



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”) after the completion of their respective mandates.

CASE INFORMATION SHEET

On 24 August 2018, Judge Seon Ki Park confirmed an Indictment dated 5 June 2018 submitted by the Prosecutor, Serge Brammertz, for contempt of court and incitement to commit contempt for Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli, pursuant to Articles 1(4)(a), 14(1) and 16(4) of the Mechanism’s Statute (Statute) and Rule 90 of the Mechanism’s Rules of Procedure and Evidence (Rules).

MICT-18-116

TURINABO *et al.* – Contempt of Court



MAXIMILIEN TURINABO

Turinabo was, at different stages during the *Ngirabatware* case before the ICTR (Case No. ICTR-99-54), a Defence contact person in the Gisenyi area.



ANSELME NZABONIMPA

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



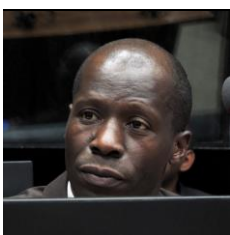
JEAN DE DIEU NDAGIJIMANA

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



MARIE ROSE FATUMA

Fatuma is the widow of Augustin Ngirabatware’s half-brother Édouard Byukusenge, also known as “Cenge”.



DICK PRUDENCE MUNYESHULI

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.

Indictment

A strictly confidential Indictment dated 5 June 2018 was confirmed by Judge Seon Ki Park on 24 August 2018. A public redacted version of the Indictment was filed on 5 September 2018.

IRMCT Single Judge

Vagn Joensen

Status of the Case

Pre-Trial.

INDICTMENT

In accordance with Article 1(4)(a) of the Statute and Rule 90 of the Rules, the Mechanism has the competence to conduct investigations, trials, and appeals in cases of contempt of court arising out of Mechanism, ICTR or ICTY proceedings. Those who knowingly and willfully interfere with the administration of justice, or incite or attempt to commit any of the acts punishable as contempt of the Mechanism, the ICTY or the ICTR, can be held in contempt.



The Indictment against Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, Marie Rose FATUMA, and Dick Prudence MUNYESHULI charges two counts of contempt of the ICTR and the Mechanism and one count of incitement to commit contempt of the ICTR and the Mechanism. The Indictment was confirmed by Judge Seon Ki Park in the Order of 24 August 2018, and the Prosecution filed a public redacted version of the Indictment on 5 September 2018.

The Prosecution alleges that, from at least August 2015 through September 2017, Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and Marie Rose FATUMA shared the intent for and participated in a joint criminal enterprise which sought to overturn Augustin Ndirabatware's final conviction by interfering with the administration of justice, directly and/or through others, including by pressuring, offering bribes to, and otherwise influencing protected witnesses. In addition, or in the alternative, the Prosecution alleges that they incited others to commit contempt by interfering with protected witnesses. Furthermore, the Prosecution alleges that Dick Prudence MUNYESHULI and Maximilien TURINABO knowingly violated the protective measures ordered by the Trial and Appeals Chambers by disclosing the identities of protected witnesses and that Dick Prudence MUNYESHULI had prohibited indirect contact with the protected witnesses in knowing violation of a court order.

The charges include:

Count 1 - Contempt of the ICTR and the Mechanism

- Maximilien TURINABO, 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

- Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and Marie Rose FATUMA
- Additionally or alternatively incited others to commit contempt by interfering with protected witnesses

Count 3 - Contempt of the ICTR and the Mechanism

- Dick Prudence MUNYESHULI and Maximilien TURINABO
- Knowingly disclosing the identities of protected witnesses in violation of court orders
- Dick Prudence MUNYESHULI
- Having prohibited indirect contact with protected witnesses in violation of a court order

CASE BACKGROUND INFORMATION

The Indictment alleges that, following the Appeals Chamber's affirmation of Ndirabatware's convictions for genocide and direct and public incitement to commit genocide, resulting in a sentence of 30 years of imprisonment for Ndirabatware, Maximilien TURINABO, Anselme NZABONIMPA, Jean de Dieu NDAGIJIMANA, and Marie Rose FATUMA engaged in a concerted effort to secure Augustin Ndirabatware's acquittal at the review stage of his proceedings before the Mechanism through witness interference. The Indictment further alleges that during the same period, Dick Prudence MUNYESHULI and Maximilien TURINABO committed contempt by violating certain court orders related to protected witnesses. A review hearing, during which Ndirabatware will have the opportunity to prove any "new fact" warranting review, will be scheduled in due course.

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

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