



Mechanism for International Criminal Tribunals

Case No.: MICT-14-77-R90.1

Date: 23 May 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Joseph E. Chiondo Masanche
Registrar: Mr. John Hocking
Decision of: 23 May 2016

PROSECUTOR

v.

ALOYS NTABAKUZE

PUBLIC

**DECISION ON NTABAKUZE'S MOTION FOR CONTEMPT
AND TO SEEK EXECUTION OF ORDER OF 22 MARCH 2016**

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Richard Karegyesa
Ms. Sunkarie Ballah-Conteh

Counsel for Mr. Aloys Ntabakuze:

Ms. Sandrine Gaillot

Received by the Registry
Mechanism for International Criminal Tribunals
23/05/2016 12:43

A handwritten signature in black ink, appearing to read 'McSaul Conteh', written over a white background within a black rectangular box.

I, JOSEPH E. CHIONDO MASANCHE, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

NOTING the final Judgement against Aloys Ntabakuze issued by the Appeals Chamber of the International Criminal Tribunal for Rwanda on 8 May 2012, affirming Ntabakuze’s convictions for genocide, extermination and persecution as crimes against humanity, and violence to life as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, and imposing a sentence of 35 years of imprisonment;²

RECALLING that, on 23 March 2016, I ordered the Prosecution to provide Ntabakuze with an additional copy of a statement given by a member of the 1st Muvumba Battalion (“Statement”), which was disclosed to Ntabakuze during the trial proceedings;³

BEING SEISED OF Ntabakuze’s request for: (i) a finding that the Prosecution is in contempt since it did not comply with the order to provide a copy of the Statement to Ntabakuze; and (ii) an order for disclosure of all statements made by members of the 1st Muvumba Battalion which are in the Prosecution’s possession, including the Statement;⁴

NOTING the Prosecution’s response that a copy of the Statement was disclosed to Ntabakuze through the Mechanism’s Registry;⁵

NOTING that Rule 90(A)(iii) of the Mechanism’s Rules of Procedure and Evidence provides, in relevant part, that the Mechanism, with respect to proceedings before it, may hold in contempt those who knowingly and wilfully interfere with the administration of justice, including any person who, without just excuse, fails to comply with an order by a Single Judge;

CONSIDERING that, on 16 May 2016, the Prosecution provided an additional copy of the Statement to the Mechanism’s Registry for transmission to Ntabakuze’s counsel,⁶ therefore, complying with the Decision of 23 March 2016;

¹ Order Assigning a Single Judge to Consider an Application, 18 May 2016, p. 1.

² *Aloys Ntabakuze v. The Prosecutor*, Case No. ICTR-98-41A-A, Judgement, 8 May 2012, paras. 5, 313, 317.

³ *Prosecutor v. Aloys Ntabakuze*, Case No. MICT-14-77-R, Decision on Ntabakuze’s Motion for Disclosure of Exculpatory Material, 23 March 2016 (“Decision of 23 March 2016”), pp. 1, 2.

⁴ Ntabakuze’s Motion for Contempt and to Seek Execution of Order of 22 March 2016, 12 May 2016 (“Motion”), para. 8.

⁵ Prosecution Response to Ntabakuze’s Motion for Contempt and to Seek Execution of Order of 22 March 2016, para. 6.

⁶ The Registry informed me of the receipt of the Statement via internal correspondence on 19 May 2016.


CONSIDERING FURTHER that Ntabakuze provides no support for his claim that there may be potentially exculpatory statements made by members of the 1st Muvumba Battalion which are in the custody or under the control of the Prosecution;

FOR THE FOREGOING REASONS

HEREBY DISMISS the Motion.

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

Done this 23rd day of May 2016,
At Arusha,
Tanzania.



Judge Joseph E. Chiondo Masanche
Single Judge

[Seal of the Mechanism]



⁷ See also Decision of 22 March 2016, p. 2



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Case Name/ Affaire :	Prosecutor v. Aloys Ntabakuze		Case Number/ Affaire n° : MICT-14-77-R90.1
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