

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-12-13

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.

CHARLES SIKUBWABO

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 Mr. Charles Sikubwabo (“Sikubwabo”), confirmed by a Judge of the International Criminal Tribunal for Rwanda (“ICTR”) on 28 November 1995,² and the operative indictment against him, filed on 20 October 2000,³ charging Sikubwabo with genocide or, alternatively, complicity in genocide; conspiracy to commit genocide; as well as murder, extermination, and other inhumane acts as crimes against humanity – committed in the Republic of Rwanda (“Rwanda”) in April 1994;⁴

RECALLING that, on 26 March 2012, a Chamber designated under Rule 11*bis* of the Rules of Procedure and Evidence of the ICTR ordered that the case against Sikubwabo be referred to the authorities of Rwanda⁵ and that, on 7 May 2014, a Single Judge of the Mechanism vacated the previous ICTR warrant of arrest and order for transfer of Sikubwabo and issued a new warrant of arrest and an order for his transfer to Rwanda;⁶

BEING SEISED OF a motion filed by the Office of the Prosecutor of the Mechanism (“Prosecution”) on 9 April 2012, seeking a judicial order terminating the proceedings against Sikubwabo before the Mechanism on account of his death;⁷

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 Sikubwabo is deceased;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. Elizaphan Ntakirutimana et al.*, Case No. ICTR-96-10, Decision on Prosecutor’s Request for Leave to File an Amended Indictment, 6 October 2000; *The Prosecutor v. Elizaphan Ntakirutimana et al.*, Case No. ICTR-96-10-I, Indictment, 20 October 2000 (“Indictment”).

⁴ Indictment, paras. 1, 2, 5.

⁵ *The Prosecutor v. Charles Sikubwabo*, Case No. ICTR-95-1D-R11*bis*, Decision on the Prosecutor’s Request for Referral of the Case to the Republic of Rwanda, 26 March 2012, p. 42.

⁶ *Prosecutor v. Charles Sikubwabo*, Case No. MICT-12-13-PT, Warrant of Arrest and Order for Transfer Addressed to All States, 7 May 2014, pp. 1, 2. See also *The Prosecutor v. Charles Sikubwabo*, Case No. ICTR-95-1D-R11*bis*, Warrant of Arrest and Order for Transfer, 30 April 2012; *The Prosecutor v. Charles Sikubwabo*, Case No. ICTR-95-1D-I, Warrant of Arrest and Transfer, signed on 30 June 2003, filed on 1 July 2003.

⁷ Motion to Terminate Proceedings, 9 April 2025 (public with confidential Annex A) (“Motion”), paras. 1-3.

⁸ Motion, para. 2, Annex A, paras. 2, 3, 11-18.

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;⁹

CONSIDERING that, notwithstanding any possible termination of the case against Sikubwabo 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;¹⁰

CONSIDERING that the Prosecution has presented sufficient information to establish that Sikubwabo is deceased;¹¹

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

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion; and

TERMINATE the proceedings against Sikubwabo 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]

⁹ *Prosecutor v. Aloys Ndimbati*, Case No. MICT-12-14, Decision on Motion to Terminate Proceedings, 19 March 2024 (“*Ndimbati* Decision of 19 March 2024”), p. 2; *Prosecutor v. Phénéas Munyarugarama*, Case No. MICT-12-09, Decision 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*”).

¹⁰ *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.

¹¹ See Motion, Annex A.



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