

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

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Case No. MICT-19-121  
Date: 10 October 2019  
Original: English

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**BEFORE THE DUTY JUDGE**

**Before:** Judge Vagn Joensen  
**Registrar:** Mr. Olufemi Elias  
**Decision of:** 10 October 2019

**PROSECUTOR**

**v.**

**AUGUSTIN NGIRABATWARE**

***PUBLIC***

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**DECISION ON CONFIRMATION OF INDICTMENT**

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**The Office of the Prosecutor:**

Mr. Serge Brammertz  
Ms. Thembile Segoete  
Mr. Rashid Rashid

**Counsel for Augustin Ngirabatware:**

Ms. Diana Ellis  
Mr. Sam Blom-Cooper

I, VAGN JOENSEN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Duty Judge for the Arusha Branch of the Mechanism;<sup>1</sup>

**BEING SEISED OF** the Prosecution’s confidential and *ex parte* request for confirmation of an indictment against Augustin Ngirabatware, submitted to the Registrar on 9 August 2019 and distributed to me on 13 August 2019;<sup>2</sup>

**HAVING SOUGHT** further clarification from the Prosecution on 11 September 2019 through a strictly confidential and *ex parte* internal memorandum (“Memorandum of 11 September 2019”);

**NOTING** the Prosecution’s strictly confidential and *ex parte* response to the Memorandum of 11 September 2019 submitted on 7 October 2019, which included a revised indictment (“Indictment”) as well as additional and corrected supporting material (collectively, “Response of 7 October 2019”);

**NOTING** the confidential and *ex parte* review hearing held pursuant to Rule 48 of the Rules of Procedure and Evidence (“Rules”) on 10 October 2019 (“Review Hearing of 10 October 2019”);

**HAVING DELIBERATED ON** the Submission and Supporting Material, the Indictment, the Response of 7 October 2019, and the Review Hearing of 10 October 2019;

**BEING SATISFIED** that, in accordance with Article 17(1) of the Statute and Rule 48(E) of the Rules, the Prosecution has established a *prima facie* case against Ngirabatware for: (i) contempt of the International Criminal Tribunal for Rwanda (“ICTR”) and the Mechanism pursuant to Article 1(4)(a) of the Statute and Rule 90(A)(iv) of the Rules (Count 1), and/or incitement to commit contempt of the ICTR and the Mechanism pursuant to Article 1(4)(a) of the Statute and Rules 90(A)(iv) and (B) of the Rules (Count 2); and (ii) contempt of the ICTR and the Mechanism pursuant to Article 1(4)(a) of the Statute and Rules 90(A)(ii) and/or (iii) of the Rules (Count 3);

**HEREBY CONFIRM** the Indictment;

**ORDER** the Prosecution to file the Indictment as a public document with the Registrar; and

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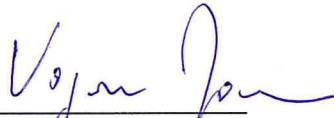
<sup>1</sup> General, Case No. MICT-12-01, Order Assigning a Duty Judge for the Arusha Branch for July through August 2019, 27 June 2019, pp. 1, 2.

<sup>2</sup> See Submission of Indictment and Supporting Materials for Review and Confirmation, 9 August 2019 (confidential and *ex parte*) (“Submission and Supporting Material”).

**INSTRUCT** the Registrar, pursuant to Rules 48(G) and 54 of the Rules, to create certified copies of the Indictment, bearing the seal of the Mechanism, and to serve the Indictment on Ngirabatware in a language that he understands and on his counsel of record.

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

Done this 10th day of October 2019,  
At Arusha,  
Tanzania

  
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Judge Vagn Joensen  
Duty Judge

**[Seal of the Mechanism]**