Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.**: ICC-01/04-01/12**

Date: **09 November 2026**

PRE-TRIAL CHAMBER I

Before: **Judge Iulia Antoanella Motoc, Presiding Judge**

Judge Reine Adélaïde Sophie Alapini-Gansou

Judge María del Socorro Flores Liera

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR V. SYLVESTRE MUDACUMURA

Public

With Annexes I-II, Under Seal *EX PARTE,* only available to the Registry and Prosecution

Public redacted version of "Registry report on the reported death of Sylvestre Mudacumura", 11 May 2026, ICC-01/04-01/12-21-US-Exp

Source: **Registry**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ **The Office of the Prosecutor**	☐ **Counsel for the Defence**
☐ **Legal Representatives of the Victims**	☐ **Legal Representatives of the Applicants**
☐ **Unrepresented Victims**	☐ **Unrepresented Applicants (Participation/Reparation)**
☐ **The Office of Public Counsel for Victims**	☐ **The Office of Public Counsel for the Defence**
☐ **States' Representatives**	☐ **Amicus Curiae**

REGISTRY

Registrar Mr Osvaldo Zavala Giler	☐ **Counsel Support Section**
☐ **Victims and Witnesses Unit**	☐ **Detention Section**
☐ **Victims Participation and Reparations Section**	☐ **Other**

I. Introduction

1. On 13 July 2012, prior to the Presidency's assignment of the case to Pre-Trial Chamber I,[1] the formerly constituted Pre-Trial Chamber II issued a Warrant of Arrest for Sylvestre Mudacumura ("Mr Mudacumura").[2]

2. The Registry report hereby informs Pre-Trial Chamber I ("Chamber") of developments in relation to Mr Mudacumura's reported death for the Chamber's consideration on the status of the Warrant of Arrest.

II. Procedural history

3. On 13 July 2012, Pre-Trial Chamber II issued its "Decision on the Prosecutor's Application under Article 58" issuing a Warrant of Arrest for Mr Mudacumura for his alleged responsibility under article 25(3)(b) of the Statute for war crimes committed in the Kivu Provinces of the Democratic Republic of the Congo ("DRC") between 20 January 2009 and the end of September 2010 pursuant to article 58(1) of the Statute ("Warrant of Arrest").[3] The Chamber ordered the Registrar to prepare and transmit, in consultation and coordination with the Prosecutor, to the DRC authorities a request for cooperation with a view to securing the arrest and surrender of Mr Mudacumura to the Court.

4. On [REDACTED], the Registry transmitted to the DRC's authorities a request for the provisional arrest of Mr Mudacumura ("Article 92 Request").[4]

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[1] Presidency, "Decision assigning judges to divisions and recomposing Chambers", 12 March 2024, ICC-01/04-01/12-20. *See* also Presidency's assignment of the situation in DRC to Pre-Trial Chamber II: Presidency, Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations, 15 March 2012, ICC-01/04-02/06-32.
[2] Pre-Trial Chamber II, "Decision on the Prosecutor's Application under Article 58", 13 July 2012, ICC-01/04-01/12-1-Conf-Exp; Pre-Trial Chamber II, Public Redacted Version of Decision on the Prosecutor's Application under Article 58, 13 July 2012, ICC-01/04-01/12-1-Red.
[3] *Ibid*.
[4] Registry, "Demande d'arrestation et de remise de Sylvestre Mudacumura adressée à la République démocratique du Congo", [REDACTED].

5. On [REDACTED], and pursuant to the Warrant of Arrest, the Registrar transmitted to the DRC authorities a request for the arrest and surrender of Mr Mudacumura ("Article 91 Request").[5]

6. [REDACTED].[6]

7. [REDACTED].[7]

8. The Warrant of Arrest against Mr Mudacumura remains outstanding.

III. Classification

9. In accordance with regulation 23*bis*(2) of the Regulations of the Court ("Regulations"), the present report and its annexes are classified as under seal, *ex parte*, only available to the Prosecution and Registry in line with the classification of the previous Registry reports and communication received from the DRC.

IV. Submission

10. The present report hereby informs the Chamber about the Registry's efforts to verify information on the alleged death of Mr Mudacumura.

11. According to reports from media and other sources on various dates ("Reports"),[8] Mr Mudacumura was allegedly killed between the 17 and 18 of September 2019.

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[5] Registry, "Demande d'arrestation et de remise de Sylvestre Mudacumura adressée à la République démocratique du Congo", [REDACTED].
[6] [REDACTED].
[7] [REDACTED].
[8] The Chronicles, NDC-R: Congo's Contract Militia Which "Killed" FDLR's Gen Sylvestre Mudacumura, dated 15 May 2020, https://www.chronicles.rw/2020/05/ndc-r-congos-contract-militia-which-killed-fdlrs-gen-sylvestre-mudacumura/; Human Rights Watch report, DR Congo: Warlord Sought by ICC Killed, dated 20 September 2019, DR Congo: Warlord Sought by ICC Killed | Human Rights Watch; France 24, Rwandan Hutu leader wanted by the Hague shot dead by DR Congo troops, https://www.france24.com/en/20190918-dr-congo-drc-troops-shoot-rwanda-warlord-fdlr-mudacumura-hutu , dated 18 September 2019, accessed 15 May 2025.

12. [REDACTED],[9] [REDACTED]. [10]

13. [REDACTED].[11]

14. [REDACTED].[12] [REDACTED].[13] [REDACTED].[14] [REDACTED].

15. [REDACTED].

16. [REDACTED][15] [REDACTED].[16] [REDACTED].[17] [REDACTED].

17. [REDACTED].[18]

18. [REDACTED],[19] [REDACTED].[20]

19. The Registry does not have further information on the alleged location of Mr. Mudacumura's grave.

20. The Registry shared the summary from [REDACTED] with the Prosecution and asked the latter for its feedback. The Prosecution responded that [REDACTED].

21. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

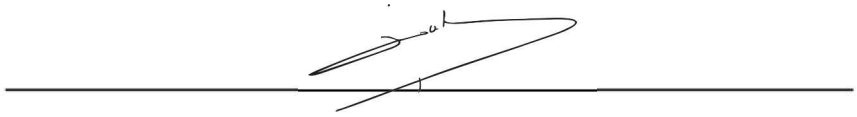
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[9] [REDACTED].
[10] [REDACTED].
[11] *Ibid*., pp 1-2.
[12] *Ibid*.
[13] *Ibid*.
[14] *Ibid*.
[15] *Ibid*., pp 2-3.
[16] *Ibid*.
[17] *Ibid*.
[18] *Ibid*., pp 3-4.
[19] *Ibid*.
[20] *Ibid.*

22. The Registry further notes the existence of an open source video of a memorial service for Mr Mudacumura held in Brussels, Belgium, on 16 November 2019.[21] The memorial service was allegedly attended by his wife, children, and other relatives. The Prosecution provided the Registry with a translation of the transcription of the video from Kinyarwanda to French.[22]

23. The Registry notes that in light of the persisting volatile situation in the DRC, particularly in the area where the alleged killing took place and Mr Mudacuruma's body was reportedly buried, it remains highly unlikely that the DRC authorities will be able to conduct investigations in the said area, or for the Court to receive any official confirmation of the reported death of Mr Mudacuruma. While possibilities may remain to further verify the reported death of Mr Mudacuruma, the Registry notes that with the passage of years it will increasingly become more difficult to receive further reliable information.

24. The Registry remains at the Chamber's disposal should additional information be required in relation to the Chamber's considerations on the status of the Warrant of Arrest.



Marc Dubuisson, Director, Division of Judicial Services on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 09 November 2026
At The Hague, The Netherlands

[21] "Ubuhamya butangaje bw'umufasha wa Général Sylvestre Mudacumura" [translated from Kinyarwanda to English: "The amazing testimony of the wife of General Sylvestre Mudacumura"], 17 November 2019, at https://www.youtube.com/watch?v=4KVFXi2AVAA (accessed on 17 March 2026).
[22] Annex II.