

**UNITED
NATIONS**



International Residual Mechanism for
Criminal Tribunals

Case no.: MICT-24-131
Date: 15 October 2025
Original: French

Before: Judge Graciela Gatti Santana, President

Registrar: Mr Abubacarr Tambadou

**IN THE MATTER OF
FRANÇOIS NGIRABATWARE**

***PUBLIC DOCUMENT
WITH CONFIDENTIAL ANNEX***

THIRD MONITORING REPORT

Monitor

Ms Elsa Levavasseur

1. In his Order of 28 January 2025, the Registrar of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) appointed me as monitor in charge of monitoring the contempt case against Mr François Ngirabatware (“*Ngirabatware* case” and “Mr Ngirabatware” respectively) referred to the authorities of the Kingdom of Belgium (“Belgium”) pursuant to Articles 1(4), 6(2) and 6(4) of the Mechanism’s Statute and Rule 14 of the Mechanism’s Rules of Procedure and Evidence (“Statute” and “Rules” respectively).¹ This third monitoring report of the *Ngirabatware* case covers the period from 15 July to 15 October 2025.²

Introduction and Context

2. On 29 April 2024, a Single Judge of the Mechanism issued an Order in Lieu of Indictment against Mr Ngirabatware for contempt of the Mechanism, an offence under Article 1(4) of the Statute and Rule 90(A), for having knowingly and wilfully interfered with the administration of justice by presenting three fraudulent documents (“fraudulent documents”), with the intention of misleading the Mechanism, in the context of proceedings linked to the matter of *The Prosecutor v. Félicien Kabuga*, case no. MICT-13-38-Misc.1, regarding the unfreezing of assets in bank accounts in Belgium.³ These documents include a letter, alleged to have been created by Mr Ngirabatware, which he falsely presented as coming from a representative of a Belgian bank, whose signature he is alleged to have falsified.⁴

3. The Single Judge then instructed the Registrar of the Mechanism to serve Mr Ngirabatware with the Decision on Allegations of Contempt as well as the Order in Lieu of Indictment, *inter alia*.⁵ On 29 May 2024, the Registrar of the Mechanism confirmed service on Mr Ngirabatware on 24 May 2024.⁶

¹ *In the Matter of François Ngirabatware*, case no. MICT-24-131-I, Order Appointing a Monitor, 6 February 2025 (original English version filed on 28 January 2025) (“Order of 28 January 2025”), p. 1. *See also In the Matter of François Ngirabatware*, case no. MICT-24-131-I, Decision on the Suitability of Referral of the Case, 19 September 2024 (original English version filed on 17 September 2024) (“Decision of 17 September 2024”), pp. 5 and 6.

² The first report was submitted to the President on 15 April 2025, and the Second Monitoring Report on 15 July 2025. *See In the Matter of François Ngirabatware*, case no. MICT-24-131, First Monitoring Report, 15 April 2025 (“First Monitoring Report”); *In the Matter of François Ngirabatware*, case no. MICT-24-131, Second Monitoring Report, 15 July 2025 (“Second Monitoring Report”).

³ *See* Decision of 17 September, p. 1; *In the Matter of François Ngirabatware*, case no. MICT-24-131-I, Decision Issuing Order in Lieu of Indictment, 7 May 2024 (original English version filed on 29 April 2024; confidential, public redacted version filed the same day) (“Decision of 29 April 2024”), pp. 1 to 4. *See also The Prosecutor v. Félicien Kabuga*, case no. MICT-13-38-R90.1, Decision on Allegations of Contempt, 14 May 2024 (original English version filed on 29 April 2024; confidential, public redacted version filed the same day).

⁴ *See* Decision of 29 April 2024, pp. 3 and 4.

⁵ *See* Decision of 29 April 2024, p. 1.

⁶ *See In the Matter of François Ngirabatware*, case no. MICT-24-131-I, Registrar’s Notice of Compliance with the “Decision Issuing Order in Lieu of Indictment” of 29 April 2024, 14 June 2024 (original English version filed on 29 May 2024; confidential).

4. On 17 September 2024, a second Single Judge of the Mechanism ordered the referral of proceedings regarding Mr Ngirabatware to the Belgian authorities for trial pursuant to Articles 1(4), 6(2) and 6(4) of the Statute of the Mechanism and Rule 14 of the Rules.⁷ Mr Ngirabatware had previously made it known through his lawyer that, as a Belgian national residing in Belgium, he wanted the examination of this case to be entrusted to the relevant Belgian courts.⁸ The Belgian authorities, also invited to provide a written submission, indicated that the conduct alleged against Mr Ngirabatware could, *prima facie*, be qualified as forgery and use of forgery, pursuant to Articles 196 and 197 of the Belgian Criminal Code, and that, while favouring a trial by the Mechanism, Belgium was *a priori* competent to prosecute these offences and stood ready to initiate proceedings.⁹

5. The referral decision also ordered the *Amicus Curiae* initially responsible for prosecuting this case before the Mechanism, Mr Robert L. Herbst (“*Amicus Curiae*”), to transfer to the Prosecutor’s Office of Belgium, as soon as possible, all information relating to this case, including all materials supporting the Order in Lieu of Indictment.¹⁰ The Registry of the Mechanism was also ordered to take appropriate measures for an effective monitoring mechanism to be implemented in accordance with Article 6(5) of the Statute and Rule 14(A)(iv) of the Rules to ensure that Mr Ngirabatware benefits from the guarantees applicable to the case throughout the proceedings against him, and to report on the situation to the President of the Mechanism.¹¹ On 28 January 2025, pursuant to Article 6(5) of the Statute and Rule 14 of the Rules, the Registrar of the Mechanism appointed me as monitor to observe the trial and to provide reports on the progress of the trial in Belgium.¹²

6. As indicated in the First Monitoring Report, filed on 15 April 2025, case no. 24CR0519 regarding the *Ngirabatware* matter was entrusted to the office of Ms Kathleen Grosjean, Federal Prosecutor on behalf of the International Humanitarian Law Section of the Belgian Federal Prosecutor’s Office, and the Brussels Federal Police is responsible for the investigation.¹³ Certain preliminary difficulties were raised during the first monitoring mission, including the issue of

⁷ See Decision of 17 September 2024, p. 5.

⁸ See Decision of 17 September 2024, p. 3 and references quoted.

⁹ See Decision of 17 September 2024, p. 3 and references quoted.

¹⁰ See Decision of 17 September 2024, p. 6.

¹¹ See Decision of 17 September 2024, pp. 5 and 6.

¹² See Order of 28 January 2025, p. 1.

¹³ See First Monitoring Report, paras. 9 and 10.

locating the fraudulent documents in the file sent by the *Amicus Curiae* and a confidential matter raised in the annex to the report.¹⁴

7. The International Humanitarian Law Department of the General Directorate of Legislation and Fundamental Freedoms and Rights of the Justice Federal Public Service (“Central Authority for Cooperation”) confirmed to me in April 2025 that it had received and forwarded to the Federal Prosecutor’s Office an explanatory email from the *Amicus Curiae* on the basis of which it was possible to locate the supposedly fraudulent documents.¹⁵ In July 2025, the Head of the Central Authority for Cooperation informed that no hearing date had yet been scheduled but that it had been possible to analyse the allegedly fraudulent documents sent to the Federal Prosecutor’s Office.¹⁶

Monitoring Mission

8. In an email of 7 October 2025, Ms Grosjean informed me of the progress in proceedings and the intention to organise a hearing soon for Mr Ngirabatware, as well as to prepare a draft summons.

9. [See Confidential Annex]

Outlook

10. Based on the information gathered during the period covered by this monitoring report, the next step should be the direct summons of the accused before a court.¹⁷

15 October 2025,
Done in The Hague
Netherlands

Elsa Levavasseur
Monitor

¹⁴ See First Monitoring Report, paras. 11 and 12, and Annex.

¹⁵ See First Monitoring Report, para. 15.

¹⁶ See Second Monitoring Report, para. 7.

¹⁷ See First Monitoring Report, paras. 11 and 16.