As before, **MUNYESHULI** provided them with insider information, warning them there may be an investigation.<sup>321</sup> Thereafter, **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA**—the "triumvirate"<sup>322</sup>—strategized to assess the damage and determine who they needed to "train" in preparation for the investigation.<sup>323</sup> They also discussed the budget for payments

<sup>313</sup> Rule70#00286; Rule70#00287; Rule70#00288; Rule70#00289. The notes of interviews from September 2017, again with italics on them where the Recanting Witnesses were being directed what to say, for all four Recanting witnesses were found on **NZABONIMPA**'s hard disk. However, **TURINABO** asked **NZABONIMPA** to ask **NGIRABATWARE** for these interviews, and **NGIRABATWARE** was one of the only people who would have had access to these notes.

<sup>314</sup> Rule70#00078B.372/Rule70#00078A.372; Rule70#00078B.377/Rule70#00078A.377; Rule70#00078B.380/Rule70#00078A.380; Rule70#00078B.398/Rule70#00078A.398.

<sup>315</sup> Rule70#00288; Rule70#00078B.416/Rule70#00078A.416.

<sup>316</sup> Rule70#00078B.399/Rule70#00078A.399.

<sup>317</sup> *Ngirabatware* Order Regarding Status of Filings, p.2 (reminding the parties "to strictly comply with the applicable witness protective measures"); [REDACTED]. See *above* para.70.

<sup>318</sup> Rule70#00078B.411/Rule70#00078A.411.

<sup>319</sup> Rule70#00078B.411/Rule70#00078A.411. See also Rule70#00078B.412/ Rule70#00078A.412; Rule70#00078B.413/ Rule70#00078A.413; Rule70#00078B.414/ Rule70#00078A.414.

<sup>320</sup> Rule70#00078B.415/Rule70#00078A.415.

<sup>321</sup> Rule70#00078B.419/Rule70#00078A.419.

<sup>322</sup> Rule70#00078B.427/Rule70#00078A.427.

<sup>323</sup> Rule70#00078B.426/Rule70#00078A.426; Rule70#00078B.433/Rule70#00078A.433; Rule70#00078B.436/Rule70#00078A.436.

needed to keep their strategy on track.<sup>324</sup> Meanwhile, **NGIRABATWARE** worried that **FATUMA** would not be able to deny her involvement with **ANAL**.<sup>325</sup>

94. Likewise, when **ROBINSON**'s Motion to Withdraw was granted on 19 December 2017, **NGIRABATWARE** immediately informed **NZABONIMPA**,<sup>326</sup> who forwarded the information to **TURINABO**.<sup>327</sup> **NGIRABATWARE** and **NZABONIMPA** discussed scheduled bribe payments for the Recanting Witnesses and organised money transfers for payments. **HIRWA** was again used as a conduit to transfer money to **NZABONIMPA** intended for the Recanting Witnesses and Intermediaries.<sup>328</sup> **HIRWA** kept in touch with **NZABONIMPA** about receipt of funds<sup>329</sup> and **NZABONIMPA** then passed money along to those who it was "supposed to go to".<sup>330</sup> After checking in with **NGIRABATWARE**, **NZABONIMPA** began to pay others; for example, on 28 December 2017 he paid a bribe to **ANAN** of 102,000 RWF.<sup>331</sup>

95. As the pre-Review Hearing period extended, the Accused found that the Recanting Witnesses and Intermediaries became more demanding. For example, **MANIRAGUHA** demanded that **TURINABO**, **NZABONIMPA** and **NDAGIJIMANA** pay a debt he had run up with his local cooperative.<sup>332</sup> He pointed out that the Accused needed him and **ANAE**.<sup>333</sup> **NGIRABATWARE**

---

<sup>324</sup> Rule70#00078B.428/Rule70#00078A.428; Rule70#00078B.432/Rule70#00078A.432; Rule70#00078B.434/Rule70#00078A.434; Rule70#00078B.435/Rule70#00078A.435; Rule70#00078B.429/Rule70#00078A.429; Rule70#00078B.430/Rule70#00078A.430; Rule70#00078B.431/Rule70#00078A.431.

<sup>325</sup> Rule70#00078B.447/Rule70#00078A.447; Rule70#00078B.448/Rule70#00078A.448; Rule70#00078B.449/Rule70#00078A.449; Rule70#00078B.450/Rule70#00078A.450; Rule70#00078B.451/Rule70#00078A.451; Rule70#00078B.646/Rule70#00078A.646. **NZABONIMPA** then forwards these last two messages to **TURINABO**. Rule70#00078B.451/Rule70#00078A.451; Rule70#00078B.454/Rule70#00078A.454. *See also* Rule70#00078B.649/Rule70#00078A.649.

<sup>326</sup> Rule70#00078B.460/Rule70#00078A.460.

<sup>327</sup> Rule70#00078B.464/Rule70#00078A.464.

<sup>328</sup> Indictment, para.13.

<sup>329</sup> Indictment, para.13. Rule70#00078B.466/Rule70#00078A.466; Rule70#00078B.652/Rule70#00078A.652; Rule70#00078B.632/Rule70#00078A.632; Rule70#00078B.637/Rule70#00078A.637; Rule70#00078C.23; Rule70#00078B.633/Rule70#00078A.633; Rule70#00078B.638/Rule70#00078A.638; Rule70#00078B.650/Rule70#00078A.650; Rule70#00078B.651/Rule70#00078A.651; Rule70#00078B.639/Rule70#00078A.639; Rule70#00078B.644/Rule70#00078A.644; Rule70#00078B.645/Rule70#00078A.645; Rule70#00078B.461/Rule70#00078A.461; Rule70#00078B.462/Rule70#00078A.462; Rule70#00078B.463/Rule70#00078A.463; Rule70#00078B.466/Rule70#00078A.466; Rule70#00078B.468/Rule70#00078A.468; Rule70#00078B.467/Rule70#00078A.467; Rule70#00078B.652/Rule70#00078A.652; Rule70#00078B.469/Rule70#00078A.469; Rule70#00078B.473/Rule70#00078A.473; Rule70#00073A.43, row 199. *See also* Rule70#00078B.471/Rule70#00078A.471; Rule70#00078B.474/Rule70#00078A.474.

<sup>330</sup> Rule70#00078B.645/Rule70#00078A.645.

<sup>331</sup> Rule70#00078B.652/Rule70#00078A.652; Rule70#00073A.43, row 205; Rule70#00232.8, p.19; Rule70#00078B.641/Rule70#00078A.641; Rule70#00078B.482/Rule70#00078A.482; Rule70#00078B.643/Rule70#00078A.643.

<sup>332</sup> Rule70#00078B.410/Rule70#00078A.410.

<sup>333</sup> *See e.g.* Rule70#00078B.375/Rule70#00078A.375; Rule70#00078B.383/Rule70#00078A.383; Rule70#00078B.389/Rule70#00078A.389 (the Prosecution's case is that this was a message sent from **MANIRAGUHA** to **TURINABO** and forwarded by **TURINABO** to **NZABONIMPA**).

eventually conceded and agreed to meet MANIRAGUHA’s “ultimatum”.<sup>334</sup> **TURINABO** later stated that the most they could pay was 400,000 RWF.<sup>335</sup> **NZABONIMPA** made this payment and recorded it in his financial spreadsheet.<sup>336</sup>

96. Equally, on 8 February 2018, ANAM had lost a child and was not well herself.<sup>337</sup> On 9 February 2018, **NGIRABATWARE** sent **NZABONIMPA** an email suggesting that **NZABONIMPA** “do a hh proposal”<sup>338</sup> for ANAM and that **NDAGIJIMANA** “go carrying something already”.<sup>339</sup> **NDAGIJIMANA** visited ANAM and paid her 10,200 RWF.<sup>340</sup>

97. When **TURINABO** learned that **MUNYESHULI** was no longer on the **NGIRABATWARE** Defence team,<sup>341</sup> he was deeply concerned because the new investigator was not providing them with information regarding the review proceedings.<sup>342</sup> After **MUNYESHULI**’s departure, however, the Accused were able to continue interfering with witnesses using information leaked by **NGIRABATWARE**. For example, when **NGIRABATWARE**’s new Defence Counsel was planning interviews for May 2018, **NGIRABATWARE** informed **NZABONIMPA** of the people the Defence sought to meet, which included some Intermediaries.<sup>343</sup> **NZABONIMPA** passed this information on to **TURINABO**.<sup>344</sup> The Accused began training the Intermediaries to ensure their accounts corroborated the recantation stories.<sup>345</sup> Once meetings with the Intermediaries were scheduled, **TURINABO** and **NZABONIMPA** knew all of the details in advance,<sup>346</sup> and after the interviews ended, **NGIRABATWARE** confirmed that they went well.<sup>347</sup>

98. Similarly, before **NGIRABATWARE**’s Defence Counsel interviewed the Recanting Witnesses, **NGIRABATWARE** warned **NZABONIMPA**,<sup>348</sup> and the Accused began their training

<sup>334</sup> Rule70#00078B.441/Rule70#00078A.441; Rule70#00078B.442/Rule70#00078A.442.

<sup>335</sup> Rule70#00078B.446/Rule70#00078A.446.

<sup>336</sup> Rule70#00073A.43, row 201.

<sup>337</sup> Rule70#00078C.3; Rule70#00073A.43, row 206.

<sup>338</sup> See above fn.56.

<sup>339</sup> Rule70#00078C.3.

<sup>340</sup> Rule70#00078B.490/Rule70#00078A.490; Rule70#00232.6, p.2.

<sup>341</sup> Rule70#00078B.465/Rule70#00078A.465; Rule70#00078B.483/Rule70#00078A.483; Rule70#00078B.484/Rule70#00078A.484; Rule70#00078B.501/Rule70#00078A.501; Rule70#00078B.653/Rule70#00078A.653; Rule70#00078B.659/Rule70#00078A.659; Rule70#00078B.488/Rule70#00078A.488; Rule70#00078C.33.

<sup>342</sup> Rule70#00079B.35/Rule70#00079A.35. See also Rule70#00078B.524/Rule70#00078A.524; Rule70#00078C.7.

<sup>343</sup> Rule70#00078B.662/Rule70#00078A.662. See also Rule70#00078B.667/Rule70#00078A.667; Rule70#00078B.661/Rule70#00078A.661.

<sup>344</sup> Rule70#00079B.37/Rule70#00079A.37; Rule70#00079B.38/Rule70#00079A.38.

<sup>345</sup> Rule70#00079B.39/Rule70#00079A.39; Rule70#00079B.40/Rule70#00079A.40; Rule70#00078B.520/Rule70#00078A.520.

<sup>346</sup> Rule70#00079B.43/Rule70#00079A.43. See also Rule70#00079B.44/Rule70#00079A.44; Rule70#00079B.45/Rule70#00079A.45.

<sup>347</sup> Rule70#00078B.669/Rule70#00078A.669.

<sup>348</sup> Rule70#00078B.522/Rule70#00078A.522.

through an “accelerated strategy”.<sup>349</sup> **TURINABO** complained that ANAE was refusing to meet “those who are preparing the project”<sup>350</sup> and advised that ANAN should check ANAE’s version of events before meeting **NGIRABATWARE**’s new Defence Counsel.<sup>351</sup> On 15 May 2018, **NGIRABATWARE** also reminded **NZABONIMPA** to “measure the plots”—a reference for making payments to the Recanting Witnesses<sup>352</sup>—which **NZABONIMPA** forwarded to **TURINABO** and **NDAGIJIMANA**.<sup>353</sup> **NZABONIMPA** and **NDAGIJIMANA** coordinated making payments to ANAM and to ANAE, respectively, in May and June 2018.<sup>354</sup> **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA** also met to discuss planning the interviews.<sup>355</sup> On 21 May 2018, **NGIRABATWARE** told **NZABONIMPA** to notify “his people”—“so that it does not come as a surprise to them”—that the Defence interviews were scheduled for 12 and 13 June 2018 and the witnesses would soon be asked whether they agree to meet with the Defence.<sup>356</sup> **NGIRABATWARE** continued to update his co-Accused about the upcoming Defence interviews<sup>357</sup> and requested that **NZABONIMPA** ensure that the Recanting Witnesses be paid before September.<sup>358</sup>

99. On 26 May 2018, when **NZABONIMPA** feared that their “team on the ground” working on **NGIRABATWARE**’s behalf might be exposed, he asked **NGIRABATWARE** to let himself and **NDAGIJIMANA** “manage the situation”.<sup>359</sup> On 28 May 2018, **NZABONIMPA** warned **NGIRABATWARE** that **MANIRAGUHA** and ANAE were trying to “hike prices”,<sup>360</sup> with ANAE claiming she would not meet **WISP**,<sup>361</sup> and **NDAGIJIMANA** was sent to find them as they had switched off their phones.<sup>362</sup> **NGIRABATWARE** told **NZABONIMPA**: “[m]anage as best as you

<sup>349</sup> Rule70#00078B.530/Rule70#00078A.530.

<sup>350</sup> Rule70#00079B.57/Rule70#00079A.57.

<sup>351</sup> Rule70#00079B.68/Rule70#00079A.68.

<sup>352</sup> Rule70#00078B.658/Rule70#00078A.658; Annex D. The Review Hearing had originally been scheduled for September 2018. *Ngirabatware* Further Order.

<sup>353</sup> Rule70#00078B.525/Rule70#00078A.525; Rule70#00078B.526/Rule70#00078A.526; Rule70#00078B.527/Rule70#00078A.527; Rule70#00078B.528/Rule70#00078A.528. *See also* Rule70#00078B.529/Rule70#00078A.529; Rule70#00079B.52/Rule70#00079A.52; Rule70#00079B.122/Rule70#00079A.122.

<sup>354</sup> Rule70#00078B.702/Rule70#00078A.702; Rule70#00078B.654/Rule70#00078A.654; Rule70#00078B.487/Rule70#00078A.487; Rule70#00078B.713/Rule70#00078A.713.

<sup>355</sup> Rule70#00078B.531/Rule70#00078A.531.

<sup>356</sup> Rule70#00078B.709/Rule70#00078A.709.

<sup>357</sup> Rule70#00078B.707/Rule70#00078A.707; Rule70#00078B.532/Rule70#00078A.532; Rule70#00078B.533/Rule70#00078A.533.

<sup>358</sup> Rule70#00078B.707/Rule70#00078A.707; Rule70#00079B.55/Rule70#00079A.55; Rule70#00078B.545/Rule70#00078A.545; Rule70#00078B.553/Rule70#00078A.553; Rule70#00078B.670/Rule70#00078A.670. *See also* Rule70#00078B.536/Rule70#00078A.536; Rule70#00078B.537/Rule70#00078A.537.

<sup>359</sup> Rule70#00078B.539/Rule70#00078A.539.

<sup>360</sup> Rule70#00078B.617/Rule70#00078A.617.

<sup>361</sup> Rule70#00078B.617/Rule70#00078A.617.

<sup>362</sup> Rule70#00078B.543/Rule70#00078A.543.

can”.<sup>363</sup> He then added that MANIRAGUHA and ANAE were raising his “blood pressure”<sup>364</sup> and that if ANAE did not maintain her recantation during the Defence interview “[i]t will be the end.”<sup>365</sup> **NZABONIMPA** reassured **NGIRABATWARE** that he and **NDAGIJIMANA** were “handling the situation”<sup>366</sup> and later confirmed that “good management” had been put in place: ANAE would meet WISP regarding a request to meet **NGIRABATWARE**’s new Defence Counsel.<sup>367</sup> **NGIRABATWARE** responded with relief, adding that minimum “hh” witness payments should be made “[b]efore June 11”—before the Defence interviews—and maximum payments “in September”—when the Review Hearing was scheduled to start.<sup>368</sup> On 30 May 2018, **NGIRABATWARE** gave **NZABONIMPA** clear instructions to pass onto the “4” Recanting Witnesses “before the 12<sup>th</sup>-13<sup>th</sup>” of June.<sup>369</sup> **NZABONIMPA** responded that while three of the Recanting Witnesses agreed to meet with the Defence, ANAE did not attend her scheduled WISP meeting.<sup>370</sup> **NGIRABATWARE** responded that he could not wait to be “relieved of the pressure caused by [ANAE]”<sup>371</sup> and that if she did not confirm her recantation there would be “no turning back from that”.<sup>372</sup> He also confirmed that money was available to pay the witnesses.<sup>373</sup> On 2 June 2018, **NZABONIMPA** informed **NGIRABATWARE** that **NDAGIJIMANA** and ANAE had met in person and that she agreed to meet with WISP on the 12 June 2018.<sup>374</sup> On 10 June 2018, **NDAGIJIMANA** asked **NZABONIMPA** to send him money as he was together with ANAE.<sup>375</sup>

100. Similarly, in August 2018, **NZABONIMPA** alerted **NGIRABATWARE** that the Recanting Witnesses and Intermediaries were demanding more money.<sup>376</sup> **NGIRABATWARE** instructed **NZABONIMPA** to tell them that he would be able to pay more once his assets were unfrozen.<sup>377</sup>

<sup>363</sup> Rule70#00078B.727/Rule70#00078A.727.

<sup>364</sup> Rule70#00078B.719/Rule70#00078A.719.

<sup>365</sup> Rule70#00078B.540/ Rule70#00078A.540.

<sup>366</sup> Rule70#00078B.543/ Rule70#00078A.543.

<sup>367</sup> Rule70#00078B.544/Rule70#00078A.544.

<sup>368</sup> Rule70#00078B.545/ Rule70#00078A.545.

<sup>369</sup> Rule70#00078B.724/Rule70#00078A.724.

<sup>370</sup> Rule70#00078B.549/ Rule70#00078A.549; Rule70#00078B.550/ Rule70#00078A.550.

<sup>371</sup> Rule70#00078B.553/ Rule70#00078A.553.

<sup>372</sup> Rule70#00078B.552/ Rule70#00078A.552.

<sup>373</sup> Rule70#00078B.553/Rule70#00078A.553.

<sup>374</sup> Rule70#00078B.575/ Rule70#00078A.575.

<sup>375</sup> Rule70#00078B.487/ Rule70#00078A.487.

<sup>376</sup> Rule70#00078B.614/Rule70#00078A.614.

<sup>377</sup> Rule70#00078B.615/Rule70#00078A.615. See also Rule70#00060.3.1; Rule70#00078B.671/Rule70#00078A.671.



**M. NGIRABATWARE kept his co-Accused updated through the unlawful disclosure of confidential information**

101. In June 2018, after the Prosecution filed its confidential witness list for the Review Hearing, **NGIRABATWARE** strategized with **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA** to try to identify the protected witnesses and prepare “solid arguments” in response, especially in relation to allegations against **FATUMA**.<sup>378</sup> Notably, on 27 June 2018, **NGIRABATWARE** sent an email to **NZABONIMPA** explaining that while the Prosecution was using pseudonyms and providing “very little info” in order to protect the identity of its witnesses, **NGIRABATWARE** was able to decipher that the witnesses included ANAL and ANAE’s father.<sup>379</sup> The following day, **NZABONIMPA** forwarded to **TURINABO** the information he received from **NGIRABATWARE** regarding Prosecution witnesses and **TURINABO** commented that **NGIRABATWARE** should provide the list of witnesses “so that we can analyse them early.”<sup>380</sup> In a 30 July 2018 message to **NZABONIMPA**, **NGIRABATWARE** repeated that ANAL was a Prosecution witness and additionally identified ANAL’s [REDACTED].<sup>381</sup> On 2 August 2018, **NGIRABATWARE** told **NZABONIMPA** that both of ANAE’s parents were potential Prosecution witnesses, and he speculated about the identity of the other witnesses, while also acknowledging that the Prosecution continued to “hide the names and statements of his witnesses”,<sup>382</sup> as per the protective measures ordered by the court. **NZABONIMPA** forwarded this information to **TURINABO** that same day.<sup>383</sup>

102. On 14 August 2018, **NGIRABATWARE** revealed to **NZABONIMPA** the contents of a confidential decision issued the previous day,<sup>384</sup> ordering the Prosecution to reduce its witness list.<sup>385</sup> **NZABONIMPA** forwarded this confidential information to **TURINABO**<sup>386</sup> and **NDAGIJIMANA**<sup>387</sup> that same day.

103. On 24 August 2018, the Appeals Chamber granted to Prosecution Review Hearing witnesses the additional protective measure that the Defence should not “attempt to make an independent

<sup>378</sup> Rule70#00078B.701/Rule70#00078A.701; Rule70#00078B.571/Rule70#00078A.571; Rule70#00078B.573/Rule70#00078A.573.

<sup>379</sup> Rule70#00078C.9. *See also* Rule70#00078B.567/Rule70#00078A.567; Rule70#00078B.568/Rule70#00078A.568.

<sup>380</sup> Rule70#00078B.729/Rule70#00078A.729; Rule70#00078B.730/Rule70#00078A.730; Rule70#00078B.731/Rule70#00078A.731.

<sup>381</sup> Rule70#00078B.595/Rule70#00078A.595; Rule70#00078B.596/Rule70#00078A.596. *See also* Rule70#00078B.701/Rule70#00078A.701; Rule70#00078B.574/Rule70#00078A.574; Rule70#00078B.571/Rule70#00078A.571

<sup>382</sup> Rule70#00078B.598/Rule70#00078A.598.

<sup>383</sup> Rule70#00079B.94/Rule70#00079A.94.

<sup>384</sup> [REDACTED].

<sup>385</sup> Rule70#00078B.720/Rule70#00078A.720.

<sup>386</sup> Rule70#00079B.98/Rule70#00079A.98.

<sup>387</sup> Rule70#00078B.721/Rule70#00078A.721.

determination of the identity of any protected Prosecution witness” or “encourage or otherwise aid” any such determination.<sup>388</sup> Nonetheless, on 27 August 2018, **NGIRABATWARE** told **NZABONIMPA** that ANAL is “for sure” one of the Prosecution witnesses and that another one is the “one that was harassing Rub [TURINABO]”.<sup>389</sup>

104. On 30 and 31 August 2018, **NGIRABATWARE** revealed the identity of the protected Prosecution witnesses listed to testify in the Review Hearing to **NZABONIMPA** via both WhatsApp and email,<sup>390</sup> who forwarded the information to **TURINABO** and **NDAGIJIMANA**.<sup>391</sup> Finally, on 3 September 2018, **NGIRABATWARE** informed **NZABONIMPA** that **TURINABO** and **FATUMA** had been arrested “with all their phones.”<sup>392</sup>

#### IV. CRIMINAL RESPONSIBILITY OF THE ACCUSED

105. The Indictment alleges that **NGIRABATWARE** committed contempt directly and/or through others (Count 1), incited others to commit contempt (Count 2) through various acts interfering with the administration of justice, and knowingly violated, and failed to comply with, court orders (Count 3).

##### A. Legal Elements

##### 1. Contempt

106. Rule 90(A) of the Mechanism’s Rules of Procedure and Evidence (“Rules”) provides a non-exhaustive list of acts by which an accused may be found guilty of contempt, as codified under Article 1(4)(a) of the Statute. Pursuant to Rule 90(A)(iv), the Mechanism may hold in contempt any person who knowingly and wilfully threatens, intimidates, offers bribes to, or “otherwise interferes” with a witness or potential witness with respect to proceedings before the ICTY, ICTR or Mechanism.

##### (a) Otherwise interfering with a witness

107. The *actus reus* for the offence of “otherwise interfering” with a witness may take different forms,<sup>393</sup> encompassing “any conduct that is intended to disturb the administration of justice by

<sup>388</sup> *Ngirabatware* 24 August 2018 Decision, p.3 at (vi).

<sup>389</sup> Rule70#00078B.722/Rule70#00078A.722.

<sup>390</sup> Rule70#00078C.17; Rule70#00078B.663/Rule70#00078A.663; Rule70#00078B.625/Rule70#00078A.625.

<sup>391</sup> Rule70#00078B.618/Rule70#00078A.618; Rule70#00078B.657/Rule70#00078A.657; Rule70#00078B.626/Rule70#00078A.626.

<sup>392</sup> Rule70#00078B.666/Rule70#00078A.666.

<sup>393</sup> *Beqaj* TJ, para.20. The listed acts under Rule 90(A)(iv) are non-exhaustive. *See* Decision on Jurisdiction, fn.42, citing *Beqaj* TJ, para.21, fn.37; *Nshogoza* TJ, para.156.

detering a witness or a potential witness from giving full and truthful evidence, or in any way to influence the nature of the witness' or potential witness' evidence."<sup>394</sup> An accused can be held liable for contempt "through personal or direct contact, as well as through intermediaries."<sup>395</sup> It is immaterial whether an accused commits contempt "in person or through an intermediary acting under his orders and/or on his behalf."<sup>396</sup> Moreover, it is not necessary to prove that the witness was actually deterred or influenced.<sup>397</sup>

108. The *mens rea* requires that the accused acted knowingly and wilfully,<sup>398</sup> with the intent to interfere with the witness or with the knowledge that the conduct was likely to deter or influence the witness.<sup>399</sup>

(b) Offering a bribe

109. For the purposes of Rule 90(A)(iv), the term "bribe" "is liberally construed as an inducement offered to procure illegal or dishonest action or decision in favour of the giver" or "promised with a view to pervert the judgement of or influence the action of a person in a position of trust."<sup>400</sup>

110. The *mens rea* requires that the accused acted knowingly and wilfully,<sup>401</sup> with the intent to interfere with the witness or with the knowledge that the conduct was likely to deter or influence the witness.<sup>402</sup>

2. Incitement to commit contempt

111. Rule 90(B) of the Rules provides that "[a]ny incitement [. . .] to commit any of the acts" punishable under Rule 90(A) is punishable as contempt of the Tribunals or the Mechanism.<sup>403</sup>

112. Incitement refers to "actions that encourage or persuade another to commit the offence".<sup>404</sup> To establish responsibility, the Prosecution must show that the Accused "knowingly and wilfully" interfered with the administration of justice by inciting others to commit contemptuous acts punishable under Rule 90(A). Incitement to commit contempt is punishable as an inchoate offence,

<sup>394</sup> *Beqaj* TJ, para.21. *See also* *Nshogoza* TJ, para.193, *Haraqija* TJ, para.18.

<sup>395</sup> *Margetić* TJ, para.65.

<sup>396</sup> *Haraqija* TJ, para.101.

<sup>397</sup> *Haraqija* TJ, para.18, *citing* *Beqaj* TJ, para.21; *Maglov* Acquittal Decision, paras.22, 27; *Nshogoza* TJ, para.195.

<sup>398</sup> Rule 90(A).

<sup>399</sup> *See* *Nshogoza* TJ, para.158. *See also* *Haraqija* TJ, para.19.

<sup>400</sup> *Nshogoza* TJ, para.192, *quoting* *Beqaj* TJ, para.18 (internal citations omitted).

<sup>401</sup> Rule 90(A).

<sup>402</sup> *See* *Nshogoza* TJ, para.158. *See also* paras.155, 199.

<sup>403</sup> Decision on Jurisdiction, paras.5, 8.

<sup>404</sup> *Haraqija* TJ, para.20 *citing* *Akayesu* TJ, para.555.

and does not require that the actions taken to encourage or persuade another person to commit the offence produce the intended result.<sup>405</sup>

### 3. Violation of and failure to comply with court orders

113. Pursuant to Rule 90(A)(ii), the Mechanism may hold in contempt any person who knowingly and wilfully interferes with the administration of justice through the disclosure of information relating to those proceedings in knowing violation of an order of a Chamber or Single Judge.<sup>406</sup>

114. The *actus reus* for contempt under Rule 90(A)(ii) “is the physical act of disclosing confidential information relating to proceedings before the [Mechanism or ICTR] in an objective breach of a court order.”<sup>407</sup> For the purposes of establishing these elements, “[a]ny defiance of an order of a Chamber *per se* interferes with the administration of justice”.<sup>408</sup> “No additional proof of harm to the Tribunal’s administration of justice is required.”<sup>409</sup> Prior disclosure of protected information does not authorise or exempt subsequent disclosures to third parties.<sup>410</sup> Once ordered, protective measures “continue to have effect in any proceeding before the Tribunal until rescinded, varied, or augmented.”<sup>411</sup> Members of the Defence team<sup>412</sup> and third parties who come into possession of material protected by court orders<sup>413</sup> are bound by such orders.

115. The *mens rea* for contempt under Rule 90(A)(ii) is “knowledge that the disclosure in question is in violation of an order of a Chamber.”<sup>414</sup> Proof of knowledge of the order may be inferred from the circumstances.<sup>415</sup> The act which constituted the violation must be “deliberate and not accidental.”<sup>416</sup> While mere negligence in failing to ascertain whether an order prohibits the accused’s conduct does not amount to contempt, wilful blindness or reckless indifference to the existence of the order may satisfy the mental element.<sup>417</sup> Since any violation of a Chamber’s order interferes with its administration of justice, “it follows that any knowing and wilful conduct in violation of a Chamber’s

<sup>405</sup> See *Haraqija* TJ, para.20; *Beqai* TJ, para.21. See also *Nshogoza* TJ, para.195; *Beqaj* TJ, para.26.

<sup>406</sup> Rule 90(A)(ii).

<sup>407</sup> Cf. *Nshogoza* TJ, para.157 citing *Marijačić* TJ, para.17; *Maglov* Acquittal Decision, para.36.

<sup>408</sup> *Nshogoza* AJ, para.56 quoting *Jović* AJ, para.30.

<sup>409</sup> *Nshogoza* AJ, para.56; *Jović* AJ, para.30.

<sup>410</sup> See e.g. *Jović* AJ, paras.29-30; *Haxhiu* TJ, paras.15, 19; *Nshogoza* TJ, para.187.

<sup>411</sup> *Nshogoza* AJ, para.65. See also *Jović* AJ, para.30; Rule 86(F); ICTR Rule 75(F).

<sup>412</sup> *Nshogoza* AJ, para.73.

<sup>413</sup> See e.g. *Niyitegeka* Clarification Decision, para.11.

<sup>414</sup> *Hartmann* AJ, para.127; *Nshogoza* TJ, para.157 citing *Jović* AJ, paras.27, 30; *Marijačić* TJ, para.18; *Haxhiu* TJ, paras.5, 11.

<sup>415</sup> *Šešelj* 2011 Judgement, para.32; *Šešelj* 2012 Judgement, fn.125.

<sup>416</sup> *Nobilo* AJ, para.54; *Maglov* Acquittal Decision, para.38.

<sup>417</sup> See *Hartmann* AJ, para.128 affirming *Hartmann* TJ, para.22. See also *Šešelj* 2011 Judgement, para.32; *Šešelj* 2012 Judgement, fn.125.

order meets the requisite *mens rea* for contempt, that is, it is committed with the requisite intent to interfere with the administration of justice.”<sup>418</sup>

116. In addition, pursuant to Rule 90(A)(iii), the Mechanism may hold in contempt any person who, without just excuse, fails to comply with an order by a Chamber or Single Judge.<sup>419</sup> The *actus reus* for committing contempt by failing to comply with a court order takes place when an order by a Chamber, either oral or written, is objectively breached.<sup>420</sup> The *mens rea* is satisfied by “knowing and wilful conduct in violation of a Chamber’s order”.<sup>421</sup>

## **B. Criminal Conduct**

117. The Indictment alleges **NGIRABATWARE**, directly and/or through others, interfered with the administration of justice by offering bribes to, and otherwise interfering with, witnesses or potential witnesses by pressuring and otherwise influencing them to recant their trial testimony, instructing them on the evidence they should give, including false evidence, and incited others to do so.<sup>422</sup> **NGIRABATWARE** is also charged with violating ICTR and Mechanism court orders in the course of this scheme.<sup>423</sup>

118. As will be addressed in further detail below, **NGIRABATWARE** offered bribes and/or otherwise interfered with witnesses or potential witnesses. He committed his crimes both directly and through others, using the Four co-Accused to influence the Protected Witnesses through a combination of pressure, promised payments and other inducements. Moreover, **NGIRABATWARE** breached court orders by disclosing confidential information relating to proceedings before the Mechanism or ICTR and failing to comply with court-ordered provisions that specified the permissible means of contacting protected witnesses.

119. The very nature and context of such deliberate acts over a period of time demonstrate that **NGIRABATWARE** acted knowingly and wilfully in relation to all these acts. Moreover, **NGIRABATWARE** did so with the intent to influence the nature of witnesses’ or potential witnesses’ evidence or with the knowledge that the conduct was likely to influence the witnesses. This intent is apparent from the pattern of criminal conduct aimed at overturning his conviction, the

---

<sup>418</sup> *Nshogoza* AJ, para.179.

<sup>419</sup> Rule 90(A)(iii).

<sup>420</sup> *Pećanac* Judgement, para.18.

<sup>421</sup> *Pećanac* Judgement, para.19.

<sup>422</sup> Indictment, paras.20-25.

<sup>423</sup> Indictment, paras.26-28.

organised nature and sustained implementation of the crimes, the concealed nature of the criminal conduct, as well as specific statements of **NGIRABATWARE**.<sup>424</sup>

120. Likewise, the context of **NGIRABATWARE**'s conduct in disclosing confidential information, including the identities of protected witnesses, and in contacting ANAE contrary to the means prescribed by court orders demonstrates that he breached the provisions of applicable court orders. He had direct knowledge of these court orders as the Accused in the *Ngirabatware* proceedings, demonstrating that he acted knowingly and wilfully, or with wilful blindness or reckless indifference to the existence of the applicable orders.

121. Additional evidence, summarized below, further demonstrates that **NGIRABATWARE**'s conduct meets the *actus reus* and *mens rea* requirements of the crimes charged in each Count of the Indictment.

1. Counts 1 and 2: Contempt and Incitement to Commit Contempt

(i) Contempt (Count 1)

a. Actus reus

122. From at least August 2015 through September 2018, **NGIRABATWARE** engaged in conduct directly and/or through the Four co-Accused to influence the Protected Witnesses to recant their trial testimonies.<sup>425</sup> **NGIRABATWARE**, in particular:

- on or about 15 August 2015, pressured ANAE to recant her testimony by using telecommunications from the UNDF to speak to her while she was in Kampala, Uganda;<sup>426</sup>
- in October and November 2015, participated in preparing a letter in which ANAM purportedly recanted her testimony, and transmitted this letter to **NZABONIMPA** with the intention that ANAM be pressured and/or induced into signing it, which she was;<sup>427</sup>
- in November 2015, prepared a letter in which ANAN purportedly recanted his testimony, and transmitted this letter to **NZABONIMPA** with the intention that ANAN be pressured and/or induced into signing it, which he was;<sup>428</sup>

<sup>424</sup> See below para.126.

<sup>425</sup> Indictment, para.20.

<sup>426</sup> Indictment, para.20(i). See above para.25. See also above paras.2, 5.

<sup>427</sup> Indictment para.20(ii); See above paras.27-28.

<sup>428</sup> Indictment, para.20(iii). See above paras.29-31.

- between 19 and 26 January 2016, prepared letters providing the purported consent of ANAE and ANAM to meet with the Defence and transmitted them to **NZABONIMPA** with the intention that ANAE and ANAM be pressured and/or induced into signing them, which they were;<sup>429</sup> and
- between September 2016 and 7 November 2017, instructed **FATUMA** to pressure ANAL to change her testimony, which **FATUMA** did.<sup>430</sup>

123. From June 2016 to June 2018, **NGIRABATWARE**, through the Four co-Accused, instructed the Protected Witnesses on what to say about the recantations.<sup>431</sup> Leading up to the scheduled interviews with the Prosecution and the Defence and/or with regard to testimony to be given at the Review Hearing, **NGIRABATWARE**, in particular:

- in June 2016, prepared information that he intended the Recanting Witnesses provide during meetings with the Defence and transmitted this information to **NZABONIMPA** to use in instructing the Recanting Witnesses, which **NZABONIMPA** then did;<sup>432</sup>
- in September 2017, prepared information that, together with the information he prepared in June 2016 (collectively, “Prepared Information”), he intended the Recanting Witnesses provide during meetings with the Prosecution and transmitted this information to **NZABONIMPA** for onward transmission to **TURINABO** and **NDAGIJIMANA**, and these three co-Accused used the Prepared Information in providing instructions to the Recanting Witnesses;<sup>433</sup>
- between September 2016 and 7 November 2017, instructed **FATUMA** to provide prepared information to ANAL with the intention that ANAL provide this information during meetings with the Defence and at the Review Hearing, which **FATUMA** did;<sup>434</sup> and
- between 15 May 2018 and 11 June 2018, acting through **NZABONIMPA**, **TURINABO** and **NDAGIJIMANA**, directed the Recanting Witnesses on what to say during interviews with **NGIRABATWARE**’s new Defence counsel, including to ensure consistent stories.<sup>435</sup>

124. From 29 July 2017 to September 2017, **NGIRABATWARE**, acting through **TURINABO** and **NDAGIJIMANA**, took steps to procure false evidence from **MANIRAGUHA**,

<sup>429</sup> Indictment, para.20(iv). *See above* paras.40-43.

<sup>430</sup> Indictment, para.20(v). *See above* paras.64-70.

<sup>431</sup> Indictment, para.21.

<sup>432</sup> Indictment, para.21(i). *See above* paras.57, 59, 78.

<sup>433</sup> Indictment, para.21(ii). *See above* paras.57, 59, 78-79, 88. *See also above* paras.91-92.

<sup>434</sup> Indictment, para.21(iii). *See above* paras.64-70.

<sup>435</sup> Indictment, para.21(iv). *See above* paras.98-99. *See also above* para.100.

TWAGIRAYEZU, MBARIMO and/or MUKAMISHA corroborating the alleged recantations of ANAE, ANAM, ANAN and/or ANAT.<sup>436</sup> **NGIRABATWARE**, in particular:

- prepared and transmitted the Prepared Information with the intention that it be used to train the Intermediaries, and **TURINABO** and **NDAGIJIMANA** used it in training MBARIMO, MUKAMISHA and/or MANIRAGUHA;<sup>437</sup> and
- prepared and transmitted the Prepared Information with the intention that it be used to train the Intermediaries, and **NDAGIJIMANA** used it in training TWAGIRAYEZU.<sup>438</sup>

125. From approximately June 2015 through August 2018, and in particular linked to the occasions detailed in paragraphs 122-124 above, **NGIRABATWARE** offered and paid bribes, through the Four co-Accused, to the Protected Witnesses and Intermediaries in exchange for their cooperation with the *Ngirabatware* Defence and to influence their prospective evidence.<sup>439</sup> **NGIRABATWARE**, in particular:

- on or about 25 June 2015, gave **NZABONIMPA** 2,000 Euros<sup>440</sup> which **NZABONIMPA** used towards bribing the Protected Witnesses and Intermediaries, including;
  - in August 2015, **NZABONIMPA** paid a bribe of 350,000 RWF to MANIRAGUHA;<sup>441</sup>
  - on 1 and 29 September 2015, **NZABONIMPA** paid bribes to MBARIMO, amounting to 80,600 RWF;<sup>442</sup>
  - on 29 September 2015, **NZABONIMPA** paid bribes to ANAN amounting to 100,000 RWF;<sup>443</sup>

---

<sup>436</sup> Indictment, para.22.

<sup>437</sup> Indictment, para.22(i). *See above* paras.78-87; Rule70#00024.54; Rule70#00079B.28; TNN12. *See also* Rule70#00078B.328/Rule70#00078A.328; *above* paras.57, 75, 77.

<sup>438</sup> Indictment, para.22(ii). *See above* paras.80, 82-88. *See also* Rule70#00024.63 (“nobody should know that we all met before. [...] Failure to do that will result in absolute disaster.”); *above* para.57, 75, 77.

<sup>439</sup> Indictment, para.23.

<sup>440</sup> Indictment, para.23(i). *See above* para.23.

<sup>441</sup> Indictment, para.23(i)(a). *See above* para.25.

<sup>442</sup> Indictment, para.23(i)(b). *See above* para.30 (30,600 RWF on 1 September 2015 and 50,000 RWF on 29 September 2015).

<sup>443</sup> Indictment, para.23(i)(c). *See above* para.30.



- on 26 October 2015, **NZABONIMPA** and **TURINABO** paid a bribe of 49,600 RWF to TWAGIRAYEZU;<sup>444</sup>
- on or about 29 and 30 October 2015, gave **NZABONIMPA** 5,000 Euros, through HIRWA,<sup>445</sup> and **NZABONIMPA** used this money towards bribing the Protected Witnesses and Intermediaries, including;
  - on 25 January 2016, **NZABONIMPA** and **NDAGIJIMANA** paid a bribe of 29,750 RWF to ANAM;<sup>446</sup>
  - on 2 February 2016, **NZABONIMPA** and **TURINABO** paid a bribe of 99,450 RWF each to: ANAE, ANAM, and TWAGIRAYEZU;<sup>447</sup>
- on or about 15 February 2016, gave **NZABONIMPA** 2,000 Euros, through HIRWA,<sup>448</sup> and **NZABONIMPA** used this money towards bribing the Protected Witnesses and Intermediaries, including;
  - on 22 February 2016, **NZABONIMPA** paid a bribe of 1,000,000 RWF to ANAN;<sup>449</sup>
- between or about 26 February and 16 March 2016, gave **NZABONIMPA** 6,000 Euros, through HIRWA,<sup>450</sup> and **NZABONIMPA** used this money towards bribing the Protected Witnesses and Intermediaries, including;
  - on 5 March 2016, **NZABONIMPA** paid a bribe of 1,000,000 RWF to ANAN;<sup>451</sup>
  - between 20 and 24 August 2016, **NZABONIMPA** and/or **NDAGIJIMANA** paid bribes of approximately 200,000 RWF to ANAN, 300,000 RWF to MANIRAGUHA, 1,000,000 RWF to ANAE, and 500,000 RWF to ANAM;<sup>452</sup>

<sup>444</sup> Indictment, para.23(i)(d). *See above* para.34.

<sup>445</sup> Indictment, para.23(ii). *See above* para.23.

<sup>446</sup> Indictment, para.23(ii)(a). *See above* para.40, fn.129.

<sup>447</sup> Indictment, para.23(ii)(b). *See above* para.44.

<sup>448</sup> Indictment, para.23(iii). *See above* para.47.

<sup>449</sup> Indictment, para.23(iii)(a). *See above* para.51.

<sup>450</sup> Indictment, para.23(iv). *See above* para.52.

<sup>451</sup> Indictment, para.23(iv)(a). *See above* para.51.

<sup>452</sup> Indictment, para.23(iv)(b). *See above* para.63.

- between September and November 2016 in Gisenyi, Rwanda, **FATUMA** offered ANAL a bribe, including a payment of 3,000 USD and/or a house, in exchange for ANAL recanting her *Ngirabatware* trial testimony;<sup>453</sup>
- between 22 and 25 May 2017, **NZABONIMPA** paid bribes to ANAN amounting to 110,000 RWF;<sup>454</sup>
- on 1 August 2017, **TURINABO** and **NZABONIMPA** paid bribes to MANIRAGUHA and ANAE;<sup>455</sup>
- on or about 5 and 6 December 2017, instructed **TURINABO**, through **NZABONIMPA**, to pay 500,000 RWF in bribes to MANIRAGUHA and ANAE, and **TURINABO** paid 400,000 RWF to MANIRAGUHA and ANAE accordingly;<sup>456</sup>
- between 12 and 21 December 2017, coordinated with **NZABONIMPA** the transfer of money into the bank account of HIRWA with the intention of providing that money to **NZABONIMPA** for the purposes of paying bribes to the Protected Witnesses,<sup>457</sup> including;
  - on 28 December 2017, **NZABONIMPA** paid a bribe of 102,000 RWF to ANAN;<sup>458</sup>
- on 8 and 9 February 2018, instructed **NDAGIJIMANA**, through **NZABONIMPA**, to offer a bribe to ANAM;<sup>459</sup>
- between 28 and 30 May 2018, instructed **NDAGIJIMANA**, through **NZABONIMPA**, to offer bribes to MANIRAGUHA and/or ANAE, which **NDAGIJIMANA** did;<sup>460</sup> and
- between 27 and 31 August 2018, instructed **NZABONIMPA** to offer bribes to ANAE, ANAM and ANAN.<sup>461</sup>

---

<sup>453</sup> Indictment, para.23(iv)(c). *See above* paras.65-66. *See also above* paras.67-69.

<sup>454</sup> Indictment, para.23(iv)(d). *See above* para.72.

<sup>455</sup> Indictment, para.23(iv)(e). *See above* para.81.

<sup>456</sup> Indictment, para.23(v). *See above* para.95.

<sup>457</sup> Indictment, para.23(vi). *See above* para.94.

<sup>458</sup> Indictment, para.23(vi)(a). *See above* para.94.

<sup>459</sup> Indictment, para.23(vii). *See above* para.96.

<sup>460</sup> Indictment, para.23(viii). *See above* para.99.

<sup>461</sup> Indictment, para.23(ix). *See above* para.100.

b. Mens rea

126. The organized, coordinated and concealed nature of **NGIRABATWARE**'s acts described above demonstrate that they were knowing, wilful, and intended to influence the nature of the targeted witnesses' or potential witnesses' evidence as part of an organized effort to overturn his genocide convictions. His own statements demonstrate the same. For example, he described the outcome of the review proceedings as a matter of "life or death" for him,<sup>462</sup> as he had the most to gain from the recantations. **NGIRABATWARE** directed and instructed the Four co-Accused to take actions to interfere with the Protected Witnesses on his behalf, for example:

- When ANAE claimed she would not meet WISP, **NGIRABATWARE** told **NZABONIMPA** to "manage" the situation, demonstrating his *mens rea* to interfere with or influence ANAE. A couple of hours later, **NZABONIMPA** reassured **NGIRABATWARE** that "management continues" as **NDAGIJIMANA** was looking for ANAE and the two of them were handling the situation.<sup>463</sup>
- When ANAL was taking a long time to be "wooded", **TURINABO** requested further instructions from **NGIRABATWARE** through **NZABONIMPA**, and was only "at peace" once he received information "emanating for our person [**NGIRABATWARE**]"<sup>464</sup>
- When ANAM was in mourning, **NGIRABATWARE** instructed **NDAGIJIMANA**, through **NZABONIMPA**, to visit her and give her money.<sup>465</sup>
- When the Defence was scheduling interviews with the Recanting Witnesses in May 2018, **NGIRABATWARE** told **NZABONIMPA** to take "minimum measures" with respect to payments made to the Recanting Witnesses before the Defence interviews, and to take "the maximum measures" when the Review Hearing was anticipated to start in September 2018.<sup>466</sup>
- When ANAN and ANAT appeared reluctant to participate in the recantation scheme, **TURINABO** warned **NZABONIMPA** to tell **NGIRABATWARE** that "the more the situation worsens, he should look for means to rescue the tournament."<sup>467</sup>

<sup>462</sup> Rule70#00078B.723/Rule70#00078A.723.

<sup>463</sup> See above para.99.

<sup>464</sup> Rule70#00078B.317/Rule70#00078A.317; Rule70#00078B.320/Rule70#00078A.320; Rule70#00078B.321/Rule70#00078A.321. See also above para.69; Rule70#00078B.191/Rule70#00078A.191.

<sup>465</sup> See above para.96.

<sup>466</sup> Rule70#00078B.545/ Rule70#00078A.545. See also above para.99.

<sup>467</sup> Rule70#00078B.692/ Rule70#00078A.692.

- **NGIRABATWARE** warned the Four co-Accused to be vigilant and erase their communications regarding the recantation scheme.<sup>468</sup>

127. **NGIRABATWARE** further evidenced his *mens rea* by taking part in preparing the recantation letters and the Consent Letters and by transmitting them to **NZABONIMPA** so that the Recanting Witnesses could be pressured and/or induced into signing them.<sup>469</sup> **NGIRABATWARE** provided the Prepared Information to the Four co-Accused, which was then used in training the Recanting Witnesses.<sup>470</sup> He also provided the Four co-Accused with additional instructions in terms or training and strategy.<sup>471</sup> **NGIRABATWARE** also emphasized the importance of ensuring that witnesses complied with instructions and understood the contours of the false information they had to provide: he worried that ANAE and MANIRAGUHA would get the information wrong and “give us a heart attack”;<sup>472</sup> he worried that if the witnesses did not give the answers they were trained to give, the results would be “irreversible” and therefore **NZABONIMPA** and **NDAGIJIMANA** needed to “work harder” in training them.<sup>473</sup> Finally, **NGIRABATWARE** was controlling the money being used to bribe the Protected Witnesses<sup>474</sup> and he tried to mask his criminal conduct by operating through **HIRWA** and **NZABONIMPA**.<sup>475</sup> **NGIRABATWARE** is therefore responsible for Contempt under Count 1.

(ii) Incitement (Count 2)

128. In addition or in the alternative, **NGIRABATWARE** incited **TURINABO**, **NZABONIMPA**, **NDAGIJIMANA** and/or **FATUMA** as alleged in Count 2 of the Indictment.<sup>476</sup> As described above, he encouraged and prompted the Four co-Accused to influence witnesses and

<sup>468</sup> Rule70#00078B.445/ Rule70#00078A.445. See also Rule70#00078B.728/Rule70#00078A.728.

<sup>469</sup> See above paras.27-34, 45-52.

<sup>470</sup> See above paras. 57, 78, 88, 123.

<sup>471</sup> See e.g. Rule70#00078B.196/Rule70#00078A.196; Rule70#00078B.694/Rule70#00078A.694; Rule70#00078B.223/Rule70#00078A.223; Rule70#00078B.224/Rule70#00078A.224; Rule70#00078B.317/Rule70#00078A.317; Rule70#00078B.343/ Rule70#00078A.343; Rule70#00078B.344/ Rule70#00078A.344; Rule70#00078B.368/ Rule70#00078A.368; Rule70#00078B.385/ Rule70#00078A.385; Rule70#00078B.394/ Rule70#00078A.394.

<sup>472</sup> Rule70#00078B.724/Rule70#00078A.724. See also Rule70#00078B.725/Rule70#00078A.725.

<sup>473</sup> Rule70#00078B.552/Rule70#00078A.552; Rule70#00078B.726/Rule70#00078A.726.

<sup>474</sup> See above paras.23, 52, 125.

<sup>475</sup> See e.g. above paras.11, 23, 94, 125. See e.g. Rule70#00078B.697/Rule70#00078A.697; Rule70#00078B.673/Rule70#00078A.673; Rule70#00078B.674/Rule70#00078A.674; Rule70#00078B.675/Rule70#00078A.675; Rule70#00078B.676/Rule70#00078A.676; Rule70#00078B.283/Rule70#00078A.283; Rule70#00078B.284/Rule70#00078A.284; Rule70#00078B.285/Rule70#00078A.285; Rule70#00078B.286/Rule70#00078A.286; Rule70#00078B.290/Rule70#00078A.290; Rule70#00078B.680/Rule70#00078A.680; Rule70#00078B.74/Rule70#00078A.74; Rule70#00078B.75/Rule70#00078A.75.

<sup>476</sup> See Indictment, para.25.

prospective witnesses by offering bribes, promises of payments and other inducements.<sup>477</sup> **NGIRABATWARE** incited the Four co-Accused to accomplish his overall strategy of witness interference by capitalizing on their access to and positions of influence with the Protected Witnesses. As indicated above, **NGIRABATWARE** took all these actions knowingly and wilfully. He is therefore responsible for Inciting Contempt under Count 2.

2. Count 3: Contempt (Knowing Violation of and Failure to Comply with Court Orders)

129. In violation of Rule 90(A)(ii) and (iii), **NGIRABATWARE** knowingly disclosed confidential information, including the identities of protected witnesses, to **NZABONIMPA**, and contacted ANAE in knowing violation of court orders that required maintaining confidentiality and prohibited contact with ANAE except through WISP.<sup>478</sup>

(i) Actus reus

130. On or about 15 August 2015, in violation of operative protective measures,<sup>479</sup> **NGIRABATWARE** had direct contact with ANAE through telecommunications from the UNDF.<sup>480</sup>

131. From at least November 2017 until August 2018, in violation of court orders and operative protective measures,<sup>481</sup> **NGIRABATWARE** directly disclosed confidential witness information and contents of confidential filings to **NZABONIMPA**,<sup>482</sup> who forwarded some of this information to **TURINABO**<sup>483</sup> and **NDAGIJIMANA**.<sup>484</sup> In particular, **NGIRABATWARE**:

<sup>477</sup> See above para.125.

<sup>478</sup> Indictment, paras.20(i), 26-28. See above paras.25, 70, 93, 101-104. See also above para.97.

<sup>479</sup> *Ngirabatware* 6 May 2009 Decision, pp.6-7.

<sup>480</sup> Indictment, paras.20(i), 26-27. See above para.25.

<sup>481</sup> *Ngirabatware* 6 May 2009 Decision, pp.6-7 (ordering the use of pseudonyms; keeping confidential any information that might identify or assist in identifying the protected witnesses or their families; that the Defence notify the Prosecution in writing if it wishes to contact a protected witness or their family; and that the Defence provide the Prosecution and Registry with a list of all authorised Defence team members who would have access to the confidential identifying information); *Ngirabatware* 5 August 2016 Decision, p.4 (further requiring any party wishing to contact the Recanting Witnesses to work through WISP and notify the opposing party); *Ngirabatware* 24 August 2018 Decision, p.3 (further requiring that the Defence shall not “attempt to make an independent determination of the identity of any protected Prosecution witness or to encourage or otherwise aid any person to attempt to determine the identity of any such person” and that the Defence keep confidential any identifying information of scheduled and prospective Prosecution witnesses).

<sup>482</sup> Indictment, para.28.

<sup>483</sup> Indictment, para.28(i)-(iii), (v). See above paras.70, 93, 101-102, 104.

<sup>484</sup> Indictment, para.28(iii), (v). See above paras.102, 104.

- on 27 November 2017, shared, discussed and/or revealed the confidential contents of the Registrar's submissions dated 13 December 2016 and 11 August 2017 regarding ANAL to **NZABONIMPA**, who forwarded the information to **TURINABO**;<sup>485</sup>
- on 27 June 2018, 30 July 2018 and 2 August 2018, shared, discussed and/or revealed confidential information identifying ANAL [REDACTED] to **NZABONIMPA**, who forwarded some of this information to **TURINABO**;<sup>486</sup>
- on 14 August 2018, revealed to **NZABONIMPA** contents of a confidential order issued the previous day in which the Appeals Chamber ordered the Prosecution to reduce its list of witnesses, and **NZABONIMPA** forwarded this information to **TURINABO** and **NDAGIJIMANA**;<sup>487</sup>
- on 27 August 2018, attempted to make an independent determination of the identity of a protected Prosecution witness listed on the redacted version of the Prosecution's witness list, and aided **NZABONIMPA** in determining this witness' identity;<sup>488</sup> and
- on 30 and 31 August 2018, revealed to **NZABONIMPA** the identity of Prosecution witnesses listed on the Prosecution's confidential unredacted witness list for the Review Hearing, and **NZABONIMPA** forwarded this information to **TURINABO** and/or **NDAGIJIMANA**.<sup>489</sup>

(ii) Mens rea

132. **NGIRABATWARE** knew that disclosing confidential witness information and contents of confidential filings to **NZABONIMPA**, and contacting ANAE directly instead of through WISP, was in violation of a Chamber's orders. As the Accused in the *Ngirabatware* proceedings, **NGIRABATWARE** had first-hand knowledge of the protective measures ordered and of the confidential status of filings. He is therefore responsible for Contempt under Count 3.

## V. CONCLUSION

133. The evidence summarised above will establish that **NGIRABATWARE** is guilty of the crimes with which he is charged.

<sup>485</sup> Indictment, para.28(i). See above paras.70, 93.

<sup>486</sup> Indictment, para.28(ii). See above para.101.

<sup>487</sup> Indictment, para.28(iii). See above para.102.

<sup>488</sup> Indictment, para.28(iv). See above para.103. The protected Prosecution witness in question is ANAL.

<sup>489</sup> Indictment, para.28(v). See above para.104.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DEPOT DE DOCUMENTS

**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	IRMCT Registry/ <i>Greffe du MIFRTP</i>		<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input type="checkbox"/> President / <i>Président</i>	<input type="checkbox"/> Chambers / <i>Chambre</i>	<input checked="" type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>	<input type="checkbox"/> Defence / <i>Défense</i>
	<input type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>		
<b>Case Name/ Affaire :</b>	Prosecutor v. NZABONIMPA et al.		<b>Case Number/ Affaire n° :</b>	MICT-18-116-T
<b>Date Created/ Daté du :</b>	24 September 2021	<b>Date transmitted/ Transmis le :</b>	24 September 2021	<b>No. of Pages/ Nombre de pages :</b> 54
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
<b>Title of Document/ Titre du document :</b>	PROSECUTION NOTICE OF FILING PUBLIC REDACTED VERSION OF PRE-TRIAL BRIEF			
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>		
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>		
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>		
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>		
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :		
<b>Document type/ Type de document :</b>				
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>	
<input type="checkbox"/> Decision/ <i>Décision</i>	<input checked="" type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>	
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>		

**II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>				
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe)</i>				
<input type="checkbox"/> English/ <i>Anglais</i>	<input checked="" type="checkbox"/> French/ <i>Français</i>	<input checked="" type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>				
<b>Original/ Original en</b>	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
<b>Translation/ Traduction en</b>	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>				
<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :

Send completed transmission sheet to/ *Veillez soumettre cette fiche dûment remplie à :*

[JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) OR/ OU [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)

Rev: August 2019/ *Rév. : Août 2019*