



Mechanism for International Criminal Tribunals

Cases No. MICT-13-41-R90

Date: 17 July 2013

Original: English

SINGLE JUDGE

Before: Judge Vagn Joensen, *Single Judge*

Registrar: John Hocking

In Re.

MAXIMILIEN TURINABO

**DECISION ON MAXIMILIEN TURINABO'S REQUEST FOR RECONSIDERATION OF
DECISION ON DEOGRATIAS SEBUREZE AND MAXIMILIEN TURINABO'S MOTIONS
ON THE LEGAL EFFECT OF THE CONTEMPT DECISION AND ORDER ISSUED BY
THE ICTR TRIAL CHAMBER**

For Maximilien Turinabo:

Stéphane Bourgon

Office of the Prosecutor

Hassan Bubacar Jallow

James Arguin

Inneke Onsea

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INTRODUCTION

1. By a motion of 27 February 2013 Maximilien Turinabo challenged an ICTR Trial Chamber decision indicting him for contempt and ordering his prosecution before the MICT.¹ The President assigned me as Single Judge to rule on the Motion.² By decision of 20 March 2013 I granted the relief sought by Turinabo with respect to his request that it be declared “that neither the ICTR Trial Chamber nor the ICTR Trial Chamber Order in lieu of an Indictment have legal force or effect before the MICT”, but denied another request which is no longer an issue.³ In the Decision I indicated that “a separate decision shall be issued on whether sufficient grounds exist to prosecute any persons for contempt for circumstances related to the [ICTR] Amicus Report” (“Impugned Decision”).⁴
2. In a motion of 29 March 2013 Turinabo requests reconsideration of the Impugned Decision challenging that my assignment as Single Judge covers the matter whether to initiate contempt proceedings and challenging that MICT has the legal basis to conduct further contempt proceedings.⁵
3. The ICTR Prosecutor objects to the request for reconsideration on such grounds.⁶

DELIBERATIONS

4. I find that Turinabo, at present, has no legal standing to present further jurisdictional challenges with respect to the matter before MICT.
5. Turinabo was an accused before the ICTR pursuant to the ICTR Trial Chamber decision indicting him for contempt, but following the Impugned Decision he is not, at present, an accused before

¹ *The Prosecutor v. Augustin Ndirabatswe*, Case No. ICTR-99-54-T, Decision on Allegations of Contempt, 21 February 2013.

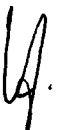
² *In Re Sebureze and Turinabo*, Cases No MICT-13-40-R90 and MICT-13-40-R91 (“*In Re Sebureze and Turinabo*”), Order Assigning a Single Judge, 4 March 2013.

³ *In Re Sebureze and Turinabo*, Decision on Deogratias Sebureze and Maximilien Turinabo's Motions on the Legal Effect of the Contempt Decision and Order Issued by the ICTR Trial Chamber, 20 March 2013.

⁴ *Id.*, para 17.

⁵ *In Re Turinabo*, Case No. MICT-13-41-R90, Request for Reconsideration of the Decision on Deogratias Sebureze and Maximilien Turinabo's Motions on the Legal Effect of the Contempt Decision and Order Issued by the ICTR Trial Chamber, 29 March 2013.

⁶ *In Re Sebureze and Turinabo*, Prosecution Response to Turinabo's Motion for Reconsideration, 15 April 2013.



the MICT. He may, however, be considered a suspect before the MICT pursuant to the ICTR Amicus Report which the Impugned Decision found to be valid also in respect of the further proceedings before the MICT.

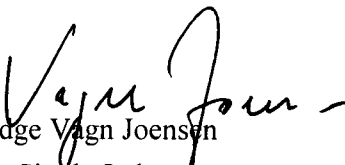
6. The MICT Rules of Procedure and Evidence, including parts four and five, apply *mutatis mutandis* to contempt proceedings, cf. Rule 90(E). The Rules give a suspect who is not in detention no right to present jurisdictional challenges until such time that [s]he may become an accused, cf. Rule 79.

7. Therefore, I need not address whether the conditions for reconsiderations are met.

FOR THE FOREGOING REASONS, I

I. DISMISS Maximilien Turinabo's motion in its entirety

Arusha, 17 July 2013, done in English.


Judge Vagn Joensen
Single Judge

[Seal of the Mechanism]





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