

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-12-22

Date: 13 May 2025

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Ivo Nelson de Caires Batista Rosa

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 13 May 2025

PROSECUTOR

v.

RYANDIKAYO

PUBLIC

DECISION ON MOTION TO TERMINATE PROCEEDINGS

The Office of the Prosecutor:

Mr. Serge Brammertz

I, IVO NELSON DE CAIRES BATISTA ROSA, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

RECALLING the initial indictment against Ryandikayo, confirmed by a Judge of the International Criminal Tribunal for Rwanda (“ICTR”) on 28 November 1995,² and the operative indictment against him, confirmed on 8 May 2012, charging Ryandikayo with genocide, complicity in genocide, direct and public incitement to commit genocide, as well as murder, extermination, rape, and persecution as crimes against humanity committed in the Republic of Rwanda (“Rwanda”) in and around April 1994;³

RECALLING that, on 20 June 2012, a Chamber designated under Rule 11*bis* of the Rules of Procedure and Evidence of the ICTR ordered that the case against Ryandikayo be referred to the authorities of Rwanda⁴ and that, on 7 May 2014, a Single Judge of the Mechanism vacated the previous ICTR warrant of arrest and order for transfer of Ryandikayo and issued a new warrant of arrest and an order for his transfer to Rwanda;⁵

BEING SEISED OF a motion filed by the Office of the Prosecutor of the Mechanism (“Prosecution”) on 9 April 2025, seeking a judicial order terminating the proceedings against Ryandikayo before the Mechanism on account of his death;⁶

NOTING the Prosecution’s submission that its investigation provides sufficient information – as further set out in confidential Annex A to the Motion – to establish that Ryandikayo is deceased;⁷

CONSIDERING that the Mechanism retains certain powers following the referral of a case to a national jurisdiction and prior to the accused being found guilty or acquitted by a national court;⁸

¹ Order Assigning a Single Judge to Consider a Motion, 17 April 2025, p. 1.

² *The Prosecutor v. Clément Kayishema et al.*, Case No. ICTR-95-1-I, Decision of the Review of the Indictment, 28 November 1995; *The Prosecutor v. Clément Kayishema et al.*, Case No. ICTR-95-1-I, Indictment, 22 November 1995. See also *The Prosecutor v. Clément Kayishema et al.*, Case No. ICTR-95-1-I, Order in the Matter of: an Application by the Prosecutor for Leave to Amend the Indictment and Order, Granted on 28th November 1995, 6 May 1996, p. 1.

³ *The Prosecutor v. Ryandikayo*, Case No. ICTR-95-1-I, Decision on the Confirmation of the Second Amended Indictment, 8 May 2012 (confidential and *ex parte*); *The Prosecutor v. Ryandikayo*, Case No. ICTR-95-1E-I, Second Amended Indictment, 8 May 2012.

⁴ *The Prosecutor v. Ryandikayo*, Case No. ICTR-95-1E-R11*bis*, Decision on the Prosecutor’s Request for Referral of the Case to the Republic of Rwanda, 20 June 2012, para. 81, pp. 3, 19, 20.

⁵ *Prosecutor v. Ryandikayo*, Case No. MICT-12-22-PT, Warrant of Arrest and Order for Transfer Addressed to All States, 7 May 2014, pp. 1, 2. See also *The Prosecutor v. Ryandikayo*, Case No. ICTR-95-1E, Warrant of Arrest and Order for Transfer, 20 June 2012.

⁶ Motion to Terminate Proceedings, 9 April 2025 (public with confidential Annex A) (“Motion”), paras. 1-3.

⁷ Motion, para. 2, Annex A, paras. 2, 3, 11-15.

⁸ *Prosecutor v. Aloys Ndimbat*, Case No. MICT-12-14, Decision on Motion to Terminate Proceedings, 19 March 2024 (“Ndimbat Decision of 19 March 2024”), p. 2; *Prosecutor v. Phénéas Munyarugarama*, Case No. MICT-12-09, Decision

CONSIDERING that, notwithstanding any possible termination of the case against Ryandikayo before a court in Rwanda, in circumstances where the Prosecution has presented sufficient information to establish that an accused at large is deceased, a judicial order closing the case before the Mechanism is warranted;⁹

CONSIDERING that the Prosecution has presented sufficient information to establish that Ryandikayo is deceased;¹⁰

FINDING, therefore, that a judicial order closing proceedings against Ryandikayo before the Mechanism is warranted;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion; and

TERMINATE the proceedings against Ryandikayo before the Mechanism.

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

Done this 13th day of May 2025,
At Arusha,
Tanzania


Judge Ivo Nelson de Caires Batista Rosa
Single Judge

[Seal of the Mechanism]

on Motion to Terminate Proceedings, 16 December 2022 (“*Munyarugarama* Decision of 16 December 2022”), p. 2, n. 11, referring to Articles 6(5) and 6(6) of the Statute of the Mechanism and Rule 14(C) of the Rules of Procedure and Evidence of the Mechanism (“Rules”).

⁹ *Ndimbati* Decision of 19 March 2024, p. 2; *Munyarugarama* Decision of 16 December 2022, pp. 2, 3, referring, *inter alia*, to *Prosecutor v. Protais Mpiranya*, Case No. MICT-12-02, Decision on Motion to Terminate Proceedings, 14 September 2022, pp. 1, 2, *Prosecutor v. Augustin Bizimana*, Case No. MICT-13-39, Decision on Request to Terminate the Proceedings, 4 November 2020, pp. 1, 2, *Prosecutor v. Janko Bobetko*, Case No. IT-02-62-I, Order Terminating Proceedings Against Janko Bobetko, 24 June 2003, Rule 15 of the Rules.

¹⁰ See Motion, Annex A.



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