



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

The Office of the Prosecutor of the Mechanism has responsibility for the tracking, arrest, and prosecution of the remaining persons indicted by the ICTR for their alleged participation in the 1994 Genocide against the Tutsi in Rwanda. At present, the following two accused remain fugitives and their respective cases have been referred to Rwandan authorities: Charles Ryandikayo, and Charles Sikubwabo.

This Case Information Sheet relates to fugitive Aloys Ndimbati, whose death was confirmed by the Office of the Prosecutor of the Mechanism on 14 November 2023 and whose proceedings before the Mechanism have now been terminated.

MICT-12-14

DECEASED - ALOYS NDIMBATI



Aloys Ndimbati was the *Bourgmestre* of the Gisovu commune in the Kibuye *préfecture*, Rwanda, during the time of the crimes pleaded in the indictment against him.

Year and place of birth

Early 1950s, Gisovu commune, Kibuye *préfecture*, Rwanda

Indictment

Initial indictment confirmed by a Judge of the ICTR on 28 November 1995
Operative indictment filed on 8 May 2012

Status of the Case

Terminated.

CASE BACKGROUND INFORMATION

INDICTMENT

Aloys Ndimbati was charged with genocide, complicity in genocide, direct and public incitement to commit genocide and crimes against humanity, committed in Gisovu commune, Kibuye *préfecture*, in Rwanda between April and July 1994, when he was the commune’s *Bourgmestre*.

According to the operative indictment against Ndimbati, dated 8 May 2012 (“Indictment”), on or about 10 or 11 April 1994 at around 10:00, Ndimbati used a megaphone to publicly call for the elimination of Tutsis. He allegedly did so from the Gisovu communal vehicle which he drove around the Gisovu commune while escorted by five of his policemen and followed by a crowd of people, mainly *Interahamwe*, to whom, among others, his address was directed. Ndimbati’s address allegedly prompted, encouraged, provided moral support to, and thus contributed to the subsequent crimes specified in the Indictment.



The Indictment also alleges that on or about 14 April 1994, at the Gisovu tea factory guesthouse, Ndimbati, together with Alfred Musema, instructed and prompted *Interahamwe* to rape a Tutsi woman and to kill both her and her son. The *Interahamwe* followed these instructions.

The Indictment further alleges that after the death of the President of Rwanda, Juvénal Habyarimana, Ndimbati, acting together with others, started killing Tutsis in the Gisovu commune. Tutsis who lived in the neighborhood of Bisesero fled their homes and sought refuge in the Bisesero hills hoping to defend themselves from the attacks. It is alleged that Ndimbati relentlessly attacked these refugees over a period of several months, killing thousands.

On the basis of these allegations, Ndimbati was charged with:

One count of genocide (Count 1)

One count of complicity in genocide (Count 2)

One count of direct and public incitement to commit genocide (Count 3)

Four counts of crimes against humanity

- Extermination (Count 4)
- Murder (Count 5)
- Rape (Count 6)
- Persecution (Count 7)

REFERRAL OF CASE TO RWANDA

On 25 June 2012, a Chamber of the ICTR ordered that the case of Aloys Ndimbati be transferred to the authorities of the Republic of Rwanda (“Rwanda”).

On 7 May 2014, a Single Judge of the Mechanism, Judge Vagn Joensen, requested all Member States of the United Nations (“UN”) to search for, arrest and transfer Ndimbati to the custody of the National Public Prosecution Authority Rwanda.

According to UN Security Council Resolution 1966 (2010), all States have an obligation to cooperate with the Mechanism in the location, arrest, detention, surrender and transfer of accused persons who are still at large.

On 14 November 2023, the Office of the Prosecutor of the Mechanism confirmed the death of Ndimbati. On 19 March 2024, a Single Judge of the Mechanism, Judge Prisca Matimba Nyambe, found that the Office of the Prosecutor of the Mechanism had presented sufficient information to establish that Ndimbati was deceased and, notwithstanding any possible termination of the case against Ndimbati before a court in Rwanda, terminated the proceedings against Ndimbati before the Mechanism.

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

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