

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No: MICT-19-121-I

Date: 10 October 2019

Original: English

BEFORE THE DUTY JUDGE

Before: Judge Vagn Joensen

Registrar: Mr. Olufemi Elias

THE PROSECUTOR

v.

AUGUSTIN NGIRABATWARE

PUBLIC

NOTICE OF FILING INDICTMENT

Office of the Prosecutor

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

Counsel for Augustin Ngirabatware

Ms. Diana Ellis (QC)
Mr. Sam Blom-Cooper

1. In compliance with the Decision of the Duty Judge,¹ the Prosecution files the Indictment as a public document.

Word Count: 33



Thembile Segoe
Legal Officer

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

¹ *Prosecutor v. Ngirabatware*, Case No. MICT-19-121-I, Decision on Confirmation of Indictment, 10 October 2019.

**THE INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL
TRIBUNALS**

CASE NO.: MICT-19-121-I

THE PROSECUTOR

AGAINST

AUGUSTIN NGIRABATWARE

PUBLIC

INDICTMENT

The Prosecutor of the International Residual Mechanism for International Criminal Tribunals (“Mechanism”), pursuant to his authority stipulated in Articles 1(4)(a), 14(1) and 16(4) of the Statute of the Mechanism (“Statute”) and Rule 90 of the Rules of Procedure and Evidence of the Mechanism (“Rules”) charges:

AUGUSTIN NGIRABATWARE

with **CONTEMPT** and **INCITEMENT TO COMMIT CONTEMPT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA AND THE MECHANISM** as set forth below:

THE ACCUSED

1. **Augustin NGIRABATWARE** was born on 12 January 1957 in Nyamyumba Commune, Gisenyi Prefecture, Rwanda. In July 1990, **Augustin NGIRABATWARE** was appointed Minister of Planning, a position he retained as part of the Interim Rwandan Government in April 1994. He was also a member of the *Préfecture* Committee of the National Republican Movement for Democracy and Development (“MRND”) political party in Gisenyi Préfecture, the National Committee of the MRND, and the technical committee of Nyamyumba Commune.

2. **Augustin NGIRABATWARE** was arrested in Germany on 17 September 2007 and transferred to the International Criminal Tribunal for Rwanda (“ICTR”) on 8 October 2009. The ICTR Trial Chamber convicted him of genocide, direct and

public incitement to commit genocide and rape as a crime against humanity and sentenced him to 35 years imprisonment on 20 December 2012.

3. On 18 December 2014, the Mechanism Appeals Chamber upheld **Augustin NGIRABATWARE**'s conviction for genocide and direct and public incitement to commit genocide and reduced his sentence to 30 years imprisonment. At all times relevant to the Indictment, **Augustin NGIRABATWARE** was detained at the United Nations Detention Facility ("UNDF") in Arusha, Tanzania.

BACKGROUND

4. On 8 July 2016, **Augustin NGIRABATWARE** filed a Motion for Review of Judgement alleging that four Prosecution witnesses ANAE, ANAM, ANAN and ANAT (collectively "Recanting Witnesses")—had recanted their trial testimonies underpinning **Augustin NGIRABATWARE**'s convictions. On 19 June 2017, the Mechanism Appeals Chamber granted **Augustin NGIRABATWARE**'s Motion for Review and ordered a Review Hearing.

5. ICTR Trial Chamber II ordered protective measures for the Recanting Witnesses and Prosecution Witness ANAL (collectively "Protected Witnesses") in the *Ngirabatware* case on 6 May 2009 and 28 January 2010, requiring *inter alia*, that any information identifying the witnesses or their families be kept confidential and that witnesses' identities not be shared, discussed or revealed, directly or indirectly, to third parties.

6. On 5 August 2016, the Mechanism Appeals Chamber modified the protective measures of the Recanting Witnesses in the *Ngirabatware* review proceedings to require, *inter alia*, that the parties liaise with Witness and Protection Unit (WISP) if they wanted to contact the witnesses. As of 24 August 2018, Prosecution witness ANAL was also the subject of protective measures ordered by the Appeals Chamber in the *Ngirabatware* review proceedings, which include that no member of the Defence shall 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.

7. On 22 November 2017 the Appeals Chamber ordered that the Review Hearing be held from 8 February 2018 until 16 February 2018.
8. On 27 November 2017, the Registry disclosed to the parties information revealing that on 7 November 2016 and 9 August 2017, Prosecution witness ANAL informed Registry officials that she had been approached and offered money to recant her trial testimony and testify in favour of **Augustin NGIRABATWARE**.
9. On 30 November 2017, **Augustin NGIRABATWARE**'s then Defence counsel sought withdrawal from the case on the basis that, *inter alia*, without his knowledge, **Augustin NGIRABATWARE**'s supporters had repeatedly contacted Prosecution witnesses directly in violation of protective measures.
10. On 19 December 2017, following **Augustin NGIRABATWARE**'s then Defence counsel's motion to withdraw, the Appeals Chamber vacated the 22 November 2017 Scheduling Order.
11. On 27 July 2018 the Appeals Chamber ordered that the Review Hearing be held from 24 September 2018 to 28 September 2018.
12. On 24 August 2018, a Mechanism Single Judge confirmed an Indictment dated 5 June 2018 charging Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, Marie Rose FATUMA and Dick Prudence MUNYESHULI with contempt of the ICTR and the Mechanism and incitement to commit contempt of the ICTR and the Mechanism. The charges against them concern the Protected Witnesses and relate to a concerted effort to secure **Augustin NGIRABATWARE**'s acquittal at the review stage through interference with the administration of justice.
13. On 3 September 2018, Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, Marie Rose FATUMA and Dick Prudence MUNYESHULI were arrested. They were transferred to the UNDF on 11 September 2018.

14. On 14 September 2018, upon a request by **Augustin NGIRABATWARE** for more time to prepare following Prosecution disclosure, the Appeals Chamber vacated the 27 July 2018 Scheduling Order.

15. On 22 July 2019, the Appeals Chamber ordered that the Review Hearing be held from 16 September 2019 to 27 September 2019. On 27 September 2019, the Appeals Chamber issued a public Review Judgement, finding that Ngirabatware did not present sufficient evidence capable of belief at the Review Hearing to prove the existence of the new fact in relation to his genocide convictions. Accordingly, the Appeals Chamber unanimously decided that the Appeal Judgement remains in force in all respects.

16. Throughout the period between June 2015 and September 2018, on **Augustin NGIRABATWARE**'s behalf and with his involvement, Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA and/or Marie Rose FATUMA, contacted and influenced the Protected Witnesses directly and/or through others known to them ("Intermediaries"). The Intermediaries included: Laurent MANIRAGUHA, who was used to contact ANAE; Valentine MUKAMISHA, who was used to contact ANAM; Vedaste MBARIMO, who was used to contact ANAN; Vincent TWAGIRAYEZU, who was used to contact ANAT; and relatives of ANAL, who were used to contact her. In August 2015, **Augustin NGIRABATWARE** also directly contacted ANAE in an effort to induce her to change her testimony. Additionally, **Augustin NGIRABATWARE** and Anselme NZABONIMPA used Hippolyte HIRWA, Anselme NZABONIMPA's son, to facilitate payments to the Intermediaries and Protected Witnesses.

INDIVIDUAL CRIMINAL RESPONSIBILITY

By his conduct described below,

17. **Augustin NGIRABATWARE** is individually criminally responsible pursuant to Article 1(4)(a) of the Statute and Rule 90(A)(iv) of the Rules for committing contempt of the ICTR and the Mechanism as alleged in Count 1 through the acts described in paragraphs 20-23.

18. Additionally or alternatively, **Augustin NGIRABATWARE** is individually criminally responsible pursuant to Article 1(4)(a) of the Statute and Rule 90(A)(iv) and 90(B) of the Rules for inciting others to commit contempt of the ICTR and the Mechanism as alleged in Count 2.

19. Additionally, **Augustin NGIRABATWARE** is individually criminally responsible pursuant to Article 1(4)(a) of the Statute and Rule 90(A)(ii) and/or (iii) of the Rules for committing contempt of the ICTR and the Mechanism by disclosing protected information regarding the Protected Witnesses and for having prohibited contact with ANAE in knowing violation of a court order as alleged in Count 3.

Contempt: Witness Interference (Count 1)

20. From at least August 2015 through September 2018, **Augustin NGIRABATWARE** carried out the following acts directly and/or through Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA and/or Marie Rose FATUMA to influence the Protected Witnesses to recant their trial testimonies:

(i) On or about 15 August 2015, while ANAE was in Kampala, Uganda, **Augustin NGIRABATWARE**, through telecommunications from the UNDF, pressured ANAE to recant her testimony;

(ii) In October and November 2015, **Augustin NGIRABATWARE** participated in preparing a letter in which ANAM purportedly recanted her trial testimony and transmitted it to Anselme NZABONIMPA with the intention that ANAM be pressured and/or induced into signing it, which, on **Augustin NGIRABATWARE**'s behalf, Jean de Dieu NDAGIJIMANA pressured and/or induced ANAM to sign, and thereafter, on 16 February 2016, Anselme NZABONIMPA mailed the signed letter to the Mechanism from DHL Kigali;

(iii) In November 2015, **Augustin NGIRABATWARE** prepared a letter in which ANAN purportedly recanted his trial testimony and transmitted it to Anselme NZABONIMPA with the intention that ANAN be pressured and/or induced into signing it, which, on **Augustin NGIRABATWARE**'s behalf, Anselme NZABONIMPA pressured and/or induced ANAN to sign, and

thereafter, on 16 February 2016, Anselme NZABONIMPA mailed to the Mechanism from DHL Kigali;

(iv) Between 19 and 26 January 2016, **Augustin NGIRABATWARE** prepared letters providing the purported consent of ANAE and ANAM to meet with the Defence and transmitted them to Anselme NZABONIMPA with the intent that ANAE and ANAM be pressured and/or induced to sign them, and, on **Augustin NGIRABATWARE**'s behalf, Maximilien TURINABO, Anselme NZABONIMPA and/or Jean de Dieu NDAGIJIMANA with or through Laurent MANIRAGUHA influenced and pressured ANAE and ANAM to sign those letters at Mahoko Market, Gisenyi on 27 January 2016 and thereafter, on 12 February 2016, Anselme NZABONIMPA mailed those letters to the Mechanism from DHL Kigali; and

(v) Between September 2016 and 7 November 2017, **Augustin NGIRABATWARE** instructed Marie Rose FATUMA to pressure ANAL to change her testimony, which Marie Rose FATUMA then did.

21. From June 2016 through June 2018, **Augustin NGIRABATWARE**, through Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and/or Marie Rose FATUMA, instructed the Protected Witnesses regarding what information to provide during interviews with **Augustin NGIRABATWARE**'s then and current Defence counsel, during interviews with the Prosecution, and/or what testimony to give at the Review Hearing, through the following acts:

(i) In June 2016, **Augustin NGIRABATWARE** prepared information that he intended the Recanting Witnesses provide during interviews with **Augustin NGIRABATWARE**'s then Defence counsel and sent the information to Anselme NZABONIMPA to use in instructing the Recanting Witnesses, which Anselme NZABONIMPA then did;

(ii) In September 2017 **Augustin NGIRABATWARE** prepared information that, together with the information he prepared in June 2016, he intended the Recanting Witnesses provide during interviews with the Prosecution and sent the information to Anselme NZABONIMPA for onward transmission to Maximilien TURINABO and Jean de Dieu NDAGIJIMANA, which Anselme NZABONIMPA then did;

- a. and which, between 28 July 2017 and the end of September 2017, through telecommunications and/or in person meetings in Gisenyi, Rwanda, Maximilien TURINABO and Jean de Dieu NDAGIJIMANA used to provide instructions to ANAM and/ ANAE directly and/or through Laurent MANIRAGUHA regarding what to say about the circumstances of the recantations, on **Augustin NGIRABATWARE**'s behalf;
- b. and which, between 28 July 2017 and the end of September 2017, through telecommunications and/or in person meetings in Gisenyi, Rwanda, Maximilien TURINABO and Anselme NZABONIMPA used to provide instructions to ANAN regarding what to say about the circumstances of the recantations, on **Augustin NGIRABATWARE**'s behalf;

(iii) Between September 2016 and 7 November 2016, **Augustin NGIRABATWARE** instructed Marie Rose FATUMA to provide prepared information to ANAL which **Augustin NGIRABATWARE** intended ANAL give in answer to questions that she would be asked by **Augustin NGIRABATWARE**'s then Defence counsel and at the Review Hearing, which Marie Rose FATUMA then did; and

(iv) Between 15 May 2018 and 11 June 2018, **Augustin NGIRABATWARE**, acting through Maximilien TURINABO, Anselme NZABONIMPA and/or Jean de Dieu NDAGIJIMANA, directed the Recanting Witnesses on what to say during their interviews with **Augustin NGIRABATWARE**'s Defence counsel scheduled for the 12 and 13 June 2018.

22. From 29 July 2017 through September 2017, **Augustin NGIRABATWARE**, through Maximilien TURINABO and Jean de Dieu NDAGIJIMANA, took steps to procure false evidence from Laurent MANIRAGUHA, Vincent TWAGIRAYEZU, Vedaste MBARIMO and/or Valentine MUKAMISHA corroborating the alleged recantations of ANAE, ANAM, ANAN and/or ANAT:

- (i) Based upon the information prepared by **Augustin NGIRABATWARE** in June 2016 and in September 2017, which he intended be used as a basis to train Vedaste MBARIMO, Valentine MUKAMISHA and/or Laurent

MANIRAGUHA, through telecommunications and/or in person meetings in Gisenyi, Rwanda, Maximilien TURINABO and Jean de Dieu NDAGIJIMANA instructed Vedaste MBARIMO, Valentine MUKAMISHA and/or Laurent MANIRAGUHA and

(ii) Based upon the information prepared by **Augustin NGIRABATWARE** in June 2016 and in September 2017 which he intended be used as a basis to train Vincent TWAGIRAYEZU, through telecommunications and/or in person meetings in Gisenyi, Rwanda, Jean de Dieu NDAGIJIMANA instructed Vincent TWAGIRAYEZU

about the evidence they should give.

23. From approximately June 2015 through August 2018, **Augustin NGIRABATWARE** offered and paid bribes, through Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and/or Marie Rose FATUMA, to the Protected Witnesses and Intermediaries in exchange for their cooperation with the *Ngirabatware* Defence and to influence their prospective evidence, including:

- (i) On or about 25 June 2015, **Augustin NGIRABATWARE** gave Anselme NZABONIMPA 2,000 EUROS which Anselme NZABONIMPA used towards bribing the Protected Witnesses and Intermediaries, including;
 - a. In August 2015, Anselme NZABONIMPA paid a bribe of 350,000 RWF to Laurent MANIRAGUHA;
 - b. On 1 and 29 September 2015, using Mobile Money, Anselme NZABONIMPA paid bribes to Vedaste MBARIMO, amounting to 80,600 RWF;
 - c. On 29 September 2015, using Mobile Money, Anselme NZABONIMPA paid bribes to ANAN amounting to 100,000 RWF;
 - d. On 26 October 2015, using Mobile Money, Anselme NZABONIMPA and Maximilien TURINABO paid a bribe of 49,600 RWF to Vincent TWAGIRAYEZU;

(ii) On or about 29 and 30 October 2015, **Augustin NGIRABATWARE** gave Anselme NZABONIMPA 5,000 EUROS, through Hippolyte HIRWA, Anselme NZABONIMPA's son, and Anselme NZABONIMPA used this money towards bribing the Protected Witnesses and Intermediaries, including;

- a. On 25 January 2016, using Mobile Money, Anselme NZABONIMPA and Jean de Dieu NDAGIJIMANA, paid a bribe of 29,750 RWF to ANAM;
- b. On 2 February 2016, using Mobile Money, Anselme NZABONIMPA and Maximilien TURINABO, paid a bribe of 99,450 RWF each to: ANAE, ANAM, and Vincent TWAGIRAYEZU;

(iii) On or about 15 February 2016, **Augustin NGIRABATWARE** gave Anselme NZABONIMPA 2,000 EUROS, through Hippolyte HIRWA, and Anselme NZABONIMPA used this money towards bribing the Protected Witnesses and Intermediaries, including;

- a. On 22 February 2016 Anselme NZABONIMPA paid a bribe of 1,000,000 RWF to ANAN;

(iv) Between or about 26 February and 16 March 2016, **Augustin NGIRABATWARE** gave Anselme NZABONIMPA a total amount of 6,000 EUROS, through Hippolyte HIRWA, and Anselme NZABONIMPA used this money towards bribing the Protected Witnesses and Intermediaries, including;

- a. On 5 March 2016, Anselme NZABONIMPA paid a bribe of 1,000,000 RWF to ANAN;
- b. Between 20 and 24 August 2016 Anselme NZABONIMPA and/or Jean de Dieu NDAGIJIMANA paid bribes of approximately 200,000 RWF to ANAN, 300,000 RWF to Laurent MANIRAGUHA, 1,000,000 Million RWF to ANAE, and 500,000 RWF to ANAM;
- c. Between September and November 2016 in Gisenyi, Rwanda (including at Stella Maris Church, at ANAL's house and/or at the house of Françoise NYIRABUNORI, a relative of **Augustin**

NGIRABATWARE), Marie Rose FATUMA offered ANAL money, including a payment of 3,000 USD and/or a house, in exchange for ANAL recanting her *Ngirabatware* trial testimony;

d. Between 22 and 25 May 2017, using Mobile Money, Anselme NZABONIMPA paid bribes to ANAN amounting to 110,000 RWF;

e. On 1 August 2017, Maximilien TURINABO and Anselme NZABONIMPA paid bribes to Laurent MANIRAGUHA and ANAE using Mobile Money in exchange for their cooperation with the **NGIRABATWARE** Defence and to influence their prospective evidence;

(v) On or about 5 and 6 December 2017, **Augustin NGIRABATWARE**, using digital communications from the UNDF, instructed Maximilien TURINABO, through Anselme NZABONIMPA, to pay 500,000 RWF in bribes to Laurent MANIRAGUHA and ANAE, and Maximilien TURINABO paid 400,000 RWF to Laurent MANIRAGUHA and ANAE;

(vi) Between 12 and 21 December 2017, **Augustin NGIRABATWARE**, using digital communications from the UNDF, coordinated with Anselme NZABONIMPA the transfer of money into the bank account of Hippolyte HIRWA with the intention of providing that money to Anselme NZABONIMPA for the purposes of paying the Protected Witnesses, including;

a. On 28 December 2017, Anselme NZABONIMPA paid a bribe of 102,000 RWF to ANAN using Mobile Money;

(vii) On 8 and 9 February 2018, **Augustin NGIRABATWARE**, using digital communications from the UNDF, instructed Jean de Dieu NDAGIJIMANA, through Anselme NZABONIMPA, to offer a bribe to ANAM;

(viii) Between 28 and 30 May 2018, **Augustin NGIRABATWARE**, using digital communications from the UNDF, instructed Jean de Dieu

NDAGIJIMANA, through Anselme NZABONIMPA, to offer bribes to Laurent MANIRAGUHA and/or ANAE, which Jean de Dieu NDAGIJIMANA did; and

(ix) Between 27 and 31 August 2018, **Augustin NGIRABATWARE**, using digital communications from the UNDF, instructed Anselme NZABONIMPA to offer to pay bribes to ANAE, ANAM, and ANAN.

24. **Augustin NGIRABATWARE** is individually criminally responsible for knowingly and wilfully committing contempt, directly, and/or through Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and/or Marie Rose FATUMA, acting on **Augustin NGIRABATWARE**'s behalf, as alleged in paragraphs 20-23.

Incitement to Commit Contempt: Witness Interference (Count 2)

25. In addition or in the alternative to his commission of the crimes alleged in Count 1, **Augustin NGIRABATWARE** is individually criminally responsible pursuant to Article 1(4)(a) of the Statute and Rule 90(A)(iv) and 90(B) of the Rules for knowingly and wilfully inciting Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA and/or Marie Rose FATUMA to commit contempt of the ICTR and the Mechanism, as alleged in paragraphs 20-23.

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

26. **Augustin NGIRABATWARE** is also individually criminally responsible pursuant to Article 1(4)(a) of the Statute and Rule 90(A)(ii) and/or (iii) of the Rules for committing contempt.

27. On or about 15 August 2015, **Augustin NGIRABATWARE** in knowing violation of the protective measures ordered by the Trial Chamber on 6 May 2009, had prohibited contact with ANAE using digital communications from the UNDF, as alleged in paragraph 20(i).

28. From at least November 2017 until August 2018, **Augustin NGIRABATWARE**, in knowing violation of court orders and the protective

measures ordered by the Trial and Appeals Chambers on 6 May 2009, 5 August 2016 and 24 August 2018, disclosed confidential witness information and contents of confidential filings, using digital communication from the UNDF, to Anselme NZABONIMPA, who forwarded this information to Maximilien TURINABO and/or Jean de Dieu NDAGIJIMANA at the behest of **Augustin NGIRABATWARE**:

(i) On 27 November 2017, **Augustin NGIRABATWARE** shared, discussed and/or revealed the confidential contents of the Registrar's submissions dated 13 December 2016 and 11 August 2017 regarding ANAL to Anselme NZABONIMPA, who forwarded the information to Maximilien TURINABO, in violation of the protective measures ordered on 6 May 2009;

(ii) On 27 June 2018, 30 July 2018 and 2 August 2018, **Augustin NGIRABATWARE** shared, discussed and/or revealed confidential information identifying ANAL and her sister as well as the parents of ANAE to Anselme NZABONIMPA, who forwarded some of this information to Maximilien TURINABO, in violation of the protective measures ordered on 6 May 2009 (p.7, (vi) *see also* (ii)) and 5 August 2016 (p.4 (vi)), which require that the parties keep confidential any information that might identify or assist in identifying the witnesses and their families;

(iii) On 14 August 2018 **Augustin NGIRABATWARE** revealed, a day after the Prosecution was confidentially ordered to reduce its list of witnesses, contents of that confidential order to Anselme NZABONIMPA, who forwarded this information to Maximilien TURINABO and Jean de Dieu NDAGIJIMANA;

(iv) On 27 August 2018, before receiving the Prosecution's unredacted list of its witnesses, **Augustin NGIRABATWARE** attempted to make an independent determination of a protected Prosecution witness and aided Anselme NZABONIMPA in determining this witness' identity, in violation of the protective measures ordered on 24 August 2018 (p.3 (vi)); and

(v) On 30 and 31 August 2018, **Augustin NGIRABATWARE** revealed, after the Prosecution filed the unredacted list of its witnesses, the identity of Prosecution Witnesses listed to testify in the Review Hearing to Anselme

NZABONIMPA, who forwarded the information to Maximilien TURINABO and/or Jean de Dieu NDAGIJIMANA, in violation of the protective measures ordered on 6 May 2009 (p.7 (vi)) and 24 August 2018 (p.3 (iv)), which require that the Defence keep confidential any identifying information of scheduled and prospective Prosecution witnesses.

CHARGES

By his conduct set out above, **Augustin NGIRABATWARE** is responsible for the following crimes:

COUNT 1

CONTEMPT OF THE ICTR AND THE MECHANISM

Augustin NGIRABATWARE is criminally responsible for committing **CONTEMPT**, as alleged in paragraphs 20-23, by interfering with

- Protected Witnesses ANAE, ANAL, ANAM, ANAN and/or ANAT; and
- Laurent MANIRAGUHA, Valentine MUKAMISHA, Vedaste MBARIMO and Vincent TWAGIRAYEZU,

punishable under Article 1(4)(a) of the Statute and Rule 90(A)(iv) of the Rules.

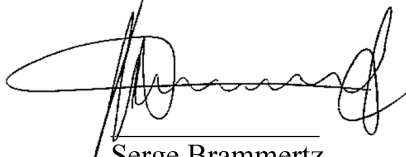
COUNT 2

INCITEMENT TO COMMIT CONTEMPT OF THE ICTR AND THE MECHANISM

Additionally or alternatively, **Augustin NGIRABATWARE** is criminally responsible for **INCITEMENT TO COMMIT CONTEMPT**, as alleged in paragraphs 20-23, for directly inciting ANAE to recant her testimony and inciting others, namely Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and/or Marie Rose FATUMA, to interfere with Laurent MANIRAGUHA, Valentine MUKAMISHA, Vedaste MBARIMO, Vincent TWAGIRAYEZU, ANAE, ANAL, ANAM, ANAN and/or ANAT, punishable under Article 1(4)(a) of the Statute and Rule 90(A)(iv) and (B) of the Rules.

COUNT 3**CONTEMPT OF THE ICTR AND THE MECHANISM**

Augustin NGIRABATWARE is criminally responsible for **CONTEMPT**, as alleged in paragraphs 27-28, for knowingly disclosing confidential information and for having prohibited contact with ANAE, in knowing violation of a court order punishable under Article 1(4)(a) of the Statute and Rule 90(A)(ii) and/or (iii) of the Rules.



Serge Brammertz
Prosecutor

Dated this 10th day of October 2019
Arusha, Tanzania