



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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## ICTR President and Vice President Elected

Judge Vagn Joensen (Denmark) was in February 2012 elected President of the United Nations International Criminal Tribunal for Rwanda and Judge Florence Rita Arrey (Cameroon) was elected Vice-President of the Tribunal. Judge Joensen replaces Judge Khalida Rachid Khan (Pakistan) who will be redeployed to the Appeals Chamber in The Hague next month. Judge Arrey takes over the Vice-Presidency from Judge Joensen. The President of the Tribunal, Judge Khalida Rachid Khan (Pakistan), on 13 February 2012, announced that the

new President will assume his duties on 2 March 2012, and the new Vice-President will assume her duties on 14 February 2012.

mittee since its inception in 2007, and was Vice-President of the Tribunal from August 2011 to February 2012.



ICTR President Judge Vagn Joensen from Denmark

Judge Arrey joined the Tribunal in October 2003 as *ad litem* Judge and member of Trial Chamber III. Prior to her election to the Tribunal, Judge Arrey served as Judge in the Supreme Court of Cameroon. Before, she was the Chief Justice of the Court of Appeal for ten years - the first Cameroonian woman to hold the post.



ICTR Vice President Judge Florence Rita Arrey from Cameroon.

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Judge Joensen joined the Tribunal in May 2007 as *ad litem* Judge and member of Trial Chamber III. Before joining the Tribunal, Judge Joensen was a judge at the Danish High Court, Eastern Division, in Copenhagen since 1994 and served as an international judge for the UNMIK in Kosovo from 2001 to 2002. Born in 1950, Judge Joensen obtained a Master of Law in 1973 at the University of Aarhus, and has studied at the City of London College and Harvard Law School. Judge Joensen served in the Danish Ministry of Justice until he was appointed a Judge at the City Court of Copenhagen in 1982, and he had been teaching constitutional, criminal and civil law at the Law Faculty of the University of Aarhus and of the University of Copenhagen. Judge Joensen has been the Chairperson of the Tribunal's Rules Com-

Born in 1948, Judge Arrey holds a certificate in Legal Treaty Drafting and International Law from the University of London, Advanced Institute of Legal Studies as well as a Diploma in Magistracy from ENAM, Yaoundé and LLB Honours from the University of Lagos. Judge Arrey is President of the Cameroonian Chapter of the International Association of Women Judges (IAWJ) and since 2008 is an elected member of the International Board of Directors of the IAWJ.

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## ICTR President and Vice President Elected

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In celebration of International Women's Day in Cameroon, on 8 May 2011, Judge Arrey was named amongst 50 women who had made an impact in Cameroon and hailed "as a no non-sense Judge" by her Government.

In July 2011, the UN Security Council, acting on the request of the President of the ICTR decided that notwithstanding the relevant articles of the Court's Statute, *d litem* judges were now

eligible to stand for, and vote in, elections for the Tribunal's presidency and vice presidency.

Under the previous rules, the critical positions of the President and Vice President were in danger of having no eligible candidates, since all permanent judges are expected to depart from the Trial Chambers in the coming months.

## Diplomats Based in Rwanda Visit the Tribunal

A group of Ambassadors and High Commissioners from eight countries based in Rwanda, on 1 February 2012 paid a three-day official visit to the United Nations International Criminal Tribunal for Rwanda. The delegation was led by H.E. Richard Kabonero, Dean of the Diplomatic Corps and Uganda High Commissioner in Rwanda.

The historic visit was organised to enable the senior diplomats get first hand knowledge of the work of the ICTR, its complexities, achievements and challenges.

The diplomats visited the various organs of the Tribunal including the UN Detention Facility and held talks with several senior officials of the ICTR who briefed them in detail on the Tribunal's operations.

The diplomats commended the noble goals being promoted by the Tribunal, particularly its contribution in the fight against the culture of impunity. They promised to continue supporting its work.

The diplomatic delegation included, H.E. Mirgayas Shirinskiy, the Russian Ambassador; H. E. Marwa Mwita Matiko, the Tanzanian High Commissioner; H. E. Michel Arrion, the Ambassador and Head of Delegation of the European Union Commission; H.E. Shu Zhan, Ambassador of China; H. E. Benedict Llewellynjones, the British High Commissioner; H. E. Makena Muchiri Rose; the Kenya High Commissioner; and Mr. Alfred Jabulani Radebe from the South Africa High Commission.



*The Ambassadors and High Commissioners pictured together with the Registrar of the ICTR Mr. Adama Dieng (fourth left) .*

### UN Appoints Senior Officials of the International Residual Mechanism

The United Nations has appointed Judge Theodor Meron of the United States, President; Mr. Hassan Bubacar Jallow from Gambia, Prosecutor and Mr. John Hocking from Australia, Registrar of the International Residual Mechanism for Criminal Tribunals. The appointments for Judge Meron and Mr. Jallow are effective 1 March 2012 and are for a term of four years.

The Secretary-General of the United Nations Mr. Ban Ki-moon appointed Judge Meron, President after consulting the President of the Security Council and the judges of the Mechanism. Judge Meron will continue serving as President of the International Tribunal for the former Yugoslavia (ICTY) while working as the President of the Mechanism.

The UN Security Council appointed Mr. Jallow, Prosecutor. His appointment was made upon the nomination of the Secretary-General. Mr. Jallow will continue serving as Prosecutor of the International Criminal Tribunal for Rwanda (ICTR).

Judge Meron and Mr. Jallow are eminently qualified for the respective positions of President and Prosecutor of the Mechanism. The Secretary-General believes that the Mechanism will benefit immensely from their considerable experience, outstanding leadership skills, and profound commitment to international criminal justice.



*Mr. Hassan Bubacar Jallow from Gambia, appointed Prosecutor of the Residual Mechanism*



*Judge Theodor Meron of the United States appointed President of the Residual Mechanism*

Mr. Hocking was appointed Registrar by the UN Secretary-General. Mr. Hocking who has been serving as Registrar of the International Tribunal for the former

Yugoslavia since May 2009, will continue in that position while working as the Registrar of the Residual Mechanism.

Mr. Hocking is a long-standing staff member of the ICTY having joined the institution in 1997. He held the position of Deputy Registrar from December 2004 until January 2009 when he became Acting Registrar. Prior to the appointments, he served as the Senior Legal Officer for the Appeals Chamber of both the ICTY and the ICTR. He initially worked as the legal officer on the ICTY's first multi-accused proceedings, the Čelebići trial.



*Mr. John Hocking from Australia appointed Registrar of the Residual Mechanism*

The Residual Mechanism was established by the Security Council Resolution 1966 (2010) to carry out a number of essential functions of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda after their closure. It will have two branches, in Arusha and in The Hague, which will start functioning on 1 July 2012 and 1 July 2013, respectively.

### Town Hall Meeting: The Registrar Calls for Continued Commitment

The Registrar of the ICTR, Mr. Adama Dieng, held a Town Hall Meeting on February 3, 2012 in Mbayuwayu Hall, Ngorongoro Wing of the AICC building. Mr. Dieng took the opportunity to address some key issues of concern, and commend the staff for their commitment, which has earned ICTR's work worldwide recognition.



*Registrar of the ICTR, Mr. Adama Dieng addresses the Town Hall meeting*

The issues he addressed included;  
**2012-2013 Budget Approved**  
The UN General Assembly in December 2011

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## Town Hall Meeting: The Registrar Calls for Continued Commitment

*Continued from page 3*



*ICTR staff members attending the Town Hall Meeting*

approved the Tribunal's budget for 2012-2013 as requested by ICTR management. However, ICTR staff should be prepared to work more with less funding, which implies being ready for "multi-tasking by doing more than we are currently doing" due to "the notable increase in the workload", urged the Registrar.

### **Residual Mechanism Set for Take-off**

The Registrar assured that the "ICTR branch of the IRM is set to commence operations on 1 July, 2012". The IRM budget was approved by the UN General Assembly, and the Registrar appointed by the UN Secretary-General in the person of Mr. John Hocking, current ICTY Registrar.

The IRM will take off "with a lean staffing capacity of less than 50 staff members", whose status will be similar to that of ICTR staff members, said the Registrar. In spite of his decision not to run for the post of IRM Registrar, Mr. Dieng vowed to "spare no effort to ensure the success of the IRM as the Registrar of the ICTR".

### **Transparency in Staff Retention Process**

The Registrar instructed Programme Managers to work closely with the Staff Association to ensure transparency in the staff retention process and "avoid any unnecessary rebuttals".

Staff members should be informed of the outcome of the retention exercise early enough, especially "when their services are no longer needed". As over 100 staff members are expected to be separated come June 2012, Mr. Dieng advised everyone to face the reality of the ICTR closure and be "able to leave with pride and satisfaction for having been part of this great institution".

### **Continued Support to Rwanda Judiciary**

ICTR project to install a Video-Conferencing facility for the Rwandan Supreme Court has been completed. This facility, said the Registrar, "will play an important role in the proceedings of

cases referred to Rwanda". The ICTR and the African Commission on Human and People's Rights, appointed to monitor the Uwinkindi case, are committed to ensure the success of the proceedings.

### **Ethical Behaviour by all Staff Members**

The ICTR Registrar called on staff members to "adhere to the Code of Conduct for International Civil Servants", and not misuse their immunities and privileges "to neglect their private obligations or fail to observe laws, policies and regulations of the Host Country". No such unprofessional and/or unethical behavior will be tolerated by ICTR Management, warned the Registrar.

### **Support to Staff Welfare to be continued**

Mr. Adama Dieng renewed ICTR Management's commitment to continue advocating employment of ICTR staff members by other organizations, and called on the executive of the Staff Association to join ICTR Administration in this Endeavour. The Registrar announced the existence of a career support and counseling programme whose objectives include capacity-building, professional coaching and out-placement of separating staff members.

### **E-mail Quotas for Users**

The successful completion of ICTR mandate also depends on the efficient management of the active e-mail store. The Registrar therefore announced the imminent creation of a "storage Home Drive for every user". Staff members will be trained on "how to safely and securely archive/migrate old mails" to their private storage space and how to access the data when needed.

### **Staff Members to be Mindful of Own Security**

The Registrar once again reminded staff members of their primary responsibility for their own security and safety by "comply with the Framework of Accountability for the UN Security Management System".

A security risk analysis is being finalized for the Kilimanjaro region. It will "recommend the type of security measures [to be] put in place for [ICTR staff members]", announced the Registrar.

Also present at the meeting were the Tribunal's President, Judge Khalida Rachid Khan, the Deputy Prosecutor, Mr. Bongani Majola sitting in for the Prosecutor Mr. Hassan Bubacar Jallow who was unavoidably absent, and the Chief DASS, Ms. Sarah Kilemi.

## Town Hall Meeting: President Khan Satisfied with Judicial Calendar Execution



Former ICTR President, Judge Khalida Rachid Khan, addressing the Town Hall Meeting.

In the Town Hall meeting held on February 3, 2012 in the Mbayuwayu Hall, Ngorongoro Wing, the ICTR President, Judge Khalida Rachid Khan updated the staff members on the work accomplished in Chambers since July 2011.

and *Nzabonimana* cases, “both in the judgement-drafting phase”, said Judge Khan.

Concerning the top fugitives indicted before the Tribunal (*Kabuga*, *Bizimana* and *Mpiranya*), the President informed that “special depositions for the preservation of evidence [...] are pending before three single judges”.

With 52 judgements rendered at first instance involving 79 accused, and 3 cases referred to national jurisdictions for trial, the President believes “we have remained largely on schedule with recent projections”. However, the remaining work will require everyone’s involvement with the same “continued dedication and hard work”, she said.

About the Residual Mechanism, Judge Khan said preparations for the Arusha Branch are quite advanced and that “the recruitment of the small contingent of staff will commence shortly”.

She took the opportunity to thank those who have contributed in establishing the IRM and the work of the Tribunal. Those “will all leave here



Present at the Town Hall Meeting (from left): Deputy Prosecutor Mr. Bongani Majola, President Judge Khalida Rachid Khan, the Registrar Mr. Adama Dieng, and the Chief DASS Sarah Kilemi.

Over the past nine months, the trial chambers of the ICTR delivered judgements in the *Government II* and *Karemera et al* cases. The reported period was also marked by an unprecedented decision by the Appeals Chamber on 16 December, affirming the Trial Chamber’s referral of the Uwinkindi case to Rwanda for trial.

President Khan reported that four trials are currently going on: the *Munyagishari* case, now in the pre-trial phase before the Referral Chamber, the *Ngirabatware* case whose judgement is expected by 30 June 2012, and the *Nizeyimana*

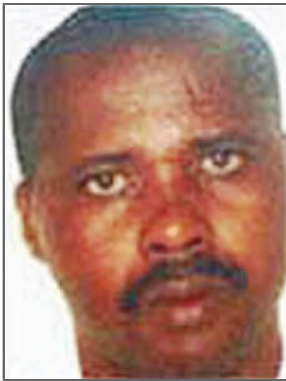
knowing that the work [they] have done has played an important role in the fight to end impunity for the world’s most horrendous crimes”, she said.

As she prepares to be redeployed to the Appeals Chamber in the Hague as from March 2012, Judge Khan considers it a “true honour and a great pleasure” being part of the ICTR-Arusha family over the past nine years.

## Decisions in Fulgence Kayishema and Jean Uwinkindi Cases Made

### • **Tribunal Refers Case of Kayishema to Rwanda** **Tribunal Stays Transfer of Uwinkindi to Rwanda Pending Establishment of Suitable Monitoring Mechanism**

The Referral Chamber of the United Nations International Criminal Tribunal for Rwanda on 22 February 2012 transferred to the authorities of the Republic of Rwanda the case of Fulgence Kayishema, former Judicial Police Inspector of Kivumu Commune in Kibuye Prefecture. Kayishema is yet to be arrested.



*Fulgence Kayishema, former Judicial Police Inspector of Kivumu Commune in Kibuye Prefecture*

This is the second case to be transferred to Rwanda by the ICTR following that of Pastor Jean Uwinkindi whose transfer decision was made by a Referral Chamber on 28 June 2011 and confirmed by the ICTR Appeals Chamber on 16 December 2011.

Uwinkindi's transfer, however, is yet to be effected, as it is stayed pending the establishment of a suitable Monitoring Mechanism.

In its ruling, the Referral Chamber, composed of Judges Khalida Rachid Khan, presiding, Vagn Joensen and Gberdao Gustave Kam, ordered that the Prosecution of the case of Kayishema be referred to the authorities in Rwanda, who will then refer the same to the High Court of Rwanda.

It also ordered that the Prosecution hand over to the Prosecutor General of Rwanda, as soon as possible and no later than 30 days after the Decision has become final, the material supporting the Indictment against the accused and all other appropriate evidentiary material in the possession of the Prosecution.



*Jean Bosco Uwinkindi, Pastor of the Pentecostal Church in Kanzenze*

Since the accused is yet to be arrested, the Referral Chamber requested that Rwanda, upon apprehension of the accused or receiving news or

confirmation of his death, provide the Tribunal or the International Residual Mechanism for Criminal Tribunals with regular reports on efforts taken to apprehend him.

In a decision on Uwinkindi of 24 February 2012, the President of the Tribunal, Judge Khalida Rachid Khan, ordered that the transfer of the accused shall be stayed until such a time as the President is satisfied that a suitable monitoring mechanism has been established.

Judge Khan instructed the Registrar to urgently undertake discussions and negotiations in order to effectuate the establishment of a monitoring mechanism according to the terms and conditions ordered by the Referral Chamber.

The Registrar was also directed to file submissions under Rule 33 (B) which detail the steps that have been undertaken to secure monitoring and provide details of the proposed options for monitoring no later than 16 March 2012.

### **Uwinkindi File handed over to Rwandan Government**

On 16 January 2012, the Prosecutor of the United Nations International Criminal Tribunal for Rwanda (ICTR), Mr. Hassan Bubacar Jallow handed-over referral and prosecution materials in the Jean Bosco Uwinkindi case to the Government of the Republic of Rwanda. The case file was handed over to the Prosecutor General of the Republic of Rwanda, Mr. Martin Ngoga in Kigali.



*The ICTR Prosecutor Mr. Hassan Bubacar Jallow (second left) handing over the Uwinkindi file to Mr. Martin Ngoga the Rwandan Prosecutor General. Looking on (left) is Mr. Richard Karegyesa, the ICTR Chief of Prosecutions.*

The handover followed a decision by the Appeals Chamber of the Tribunal on 18 December 2011 to dismiss Uwinkindi's appeal against a decision by a Referral Chamber to refer his case

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## Uwinkindi File handed over to Rwandan Government

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to the Rwandan National Court System under Rule 11 *bis*.

Speaking at the ceremony, Justice Jallow said that this was a special occasion, as it marked the first time that the ICTR was transferring a case to Rwanda for trial in the High Court, prior to sending the detainee.

The ICTR Prosecutor pointed out that the process had taken many years, but with perseverance, patience and commitment and the support of International Donors, who contributed to the Capacity Building of the Rwandan Justice System, a major achievement has been registered. This, he said, was an important aspect in fighting impunity in Rwanda and in the region and a major component in the Tribunal's Completion Strategy.



*A group picture after the hand-over ceremony.*

In his remarks, the Rwandan Prosecutor-General, Mr. Martin Ngoga, thanked the ICTR and the Office of the Prosecutor, for this historical achievement saying it vindicated the legal reforms undertaken by the Government of Rwanda and was recognition of the reconstruction of the Rwandan Justice System.

The Rwandan Prosecutor-General said that the handing-over of the case file opens doors for more cases to be transferred to Rwanda. "We think it is now time for national jurisdictions in countries where we have genocide suspects to acknowledge that it is time for Rwandan cases to be brought home."

Finally he thanked the ICTR, the Donors and other Development Partners for their continued support to the Rwandan Legal Reforms and Capacity Building of the country's Justice Sector.

Uwinkindi was arrested in Uganda at the end of June 2010. He is charged with the crimes of geno-

cide, conspiracy to commit genocide and extermination as crime against humanity. He is alleged to have committed the crimes in Kigali Rural Prefecture between April and July 1994, where he participated in the massacre at Kayenzi Church that resulted in the death of thousands of innocent victims.

## Indonesian elected President of the ICTR interns

Mohamed Ashyafat Sastrosubroto, from Indonesia, was on 19 January 2012 elected President of the Interns of the United Nations International Criminal Tribunal for Rwanda. The ICTR presently has more than 60 Interns working in the various Sections of the Tribunal. Mohamed who is working in the External Relations and Strategic Planning Section, said he felt privileged and honoured to participate in promoting the noble goals of the United Nations and in particular the mandate of the ICTR. However, he added that he felt more honoured and humbled to be elected President of the



*Intern President, Mohamed Ashyafat Sastrosubroto*

Interns. He promised to work hard to ensure positive contribution by Interns to the mission of the Tribunal and to make sure all Interns draw some vital and important life and work experiences during their stint in the multicultural environment of the United Nations. Mohamed holds a Bachelors degree from the Parahangyan Catholic University in Bandung.

## Activity of the Appeals Chamber: January 2012

During January, the Appeals Chamber issued **9** pre-appeal decisions or orders.

Currently, the Appeals Chamber is seized of **15** matters, including **8** cases involving appeals from judgement concerning 18 persons.

### Appeals from Judgement

The *Bagosora et al.* Trial Judgement was pronounced on 18 December 2008 and issued in writing on 9 February 2009. Theoneste Bagosora, Aloys Ntabakuze, and Anatole Nsengiyumva appealed. The briefing in respect of the appeals was completed at the end of

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Activity of the Appeals Chamber:  
January 2012

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July 2010. The appeals of Theoneste Bagosora and Anatole Nsengiyumva were heard from 30 March 2011 through 1 April 2011. Due to unavailability of Aloys Ntabakuze's counsel for the scheduled hearing of his appeal, the Appeals Chamber severed his case and heard his appeal on 27 September 2011. The Appeal Judgement in the *Bagosora & Nsengiyumva* case was delivered on 14 December 2011 and deliberations are in progress in the *Ntabakuze* case.

The Trial Judgement in the *Kanyarukiga* case was rendered on 1 November 2010 and issued in writing on 9 November 2010. Both parties filed notices of appeal in December 2010 and the briefing was completed in June 2011. The appeals were heard on 14 December 2011 and deliberations are in progress.

The Trial Judgement in the *Hategekimana* case was rendered on 6 December 2010 and issued in writing on 14 February 2011. Ildephonse Hategekimana filed his notice of appeal on 16 March 2011 and the briefing was completed in July 2011. The appeal was heard on 15 December 2011 and deliberations are in progress.

The Trial Judgement in the *Gatete* case was rendered on 29 March 2011 and issued in writing on 31 March 2011. Both parties filed notices of appeal in May 2011, the briefing was completed in December 2011, and the appeals are being prepared for a hearing.

The Trial Judgement in the *Ndindiliyimana et al./Military II* case was rendered on 17 May 2011 and issued in writing on 20 June 2011.

All five parties requested extensions of time to file their notices of appeal. The last notice of appeal was filed in January 2012 and the briefing is in progress.

The Trial Judgement in the *Nyiramasuhuko et al./Butare* case was rendered on 24 June 2011 and issued in writing on 14 July 2011. All seven parties expressed their intention to appeal and the briefing is in progress.

The Trial Judgement in the *Government II* case was rendered on 30 September 2011 and was issued in writing on 19 October 2011. Two of the parties filed their Notices of Appeal on 21 November 2011 and the briefing is in progress.

The Trial Judgement in the *Karemera & Ngirumpatse* case was rendered on 21 December 2011 and both convicted persons expressed their intention to appeal.

#### Other Appeals and Post-Appeal Requests

In addition to these appeals, the Appeals Chamber is seized of 2 interlocutory appeals in the *Ngirabatware* and *Nzabonimana* cases, and 5 requests for review or other post appeal relief in the *Ndindabahizi*, *Kajelijeli*, *Karera*, *Niyitegeka*, and *Uwinkindi* cases.

#### Summary

To date, the Appeals Chamber has delivered **33** Appeal Judgements, concluding the appellate proceedings in respect of **40** persons.