



ICTR Newsletter

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THE REGISTRAR MEETS THE SENEGALESE PRESIDENT

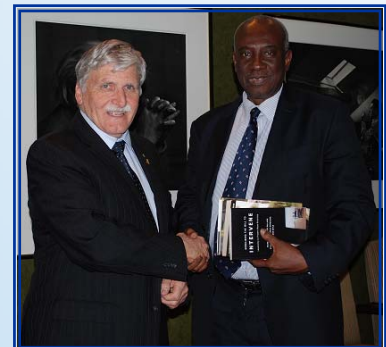


The Registrar of the UN-ICTR Mr. Bongani Majola, from 24th to 27th November 2013, undertook a working visit to the Republic of Senegal during which he met with several senior officials of the Government and the United Nations Mission, the highlight of which was the meeting with the President of the country H.E. MacKy Sall. *(Cont'd on pg 2)*

PROSECUTOR VISITS OTTAWA- CANADA

From 9 to December 12, 2013, Justice Hassan Bubacar Jallow visited Canadian Capital, Ottawa, on the invitation of the Canadian Authorities through the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity (GPG), whose mandate is to improve Canada's efforts to prevent crimes against humanity. The Visit of the Prosecutor started with his attendance at a general session of the

(Cont'd on page 9)



THE PRESIDENT

Dear Colleagues,

As we quickly approach the end of 2013 and prepare to close yet another year in the Tribunal's history, I wanted to take this opportunity to write a letter to the ICTR family to express my sincere gratitude for the tremendous effort and dedication that you continue to show towards the completion of our mandate. As I look back upon the Tribunal's accomplishment.... *(Cont. on p.5)*

THE PROSECUTOR.

Dear Colleagues,

As 2013 draws to a close, I wish you and your families a happy year ahead. Your valuable contribution to the execution of the mandates of the ICTR and the MICT is greatly appreciated. Your efforts, together with the support of your colleagues in the other organs helped us register several important milestones during the past year.... *(Cont. on p.8)*

THE REGISTRAR

Dear colleagues,

To each of you here in Arusha, Kigali and The Hague, I would like to wish to you and your loved ones a happy and prosperous year 2014. I also take this opportunity to express my profound appreciation for your immense contribution which made 2013 a successful year despite numerous challenges we had to face and overcome *(Cont. on p.10)*

THE REGISTRAR MEETS THE SENEGALESE PRESIDENT

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Mr. Majola thanked the President for his availability to meet with him and the ICTR delegation. He briefly informed the President of the challenges faced by the ICTR as it prepares to complete its mandate and close down. He summarized the notable achievements of the ICTR, including its jurisprudence and the impact that it has had in the fight against impunity. He pointed out that most of this success can largely be attributed to the excellent support that the ICTR has received from Member States over the years.



Right to Left: Bongani Majola Registrar, Moustapha Niasse President of the National Assembly and Ahmed Iyane Sow Special Assistant to the registrar

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Mr. Majola recalled the invaluable contribution that Senegal has made toward the success of the mission of the ICTR .

In his response, the President appreciated the briefing and expressed understanding of the challenges facing the ICTR as it prepares to close down. He said he was pleased that Senegal had contributed meaningfully in the execution of the mandate of the ICTR. He congratulated the Tribunal for its achievements. The president also expressed Senegal's willingness to continue supporting the Tribunal whenever possible.

The Registrar also met with the President of the National Assembly, H.E. Moustapha Niasse. He commended Mr. Niasse for his great leadership and said that he was deeply honored that, despite his very busy schedule, he could receive the ICTR delegation. Mr. Majola briefed Mr. Niasse on the main purpose of the mission and expressed his gratitude towards the authorities of Senegal for the support that they have given to the ICTR since its establishment.

Prior to these meetings, Mr. Majola held talks with the French Ambassador to Senegal H.E. Jean Felix-Paganon and briefed him on the achievements registered by the Tribunal and the challenges it was currently facing. He also met with the Country Director, UNDP, Mr. Luc Gnonlonfoun and other senior UN officials during which the issue of the assistance as provided by their office was highlighted.

ICTR PRESIDENT ADDRESSES THE UN SECURITY COUNCIL

On 5 December 2013 the President of the Tribunal Judge Vagn Joensen addressed the United Nations Security Council in New York appraising them on the latest developments at the ICTR.

Mister President, Excellencies, Ladies and Gentlemen,

I would like to begin by extending my sincere congratulations to the distinguished representative of France who presides over the Security Council in December, as well as the distinguished representatives of Chad, Chile, Lithuania, and Nigeria for their nations' election to the Security Council beginning in January 2014. I wish your Excellencies all the best for a successful tour of duty.

It is, as always an immense honour for me to have this opportunity to address the distinguished members of the Security Council and to provide you with an update on the progress being made towards the completion of our work.

First and foremost, I would like to express my sincere gratitude to the past and current ICTR judges and staff members for all of the hard work and dedication that they have shown which has led us to reach the stage we are at today, with only appeals remaining following nearly two decades of judicial work. As you are aware, it has been nearly one year since the ICTR completed its work at the trial level. And as of today, the Tribunal has concluded appellate proceedings in respect of 46 persons. The Appeals Chamber will render one more judgement on 16 December 2013 in the *Ndahimana* case, while four other appeal judgements concerning eight persons will be disposed of in 2014. This leaves only one appeals case, *Nyiramasuhuko et al.*, or, "*Butare*" which will be completed in 2015.

Excellencies, while the Appeals Chamber has continually devoted its best efforts towards the completion of all appeals work by the end of 2014, the final appeal judgement concerning six persons in the *Butare* case is now projected to be completed not before the end of July 2015. As explained more fully in my written report submitted in May 2013, the initial change in the briefing and projected schedule for the completion of the appeal in the *Butare* case was occasioned, in part, by the sheer complexity of the case coupled with inability to meet expedited translation goals with respect to the more than 1,400 page trial judgement.

I have worked closely with the Presiding Judge on the *Butare* case since May when the projection was pushed past the end of 2014 to see what could be done to mitigate the delay. Unfortunately, during the past six months amidst these efforts, the *Butare* case also

had an unexpectedly large amount of pre-appeal work which threatened to further delay the projected completion date. I am happy to inform this Council today, however, that our efforts to advance the completion date, including the allocation of



additional resources to the Butare team in 2014, have at least had the effect of preserving the projection of completion around the end of July 2015 in spite of the pre-appeal litigation which distracted from the core judgement work.

I would also like to note that I remain in close contact with the Presiding Judge who continues to take all necessary measures to expedite the appeal work in this case without compromising the rights of the parties. In that respect, the Presiding Judge held a status conference in May 2013 aimed at streamlining the consideration of several motions and to facilitate more efficient disposal of pre-appeal work. The Appeals Chamber has further taken steps to follow-up with the translation unit to accelerate the translation of pre-appeal documents, and the *Butare* legal team in Chambers now consists of staff members able to work in both English and French, which facilitates preliminary work on submissions from the parties without awaiting translations.

I wish to underscore that every effort is being made by the Tribunal to complete this case while fully respecting the fundamental rights of the accused to due process in accordance with international standards, and I assure this Council that the Registrar and I will continue to closely monitor the status of the *Butare* case to forestall any further impediments to its completion.

I must now take this opportunity to extend my sincere gratitude to all of the judges and the support staff in the Appeals Chamber who work tirelessly to complete the Tribunal's work under extremely tight deadlines. I hope that the Member States will also join me in recognising their efforts.

On a related note and as detailed in my previous report to the Council, Judge Andréia Vaz resigned from her position as appeals Judge in May 2013. In order to mitigate any detrimental effect on the completion of appeals work that would come with the loss of such an esteemed judge, in accordance with Article 12 *bis* of the Statue of the Tribunal, I requested that the Secretary-General appoint a replacement judge to serve the remainder of Judge Vaz's term. I am there-



fore grateful to the Secretary-General for his appointment of Mr. Mandiaye Niang of Senegal as permanent

judge of the ICTR to replace Judge Vaz. I am confident that the appointment of Mr. Niang, coupled with the recent election of Mr. Koffi Afande as ICTY Permanent Judge, will play a crucial role in contributing to the remaining work.

I would next like to take this opportunity to inform the Council about a recent joint ICTR and Mechanism visit to Rwanda on 4 and 5 November 2013. In order to strengthen mutual assistance and cooperation between both institutions and Rwanda, for the first time the Presidents, Prosecutor, and representatives of the Registrars of the ICTR and the Mechanism met with senior government officials in Kigali.

During these meetings, discussions took place regarding issues of mutual interest, and the ICTR delegation provided updates on the problems that the Tribunal is facing in terms of relocating acquitted and convicted released persons who are still residing in Tanzania. The ICTR delegation further outlined the progress being made in terms of reparations for victims and survivors of the 1994 genocide in Rwanda, and on the very recent commissioning of a draft project proposal to be carried out by the International Organisation for Migration. The draft project proposal will provide a meaningful way forward that is in line with the position that the General Assembly has taken in calling for assistance to victims and survivors of the 1994 genocide.

Returning to the matter of relocation, I note that as the ICTR continues to make preparations for closure the issue of the relocation of acquitted and convicted released persons in Tanzania remains one of the most serious challenges to the successful completion of the Tribunal's mandate. For the last five years, all efforts made by the ICTR to achieve relocation of the remaining individuals have proved unsuccessful. To date, seven acquitted and three convicted released persons reside in a safe house in Arusha despite the fact that some of these persons were acquitted over a decade ago.

Since the last report to the Council and pursuant to the framework of the Strategic Plan submitted to the Security Council's Informal Working Group on International Tribunals, the Registrar and I met with representatives of North American, European, and African countries between May and October 2013. More specifically, I met with representatives of nine European countries while the Registrar met with representatives from four African and two European countries to brief them on the serious challenges facing the ICTR in terms of relocation, and appeal for their assistance in accepting one or more acquitted or released person currently residing in Tanzania. The Registrar and I continue to follow-up with the officials of each country that we met with, as well as others, in order to continue to explore all possi-

ble avenues available to the Tribunal to find an equitable resolution to the problem of relocation.

I firmly believe that failing to relocate the acquitted and released persons residing in Tanzania represents a serious challenge to the credibility of the enforcement of international criminal justice. Therefore, recalling Security Council Resolution 2080 (2012), in which the Council reiterated its call upon Member States that are in a position to do so to cooperate with the Tribunal, I must once again call upon this Council for urgent assistance and increased cooperation from Member States to support the Tribunal in its efforts to find host countries for the seven acquitted persons and three convicted released persons still residing in Tanzania.

I next turn to the transition to the Mechanism.

The monitoring of all ICTR cases referred to national jurisdictions is now the responsibility of the Mechanism. This currently includes two cases referred to France and two cases referred to Rwanda, and the Mechanism will also be responsible for monitoring the six fugitive cases transferred to Rwanda once those individuals are arrested and proceedings commence. The Registrar and I continue to oversee the administrative functions of the monitoring of the *Uwinkindi* trial in Rwanda and will do so until the end of 2013. The Mechanism has assumed all responsibilities associated with the monitoring of the *Munyagishari* case in Rwanda upon his transfer in July and for the two cases referred to France, save for the fact that the ICTR is providing interim monitors who are now working closely with Mechanism staff as interim monitors until arrangements with an organisation are finalised.

With respect to the archives, the Mechanism has begun to assume responsibility for the management of the archives for both Tribunals. Since the last report to the Council, the ICTR has completed three temporary archives facilities and handed them over to the Mechanism together with some of the ICTR records that have already been prepared for management by the Mechanism. The transfer to the Mechanism of judicial records not in active use remains ongoing and is still expected to be completed by the end of 2014. However, records that are still in active use, including records related to the *Butare* case will remain the responsibility of the ICTR and will only be transferred once they are no longer in use. The Tribunal remains hopeful that the preparation and transfer of its records will be completed prior to its closure.

I would next like to take this opportunity to congratulate my friend and colleague, President Theodor Meron on his re-election as President of the ICTY. I have come to work very closely with Presi



dent Meron in his role as President of the MICT and I cannot stress enough how important it is that he and Registrar Hocking have ensured such great cooperation between their MICT and ICTY offices with the ICTR, allowing for a very smooth transition so far. I want to also thank the Registry, especially the archives staff, for the important work they have completed to date with distinction.

As the work of the ICTR concludes, it is worth remembering that it was the Security Council that not only established the ICTR to try those accused of being most responsible for the planning and execution of the Genocide in Rwanda, but also provided the ICTR with a broad mandate that included helping to contribute to the process of peace and reconciliation in the Great Lakes region [through helping to bring to justice those most responsible for the Rwandan genocide]. While the legacy of the ICTR will no doubt include its jurisprudential contributions to the development of international criminal law and international humanitarian law, it remains important to also recall the efforts that the Tribunal continues to make to foster genocide education and remembrance through its outreach and capacity building initiatives.

Throughout its existence, the ICTR has instituted training programmes, professional workshops, visiting professionals' programmes, and partnerships with higher learning institutions across the globe. The Tribunal created *the Umusanzu* Information and Documentation Centre in Kigali, a Capacity Building task force, instituted programmes aimed at sharing lessons learned with respect to the administration of a court adjudicating international crimes and with respect to running an international court in general, and the Office of the Prosecutor created a manual of best practices on the tracking and arrest of fugitives from international criminal justice and recently finalised a best practices manual on the investigation and prosecution of sexual and gender based violence. These capacity building initiatives represent some of the concrete measures that the Tribunal has taken to help to restore peace and reconciliation in the region, and ensure that present and future generations are provided with the necessary tools to continue the fight against impunity long after the Tribunal closes its doors.

Excellencies, it remains my distinct honour to address this Council once more and on behalf of the Tribunal, I wish to express our gratitude for the support your governments have shown over these past 19 years. I truly believe that with continued assistance from Member States the Tribunal will close its doors with its mandate completed and its legacy secured. *(Full text in ICTR Website www.unicttr.org)*

NEW YEAR GREETINGS FROM THE PRESIDENT

....Continued from page 1

during the past year, I am amazed at how much we have accomplished despite the challenges that the ICTR continues to face. The ICTR further delivered multiple appeal judgments, referred its final case to Rwanda and continued to assist the Mechanism in the monitoring of those cases referred to France and Rwanda, arranged countless capacity building initiatives in Rwanda and throughout the region, made additional advancements in its archival projects, and is still working tirelessly to complete the transition to the Mechanism.

As our institution comes ever closer to closure and as we start to make arrangements for 2014 and for the upcoming 20th anniversary of the Tribunal, I want to once again echo the statements that I made during our last Town Hall meeting and reiterate that the legacy of the ICTR, its contribution to the development of international law, and its role in the process of reconciliation in Rwanda will not soon be forgotten and would not be possible without your indispensable support. These are sentiments that I always raise in my reports to the General Assembly and Security Council and earlier this month the Security Council once again thanked the staff of the ICTR for all of the hard work that you are doing despite the challenges we face as an institution in its final phase.

In addition, I wanted to especially thank the ICTR administration and Staff Association for the work that they have done this year to find flexible solutions to ongoing staffing issues and to assist departing staff with other job placement opportunities. Unfortunately, I recognize that as we make arrangements to close our doors that staffing issues and departures will continue to pose a challenge to the Tribunal and its staff. Please know that I do not take any of these matters lightly, and that I speak for all of my fellow Judges when I once again extend my most heartfelt thanks for your hard work and dedication.

I wish to once again take this opportunity to wish everyone a very happy holiday season and all the best for a healthy and prosperous 2014.

ICTR/MICT Prosecutor Hassan Bubacar Jallow Addresses UN Security Council

On 5 December 2013 the ICTR/MICT Prosecutor Justice Hassan Bubacar Jallow also addressed the United Nations Security Council on developments in regard to the two institutions. Below we reproduce some excerpts from his speech;

Mr. President,
Your Excellencies,

I thank you and the Council for the opportunity to once again brief the Council on the progress of the Office of the Prosecutor of the ICTR and of the Mechanism for International Criminal Tribunals.

OTP-ICTR

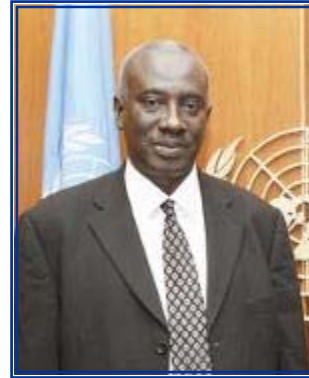
The ICTR-OTP is currently fully engaged in the completion of the remaining activities in order to ensure a smooth, efficient and effective closure of the tribunal (ICTR) and the handover of all residual matters to the Mechanism. Since my last report to the Council, my office has continued to work on the prosecution and completion of the appeals cases, preparation of ICTR-OTP records for archiving and hand over to the Mechanism, the completion of residual and closure issues as well as providing support to the OTP of the Mechanism. My office has, over this reporting period, also devoted considerable time and effort in ensuring the establishment of the OTP Hague branch of the Mechanism which was launched on 1 July 2013.

The heavy appellate workload of the ICTR-OTP continues to require significant time and human resources. Since June 2013, the ICTR-OTP has responded to 8 appeals filed by 8 different convicted persons in the *Butare*, *Nzabonimana* and *Nizeyimana* cases, and assisted the Mechanism-OTP in responding to the appeal in the *Ngirabatware* case. The cases are now pending hearing by the Appeals Chamber. Furthermore, the OTP has been actively preparing for the hearings in the *Karemura et al* case involving two convicted persons scheduled by the Appeals Chamber for the week of 10 February 2014. We await judgment by the Appeals Chamber in the *Ndahimana* case for 16 December 2013 and in the *Military 2* case involving four accused in February 2014.

A key milestone in the archiving project was achieved with the commissioning of the OTP archives store and its transfer to the Mechanism.

The facility, I am advised, conforms to the required international standards of archiving and provides enhanced security of the records. The handing over of the ICTR-OTP records to the Mechanism Registrar continues. An additional 231 boxes in respect of 3 completed cases are expected to be handed over by

the end of this year. In the meantime, the Mechanism-OTP will continue to have full access to the active records of the ICTR-OTP, which will in due course be transferred to the Mechanism. This transfer of records will continue on an on-going basis as and when related litigation is concluded.



As expected, the imminent closure of the *ad hoc* tribunals has generated broad interest within the international community on the potential for their practices and other aspects of their legacy to contribute to capacity building of national and other international tribunals in the prosecution of international crimes. This impetus has encouraged the ICTR-OTP together with the other tribunals to share their experience with national and international stakeholders on best practices in the fight against impunity. Meanwhile, work on the ICTR-OTP's best practice manuals continues. The Manual on Investigation and Prosecution of Sexual Violence will be finalized and launched in Kampala in January 2014 following the launch of the Manual on the Tracking and Arrest of Fugitives in September 2013.

OTP-Residual Mechanism

Mr. President, Your Excellencies, I will now turn to the activities of the OTP of the Residual Mechanism. This reporting period has involved much activity on the establishment of The Hague branch, the recruitment of staff for core and *ad hoc* functions, preparation of the budget for the 2014-2015 biennium, the setting up of systems and procedures to streamline operations and ensure greater coordination between the OTP Arusha and Hague branches as well as the management of the *ad hoc* and core activities of the Mechanism OTP in general.

In May 2013, in preparation of the start of operations of The Hague branch, I participated in the annual regional conference of chief prosecutors in the former Yugoslavia in Brioni, Croatia, together with the ICTY Prosecutor."

I am pleased to report to you, that the recruitment of core staff for The Hague branch, which was launched on 1 July 2013, is almost complete. I am hopeful that



the remaining core staff will be in place by the end of this year. In addition, OTP staffs in both the ICTR and ICTY have been designated to double-hat for the MICT-OTP during their tenures at the respective tribunals in order to support the Mechanism as envisaged by the Security Council. The creation of a roster of potential staff for recruitment in the event of an arrest and subsequent trial or appeal is also in progress.

Tracking of the three fugitives, namely *Félicien Kabuga*, *Protais Mpiranya* and *Augustin Bizimana*, remains a top priority for the Mechanism. The OTP continues to actively engage with all States with which the fugitives may have any connections. I plan early in the year to visit a number of countries in East, Central and Southern Africa in order to secure enhanced cooperation in the tracking effort. I would like to take this opportunity to thank INTERPOL and the US Department of State through its War Crimes Rewards Program for their continuing support in these efforts. The Security Council should continue to call on all States to cooperate fully with the Mechanism in order to ensure that those indicted are brought to account. That will ensure that justice is done for the victims and survivors of this great tragedy and a proper closure of this process of accountability in which the United Nations and the rest of the international community have rightly devoted considerable effort and resources.

The Mechanism OTP, in conjunction with INTERPOL and the Office of Global Criminal Justice of the US State Department, continues to lend support to Rwanda's tracking efforts with regard to the six fugitives cases that have been referred to Rwanda (*Charles Sikubwabo*, *Fulgence Kayishema*, *Ladislav Ntanzwa*, *Aloys Ndimbati*, *Ryandikayo* and *Pheneas Munyarugurama*).

Last Month, November 2013, I joined the Presidents and Registrars of the ICTR and of the Mechanism on the first joint ICTR/Mechanism Principals' mission to Rwanda to meet with senior government officials in order to, *inter alia*, brief them on the Mechanism, the ICTR's remaining work, the ongoing transition of responsibilities from the ICTR to the Mechanism and the areas for potential cooperation between Rwanda and the Mechanism, particularly in the area of training and other capacity building efforts.

In relation to the continuing activities of the Mechanism-OTP, the OTP has during this reporting period responded to a total of 80 requests for assistance from 17 countries and international organisations out of a total of 112 requests for assistance for both the Arusha and Hague branches. Responding to these requests has involved locating and reviewing relevant evidence, certifying documents, contacting witnesses, requesting variation of protective measures and seeking the consent of providers for disclosure of restricted material.

The Mechanism-OTP continues to monitor the cases of *Munyeshaka* and *Bucyibaruta* which were transferred to France in 2007, together with those of *Uwinkindi* and *Munyagishari* transferred to Rwanda in 2012 and 2013 respectively. *Bernard Munyagishari* was physically transferred to Rwanda on 24 July 2013 and his case is now at a pre-trial stage before the Rwandan courts. The commencement of the trial of *Jean Uwinkindi* has now been set for 22nd January 2014 before the High Court in Rwanda. Both cases also continue to be observed by monitors approved by the MICT Prosecutor.

Briefing on the *Augustin Ngirabatware* appeal, the only appeal currently before the Arusha branch of the Mechanism was completed by the parties during this reporting period and oral argument is anticipated in the first half of 2014. In addition, the Mechanism *ad hoc* appeals team responded to several motions filed in the *Ngirabatware* and *Niyitegeka* cases. The Mechanism-OTP Hague branch has also been active in the reporting period, responding to the appeal of *Radovan Stanković* against a decision of the ICTY Referral Bench and to a motion for contempt filed by *Radovan Karadžić*.

Although established in two branches at The Hague and in Arusha, we are committed to ensuring that the OTP operates as a single office. I believe this can be attained through regular periodic consultations and working visits between staff, the redeployment of human and other resources between the two branches in response to work demand and the harmonization, where possible, of working methods and prosecutorial regulations between the branches. The first of such high level consultations involving the Senior Legal Officers/OICs of the two branches, some senior staff with the Prosecutor has just concluded in Arusha. The meeting provided us with the opportunity to consider and agree upon measures which, in our view, will enhance the efficiency of a single OTP of the Mechanism. In this respect, I have last week promulgated a Code of Conduct for the staff of the MICT OTP which regulates the professional conduct of such staff as well as regulations for the management of foreign requests for assistance.

Mr. President, Your Excellencies, the ICTR remains committed to and confident of a timely and efficient completion of its mandate with the conclusion of the bulk of appeals anticipated in 2014 and the conclusion of legacy related works by that time. The Mechanism too is now fully operational with both branches largely staffed and attending very actively to both its continuing and *ad hoc* activities. The support of the management and staff of both the ICTR and the ICTY, the Secretariat of the United Nations and of Member States as well as the very effective and dynamic leadership of Honorable Judge Theodor Meron, the first President of the Mechanism have all combined to



achieve this historic launch and functioning of a new international tribunal within a relatively short period. We are confident that with that continuing support, the Mechanism will, despite challenges in tracking of fugitives amongst others, also come to realize the mandate set for it by the United Nations. (Full text in ICTR Website www.unictt.org)

NEW YEAR GREETINGS FROM THE PROSECUTOR.

...Continued from page 1

First, I am pleased to report that as we enter 2014 the MICT OTP is now fully operational with the establishment of the Hague branch in July 2013. We have adopted a number of administrative and planning tools as well as important policy documents for the MICT OTP. The Hague branch has progressively taken over tasks from the OTP ICTY. Notably, the branch has received and attended to a large amount of requests for assistance and filings in relation to closed ICTY cases. The staffing process in the Hague is now all but completed and early next year the first *ad hoc* staff will join the Hague branch to prepare the upcoming appeals.

The Arusha branch has similarly been occupied with management of foreign requests for assistance, monitoring of cases referred to Rwanda and France, the tracking of the three fugitives falling within the jurisdiction of the MICT, while ensuring trial readiness of the cases of these fugitives and preparation for the hearing of the *Ngirabatware* appeal, the single appellate case falling within the mandate of the Arusha branch. I am grateful to everyone for their hard work - both the MICT staff as well as the double-hatting staff of the ICTY and the ICTR who are supporting the Mechanism.

Second, our legal work at the ICTR in the execution of the Completion Strategy progressed on track save for the delays in the Butare case. In February, we received the ICTR's last trial chamber judgement in *Ngirabatware*. Our attention then focused on the completion of all remaining appeals. In this regard, 2013 saw some important developments: Final judgements were returned in *Mugenzi et al.*, *Ndahimana*, and the last case slated for referral to Rwanda - *Munyagishari*. Oral arguments before the Appeals Chamber were presented in *Military II* and in *Ndahimana*. In September, briefing in all remaining appeals was completed, with the submission during this summer of over 1,500 pages of complex legal and factual arguments in the *Butare*, *Nzabonimana*, *Nizeyimana*, *Ngirabatware*, and *Karemera et al* appeals. Preparations for oral arguments in all remaining appeals are well underway. Third, as I reported to the Security Council on the 5th of December 2013, much progress has also been made in the archiving of ICTR OTP records, a substantial number of which have now been handed over

to the MICT. Work in this area will continue to the closure of the ICTR.

Fourth, we made substantial progress on documenting the best practices and lessons learned in our investigation and prosecution of cases. Our efforts in this regard were recognized by the International Association of Prosecutors, which in August conferred a Special Achievement Award on the ICTR-OTP for its leadership in this field and in compiling the Best Practice Manual on Prosecution of International Crimes. A manual on the tracking and arrest of fugitives was completed this year and work has advanced on the manual on the investigation and prosecution of sexual violence crimes. The latter manual will be formally launched at a workshop to be held in Kampala in January 2014.

The Genocide Story project continues to gather momentum. Nearly all of the adjudicated facts from Trial and Appeals Chamber judgements have been compiled and are now ready to be presented in a narrative account. At the same time, the ALAD team has identified relevant search criteria and records of past disclosure that will be used to update disclosures in all closed cases.

None of these achievements would have been possible without your hard work and dedication. The year ahead will present many more challenges – both professional and personal. 2014 is expected to be a busy year with much activity as we dedicate ourselves to completion of the appeals, the transfer of the archives, and completion of the legacy projects and final administrative closure of the ICTR.

The MICT will continue to be heavily occupied with its core activities and will see additional *ad hoc* work in the form of appeals in the course of 2014. We also look forward to some progress in the tracking of the three fugitives. Their arrest and trial remains a top priority for the MICT and for the cause of justice. Greater efforts should be deployed to secure their arrest and trial.

I remain confident that within the continued dedication and commitment of all staff to the cause of justice, we shall together rise to these challenges and on the one hand, see timely and proper closure of the ICTR mandate and on the other, significant progress in the work of the Mechanism.

I wish you all a happy and successful 2014 both at home and at work.

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Canadian Senate where he was recognized by the Speaker of the Senate. The Speaker of the Senate welcomed Justice Hassan Bubacar Jallow - USG and Prosecutor of the ICTR and the MICT- to Canada as an Honorable guest of the People and the Government of Canada. The mission was perceived as a historic one as it coincided with the 20th anniversary of the Rwandan genocide, the 20th anniversary of the creation of the ICTR and the gradual conclusion of work of the Tribunal.

Over the course of three days, the Prosecutor, accompanied by Dr. Cheickh Bangoura – Policy Coordinator, ICTR-IOTP -, completed an intensive series of Presentations, Consultative Meetings and Diplomatic Outreaches that provided a respectful open forum for dialogue, a place of learning and where he connected with different partners on ICTR/MICT and on diverse international justice issues. Activities of the mission included: Tête-à-tête working session with General Romeo Dallaire, Chief of the GPG; Collective meeting with Members of the Senate of Canada and Members of the GPG ; Individual meeting with Officials of governmental institutions; Collective meeting with Officials from different Ministries involved in international justice matters; Individual Meetings with Members of the Parliament and the Senate; Collective meeting with governmental Institutions, Academic Institutions and Members of the Civil Society at the University of Ottawa.

The Canadian Authorities praised the work accomplished by ICTR and congratulated Justice Jallow for his immense contribution to ICTR and to international justice in general. It transpired from the different discussions that, today, the key to mobilizing international support to prevent and/or punish genocide and other mass atrocities is to garner domestic support. This was one of the central arguments of the Responsibility to Protect (R2P), the 2001 report prepared by the International Commission on Intervention and States Sovereignty. In the same context, it was concluded that one of the fundamental goals to strengthen International Justice is to raise the participation and the capacity of government's officials, legislators, civil servants, NGOs, advocacy groups, journalists and media to build the political will to prevent mass atrocities. Hence the paramount importance of compiling, consolidating and preserving ICTR's legacy for peace and justice around the world.



Above: Meeting with the honorable Chris Alexander, Minister for immigration and Citizenship.

Addressing the flock of media reporters at a concluding international press conference, the Chief of the GPG and the Prosecutor summarized the mission and shed light on the main issues. The Prosecutor expressed his gratefulness for the gracious welcome offered to his delegation by the officials of the Canadian Government, and thanked them for their continued support to the ICTR over the years and in the future. He stressed the hope that Canada, which has always been a leader in international justice and has always played a critical role in dealing with the Rwandan genocide and its aftermath by supporting the tribunal financially and in diverse other technical and diplomatic ways, will be able to make a substantial financial contribution to the ICTR to fund its legacy program.

APPEALS CHAMBER DELIVERS JUDGEMENT IN THE NDAHIMANA CASE



The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Theodor Meron, presiding, Judge William H. Sekule, Judge Arlette Ramaroson, Judge Carmel Agius, and Judge Khalida Rachid Khan, on 16 December 2013 delivered its judgement on the appeals lodged by Grégoire Ndahimana and the Prosecution, setting aside some of the Trial Chamber's findings and increasing the sentence of 15 years of imprisonment imposed on Mr. Ndahimana by the Trial Chamber to a sentence of 25 years of imprisonment.

On 17 November 2011, Trial Chamber II of the Tribunal found Mr. Ndahimana guilty of genocide, as well as extermination as a crime against humanity, in relation to mass killings committed at Nyange Church, Kivumu Commune, Kibuye Prefecture, on 15 and 16 April 1994.

The Appeals Chamber affirmed Mr. Ndahimana's convictions for genocide, as well as extermination as a crime against humanity, pursuant to Article 6(3) of the Statute for failing to punish his subordinates from the Kivumu communal police for the killings perpetrated at Nyange Church on 15 April 1994. The Appeals Chamber also affirmed Mr. Ndahimana's convictions for genocide, as well as extermination as a crime against humanity, pursuant to Article 6(1) of the Statute for the killings perpetrated at Nyange Church on 16 April 1994. However, the Appeals Chamber concluded that Mr. Ndahimana's responsibility in relation to the killings perpetrated on 16 April 1994 was more appropriately described as that of a participant in a joint criminal enterprise rather than as that of an aider and abettor.

The Appeals Chamber considered that the elevation of Mr. Ndahimana's criminal responsibility from that of an aider and abettor to that of a participant in a joint criminal enterprise resulted in an increase of his overall culpability which called for a higher sentence.

At the time of the relevant events, Mr. Ndahimana held the position of bourgmestre of Kivumu Commune. He was arrested in the Democratic Republic of the Congo on 11 August 2009. Mr. Ndahimana is to remain in the United Nations Detention Facility in Arusha, Tanzania, pending his transfer to the country in which he will serve his sentence.

NEW YEAR GREETINGS FROM SARAH KILEMI CHIEF OF ADMINISTRATION

Dear Colleagues,

Again, it's that time of the year when we reflect on our achievements both personal and professional and say thank you to those who made them happen. May this restful holiday season enable you to do that with your loved ones.

On behalf of the DASS team, I would like to say thank you for being one of the pillars, supporters and collaborators in our quest to meet the ever changing demands of the completion strategy. With you, we look forward to 2014 with more determination to effectively and efficiently combat every challenge that will come our way.

As we enter into the climax of the festive season, we pray God's guidance and protection for you and your families. May the holiday season energize you and your families so that you experience the joy, peace and love that we all so much deserve. May the New Year open opportunity doors so that success, happiness and good health will come your way. I wish you all a wonderful new year.

I wish you and all yours a Merry Christmas and a wonderful new year.

PROSECUTING INTERNATIONAL CRIMES IN AFRICA

On 14 November 2013 the Prosecutor gave the inaugural address at the University of Lagos, Faculty of Law for the memorial lecture in honor of its former Deans of the Law School over the past 50 years. He was accompanied by his ICTR Special Assistant, Murtaza Jaffer.

In his address to a highly well respected academic and diplomatic from more different African countries, Justice Hassan Bubacar Jallow stressed that "The primary responsibility for the prosecution of international crimes today rests with the state with the international process stepping in where the state of primary jurisdiction is unwilling or unable to discharge its responsibility. The option is no longer between impunity and accountability. The option is whether the state will do so or whether an international process will take over that responsibility. That process can take different forms: *ad hoc* or hybrid courts mandated to deal with a specific situation (e.g. Cambodia, Lebanon, Rwanda, Yugoslavia, Sierra Leone); ICC jurisdiction for states party to the Rome Statute (e.g. Kenya, DRC, Uganda); Secu-

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rity Council referrals to the ICC for states non-party to the Rome Statute, (e.g. Sudan and Libya); the exercise of universal jurisdiction over the situation by a state other than the state of primary jurisdiction (e.g. Senegal and Hassan Habre case) etc...



African states, like the rest of the international community have the primary responsibility to investigate and prosecute international crimes which are committed within their territorial jurisdiction. Are they well equipped to do so? What can they learn from the legacy of the ICTR to empower themselves and discharge such a responsibility?

The international criminal justice system, I believe, is now a lasting feature of the international arena. Africa has committed itself to this international process of accountability – it is an important region in the ICC structure both in terms of membership of the Rome statute as well as being the source of most of the caseload of the ICC; its confidence in the system has been demonstrated in the number of self referrals to the court originating from Africa despite the tensions between the continent and the court. Indeed only African states have self-referred cases to the ICC, a manifestation of not only their confidence but also their good faith in the implementation of their treaty obligations. Africa must remain firmly committed to the Rome statute even whilst seeking improvements in that system. That commitment and engagement supported by measures to improve good governance and measures to empower African states to discharge their primary responsibility of prosecuting international crimes can ensure that what is currently referred to as Africa's moment of economic advancement will also be a moment of accountability and not of impunity, a moment of justice and not injustice for the African peoples. Truly a moment of progress in the broadest sense for Africa and its peoples./.....

BUILDING A LEGACY— NUREMBERG'S INTERNATIONAL CONFERENCE

Nuremberg, Germany, on 7-8 November 2013.

In light of the pending closure of the Ad hoc International Criminal Tribunals and the first decade of the International Criminal Court the Justice Hassan B. Jallow attended the topical conference "Building a Legacy - Lessons Learnt from the Offices of the Prosecutors of International Criminal Tribunals and Hybrid Courts" held at the Memorium Nuremberg Trials on 7 and 8 November 2013. The Conference took place in Court room No.600 where the Nazi war crimes trials were held after the Second World War.

Speakers included Serge Brammertz, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda, William Smith, Deputy Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia, James Stewart, Deputy Prosecutor of the International Criminal Court, as well as former Special Court for Sierra Leone Prosecutors, David Crane and Desmond de Silva, and Chief of Prosecutions, James Johnson, and David Tolbert, former Deputy Prosecutor of the International Criminal Tribunal for the former Yugoslavia.

Over the course of two days and seven high-level panel sessions, Prosecutor Jallow, played an essential role in discussing a range of important issues facing the International Criminal Tribunals and national courts. Lessons learnt from the investigation and prosecution of international crimes, the principle and practice of complementarity, dilemmas facing defence counsel, the experiences of hybrid and domestic courts and cooperation challenges between national and international prosecution authorities took center stage in the discussions. Mr Karegyesa and Mr Murtaza Jaffer – respectively OIC MICT-IOTP Arusha Branch and Special Assistant to the Prosecutor of ICTR-IOTP, who joined the Prosecutor in Nuremberg for the conference, also made interventions while Mr Abubacar Tambadou – Appeal Legal Counsel and Special Assistant to the Prosecutor of the MICT-IOTP Arusha Branch- chaired and moderated one of the panel discussions. Participants explored the timely topic of impact and legacy of the International Criminal Tribunals and Courts from the perspective of the prosecution of international crimes. As the Ad hoc Tribunals and Hybrid Courts are working towards completing their last cases and winding down, the conference provided an international forum to capture and extend the important discussions on their achievements, contributions and lessons learnt regarding the selection of cases and investigations, the completion of mandates and partnerships between national and international jurisdictions./.....

ICTR AND MICT STAFF ATTEND TEAM BUILDING RETREAT IN KIGALI

A two day team building retreat for both ICTR and MICT staff in Kigali was conducted, at Umubano Hotel Kigali from Thursday 28 to Friday 29 November 2013. Speaking at the opening ceremony, Mr. Shiva Paudel, the Administrative Officer, ICTR Kigali, thanked the Division of Administrative Support Services (DASS) and the Tribunal's Training Unit for organising such a retreat saying that it was a good learning opportunity that would assist the staff, more especially equipping them with skills and knowledge in team building which is among the requirements for career development.



Mr. Shiva further said that the knowledge acquired will be an addition to that from "Competency based Interview Training, which is now ongoing in Kigali every week organised by the Kigali office.

The training was conducted by Mr. Ali Mazoa from the Nairobi based Team Challenge Center. The topics covered and the related activities included; Leadership styles, social intelligence, strength deployment inventory and conflict management. The retreat was also characterised by Screening of documentaries on team work and also various exercises that demonstrated the importance of team work in Institutional and staff leadership.

The staff members welcomed this training and wished



for more retreats to be organised for those who will be still serving the two institutions in future.

The retreat was coordinated by the Administration in Kigali in collaboration with Dr. Muhammad Sohail Ali, Chief, Career Development and Counselling Unit and

Sophie Obala, the Welfare and Training Assistant.

The building retreat in Kigali follows a similar one that was held in Arusha, October this year.

NEW YEAR GREETINGS FROM THE REGISTRAR

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It is thanks to your commitment and support that we have achieved all that we did. As we move forward, I trust that we have what it takes to confront numerous challenges ahead of us for successful completion of the mandate of the Tribunal

There can hardly be a better time to urge all of us to fasten our belts and to continue giving our best selflessly to the cause of this institution than this period when we are preparing for its closure. Over the years, we have contributed our best to the cause of international justice through our commitment to the work of the Tribunal. Our work and dedication have shown the world that justice for the victims of atrocity crimes, respect for human rights and the fight against impunity are not a mere dream but rather an essential component of the world premised on justice and the rule of law. I am confident that when the history of this Tribunal is written you will have a special place in its annals because of the dedication to its objectives of "never again".

As we embark on a new year, I wish to remind each one of us of the importance of our mandate and indeed the privilege we have been accorded by the international community to serve this institution. Our duty as international civil servants is to carry out the mandate of this Tribunal and also at all times, to respect the laws and regulations of the host country.

I also wish to recognize the immense contribution of our colleagues who separated from the service of the Tribunal in 2013. I wish them and their loved ones my very best hoping that 2014 will open new and great opportunities for them and their families.

Once again, I take this opportunity to wish you and your loved ones my best for the year ahead while hoping for your continued commitment to the mission of the ICTR as we look forward to winding up its mandate.

The International Criminal Tribunal for Rwanda and the Mechanism for International Criminal Tribunals Make Joint Visit to Rwanda

On 4 and 5 November 2013, the leading officials of the International Criminal Tribunal for Rwanda (ICTR) and the Mechanism for International Criminal Tribunals (Mechanism) were in Kigali, Rwanda, to meet with senior officials of the Rwandan Government. This is the first joint visit by the ICTR and the Mechanism to Rwanda.



While in Rwanda, President Vagn Joensen of the ICTR, President Theodor Meron of the Mechanism, and Prosecutor Hassan B. Jallow of the ICTR and the Mechanism met with Chief Justice Sam Rugege, President of the High Court Charles Kali-

wabo Attorney-General and Minister of Justice Busingye Johnston, and Prosecutor-General Richard Muhumuza. Senior officials representing the Registrars of the ICTR and the Mechanism were also in attendance at the meetings. The Registrar of the ICTR, Mr. Bongani Majola, was represented by Mr. Roland Amoussouga, Chief

of External Relations and Strategic Planning, and the Registrar of the Mechanism, Mr. John Hocking, was represented by his Deputy, Ms. Kate Mackintosh.



The officials of the ICTR and the Mechanism provided a briefing on the status of the ICTR's remaining work and the ongoing transition of responsibilities from the ICTR to the Mechanism. In addition, the Mechanism officials explained that the Mechanism would assume full responsibility for the ICTR Kigali office on 1 January 2014.

The members of the delegation also discussed the importance of continuing cooperation and communication between Rwanda and the two UN institutions, including in relation to the regular exchanges of information, the sharing of practical expertise, and the critical issue of tracking and apprehending the remaining nine fugitives indicted by the ICTR, three of whom are expected to be tried by the Mechanism and six by Rwanda.

At a press conference following the meeting with Prosecutor-General Muhumuza, Prosecutor Jallow addressed the fugitives directly, stating: "You will be captured, so it is best to surrender and submit yourselves to a fair judicial process".

The ICTR and Mechanism officials laid a wreath at the Gisozi Genocide Memorial and visited the museum and archive centre there. They also met with the staff of the ICTR's Information and Documentation Centre, Umusanzu, and with ICTR and Mechanism staff at the ICTR's Kigali office. The visit concluded with a discussion with students from the National University of Rwanda's Genocide Studies and Prevention Programme.

Speaking on behalf of the delegation upon the conclusion of the joint visit, Prosecutor Jallow said: "We are very grateful for the gracious welcome offered to us by the officials of the Rwandan Government, and thank them for their support to the ICTR over the years. My colleagues and I look forward to continued cooperation in the future".

The Mechanism is mandated to assume responsibility for core functions from the International Criminal Tribunal for the former Yugoslavia (ICTY) and the ICTR as they move ever closer to completion of their respective mandates. The Mechanism opened its Arusha branch on 1 July 2012 and its Hague branch on 1 July 2013.

OFFICE OF THE REGISTRAR BIDS FAREWELL TO SENIOR ICTR OFFICIALS

As the year ended, on Saturday 21 December 2013, the immediate office of the Registrar organized a farewell function to two very senior officers in the office of the Registrar, namely Mr. Roland Amoussouga, who was the Chief of External Relations and Strategic Planning Section, Senior Legal Advisor and Spokesperson of the Tribunal, and Mr. Pascal Besnier, who was Officer-in-Charge of Judicial and Legal Services Division, who were separating from the ICTR on 31 December 2013. The function was held at the New Mount Meru Hotel where the Registrar Mr. Bongani Majola and the Prosecutor Mr. Hassan Bubacar Jallow commended the two officials for the unwavering commitment to the success of the ICTR mission as mandated by the UN Security Council in bring to justice the major perpetrators of the crimes of genocide and serious violations of international criminal law in Rwanda in 1994 and in the promotion of peace and peace and security in the region.

Below we reproduce some of the pictures which captured the occasion:

