



ICTR NEWSLETTER

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United Nations International Criminal Tribunal for Rwanda

President Møse Addresses UN Security Council

The President of the United Nations International Criminal Tribunal for Rwanda Judge Erik Møse on 15 December 2005 addressed the UN Security Council and presented an up-dated version of the ICTR Completion Strategy, submitted to the Council on 5 December 2005.

The President said that there has been steady progress at the ICTR since he and the ICTR Prosecutor appeared before the Council in June this year. He told the Council that the number of accused with their cases completed or on-going is now fifty-two. Below is an abridged version of his speech;

“On 13 December 2005, judgement was rendered in the case of *Aloys Simba*, a retired lieutenant colonel and former member of parliament. He was convicted of genocide and extermination as a crime against humanity and sentenced to twenty-five years imprisonment. This brings the number of accused having received judgment to twenty-six since the first trials started in 1997.

In the *Bisengimana* case, the Trial Chamber accepted a guilty plea from the Accused on 7 December 2005 for crimes against humanity (extermination

and murder). Following the sentencing hearing on 19 January 2006, the number of persons with completed cases will therefore soon be twenty-seven. The *Bisengimana* case is the sixth guilty plea at the ICTR.

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Italian Parliament Ratifies Cooperation Agreement with the Tribunal

During his visit to the Tribunal on 25 January 2005, the Ambassador of Italy to Tanzania, H.E. Marcello Griccioli, announced the ratification by the Italian parliament of the Agreement on the enforcement of sentences imposed by the International Criminal Tribunal for Rwanda (ICTR).

The Agreement was signed in Rome on March 17th 2004 by H.E. Alfredo Mantica, Under Secretary of State, Deputy Minister of Foreign Affairs on behalf of the Government of the Republic of Italy, and by M. Adama Dieng, Assistant Secretary-General and Registrar of the ICTR on behalf of the United Nations.

Pursuant to Article 26 of the Statute of the Tribunal, «shall be served in Rwanda or in any other of the states on a list of states which have indicated to the Security Council their willingness to accept convicted persons as designated by the ICTR. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the ICTR».

This ratification takes place at a time when the Tribunal is resolutely engaged in the implementation of its Completion Strategy. The end of the Tribunal's mandate is planned for 2008 for proceedings before Trial Chambers and 2010 for appeals.

Upon learning the news, Mr. Dieng thanked H.E. Ambassador Marcello Griccioli and added that «the Tribunal could only rejoice at this ratification which comes just when needed, and which gives the Tribunal a new option in the choice of countries in which imprisonment can be served».

Italy is, after France, the second European country to have its Parliament approve an agreement on the enforcement of sentences with the ICTR. In view of the provisions of its Constitution, Sweden, the third European country to have signed a similar agreement with the ICTR, did not have to resort to ratification by its Parliament.



ICTR Judicial Archives Unit Transfers Closed Case Files to New York

In January 2006 the Judicial Records and Archives Unit of the ICTR dispatched its first consignment of case file documents to New York for permanent retention at the United Nations Archives repository in New York. The ICTR has an agreement with the UN Archives and Records Management Section [UN ARMS] for transfer of all judicial records of the ICTR. The retention authority states in part "All judicial records of the ICTR will be retained permanently and transferred to UN ARMS 1 year after the completion of any appeal proceedings." A number of ICTR's cases now fall into the above category of 'closed cases'.



The first case to be transferred was the *Georges Anderson Rutaganda* case [ICTR-96-3]. On 6 December 1999, *Rutaganda* was sentenced to life imprisonment and the subsequent appeal was dismissed on 26 May 2003. He is currently awaiting transfer to a place of incarceration yet to be decided.

The contents of the file transfer consisted of case file records [33 binders some of which are confidential], transcripts in both English and French [47 binders], exhibits [5 binders of documents and 3 boxes of photographic and audiovisual evidence], and audiovisual records [1,059 cassette tapes]. All the transferred *Rutaganda* records have been digitised and are available on the TRIM Judicial Records Database for use in the ongoing judicial proceedings of the ICTR. Digital copies of the audio recordings have been retained to be redacted for public access purposes.

The completion strategy of the ICTR demands that the judicial records be transferred in a phased manner prior to the closure of the ICTR to avoid any backlog developing as we approach the anticipated closure dates of 2008/2010. Other cases that will be transferred to United Nations Archives in the course of 2006 will be *Kambanda* ICTR-97-23, *Ruggiu* ICTR-97-32, *Serushago* ICTR-98-39 and others. An access policy is being developed to ensure the confidentiality of the transferred records in New York. Public and research inquiries for judicial records of these

transferred cases will continue to be addressed to the ICTR.

The archival legacy of the ICTR is of vital importance to the ongoing work of the process of justice and reconciliation for all Rwandans, hence the approval by United Nations ARMS to accept these records into their custody. Permanent retention of the ICTR's jurisprudence is important in that we wish to pass on to future generations an official record of what transpired in the course of bringing to justice those deemed most responsible for the genocide in Rwanda in 1994.

ICTR Judicial Activities

• Trial of François Karera Begins

The trial of *François Karera*, former Prefect of Kigali Rural, began on 9 January 2006 before Trial Chamber I composed of judges Erik Møse, presiding, Sergei Alekseevich Egorov and Florence Rita Arrey.



In his opening remarks, the Prosecutor Hassan Bubacar Jallow told the Trial Chamber that the accused played a leading role in the massacres of Tutsis in Kigali Rural Prefecture and in Kigali city where he lived.

Karera faces four counts charging him with genocide and crimes against humanity. He is specifically accused of killing hundreds of Tutsis who had sought refuge in a church at Ntarama, south of Kigali, in April 1994. He allegedly led a convoy of vehicles which brought Interahamwe and other armed men to the church where he joined them in attacking the refugees. The Prosecution intends to call 20 witnesses.

The accused was arrested in Nairobi, Kenya on 20 October 2001 and transferred to the United Nations Detention Facility in Arusha the same day. He is represented by Carmelle Marchessault and Steven Kelliher both from Canada.

• Tribunal Sentences Aloys Simba to Twenty-Five Years' Imprisonment

The International Criminal Tribunal for Rwanda, on 13 December 2005 sentenced *Aloys Simba*, a retired lieutenant colonel and former member of parliament, to 25 years' imprisonment after finding him guilty of genocide and crimes against humanity based on his participation in the massacre of Tutsi civilians at the Murambi Technical School and at the Kaduha Parish in Gikongoro prefecture.



This trial is the first case decided by the Tribunal which specifically concerns massacres in Gikongoro prefecture. *Simba* assumed the role of civil defence adviser in Gikongoro on 18 May 1994. The Chamber



noted that the Murambi Technical School and Kaduha Parish massacres are not related to his actions in this position.

Trial Chamber I found *Simba* guilty on two of the four counts against him. The Prosecutor originally charged *Simba* with four counts but later declined to pursue the counts of complicity to commit genocide and murder as a crime against humanity. The Chamber found him not guilty on those two counts.

On 21 April 1994, militiamen backed by gendarmes killed Tutsi civilians at the Murambi Technical School, nearby Cyanika Parish, and Kaduha Parish in what the Chamber described as "a highly coordinated operation" involving the support of local authorities and prominent personalities such as *Simba*. The Chamber noted that this operation was conducted for about 12 hours on a single day and involved the killing of thousands of Tutsi.

The Chamber found that *Simba* distributed weapons at Murambi Technical School and Kaduha Parish and gave encouragement and approval to the assailants by virtue of his prominent status in Rwandan society. The Chamber noted that *Simba* is a member of the "*Comrades of the Fifth of July*", who participated in the coup d'état that brought former President Juvenal Habyarimana to power in 1973, and was well-known throughout Rwanda.

In sentencing *Simba* to 25 years' imprisonment for his role in the Murambi and Kaduha attacks, the Chamber explained that it was not convinced that he was one of the architects of the massacres. In addition, it noted that *Simba's* actions did not demonstrate any particular zeal or sadism. In particular, he did not personally kill anyone and only remained at the sites for a brief period.

Simba will receive credit for the 4 years and 16 days he has been in detention since his arrest. The Trial Chamber ordered that *Simba* remain in custody of the Tribunal pending transfer to the State where he will serve his sentence.

Aloys Simba was arrested in Senegal on 27 November 2001. The trial commenced on 30 August 2004 and closed on 8 July 2005. Over the course of 30 trial days, the Prosecution called 16 witnesses. The Defence case opened on 13 December 2004. During 23 trial days, the Defence called 20 witnesses, including the Accused.

Trial Chamber I was composed of judges Erik Møse (Norway), presiding, Sergei Alekseevich Egorov (Russia), and Dennis C. M. Byron (St. Kitts and Nevis). *Aloys Simba* was represented by Mr. Sadikou Alao of Benin and Ms. Beth Lyons of the United States. The Prosecution team was headed by Richard Karegyesa of Uganda.

***Bisengimana* Pleads Guilty as Trial Chamber Dismisses Other Charges**

Paul Bisengimana, former Bourgmestre of Gikoro commune, Kigali-Rural prefecture on 7 December 2005 pleaded guilty to charges of having aided and abetted in the commission of the crimes of murder and extermination as contained in counts two and four of the indictment against him. He however pleaded not guilty to the counts of genocide, complicity in genocide and rape as a crime against humanity.



Trial Chamber II composed of Judges Arlette Ramarason, presiding, William Sekule and Solomy Balungi Bossa accepted *Paul Bisengimana's* plea and convicted him of murder and extermination as crimes against humanity. Further, the Trial Chamber granted the Prosecutor's request to withdraw the remaining three counts and dismissed the said counts in conformity with the plea agreement. The Chamber also ordered that the plea agreement itself be unsealed and placed in the public domain. Finally the Judges ordered that the accused be kept in detention under conditions which guarantee his security pending the sentencing hearing.

On 17 November 2005, the Trial Chamber rejected the plea agreement after noting that there were discrepancies between the indictment and the said agreement which had an impact on the unequivocal plea the accused had entered.

The amended indictment alleged that *Bisengimana* committed the crimes in Bugesera region in Kigali-Rural prefecture. Specifically it alleged that the accused organised, planned and participated in the killing of thousands of Tutsi civilians who had sought refuge at Musha church in Gikoro.

Bisengimana was arrested in Mali on 4 December 2001 and transferred to the UN Detention Facility in Arusha on 11 March 2002. He was represented by his attorney Catherine Mabilie of France. The Prosecution was led by Charles Adeogun-Phillips.

Final Submissions Presented in *Bisengimana* Case

The Prosecution on 19 January 2006 requested that former Bourgmestre of Gikoro *Paul Bisengimana* be sentenced to a prison term of not less than 14 years. This request was made during the oral submissions by the parties before Trial Chamber II composed of Judges Arlette Ramarason, presiding, William Sekule and Solomy Balungi Bossa.

Senior Trial Attorney, C.A. Adeogun-Phillips invited the Trial Chamber to take into consideration the aggravating and mitigating factors in sentencing the accused who, on 3 December 2005, pleaded guilty to having aided and abetted extermination and murder as crimes against humanity.



The Prosecution submitted that the gravity and heinous nature of murder and extermination as crimes against humanity and their absolute prohibition makes their commission inherently aggravating. It added that *Bisengimana* abused the trust that was placed in him. The accused, it argued, failed in his duty to protect, prevent or punish the illegal acts of perpetrators of the massacres. Specifically the accused failed to protect hundreds of vulnerable Tutsi refugees who sought refuge at both the Musha Church, Rutoma secteur and at the Ruhanga Protestant Church and School in Gicaca secteur.

The mitigating factors, the Prosecution argued, included the plea of guilty by the accused which would assist in the administration of justice as well as in the national reconciliation in Rwanda. It would also save the victims who survived from the ordeal of giving testimony before the Tribunal. The Prosecution added that *Bisengimana* had shown some degree of remorse and acknowledged full responsibility for his actions or omissions. It stated that the accused further expressed his profound and heartfelt apologies to all those who directly or indirectly, fell victim to the said offences.

Counsel for the Defence, Catherine Mabilie, from France, underscored the mitigating factors as submitted by the Prosecution. She also prayed the Chamber to sentence the accused to between 12 and 14 years in prison. She further invited the Chamber to take note that the accused was sick with a liver problem, had ten children and that he was a man of good character as presented by three defence witnesses. She requested that the accused be sentenced to a prison term of not more than 12 years.

Speaking in his own defence, *Bisengimana* asked for pardon from the victims and the people of Rwanda and expressed remorse for his failure to save the many lives which perished in Gikoro commune. The accused will be sentenced on a date to be announced.

Cooperation with Rwanda

Awareness Raising Workshops in Rwanda

As part of the Tribunal's Outreach Programme, two workshops were held during the month of December, 2005 in Rwanda. One workshop took place in Kigali Ngali Province from 12-13 December, 2005 at the Provincial Administration's main ground while the other one was held in Butare at the Provincial Main Hall from 15-16 December, 2005.

The two workshops were conducted by three ICTR staff members from Umusanzu Information Centre namely; Innocent Kamanzi, Information Officer, Kamuru Charles, Information Assistant and Ruci Nailati, Administrative and Logistics Assistant.

The main purpose of the workshops was to disseminate ICTR information to the Rwandan Public in order to raise their awareness about the work of the ICTR. The workshops exhibited pictures, posters, different books, brochures and CD- Roms, all

containing information about the work of the Tribunal. In addition, different films showing trials in session, Judgements at the ICTR and even in the National courts of Rwanda formed part of the activities. About 800 people attended.



Previously, three similar Workshops had been held in Gisenyi and Ruhengeri, two in Gisenyi, one at the main hall of Kigali Independent University and one in Gisenyi town centre.

Speaking during the opening ceremony, Innocent Kamanzi, the Associate Information Officer and head of Umusanzu Information Centre that acts as a flagship of the outreach programme in Rwanda said that the workshops acted as an opportunity for Rwandans to have an understanding of and confidence in the work of the Tribunal that was set to bring to justice those who are responsible for the 1994 genocide.

During the workshop in Ruhengeri, the then Provincial Governor, now Governor of Northern Province, Mr. Rucagu Boniface, thanked the ICTR for this initiative of informing Rwandans about the activities of the Tribunal.

Advanced WINISIS and Online Legal Research Training Programmes

The ICTR Outreach Programme conducted two training seminars, one on Advanced WINISIS software training designed for Legal Librarians and Information Specialists from different civil organizations from 5 to 9 December 2005, and the other on Online Legal Research for Rwandan Legal Professionals from 12 to 16 December 2005, at the ICTR's Umusanzu Information Centre. The seminars were organised to promote cooperation between the ICTR and Rwandan Institutions.

The main objective of the seminars was to train participants to exchange data with other organizations using the WINISIS program, conduct online legal research via the internet, use the resources provided by the ICTR website, the public judicial records database (TRIM) and the ICTR Library's OPAC.

The two trainings were facilitated by: Adama Daff, OTP Library, Kigali, Jonas Mutwaza, Associate Librarian, Kigali, Temenuga Chakarova, ICTR Library Arusha,



Angeline Djampou, Chief, Arusha Library and Vivienne Robertson, ICTR Library Arusha.

Media Ethics Training

A group of 14 journalists from different media houses in Rwanda attended a Media Ethics Seminar at the ICTR Umusanzu Information Centre in Kigali from 19 - 21 December 2005. The training was organized by the the Hironnelle News Agency, Arusha.

The focus of the seminar was the importance of respecting media and professional ethics especially as regards objectivity while gathering, reporting and interpreting information.

News from the ICTR, The Hague

Activities of the Appeals Chamber

During 2005, the Appeals Chamber decided appeals from Judgement in three cases (*Semanza, Kajelijeli, Kamuhanda*), issued eight decisions concerning interlocutory appeals, and 114 pre-appeal orders or decisions.

At the beginning of 2006, the Appeals Chamber was seized of six appeals from Judgement (*Media, Cyangugu, Gacumbitsi, Ndindabahizi, Simba, Muhimana*), one request for review (*Niyitegeka*), and three interlocutory appeals.

The Appeals Chamber is preparing to hear the merits of the *Cyangugu* and *Gacumbitsi* appeals in Arusha in February. At that time, the pre-appeal Judge in the *Ndindabahizi* case will also conduct a status conference.

New Staff at the ACSU

The Appeals Chamber Support Unit in The Hague welcomed the December appointment of Ms. Fanny Martin as Associate Legal Officer and the arrival in January of Ms. Katrin May Lueken and Mr. Matthew Carlson. These new staff members are assigned to the Chamber Support Sub-Unit, with Ms. Lueken serving as the assistant of Judge Schomburg, Ms. Martin, *inter alia*, taking part in the preparation of the *Media* case appeal, and Mr. Carlson assisting on a variety of cases. Prior to joining the ICTR ACSU, Ms. Lueken served as an assistant to Judge Lattanzi in Arusha and before that as a legal researcher in international criminal law at the European University Institute in Florence, Italy. Ms. Martin joined the ACSU from the ICTY where she served on a temporary assignment as an associate legal officer in Chambers. Previously she was a teaching and research assistant in international law and human rights at the University of Paris X. Mr. Carlson transferred to The Hague from Arusha where, since August 2002, he served as Associate Legal Officer in Trial Chamber I. Mr. Carlson was an associate at a law firm in Miami, Florida before joining the ICTR.

External Relations, Inter-Tribunal Co-operation, ICTR-Internal Co-operation and Co-operation with the University of Amsterdam, The Netherlands

Mr. François Bembatoum, Head of the Interpretation Unit of the ICTR visited The Hague from 1 to 6 December 2005, where he held discussions with his counterparts at the ICTY and ICC within the inter-tribunal co-operation framework. He had a working session with members of the Language Services Sub-Unit in The Hague. He also had an exchange of views on best practices with Mr. Edaly, Head of the Department of Linguistic Matters at the ICJ.

Mr. Adama Dieng, the ICTR Registrar visited The Hague from 13 to 15 December 2005. He met with judges and the ICTY Registrar in order to identify and discuss areas of operation for reciprocal and mutual exchange. He addressed the colleagues of the ICTR, Appeals Chamber Support Unit in The Hague on various aspects of the work of the Tribunal including budget, staffing and recruitment policy, progress made towards the completion strategies, ongoing discussions on retention bonus, etc. He emphasized that each staff member should conduct a daily performance assessment and improve where needed.



The ACSU represented the ICTR at the occasion of the New Year reception organised by command of Her Majesty the Queen of the Kingdom of Netherlands in honour of Diplomatic Corps and International Organisations. The reception took place on Tuesday, 10 January 2006 at the Noordeinde Palace in The Hague. Mr. Koffi Kumelio A. Afanċe, OIC, Appeals Chamber Support Unit in The Hague represented the ICTR at this first ever invitation of the Tribunal.

On 17 January, **the ACSU hosted a presentation on alibi in the jurisprudence of the Tribunal** by Mr. Otto, a former legal intern. While a student at the University of Amsterdam, Mr. Spijkers served a six month internship with the ACSU as part of the University's Dual Research Program. The Program requires participants to conduct research and present findings on a topic agreed upon by the University and the hosting organization. Mr. Spijkers's presentation, a first of its kind for the ICTR ACSU, was well attended by staff and current and former interns. Mr. Spijkers's academic supervisor also attended the presentation



which followed a brief overview of the ACSU and its activities by the Head of the ACSU, Mr. Koffi Afande.

Mr. Adama Dieng, the ICTR Registrar completed a three-day visit in The Hague from 30 January to 1 February 2006. He met with Mr. Holthuis, ICTY Registrar and Judge Pocar, ICTY President in order to identify common challenges of both Tribunal and further their on-going cooperation and coordination. The Registrar with his ICTY counterpart also held a working session with the Protocol Department of the Ministry of Foreign Affairs of the Kingdom of the Netherlands during which they addressed issues of co-operation with both Tribunals as well as the staff living conditions in the Netherlands. They particularly discussed issues relating to the privileges of the staff members in the ambit of a "Note Verbale" which the Registrar signed on 30 December 2005 with the Kingdom of The Netherlands, aimed at extending to staff members from P4 and below certain fiscal privileges.

Mr. Dieng was accompanied by Mr. Djiby Diop, Chief Security and Safety Section of the ICTR, who held working sessions with his counterpart of the ICTY, Mr. Nicholas Innell. The Chiefs of both ICTR and ICTY participated in another working session on security issues within the United Nations with Mr. David Veness, USG for Security and Safety.

Witness testimony by Video-Link from The Hague to Arusha

Following the issuance of an Order on 8 December 2005 by Trial Chamber III, composed of Judges Byron (Presiding), Hökborg, and Kam, the ICTR Appeals Chamber Support Unit organised and coordinated a witness testimony by video link in the Rwamabuka case on 18 January 2006 in The Hague.

The Office of the Prosecutor Completes Joint Advocacy Training Programme (25 – 30 January 2006)

From 25 to 30 January 2006, the Appeals counsel from three international courts, the International Criminal Tribunal for former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR) and International Criminal Court (ICC) were engaged in intensive appellate advocacy training at the ICTR in Arusha, Tanzania under the Joint Appellate Advocacy Training Program. The training ended with simulated appeal hearings before international panels composed of appellate judges and senior counsel.

The training focused on the development of both written and oral appellate advocacy skills, and operated on the principle that participants learn through practicing the skills and receiving constructive feedback on their performances from an expert faculty. The faculty was drawn from appellate judges in Canada and the USA, as well as from senior practitioners and teachers in both countries and the Courts themselves.

The training aimed at teaching participants how to think effectively about issues in an appeal, develop skill in preparation of written submission and to develop skill and confidence in the preparation of oral argument.

The training was made possible through the generous support and involvement of the Canadian Department of Foreign Affairs Human Security Program, the European Union Project for Capacity Building within the ICTR Office of the Prosecutor, the United Kingdom Foreign and Commonwealth Office, the National Institute of Trial Advocacy of the USA, and the Open Society Justice Initiative. The program has also received the full support of the senior management of all three Courts.

This is the second such joint appellate advocacy training. The first one took place in The Hague at ICTY in January 2005. It is hoped that such training will be an annual undertaking, as an integral component of the Tribunals' completion strategy, alternating between Arusha and The Hague, to ensure the maintenance of a high level of skill in counsel appearing on behalf of the Prosecutor in cases before the ICTY, ICTR and ICC Appeals Chambers.

International ARCA-Net Conference hosted by the Tribunal

With the support of the Registrar of the Tribunal, Mr. Adama Dieng, the Alumni Raising Conflict Awareness Network (ARCA-Net), an international network of natural, social and legal scientists dedicated to raising awareness on conflicts based in Berlin, Germany, organized an international conference from 5 to 8 December 2005 on the topic, "The Nexus between Natural Resources and Violent Conflicts in Sub-Saharan Africa". The conference was held in the premises of the Arusha International Conference Centre (AICC).

ARCA-Net operates with the financial support of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the German Academic Exchange Service (DAAD). The Network is jointly coordinated by four German institutions, the Max Planck Institute for Foreign and International Criminal Law in Freiburg, and the Humboldt University, the Technical University and the Free University in Berlin.





Around 60 participants from more than 20 countries, mainly African, attended the conference in order to identify and discuss the relations between natural resource management and the emergence of violent conflicts in the various regions of Sub-Saharan Africa.

“Conflict over natural resources such as land, water and forests occurs everywhere today, as it has for centuries” declared the German Coordinator of the ARCA-Net, Mr. Patrik Simon, in his opening speech. “Whether deliberately or not, resources may be used by some, in ways that undermine the livelihoods of others”, he added.

Representing the ICTR, the official host of the conference, Acting Deputy Registrar Mr. O'Donnell welcomed all participants during the opening ceremony. Other ICTR representatives actively participated in the event and presented papers during the working sessions. ICTR Spokesperson Mr. Timothy Gallimore delivered a detailed introduction on the mandate, work and structure of the ICTR and Mr. Ahmed Iyane Sow, Legal Adviser in the Office of the Registrar, introduced the topic: *“The ICTR as the example of a coping strategy for conflicts in the Great Lakes Region”*. Regarding the main topic, ‘The Relevance of Natural Resources in Western Africa Conflicts: Occurrence, Exploitation and Economic Interests’, Ms. Nazzarena Ferraro, Associate Legal Officer in Chambers, gave a presentation on *“The impact of modern Mercenaries and Mercenary Activities in the Civil Conflicts in Western Africa and the Status of Mercenaries and Private Military Actors in International Law”*.

Other participants to the ARCA-Net Conference addressed various issues, such as chieftaincy disputes and the land question in Swaziland, or the role of criminal justice and alternative mechanisms of justice in post-conflict societies. The Conference particularly addressed the Rwandan, Burundian, Ugandan and Congolese practices and strategies of coping with violent conflicts, providing a compelling presentation of the relevant truth-telling and reconciliation strategies. The link between access to natural resources and conflicts in Sub-Saharan Africa was particularly highlighted through the examples of water in Sudan, the gold rush in Northern Tanzania and land scarcity in Rwanda.

All interventions emanated from well-chosen persons from a variety of professional backgrounds, all involved in devising or applying solutions to the issues confronted with. The participants included representatives from institutions of high education and research, governmental entities, non-profit and other organizations and other interested parties.

The President of the Tribunal, Judge Erik Møse, met with a delegation of ARCA-Net Representatives. He invited ARCA-Net to discuss further some aspects of cooperation with the Tribunal. After the meeting, the institutional representatives agreed to devise a memorandum of understanding (MoU) which will seal their resolve for future collaboration. The MoU is being drafted.

For further information on this conference and the ARCA-Net's present and future activities, kindly contact the Network Coordinator in Germany, Mr. Patrik Simon, at admin@arca-net.de, and visit ARCA-Net's Website at: www.arca-net.de.

Prosecutor's Statement Regarding the Death of ICTR Indictee Juvénal Uwilingiyimana

“The Office of the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) has been informed by Belgian authorities that the body discovered in the Charleroi canal in Brussels, Belgium, on Saturday, 17 December 2005, has been positively identified as that of Juvénal Uwilingiyimana.”



ICTR Prosecutor Hassan Bubacar Jallow expressed regret at this loss of life. *“This individual, although an indictee of the Tribunal, voluntarily agreed to cooperate in the search for truth and justice for the Rwanda genocide of 1994. I convey my sincere condolences to his family.”*

According to the statement from the Office of the Prosecutor, Uwilingiyimana was indicted by ICTR on 13 June 2005, for the crimes of Conspiracy to Commit Genocide, Direct and Public Incitement to Commit Genocide, Genocide, and Murder as a Crime Against Humanity. An International Warrant of Arrest was issued on 13 August 2005.

“Subsequent to the issuance of the Warrant of Arrest, ICTR investigators were informed that Uwilingiyimana wished to cooperate with the Office of the Prosecutor. They disclosed to him the contents of the Indictment and the Warrant of Arrest. On confirmation of his willingness to tell the whole truth, it was agreed that the execution of the Warrant of Arrest would be held in abeyance to permit him to be interviewed regarding the events in Rwanda in 1994.

Mr. Uwilingiyimana signed a declaration setting forth the conditions under which he would be interviewed. In this document he indicated that he was doing so voluntarily and without having been subject to pressure, threats, or promises by the investigators. The document also provided that his statements could only be used by the Office of the Prosecutor if an agreement was thereafter finalized between him and the Prosecutor regarding his case at the ICTR.

indicted and subject to a Warrant of Arrest, Uwilingiyimana was never taken into custody and came voluntarily to all of his meetings with ICTR Investigators. Under this arrangement they interviewed him for several weeks, seeing him last on 18 November 2005. However, on 21 November 2005, he failed to appear for a scheduled interview session, and on 22 November 2005, his wife reported to Belgian police authorities that he was missing. To the



knowledge of the Office of the Prosecutor he was never seen alive after 21 November.

Seven days after his disappearance, on 28 November 2005, a letter was published on the Internet that was said to have been addressed to the ICTR Prosecutor by Uwilingiyimana on 5 November 2005, indicating that he had terminated his cooperation because of pressures from the investigators to implicate high-level individuals. The letter was never delivered to the Prosecutor or to any representative of his office. Uwilingiyimana continued until Friday, 18 November to meet with the very investigators whom he had supposedly denounced in the letter.

In fact, the Prosecutor met with Mr. Uwilingiyimana on 29 October and the Chief of Prosecutions met with him on 2 November. He was very cordial and thanked them for what had been done to accommodate his work schedule and to protect his security. He raised no complaints about the investigators and expressed satisfaction about the progress that was being made in covering the events. However, he expressed concern, as he had often to the investigators, about the dangers that he and his family would face from powerful persons in the Rwandan exile community when he told the truth about these persons' responsibility for the Rwanda genocide.

The Prosecutor of the International Criminal Tribunal for Rwanda has been given the mandate by the United Nations to bring to justice those bearing the greatest responsibility for the genocide and other violations of international humanitarian law that were committed in Rwanda in 1994. However, many powerful individuals exercised control over the actual killers from behind the scenes. They were not present at the massacre sites where tens of thousands of men, women and children were murdered. In many cases, the documentary record of their involvement escaped with them into exile.

Proving the guilt of those bearing the greatest responsibility has often required the assistance of insiders, who themselves are guilty of involvement in the crimes. At the ICTR, the Prosecutor has generally required these individuals to plead guilty before the Tribunal or admit their guilt in a national proceeding and be sentenced to a term in prison. In the process they may receive some reduction of penalty in recognition of their essential contribution to justice and reconciliation.

However, by cooperating with the Prosecutor such individuals mark themselves forever as traitors in some parts of their community and run the risk that vengeance will be taken against them or against their families.

In this case the Office of the Prosecutor undertook extraordinary measures to provide that Uwilingiyimana could meet with the investigators in circumstances that would not reveal his cooperation to those who might wish him harm. If it is determined that he was the victim of a homicide it will be clear that the protective measures were inadequate. It will also be clear that

those who come forth to assist the process of justice must have the benefit of every reasonable measure of protection that is within the capacity of this Tribunal and the member states of the United Nations.

If the cause of death is determined to be homicide, the Office of the Prosecutor expresses the fervent hope that Belgian authorities will be able to arrest and try those responsible for a crime that obstructs justice for the victims of the Rwanda genocide."

Judge Liu Daqun appointed to the Appeals Chamber



Judge Liu Daqun was born September 20, 1950 in China. He studied Law and International Relations at the Fletcher School of Law and Diplomacy at Tufts University. Since 2000 he has been a permanent Judge at the International Criminal Tribunal for the former Yugoslavia. Before joining ICTY, he was ambassador to Jamaica and also permanent

representative of the People's Republic of China to the International Seabed Authority.

From 1984 to 1993, Judge Liu was director of private international law division, and of the Law of the Sea Division, Treaty and Law Department, Foreign Ministry. From 1993 to 1998, Judge Liu became the Deputy Director General and Legal Adviser, Treaty and Law Department at the Ministry of Foreign Affairs. Judge Liu was also professor of International Law at the China University of Law and Political Science.

Judge Liu served several times as a member of the Chinese delegation to legal forums and negotiations. In 1998, he was deputy head and chief negotiator of the Chinese delegation to the Rome Conference on the establishment of the International Criminal Court.

President Møse Addresses the UN Security Council

(...continued from p. 1)

The second new trial involves prefect *Zigiranyirazo*. It started on 3 October 2005. The Prosecution is expected to have presented all its evidence by March 2006.

I should also mention that following the pre-trial preparations during the last months, a third new trial is scheduled to commence on 9 January 2006. This case involves prefect *Karera*.

Turning now to the trials that were in progress before the meeting of the Security Council in June 2005, I will first provide an up-date with respect to three single-accused cases. In the *Seromba* trial, which commenced on 20 September 2004, there was a need to replace Defence counsel. However, the Defence is



now presenting its evidence and will close its case early next year. The *Muvunyi* trial commenced on 28 February 2005. Here, too, the Defence is near completion of the presentation of its evidence. There is also a positive development in *Rwamakuba*, which commenced on 9 June 2005 after having been severed from the other three accused in the *Karemera et al.* case. The Defence will complete its case in early 2006.

In brief, I am very pleased to report that these three single-accused cases are approaching completion, and that judgments will be rendered in 2006. This will make room for the commencement of new single-accused trials. Pre-trial preparations are underway.

The five multi-accused trials have continued to progress steadily during the last months. In *Butare* (six accused), the second accused are now presenting his witnesses. In *Military I* (four accused), over fifty Defence witnesses have testified. In the *Government* trial (four accused), the Defence has presented its evidence since the beginning of November, as planned. The two other joint trials are at an earlier stage. In *Military II* (four accused), over half of the Prosecution witnesses have testified. *Karemera et al.* (three accused) started *de novo* in September and is advancing well.

Mr President, I hope to have conveyed a picture of how busy the ICTR has been these last months, handling ten trials involving twenty-six accused. About sixteen accused are being transported to and from the courtroom every day. All four courtrooms are in full use from morning to evening. Our fourth courtroom, funded by voluntary contributions, has proven to be absolutely vital in order to ensure progress. Everyone in the courtroom is working extremely hard: the judges, Prosecution and Defence Counsel, interpreters, court reporters, court room officers, witness protection personnel, and all other staff members who more indirectly, but not less importantly, contribute to the smooth running of our cases. Some of our judges even sit in double shifts and hear two trials a day.

Still considerable work remains to be done. It follows from our Completion Strategy document that seventeen detainees are awaiting trial. As I have explained, there will be only fifteen detainees waiting early next year. As soon as there is courtroom space and judges available we will endeavour to reduce the number further by starting new trials. Let me recall that all the remaining cases are single-accused trials, which will make our task easier.

Let me simply note that so far the Trial Chambers have not received any requests for such transfers pursuant to Rule 11 *bis*. The Prosecutor will also inform the Council about the indictees at large and the prospects for their arrest. In relation to these two issues, transfer of cases and arrest of fugitives, I would like to stress that state co-operation is absolutely essential for the ICTR. Impunity for perpetrators of mass atrocities is no viable option.

Another area where the ICTR depends on the assistance of States is the relocation of acquitted persons. The Council will recall that three of our accused have been acquitted. In relation to the first, Mr Bagilishema, the ICTR is still very grateful to the French authorities that kindly accepted to receive him. At present, two acquitted persons are still in Arusha in spite of having been acquitted by judgement of 25 February 2004 in the so-called *Cyangugu* trial. During the appeals proceedings, they have been placed in a safe house pending unsuccessful efforts to find a country for them. States should consider it a common responsibility, and an important contribution to international criminal justice, to find a solution to the relocation of acquitted persons.

Rwanda has continued to co-operate with the Tribunal by facilitating a steady flow of witnesses from Kigali to Arusha and by providing documents of relevance to the court proceedings. This is appreciated by the Tribunal. Let me also recall that our Outreach programme remains a prioritized area. Inside Rwanda, a vital role is played by the ICTR Information Centre in Kigali. I refer to our tenth annual report for further information about its activities. Moreover, the Tribunal continues to receive frequent delegations from many parts of Rwandan society. Direct observation of trials in Arusha and discussions with Tribunal officials are essential to better understand our contribution to justice and reconciliation.

I would also like to reiterate the need for capacity-building inside Rwanda, in order to strengthen the judicial system within a country which is faced with an enormous task. Governmental and non-governmental organizations are playing an important part in this field.

Let me conclude by reiterating that the ICTR is on course in relation to its Completion Strategy. We remain committed to the deadline for completion of trials established by the Security Council. We also want to express our deep appreciation to the distinguished members of the Security Council for their continued support to the ICTR."

In addition to these two completed single-accused cases, two new cases started during the last six months. The *Mpambara* trial, which relates to a bourgmestre, commenced on 19 September 2005. The Chamber heard ten Prosecution witnesses over eight days. Two additional days were allotted to cross-examination this week. This makes it the fastest Prosecution case in the Tribunal's history. The Defence will present its evidence from Monday 9 January 2006, and judgment is expected in the first half of 2006.

Visitors to the ICTR during December 2005 and January 2006

1. 15 December 2005 – MS-TCDC-Training Centre for Development Cooperation, USA River.



2. 19 December 2005 – Visit to ICTR Detention Facility by The ICC Delegation; Mr. Terry Jackson and Ms. Bibiana Becerra-Suarez.
3. 3 January 2006 –Two Swedish Tourists (Walk-in guests).
4. 4 January 2006 – Mr. Robert T. Hall, Vice-President, International Academy of Trial Lawyers (Walk-in guest).
5. 6 January 2006 –Two Australian Tourists (Walk-in guests).
6. 12 January 2006 - Isack Tibita, Eliphas Laizer and 30 Participants from Teen Mission International in Uganda.
7. 17 January 2006 –Students from Depaw University in Indiana, USA.
8. 19 January 2006 - Two Senior Officials of the United States Embassy in Dar es Salaam, Ms. Moreen Latour, Political Officer and Lt. Col. Laura R. Varhola, Defense and Army Attaché
9. 30-31 January 2006 - University of Dar Es Salaam Law Faculty / Department of Kiswahili.
10. 31 January 2006 - Ambassador of the Royal Netherlands accredited to the United Republic of Tanzania, H.E. Karel Van Kesteren.

Judicial Decisions of the ICTR between 1 December 2005 and 31 January 2006

Date	Case	Record No.	Title	TC
17/01/2006	Zigiranyirazo	ICTR-01-73-0219	DECISION ON THE PROSECUTOR'S MOTION FOR THE TRANSFER OF DETAINED WITNESSES AVY AND ATN	TC 3
17/01/2006	Zigiranyirazo	ICTR-01-73-0220	DECISION ON THE DEFENCE MOTIONS FOR THE COOPERATION OF THE GOVERNMENT OF RWANDA IN RELATION WITH PROSECUTION WITNESSES AVY AND SGO	TC 3
19/01/2006	Zigiranyirazo	ICTR-01-73-0221	DECISION ON THE PROSECUTOR'S MOTION TO VARY HIS WITNESS LIST	TC 3
19/01/2006	Zigiranyirazo	ICTR-01-73-0222	SCHEDULING ORDER IN CAMERA HEARING ON PROSECUTOR'S MOTION TO PERMIT LIMITED DISCLOSURE OF INFORMATION REGARDING PAYMENTS AND BENEFITS PROVIDED TO WITNESS ADE AND HIS FAMILY	TC 3
20/01/2006	Karemera et al.	ICTR-98-44-2164	SECOND ORDER FOR THE TRANSFER OF DETAINED WITNESSES FROM RWANDA	TC 3
20/01/2006	Karemera et al.	ICTR-98-44-2172	DECISION SUR LA REQUETE D'EDOUARD KAREMERA EN CERTIFICATION D'APPEL	TC 3
20/01/2006	Rwamakuba	ICTR-98-44C-0126	DECISION ON CONFIDENTIAL EX PARTE MOTION FOR SUBPOENAS DIRECTED TO DEFENCE WITNESSES	TC 3
23/01/2006	Karera	ICTR-01-74-0057	DECISION ON ADMISSIBILITY OF NEWSPAPER ARTICLE AND SUBPOENA TO JOURNALIST	TC 1
25/01/2006	Simba	ICTR-01-76-0339	DECISION ON REGISTRAR'S REQUEST FOR EXTENSION OF TIME FOR FILING AN OFFICIAL TRANSLATION OF THE TRIAL JUDGEMENT	AC
25/01/2006	Zigiranyirazo	ICTR-01-73-0223	DECISION ON THE DEFENCE MOTION FOR DISCLOSURE OF EXCUPATORY EVIDENCE FROM EPHREM SETAKO AND BAGOSORA ET AL.. CASES, RULE 68 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 3
27/01/2006	Pauline Nyiramasuhuko et al.	ICTR-98-42-0513	DECISION ON ARSENE SHALOM NTAHOBALI'S TO AMEND HIS WITNESS LIST AND TO RECONSIDER THE DECISION OF 26 AUGUST 2005 TITLED : "DECISION ON THE DEFENCE MOTION TO MODIFY THE LIST OF DEFENCE WITNESSES FOR ARSENE SHALOM NTAHOBAL	TC 2
30/01/2006	Nahimana et al.	ICTR-99-52-1537	DECISION OF THE REGISTRAR DENYING THE REQUEST OF THE CO-COUNSEL MR. BEHRAM N. SHIROFF TO WITHDRAW FROM REPRESENTING APPELLANT MR. HASSAN NGEZE	AC
30/01/2006	Bagosora et al.	ICTR-98-41-1086	DECISION ON KABILIGI DEFENCE REQUEST TO MEET WITNESS LE 1	TC 1



Date	Case	Record No.	Title	TC
30/01/2006	Ntagerura et al.	ICTR-99-46-1717	DECISION RELATIVE A LA REQUETE AUX FINS DE PROROGATION DU MANDAT DU CO-COUNSEL DE SAMUEL IMANISHIMWE	AC
31/01/2006	Nyiramasuhuko et al.	ICTR-98-42-0515	DECISION ON ARSENE SHALOM NTAHOBALI'S MOTION FOR DISCLOSURE OF DOCUMENTS RULES 66, 68 AND 73 OF THE RULES	TC 2
31/01/2006	Nahimana et al.	ICTR-99-52-1541	DECISION ON HASSAN NGEZE'S MOTIONS REQUESTING A STATUS CONFERENCE TO BE HELD IN ARUSHA ON 8 FEBRUARY 2006	AC
31/01/2006	Zigiranyirazo	ICTR-01-73-0226	DECISION ON DEFENCE AND PROSECUTION MOTIONS RELATED TO WITNESS ADE, RULES 46, 66, 68, AND 75 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 3
31/01/2006	Karemera et al.	ICTR-98-44-2183	ORDER ON FILING OF EXPERT REPORT OF CHARLES NTAMPAKA, RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 3
31/01/2006	Rugambarara	ICTR-00-59-0011	DECISION ON THE PROSECUTOR'S MOTION FOR PROTECTIVE MEASURES FOR VICTIMS AND WITNESSES TO CRIMES ALLEGED IN THE INDICTMENT	TC 2
31/01/2006	Zigiranyirazo	ICTR-01-73-0228	DECISION ON PROSECUTOR'S MOTION FOR RECONSIDERATION OF THE ORAL DECISION EXCLUDING EVIDENCE ON THE MEETING OF 22 NOVEMBER 1992, OR FOR CERTIFICATION TO APPEAL THE SAME	TC 3
01/12/2005	Karera	ICTR-01-74-0041	DECISION ON MOTION FOR PROTECTIVE MEASURES FOR PROSECUTION WITNESSES	TC 3
02/12/2005	[Military I] Bagosora et al.	ICTR-98-41-1027	DECISION ON KABILIGI APPLICATION FOR CERTIFICATION CONCERNING DEFENCE CROSS-EXAMINATION AFTER PROSECUTION CROSS-EXAMINATION	TC 1
02/12/2005	Ndindiliyimana et al.	ICTR-00-56-0555	DECISION ON BIZIMUNGU'S MOTION IN OPPOSITION TO THE ADMISSIBILITY OF THE TESTIMONY OF WITNESS AOF	TC 2
02/12/2005	[Military I] Bagosora et al.	ICTR-98-41-1026	DECISION AMENDING DEFENCE WITNESS PROTECTION ORDERS	TC 1
02/12/2005	Karemera et al.	ICTR-98-44-2105	CERTIFICATION OF APPEAL CONCERNING JUDICIAL NOTICE	TC 3
06/12/2005	Nahimana et al.	ICTR-99-52-1495	DECISION ON HASSAN NGEZE'S MOTION FOR A PSYCHOLOGICAL EXAMINATION	AC
06/12/2005	Nahimana et al.	ICTR-99-52-1496	DECISION ON HASSAN NGEZE'S MOTION TO SET ASIDE PRESIDENT MOSE'S DECISION AND REQUEST TO CONSUMMATE HIS MARRIAGE	AC
07/12/2005	Ndindiliyimana et al.	ICTR-00-56-0557	DECISION ON THE PROSECUTOR'S MOTION FOR JUDICIAL NOTICE PURSUANT TO RULES 73(A), 94(A) AND 89 OF THE RULES AND ARTICLE 7 OF THE STATUTE"	TC 2
08/12/2005	Rwamakuba	ICTR-98-44C-0112	DECISION ON CONFIDENTIAL MOTION FOR THE TESTIMONY OF DEFENCE WITNESS 1.15 BE TAKEN BY VIDEO-LINK	TC 3
12/12/2005	Nahimana et al.	ICTR-99-52-1498	DECISION ON HASSAN NGEZE'S REQUEST TO GRANT HIM LEAVE TO BRING HIS COMPLAINTS TO THE AC	AC
12/12/2005	Karemera et al.	ICTR-98-44-2112	DECISION ON PROSECUTION REQUEST FOR ADDITIONAL TIME TO FILE EXPERT REPORT AND JOSEPH NZIRORERA'S MOTION TO EXCLUDE TESTIMONY OF CHARLES NTAMPAKA	TC 3
13/12/2005	Karemera et al.	ICTR-98-44-2115	SHEDULING ORDER	TC 3



Date	Case	Record No.	Title	TC
13/12/2005	Nahimana et al.	ICTR-99-52-1501	DECISION ON HASSAN NGEZE'S REQUEST FOR A STATUS CONFERENCE	AC
13/12/2005	Karemera et al.	ICTR-98-44-2117	DECISION ON VARIANCE OF THE PROSECUTION WITNESS LIST	TC 3
14/12/2005	Ndindilimana et al..	ICTR-00-56-0560	DECISION ON THE PROSECUTOR'S EX-PARTE MOTION FOR THE TRANSFER OF WITNESSES DETAINED OR PLACED UNDER COURT SUPERVISION PURSUANT TO RULE 54 AND 90 BIS OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
15/12/2005	Karemera et al.	ICTR-98-44-2128	DECISION ON PROSECUTION'S MOTION TO RENEW AND EXTEND TRANSFER ORDER OF DETAINED PROSECUTION WITNESS OMAR SERUSHAGO	TC 3
16/12/2005	Seromba	ICTR-01-66-0218	DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS DE VOIR ORDONNER DES MESURES DE PROTECTION A LONG TERME A L'EGARD DES TEMOINS DE LA DEFENSE PORTANT LES PSEUDONYMES CF14, FE35 ET FE36	TC 3
16/12/2005	Seromba	ICTR-01-66-0219	DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS D'OBTENIR LA DIVULGATION DE L'IDENTITE ET DE L'ADRESSE DES TEMOINS DE L'ACCUSATION <<CAN, CNY, CBW,CNV,CBX,CNP, CNE, CNI, CNO>>...NON RETENUS SUR LA LISTE FINALE DU PROCUREUR ET L'AUTORISATI	TC 3
16/12/2005	Seromba	ICTR-01-66-0220	DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS DE VOIR ORDONNER L'OUVERTURE D'UNE ENQUETE SUR LES CIRCONSTANCES ET LES CAUSES REELLES DE RETRACTATION DU TEMOIN PORTANT LE PSEUDONYME FE 36	TC 3
16/12/2005	Rwamakuba	ICTR-98-44C-0116	DECISION ON DEFENCE MOTION FOR A VIEW LOCUS IN QUO	TC 3
16/12/2005	Simba	ICTR-01-76-0115/2	DECISION RELATIVE A LA REQUETE VISANT A OBTENIR UN REPORT DE DELAI POUR LE DEPOT DE L'ACTE D'APPEL	AC
16/12/2005	Rwamakuba	ICTR-98-44C-0115	DECISION ON CONFIDENTIAL EX-PARTE MOTION FOR SUBPOENAS DIRECTED TO DEFENCE WITNESSES	TC 3
16/12/2005	Gacumbitsi	ICTR-01-64-0232/2	DECISION RELATIVE A LA REQUETE DE L'APPELLANT DU 18 DECEMBRE 2005	AC
16/12/2005	Gacumbitsi	ICTR-01-64-0232/1	DECISION ON THE APPELLANT'S MOTION OF 8 DECEMBER 2005	AC
16/12/2005	Simba	ICTR-01-76-0115/1	DECISION ON MOTION FOR EXTENSION OF TIME FOR FILING OF NOTICE OF APPEAL	AC
19/12/2005	Karera	ICTR-01-74-0046	DECISION ON THE PROSECUTOR'S REQUEST FOR LEAVE TO AMEND THE INDICTMENT(Rule 50 of the Rules of Procedure and Evidence	TC 1
20/12/2005	Bisengimana	ICTR-00-60-0066	DECISION ON BISENGIMANA'S EXTREMELY URGENT MOTION FOR PROTECTIVE MEASURES FOR CHARACTER WITNESSES	TC 2
21/12/2005	Muvunyi	ICTR-00-55A-0177	DECISION WITHDRAWING MR. JEAN FLAMME'S ASSIGNMENT AS ACCUSED THARCISSE MUVUNYI'S CO-COUNSEL	TC 2