



UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

The International Residual Mechanism for Criminal Tribunals ("Mechanism") was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda ("ICTR") and the International Criminal Tribunal for the former Yugoslavia ("ICTY"), which closed in 2015 and 2017, respectively.

CASE INFORMATION SHEET

On 25 June 2021, Single Judge Vagn Joensen pronounced his Judgement in the case of *Prosecutor v. Anselme Nzabonimpa et al.* On 29 June 2022, the Appeals Chamber unanimously dismissed Ms. Fatuma's appeal and unanimously granted the Prosecution's appeal in its entirety.

MICT-18-116

MARIE ROSE FATUMA *et al.* Contempt of Court



MARIE ROSE FATUMA

Marie Rose Fatuma is the widow of Augustin Ngirabatware's half-brother Édouard Byukusenge, also known as "Cenge".



DICK PRUDENCE MUNYESHULI

Dick Prudence Munyeshuli served as a Defence investigator on a number of cases before the ICTR and the Mechanism. From approximately August 2015 until January 2018, he was an investigator on the Defence team of Augustin Ngirabatware.



AUGUSTIN NGIRABATWARE

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 Prefecture Committee of the National Republican Movement for Democracy and Development ("MRND") political party in Gisenyi Prefecture, the National Committee of the MRND, and the technical committee of Nyamyumba Commune.



JEAN DE DIEU NDAGIJIMANA

Jean de Dieu Ndagijimana was a teacher and school administrator in the Gisenyi area before mid-1994, including at Kiloji and Bwitereke schools.



ANSELME NZABONIMPA

Anselme Nzabonimpa was the *bourgmestre* of Kayove Commune, Gisenyi Prefecture, Rwanda, before mid-1994.

Indictments

Initial public redacted version of the Indictment against Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli filed on 5 September 2018 (*Turinabo et al.* Indictment) and Amended Indictment filed on 21 October 2019.

Public version of the Indictment against Augustin Ngirabatware filed on 10 October 2019 (*Ngirabatware* Indictment).

Joinder of cases against Maximilien Turinabo and his co-accused (Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli) and against Augustin Ngirabatware on 10 December 2019, on the basis of the *Turinabo et al.* and *Ngirabatware* Indictments.

Revised Third Amended Indictment against Anselme Nzabonimpa and his co-accused (Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli) (*Nzabonimpa et al.* Indictment) filed on 12 May 2021 to remove Maximilien Turinabo's status as an accused due to his death on 18 April 2021.

**Initial
Appearance
before the
Mechanism**

Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli appeared before the Mechanism on 13 September 2018.

Augustin Ngirabatware appeared before the Mechanism on 17 October 2019.

**Mechanism
Appeals Chamber**

Judge Carmel Agius, Presiding
Judge Alphons Orie
Judge Seymour Panton

**Mechanism
Appeals Chamber
Judgement**

Delivered on 29 June 2022.

The Appeals Chamber unanimously dismissed Fatuma's appeal and unanimously granted the Prosecution's appeal in its entirety.

Status of the Case

Completed.

PROCEEDINGS BEFORE THE MECHANISM

APPEAL PROCEEDINGS (COMPLETED)

After the issuance of the Trial Judgement, on 27 September 2021, following a joint Defence request for extension of time for filing notices of appeal and appeal briefs, the President of the Mechanism, Judge Carmel Agius, assigned a bench of three Judges to this case and designated himself as Pre-Appeal Judge. On 28 September 2021, the Pre-Appeal Judge granted the joint Defence request for extension of time, ordering that notices of appeal be filed by 18 October 2021 and appeal briefs by 17 November 2021.

On 18 October 2021, notices of appeal were filed by Marie Rose Fatuma against her conviction and sentence, and by the Prosecution against the acquittal of Dick Prudence Munyeshuli as well as the sentence imposed on Augustin Ngirabatware. On 16 November 2021, the Appeals Chamber denied Dick Prudence Munyeshuli's request to strike the Prosecution's Notice of Appeal in respect of him. Dick Prudence Munyeshuli, Augustin Ngirabatware, and the Prosecution filed their respective response briefs on 8 December 2021, and Dick Prudence Munyeshuli refiled his response brief on 17 December 2021. Following the filing by the Prosecution and Marie Rose Fatuma of their respective reply briefs on 16 December 2021, the appeals briefing was completed.

The Appeals Chamber delivered its judgement on 29 June 2022. It unanimously dismissed Marie Rose Fatuma's appeal, set aside, *proprio motu*, the sentence of time served imposed on her by the Single Judge, and sentenced her to 11 months of imprisonment. The Appeals Chamber further declared that Marie Rose Fatuma's sentence has been served in view of the credit for her detention in the custody of the Mechanism pending trial.

In addition, the Appeals Chamber unanimously granted the Prosecution's appeal in its entirety. The Appeals Chamber reversed Dick Prudence Munyeshuli's acquittal, found him guilty pursuant to Article 1(4)(a) of the Mechanism's Statute and Rule 90(A)(ii) and (iii) of the Mechanism's Rules of Procedure and Evidence, and entered a conviction against him for contempt through knowingly and willfully interfering with the administration of justice. The Appeals Chamber sentenced Dick Prudence Munyeshuli to five months of imprisonment, declaring that the sentence has been served in view of the credit for his detention in the custody of the Mechanism pending trial.

Finally, the Appeals Chamber found that the Single Judge erred in law in ordering that Augustin Ngirabatware's sentence of two years of imprisonment for contempt be served concurrently with the sentence that he is already serving in relation to his convictions for genocide and direct and public incitement to commit genocide. The Appeals Chamber, Judge Orie dissenting, set aside Augustin Ngirabatware's concurrent sentence of two years of imprisonment and, imposed a sentence of two years of imprisonment to be served consecutively to his sentence of 30 years imprisonment that he is currently serving.

TRIAL PROCEEDINGS (COMPLETED)



Each of the six accused pleaded not guilty to the respective count or counts charged against him or her. On 10 December 2019, Judge Vagn Joensen issued a decision that the *Turinabo et al.* and *Ngirabatware* contempt cases would be joined and prosecuted on the basis of the two separate indictments.

The Pre-Trial Conference was held on 21 October 2020 and the joined trial commenced on 22 October 2020 with the Prosecution's opening statement. The Defence teams for Dick Prudence Munyeshuli and Augustin Ngirabatware elected to give opening statements, and Maximilien Turinabo also gave a statement in accordance with Rule 101 of the Mechanism's Rules of Procedure and Evidence. Nine Prosecution witnesses testified between 26 October and 24 November 2020 and the written evidence of five Prosecution witnesses was further admitted. The evidentiary phase of the Prosecution case closed on 2 March 2021, with nearly 1,800 exhibits admitted at that stage of the proceedings.

Defence oral arguments for a judgement of acquittal were heard on 8 and 9 March 2021 and the Single Judge, Judge Vagn Joensen, denied the Defence motions pursuant to Rule 121 of the Mechanism's Rules of Procedure and Evidence through an oral ruling on 12 March 2021. On the same day, the Pre-Defence Conference was held. The Defence case commenced on 15 March 2021 with the presentation of opening statements by the Defence teams for Jean de Dieu Ndagijimana, followed by Maximilien Turinabo and Marie Rose Fatuma at the beginning of their respective cases. The testimonies of four Defence witnesses as well as of Jean de Dieu Ndagijimana and Dick Prudence Munyeshuli were heard between 15 March and 9 April 2021. The evidentiary phase of the Defence case closed on 6 May 2021 following the admission of written evidence, including that of 31 Defence witnesses and one expert witness. The operative Indictment was further amended on 12 May 2021 to remove Maximilien Turinabo's status as an accused following his death on 18 April 2021.

The parties' final trial briefs were filed on 31 May 2021 and the oral closing arguments took place on 21, 22 and 23 June 2021. The Trial Judgement was pronounced on 25 June 2021, and written reasons for the Judgement were issued on 20 September 2021. The Single Judge convicted Augustin Ngirabatware, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma of contempt for witness interference. The Single Judge also convicted Augustin Ngirabatware for contempt on the basis of violating court orders, while entering a verdict of not guilty for Dick Prudence Munyeshuli on a single contempt charge for violations of court orders. The Single Judge sentenced Augustin Ngirabatware to two years' imprisonment to be served concurrently with the sentence that he is already serving in relation to his convictions for genocide and direct and public incitement to commit genocide. Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma were sentenced to time served, having spent over 11 months in pre-trial detention.

INDICTMENTS

***NZABONIMPA, NDAGIJIMANA, FATUMA, AND MUNYESHULI* INDICTMENT**

The original Indictment, which also included Maximilien Turinabo as an accused (*Turinabo et al.* Indictment), was confirmed by Judge Seon Ki Park on 24 August 2018. On 17 October 2019, Judge Vagn Joensen granted the Prosecution's request to amend the *Turinabo et al.* Indictment, and the amended version was filed on 21 October 2019. On 12 May 2021, following the Single Judge's 7 May 2021 order, the Prosecution filed a Revised Third Amended Indictment (*Nzabonimpa et al.* Indictment), reflecting that Maximilien Turinabo is no longer an accused in this case.

The charges against Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli, which were set forth in the *Nzabonimpa et al.* Indictment, include:

Count 1 - Contempt of the ICTR and the Mechanism

- Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma
- Interfering with protected witnesses

Count 2 - Incitement to commit contempt of the ICTR and the Mechanism

- Anselme Nzabonimpa, Jean de Dieu Ndagijimana, and Marie Rose Fatuma
- Additionally or alternatively, inciting others to commit contempt by interfering with protected witnesses

Count 3 - Contempt of the ICTR and the Mechanism

- Dick Prudence Munyeshuli
- Knowingly disclosing the identities of protected witnesses in violation of court orders
- Having prohibited indirect contact with protected witnesses in violation of court orders



NGIRABATWARE INDICTMENT

Judge Vagn Joensen confirmed the *Ngirabatware* Indictment on 10 October 2019, and the Prosecution filed a public version of the Indictment on the same day.

The charges against Augustin Ngirabatware, which were set forth in the separate *Ngirabatware* Indictment, include:

Count 1 - Contempt of the ICTR and the Mechanism

- Augustin Ngirabatware
- Interfering with protected witnesses

Count 2 - Incitement to commit contempt of the ICTR and the Mechanism

- Augustin Ngirabatware
- Additionally or alternatively, inciting a protected witness to recant her testimony
- Additionally or alternatively, inciting others to commit contempt by interfering with protected witnesses

Count 3 - Contempt of the ICTR and the Mechanism

- Augustin Ngirabatware
- Knowingly disclosing the identities of protected witnesses in violation of court orders
- Having prohibited contact with a protected witness in violation of a court order

CASE BACKGROUND INFORMATION

The original *Nzabonimpa et al.* and *Ngirabatware* Indictments alleged that, following the Mechanism Appeals Chamber's affirmation of Augustin Ngirabatware's convictions for genocide and direct and public incitement to commit genocide, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Augustin Ngirabatware engaged in a concerted effort to secure Ngirabatware's acquittal at the review stage of his proceedings before the Mechanism through witness interference. The Indictments further alleged that, during the same period, Dick Prudence Munyeshuli and Augustin Ngirabatware committed contempt by violating certain court orders related to protected witnesses.

In separate proceedings, Augustin Ngirabatware's review hearing took place from 16 to 24 September 2019. Augustin Ngirabatware called six witnesses. At the conclusion of the presentation of evidence by Augustin Ngirabatware, the Appeals Chamber of the Mechanism heard oral submissions by the parties for the purpose of determining whether Augustin Ngirabatware had presented sufficient evidence capable of belief to establish the new fact. On 24 September 2019, the Appeals Chamber decided that Augustin Ngirabatware had not presented such evidence and that it was not necessary to hear Prosecution evidence in rebuttal.

In its Review Judgement pronounced on 27 September 2019, the Appeals Chamber rejected Augustin Ngirabatware's attempt to show in review proceedings that the four key witnesses underpinning his convictions for direct and public incitement to commit genocide and instigating and aiding and abetting genocide had truthfully recanted their trial testimonies. The Appeals Chamber decided that the Appeal Judgement, sentencing Augustin Ngirabatware to 30 years of imprisonment for these crimes, remains in force in all respects.

For more information please visit the Mechanism website www.irmct.org.

For press inquiries, email mict-press@un.org.