



ICTR Newsletter

Published by the Communication Cluster—ERSPS, Immediate Office of the Registrar
United Nations International Criminal Tribunal for Rwanda

February 2008

President Kikwete Meets ICTR President in Dar es Salaam



Judge Dennis Byron, President of the ICTR paid a courtesy call on His Excellency Mr. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and the current President of the African Union in Dar es Salaam on 24 February 2008.

Judge Byron provided a thorough briefing to his Excellency on the achievements and the challenges of

the ICTR completion strategy. They both exchanged views on how best the African Union could assist the ICTR in ensuring a smooth implementation of its completion Strategy. Prior to his audience with the Tanzanian Head of State, Judge Byron also met with the Friends of ICTR composed of Ambassadors, High Commissioners, and other top Diplomatic

Representatives of the United Kingdom, the USA, The Netherlands, France, Belgium, Germany, Canada, and Norway. The ICTR President gave them a full picture of the current status of the Tribunal's work and discussed matters relating to the progress in the implementation of its completion strategy.

Judge Byron began his one-day mission to Dar es Salaam by meeting in the morning with the Right Hon. Augustino Ramadhani, Chief Justice and President of the Appeal Court of the United Republic of Tanzania.

AU Boss Backs ICTR Work

by Sukhdev Chhatbar, Hirondele Agency

The Chairman of the African Union (AU), President Jakaya Kikwete of Tanzania, has commended the work accomplished in the past 14 years by the International Criminal Tribunal for Rwanda (ICTR), trying key suspects of the 1994 genocide.

"The ICTR's tremendous progress in delivering ground breaking international justice should not be left to disappear just like that," he told a high-level team of ICTR led by its President Justice Dennis Byron and Spokesman, Roland Amoussouga, on Monday in Dar es Salaam, Tanzania's commercial capital.

The ICTR team went to brief the AU Chairman on the exit strategy of the Tribunal, which is expected to close down by end of the year for all first instance trials as ordered by the UN Security Council.

An AU team of experts is expected in Arusha next month to consult on how best ICTR's work could be incorporated in enhancing African judiciary.

Mr Salva Rweyemamu, President Kikwete's spokesman, said that some of the possibilities discussed were to see how the Arusha-based ICTR could be turned into a regional centre of excellence on judiciary matters or a continental headquarters of the just established International Criminal Court (ICC).

President Kikwete assured the ICTR delegation that the advice would be deliberated at AU's July Summit, which will be preceded by a Council of Ministers meeting. *"ICTR has done a wonderful job and Africa should benefit from the work of the Court,"* Mr Kikwete was quoted to have told Justice Byron.



Judge Byron (left), H.E. Philip Parham, High Commissioner of the UK and H.E. Mark Green Ambassador of the USA

Prior to his audience with the AU Chairman, Judge Byron met with the Friends of ICTR composed of Ambassadors, High Commissioners and other top diplomatic representatives of the United Kingdom, the USA, the Netherlands, France, Belgium, Germany, Canada and Norway. They discussed, among other issues, the current status of the Tribunal's work and matters relating to the progress in the implementation of its completion strategy

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ICTR President meets in Addis Ababa with the Chairperson of the African Union Commission

From 13 to 15 February 2008, Judge Dennis Byron, President of the ICTR, accompanied by Mr. Roland Amoussouga, Chief, External Relations and Strategic Planning Section and ICTR Spokesperson, traveled on an official mission to Addis Ababa, Ethiopia. The purpose of the mission was to meet with the Chairperson of the African Union Commission to review the scope and nature of assistance that the Africa Union Commission could provide to ICTR within the framework of the implementation of its Completion Strategy. This meeting was also aiming at identifying ways and means to facilitate the Completion Strategy with a view to ensuring a lasting legacy that can survive the winding down of the Tribunal.



President Byron was received on Thursday 14 February 2008 by Professor Alpha Oumar Konaré, Chairperson of the African Union Commission. In attendance were the Deputy Chairperson Mr. Patrick Mazimhaka, Mr. Ben-Kioko, Legal Counsel of the African Union Commission, Mr. Couaovi A. L. Johnson, Adviser, Deputy Chief of Staff, Mr. E. O. Johnson, Conference Interpreter.

In a two-hour audience, the ICTR President provided the Chairperson of the African Union Commission with a full briefing on key challenges facing the Tribunal in the implementation of its completion strategy. They both exchanged views on how best the African Union Commission could assist the ICTR in ensuring a smooth completion strategy of its work.

In the fruitful exchange of views that took place, the Chairperson of the African Union Commission reassured the ICTR of the commitment of the Commission to assist the ICTR in the implementation of its Completion Strategy. For that purpose, the African Union Commission will dispatch sometime in March 2008 a high level delegation composed of a team of Experts to Arusha. The mission of the delegation will be to meet with all the principals and the key players of the Tribunal to discuss the various options regarding the nature and scope of the support that the African Union Commission and the African Union could provide to the Tribunal during its Completion Strategy;

The ICTR President also held a working session with the Legal Counsel of the Commission and agreed on the date for the mission of the team of experts to Arusha. They further identified areas of collaboration and the nature of support that might be required from the African Union Commission. His Excellency, Professor Alpha Oumar Konaré, the outgoing Chairperson of the African Union Commission accepted ICTR's invitation to visit its Headquarters in Arusha. The visit will take place in the month of April

2008 during the extraordinary session of the African Union Executive Council in Arusha.

ICTR Judicial Activities

• Georges Omar Ruggiu Transferred to Italy



Georges Omar Ruggiu the only non-Rwandese convicted and sentenced by the International Criminal Tribunal for Rwanda (ICTR) was surrendered to a high level delegation of the International Police Cooperation Service of the Italian Ministry of Interior on 29 February 2008. Mr. Ruggiu was thereafter transferred by a special Italian Air Force flight to Italy where he is to serve the remainder of his sentence.

The transfer follows an agreement on enforcement of sentences signed between the Government of Italy and the United Nations on 17 March 2004 and the recent decision of the fourth Criminal Section of the Appeals Court of Rome recognizing the ICTR sentence and authorizing its enforcement in Italy.

Mr. Ruggiu, born on 12 October 1957 in Verviers province of Liege, Belgium worked with RTLM from 6 January 1994 to 14 July 1994, at the time of genocide in Rwanda. He was arrested during the ICTR Prosecutor's operation codenamed NAKI (Nairobi-Kenya) on 23 July 1997 in Mombasa, Kenya, by the Kenyan authorities. He was immediately transferred to the Tribunal's detention facility in Arusha, Tanzania.

Following his guilty plea to two counts charging him with direct and public incitement to commit genocide and crimes against humanity, Mr. Ruggiu, a former journalist and broadcaster with Radio Television Libre des Mille Collines (RTLM) was sentenced on 1 June 2000 to 12 years in prison by the Trial Chamber I then composed of Judges Navanethem Pillay, presiding, Erik Møse and Pavel Dolenc.

Mr. Ruggiu was the eighth accused person to be convicted by the Tribunal and the third to plead guilty to charges of genocide and crimes against humanity committed in Rwanda in 1994

• Arrest and Transfer of Callixte Nzabonimana, Former Minister of Youth

Callixte Nzabonimana, a former minister of youth and sports in the interim Government of 1994 in Rwanda was arrested on 18 February 2008 in Kigoma town, Tanzania. His arrest was facilitated by the tracking Team of the office of the Prosecutor. He was transferred the same day to the United Nations Detention Facility (UNDF) in Arusha.



During his initial appearance before Judge Dennis Byron on 20 February 2008, Nzabonimana pleaded not guilty to eleven counts charging him with

Conspiracy to Commit Genocide, Genocide, Complicity in Genocide, Direct and Public Incitements to commit Genocide, Crimes against Humanity and Violations of Article 3 common to the Geneva Conventions and Additional Protocol II.

Nzabonimana, 55, who was also a member of the *Mouvement Républicain National pour le Développement et la Démocratie (MRND)* allegedly conspired to work out a plan with the intent to exterminate the civilian Tutsi population and eliminate members of the opposition. He also allegedly directed and ordered the massacres of the Tutsi population and the murder of numerous political opponents. From April to July 1994, he reportedly provoked and urged the people in several prefectures to exterminate Tutsi civilians and distributed weapons to them.

In the amended indictment dated 21 November 2001, Callixte Nzabonimana is jointly charged with six other accused persons including Augustin Bizimana, Edouard Karemera, Andre Rwamakuba, Mathieu Ndirumpatse, Joseph Nzirorera and Felicien Kabuga.

- **Closing Arguments in Prosecutor v. Renzaho**



On 14 and 15 February 2008, the parties presented their closing arguments in the trial of Colonel Tharcisse Renzaho, former prefect of Kigali-Ville. The date for delivery of the judgment will be announced later.

Renzaho, who was born in 1944 in Kibungo *préfecture*, is facing six counts charging him with genocide, complicity in genocide, crimes against humanity for murder and rape, and serious violations of Article 3 common to the Geneva Conventions and Additional Protocol II. He has pleaded not guilty to all charges.

The Prosecution asked the Chamber to find Renzaho guilty and seeks a life sentence for him. It submitted that he was a man of great power and authority and that his offences led to the killing of tens of thousands of civilians.

The Defence team argued that Renzaho had neither the power nor the means to control the situation in Kigali-Ville. It submitted that the Prosecution had not proven the allegations and requested that he be acquitted.

The trial commenced on 8 January 2007. The Prosecution closed its case on 6 March 2007, whereas the Defence closed its case on 6 September 2007. In all, the parties presented 53 witnesses in the course of 49 trial days.

The Prosecution team was led by Senior Trial Attorney Jonathan Moses and included Trial Attorney Katya Melluish. The Defence closing arguments were presented by Me. François Cantier (Lead Counsel) from France and Barnabé Nekuie (Co-Counsel) from Cameroon. The case is heard by Trial Chamber I, composed of Judges Erik Møse, presiding, Sergei Alekseevich Egorov and Florence Rita Arrey.

- **Defence Investigator Surrenders to ICTR**

Léonidas Nshogoza voluntarily surrendered to the International Criminal Tribunal for Rwanda (ICTR) at its seat in Arusha, Tanzania on Friday 8 February 2008 and was immediately placed under ICTR custody and transferred to detention.



Nshogoza presented himself at the office of the ICTR Deputy Registrar escorted by defence counsel Allison Turner. Nshogoza served as investigator on the defence team for *Emmanuel Rukundo* who is on trial at the ICTR. Turner is co-counsel on the same defence team.

Nshogoza surrendered to the Tribunal after it issued an international warrant for his arrest on 28 January 2008. Tribunal officials served him with a copy of the indictment against him and advised him of his rights. He was immediately placed under ICTR custody and transferred to detention.

On 11 February 2008, during his initial appearance before Judge Dennis Byron, Léonidas Nshogoza pleaded not guilty to the charges of contempt of the Tribunal and attempt to commit acts punishable as contempt of the Tribunal brought against him by the Prosecutor. Nshogoza was former investigator for the Defence during the trial of the *Prosecutor v. Jean de Dieu Kamuhanda*.

Léonidas Nshogoza is charged on four counts with: count one and two contempt of the Tribunal; count three and four attempt to commit acts punishable as contempt of the Tribunal. Nshogoza is accused of having committed the offences with intent to fabricate additional evidence and procure false statements for use in support of the appeal against conviction and sentence of Jean de Dieu Kamuhanda. He is also accused of interfering in the administration of justice.

The accused was assisted by Defence Counsel Ms. Allison Turner and Mr. Richard Karegesya Senior trial Attorney was leading the Prosecution team assisted by Ms. Florida Kabasinga.

- **Prosecution Closes Case Against Father Nsengimana**

The Prosecutor of the International Criminal Tribunal for Rwanda on Thursday, 7 February 2008 closed his case against Hormisdas Nsengimana, a priest who was formerly Rector of Christ-Roi College in Nyanza, Nyabisindu commune in Butare prefecture. Nsengimana is charged with genocide, murder and extermination as crimes against humanity. Nineteen prosecution witnesses were heard in the course of twenty trial days. The Defence case in the Nsengimana trial will commence on 2 June 2008.



Nsengimana is alleged to have been among the



organisers of the killing of Tutsis in Nyanza, Butare in 1994. He is accused of playing a leading role in a group of killers called *Les Dragons* (The Dragons) or *Escadrons de la Mort* (Death Squad). He is also alleged to have been instrumental in the killing of Tutsi priests from his college. Nsengimana disputes all allegations made against him.

Rita Arrey, heard the Prosecution case between 22 and 29 June 2007 and between 14 January and 7 February 2008.

The Prosecution team includes Mr. Wallace Kapaya, Mr. Sylvester Ntukamazina, Mr. Brian Wallace, Mr. Iskandar Ismail and Ms. Jane Mukangira.

The Trial Chamber, composed of Judges Erik Møse, presiding, Sergei Alekseevich Egorov and Florence

Nsengimana is represented by Mr. Emmanuel Altit from France and Mr. David Hooper from England.

Judicial Decisions of the ICTR from 1-29 February 2008

Date	Record Number	Title	TC
04/02/2008	ICTR-01-69-0106	NSENGIMANA - PROSECUTOR'S RESPONSE TO THE DEFENCE MOTION TITLED "REQUETE DE LA DEFENSE EN CERTIFICATION OU, SUBSIDIAIREMENT, EN RECONSIDERATION DE LA DECISION ORALE DE LA CHAMBRE DU 24 JANV.2008"	TC 1
04/02/2008	ICTR-01-69-0105	NSENGIMANA - DECISION ON PROSECUTION MOTION FOR VARYING THE WITNESS LIST	TC 1
05/02/2008	ICTR-98-44-3326	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S TENTH NOTICE OF DISCLOSURE VIOLATIONS AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES	TC 3
06/02/2008	ICTR-00-56-0891	NDINDILYIMANA ET AL - DECISION ON NDINDILYIMANA'S REQUEST FOR CERTIFICATION OF THE CHAMBER'S PROPRIO MOTU DECISION OF NOVEMBER 2007	TC 2
07/02/2008	ICTR-01-69-0110	NSENGIMANA - REPLIQUE DE LA DEFENSE A LA <<PROSECUTOR'S RESPONSE TO THE DEFENCE MOTION TITLED <<REQUETE DE LA DEFECERTIFICATION OU, SUBSIDIAIREMENT, EN RECONSDERATION DE LA DECISION ORALE DE LA CHAMBRE DU 24 JAN 2008	TC 1
07/02/2008	ICTR-99-50-1771	BIZIMUNGU - DECISION ON DEFENDANT BICAMUPAKA'S MOTION FOR RECONSIDERATION OF ORAL DECISION REGARDING VIOLATION OF PROSECUTOR'S OBLIGATION PURSUANT TO RULE 66 (B) OF THE RULES OF PROCEDURE AND EVIDENCE, DATED 11 OCTOBER 2007	TC 2
12/02/2008	ICTR-99-50-1779	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUPAKA'S REQUEST FOR A SUBPOENA - (RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
12/02/2008	ICTR-97-31-0240	RENZAHO - DECISION ON DEFENCE MOTION TO ADMIT DOCUMENTS	TC 1
13/02/2008	ICTR-98-44-3346	KAREMERA ET AL - REPLY BRIEF: JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON TENTH RULE 68 MOTION	TC 3
13/02/2008	ICTR-97-32-0325	RUGGIU - DECISION ON THE ENFORCEMENT OF SENTENCE	TC 1
13/02/2008	ICTR-98-44-3350	KAREMERA ET AL - DECISION SUR LES REQUETES D'EDOUARD KAREMERA ET MATHIEU NGIRUMPATSE EN PROROGATION DE DELAI	TC 3
13/02/2008	ICTR-01-72-0272	BIKINDI - SCHEDULING ORDER	TC 3
13/02/2008	ICTR-97-36A-0043	MUNYAKAZI - DECISION ON THE REQUEST BY IBUKA & AVEGA FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
13/02/2008	ICTR-95-1C-0048	RUTAGANIRA - DECISION ON THE MOTION FOR RECONSIDERATION OF THE DENIAL OF EARLY RELEASE	TC 3
14/02/2008	ICTR-96-14-0438	NIYITEGEKA - DECISION ON MOTION FROM ELIEZER NIYITEGEKA FOR DISCLOSURE OF CLOSED SESSION TESTIMONY AND EVIDENCE UNDER SEAL (RULE 75 OF THE RULES OF PROCEDURE AND EVIDENCE)	AC
15/02/2008	ICTR-98-42-0770	NYIRAMASUHUKO ET AL - DECISION ON KANYABASHI'S MOTION TO VARY HIS LIST OF WITNESSES PURSUANT TO RULE 73ter	TC 2
15/02/2008	ICTR-99-50-1785	BIZIMUNGU ET AL - DECISION ON ASSIGNMENT OF MS. CYCNTHIA CLINE AS CO-COUNSEL FOR THE ACCUSED PROSPER MUGIRANEZA	TC 2
18/02/2008	ICTR-97-36A-0044	MUNYAKAZI - CORRIGENDUM TO THE ORDER FOR SUBMISSIONS OF THE REPUBLIC OF RWANDA AS THE STATE CONCERNED BY THE PROSECUTOR'S REQUEST FOR REFERRAL OF THE INDICTMENT AGAINST YUSSUF MUNYAKAZI TO RWANDA	TC 3
18/02/2008	ICTR-97-36A-0047	MUNYAKAZI - DECISION ON ADAD'S (THE ORGANISATION OF ICTR DEFENCE COUNSEL) MOTION FOR RECONSIDERATION OF REQUEST FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
18/02/2008	ICTR-97-36A-0045	MUNYAKAZI - CORRIGENDUM TO THE DECISION ON THE APPLICATION BY THE KIGALI BAR ASSOCIATION FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
18/02/2008	ICTR-97-36A-0046	MUNYAKAZI - CORRIGENDUM TO THE DECISION ON THE APPLICATION BY THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEY'S ASSOCIATION (ICDAA) FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE	TC 3



Date	Record Number	Title	TC
18/02/2008	ICTR-99-50-1787	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION FOR RECORDS OF ALL PAYMENTS MADE DIRECTLY OR INDIRECTLY TO WITNESS D	TC 2
19/02/2008	ICTR-97-36A-0048	MUNYAKAZI - DECISION ON THE REQUEST OF THE REPUBLIC OF RWANDA TO BE SERVED WITH THE AMICUS BRIEF OF THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEYS ASSOCIATION (ICDAA) FOR THE REFERRAL OF THE ABOVE CASE TO RWANDA PURSUANT TO RULE 11 BIS AND TO PREPARE A WRI	TC 3
19/02/2008	ICTR-98-44-3359	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'EDOURD KAREMERA EN VUE D'UNE ORDONNANCE DE PROTECTION DES TEMOINS A DECHARGE	TC 3
19/02/2008	ICTR-01-71-0298	NDINDABAHIZI - DESIGNATION OF A TC TO CONSIDER EMMANUEL NDINDABAHIZI'S MOTION FOR DISCLOSURE OF THE CLOSED SESSION TRANSCRIPTS INTO THE GAHIGIRO GACACA PROCEEDINGS IN RWANDA	TC 1
20/02/2008	ICTR-99-50-1795	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION FOR LEAVE TO FILE DOCUMENTS OUT OF TIME AND ORDER FOR FURTHER REDUCTION OF WITNESS LIST (Rules 54 and 75 ter (D) of the Rules of Procedure and Evidence)	TC 2
20/02/2008	ICTR-98-44-3364	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SEVENTEENTH NOTICE OF DISCLOSURE VIOLATIONS AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES	TC 3
20/02/2008	ICTR-98-44-3365	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTIONS FOR SUBPOENA TO LEON MUGESERA AND PRESIDENT PAUL KAGAME	TC 3
20/02/2008	ICTR-01-76-0565	SIMBA - DESIGNATION OF A TC TO CONSIDER CHARLES MUNYANEZA'S MOTION TO BENEFIT FROM THE DISCLOSURE OF THE CLOSED SESSION TRANSCRIPTS AND RELATED UNDER SEAL DOCUMENTS	TC 1
22/02/2008	ICTR-05-88-0032	KALIMANZIRA - DECISION ON JUDICIAL NOTICE OF FACTS OF COMMON KNOWLEDGE	TC 1
22/02/2008	ICTR-02-78-0089	KANYARUKIGA - DECISION ON DEFENCE REQUEST TO GRANT AMICUS CURIAE STATUS TO FOUR NON-GOVERNMENTAL ORGANISATIONS	TC 1
22/02/2008	ICTR-02-78-0090	KANYARUKIGA - DECISION ON AMICUS CURIAE REQUEST BY THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEYS ASSOCIATION (ICDAA) RULE 74 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 1
22/02/2008	ICTR-99-50-1797	BIZIMUNGU ET AL - DECISION ON MOTION ON JEROME CLEMENT BICAMUMPAKA TO ADMIT THE REPORT OF EXPERT DR. BERNARD LUGAN INTO EVIDENCE - RULES 73 AND 94 BIS OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
22/02/2008	ICTR-02-78-0091	KANYARUKIGA - DECISION ON AMICUS CURIAE REQUEST BY THE KIGALI BAR ASSOCIATION (RULE 74 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 1
22/02/2008	ICTR-02-78-0092	KANYARUKIGA - DECISION ON AMICUS CURIAE REQUEST BY THE ORGANISATION OF DEFENCE COUNSEL (ADAD) RULE 74 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 1
22/02/2008	ICTR-02-78-0093	KANYARUKIGA - DECISION ON AMICUS CURIAE REQUEST BY IBUKA AND AVEGA	TC 1
25/02/2008	ICTR-98-44-3376	KAREMERA ET AL - DECISION SUR LA REQUETE URGENTE D'ELIEZER NIYITEGEKA AUX FINS DE COMMUNICATION DES PROCES-VERBAUX DES AUDIENCES A HUIS CLOS DE LA DEPOSITION DU TEMOIN AMM	TC 3
26/02/2008	ICTR-98-44-3382/1	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO JOSEPH NZIRORERA'S MOTION FOR MODIFICATION OF DECISION ON DISCLOSURE OF RPF WITNESSES	TC 3
27/02/2008	ICTR-98-44-3385	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR DISQUALIFICATION OF JUDGES BYRON, KAM AND JOENSEN	TC 3
27/02/2008	ICTR-99-50-1808	BIZIMUNGU ET AL - DECISION ON URGENT SECOND MOTION OF DEFENDANT BICAMUMPAKA REGARDING COOPERATION OF THE KINGDOM OF BELGIUM - ARTICLE 28 OF THE STATUTE OF THE TRIBUNAL	TC 2
27/02/2008	ICTR-99-50-1813	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION FOR EXPEDITED TRANSLATION OF THE MEDIA JUDGEMENT FROM THE AC	TC 2
27/02/2008	ICTR-98-44-3384	KAREMERA ET AL - DECISION SUR LA REQUETE D'EDOURD KAREMERA VISANT AU REPORT DU COMMENCEMENT DE LA PRESENTATION DE SA PREUVE ET SUR LES REQUETES DU PROCUREUR INTITULEES "PROSECUTOR'S CROSS-MOTION FOR ENFORCEMENT OF RULE 73 TER AND REMEDIAL AND PUNITIVE	TC 3

Date	Record Number	Title	TC
27/02/2008	ICTR-01-69-0120	NSENGIMANA - DECISION ON SITE VISIT TO RWANDA (Rule 4 of the Rules of Procedure and Evidence)	TC 1
28/02/2008	ICTR-01-69-0121	NSENGIMANA - DECISION ON PROTECTIVE MEASURES FOR DEFENCE WITNESSES	TC 1
28/02/2008	ICTR-99-52-2251	NAHIMANA ET AL - DECISION ON HASSAN NGEZE'S MOTION TO OBTAIN ASSISTANCE FROM COUNSEL	AC
28/02/2008	ICTR-98-44-3388	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE URGENTE D'EDOUARD KAREMERA EN PROROGATION DE DELAI SUPPLEMENTAIRE POUR LE DEPOT DE SA REPLIQUE A LA REPONSE DU PROCUREUR EN VERTU DE L'ARTICLE 98BIS DU REGLEMENT	TC 3
29/02/2008	ICTR-00-56-0900	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S MOTIONS TO ADDRESS DEFECTS IN THE FORM OF THE INDICTMENT AND TO ORDER THE PROSECUTION TO DISCLOSE ALL EXCULPATORY MATERIAL	TC 2
29/02/2008	ICTR-02-78-0096	KANYARUKIGA - DECISION ON AMICUS CURIAE REQUEST BY HUMAN RIGHTS WATCH (Rule 74 of the Rules of Procedure and Evidence)	TC 1

New Year Greetings: ICTR President, Prosecutor and Registrar Address Staff

The President of the Tribunal Judge Dennis Byron, the Prosecutor Mr. Hassan Bubacar Jallow, and the Registrar Mr. Adama Dieng on 22 February 2008 addressed staff of the ICTR during which they commended them for the excellent work they were doing and appraised them on the challenges ahead as well as on the implementation of the ICTR completion strategy. The meeting was chaired by Ms. Sarah Kilemi, Chief of DASS.



The event took place during what has come to be known as 'Town Hall Meeting' of the three organs of the Tribunal – the Chambers, the Prosecution and the Registry. At the meeting, which was also part of new year greetings to staff, the three Chiefs also expressed, on behalf of the management, their deepest and warmest thanks to all the ICTR Staff Members in Arusha, Kigali and The Hague for their work and continuous support to the Tribunal's achievements.



The President Judge Byron explained that the impact of the Tribunal's work had already extended beyond the number of persons prosecuted and judgements

rendered. He urged the staff to be proud of their contribution to guarantee the triumph of international justice and the fight against impunity. The Prosecutor and the Registrar briefed the staff on the latest developments taking place at the ICTR. Below we reproduce some excerpts from the speeches by the President, the Prosecutor and the Registrar.

• **The President Judge Byron:**

"...2008 will certainly be a year of challenge for the Tribunal and all of you are certainly looking forward to learn about its future, as trials will be completed.

Thus far, there are trials in progress against 18 accused in five different cases and trial concerning two single accused are ready to commence. At the Tribunal, there are four detainees whose cases for referral to a national jurisdiction are pending and a new accused who was very recently arrested and transferred to the Tribunal awaiting trial. Three detainees are awaiting transfer to the Tribunal. There are 13 accused still at large. A judicial calendar scheduling the cases of the detainees currently at the Tribunal has been designed for the entire year. According to the last projections, the evidence phase in the cases of the accused whose trials are in progress will be completed at the end of this year, except for one multi-accused case.

This is the information I conveyed to the UN General Assembly and Security Council during my last addresses in October and December 2007. During my missions to the United Nations, I also took the opportunity to meet with various stakeholders at the UN Headquarters, including the Secretary-General and his staff. I informed them, as well as Members States, of the best efforts deployed by the Tribunal in completing the trials and exposed to them the challenges we are facing as the Tribunal downsizes.

On each occasion, I stressed out that the efficient completion of trials at the Tribunal continues to be possible thanks to the highly dedicated work of staff. There is no doubt that retention of experienced staff



constitutes one of the major success criterion in our completion strategy. The knowledge and past experience of staff serve the prompt and efficient achievement of the Tribunal's work. I can assure you that the Principals of the Tribunal, with the assistance of the Chief of the Administration, are devoted to this task and willing to find the best solutions to address this matter. The relevant UN bodies are continuously sensitized to this matter and involved in finding the best way to address that matter..."

• **The Prosecutor Mr. Jallow:**

"...2008 is a very critical year for this mandate. There still remains much to be done. You will recall that the UN Security Council requires us to conclude our trials at first instance by the end of this year and thereafter devote our energy to dealing with the increasing appellate workload. The ICTR management, with the support of the ICTR staff has always been committed to the attainment of this goal and confident of it as well. But both the President and I had also previously drawn the attention of the UN Security Council to the possibility of an increase on the tribunal's workload and that this could impact on the Completion Strategy timeframe. That possibility is increasingly becoming evident.

This week, we had some good news. The Tracking Team with the collaboration of the Tanzania Police secured the arrest of Callixte Nzabonimana, former Minister of Sports who is earmarked for trial in Arusha. Let me seize this opportunity to congratulate the members of the Tracking Team, the Tanzanian Police and all other persons and institutions who were involved for their excellent work in this respect. You will recall that earlier on, Augustin Ngirabatware had been arrested in Germany and Dominique Ntezungu in France and both are being processed for transfer to Arusha for trial. These three recent arrests are a new addition to our workload. There are still four other high level fugitives – Felicien Kabuga, Augustin Bizimana, Protais Mpiranya and Idelphonse Niseyimana who are being vigorously sought for trial in Arusha. We expect some success in bringing some of these fugitives into Arusha.

It remains uncertain whether the 4 cases of detainees which are already the subject of Rule 11bis requests by the Prosecutor for transfer to Rwanda will be removed from or remains within the tribunal's workload. What seems clear however is that some trials will be taking place in 2009 and that resources will have to be provided in all three organs of the tribunal to support these trials.

Nonetheless, the level of activity in the tribunal is expected to decrease substantially in 2009 compared with the current year. In some respects, such as the appellate process, we at the OTP expect an increase in the workload. Accordingly, there will be a reduction in the level of resources both human and material for trial related activities and increases in capacity for the ALAD. Thus within the OTP, for instance, we anticipate a further decrease in the number of staff at the Investigations Section by the end of 2008, a redeployment of posts from the Prosecutions Division to the Appeals Division both in 2008 and 2009 followed

by recruitment for those posts and a decrease in trial posts for 2009. We have had the benefit of discussing some of these processes earlier this morning at the OTP general meeting. The Administration will probably have something more to say to you on this subject.

Downsizing, particularly because it affects human resources, is not an easy process and can arouse a lot of anxiety amongst staff members. Please be assured of the continuing commitment of the ICTR management to ensure the efficiency, fairness and transparency of all the various processes of downsizing and redeployment. We have had the advantage already of implementing a very effective and fair staff reduction exercise at the Investigations Section in Kigali. It provides a useful precedent all round as we engage in the same process for other sections.

Meanwhile, let us remember that at the end of the day, it is the ending that matters, the way we end is probably the way we will be best remembered. Let us resolve to have an excellent ending both to our personal service with the tribunal and to the completion of the institutional mandate of the ICTR..."

• **The Registrar Mr. Dieng:**

"..As we enter to the final phase of the work of the Tribunal, I would like to briefly give you an update on various issues that are relevant to the completion strategy

Budgetary Matters

For the biennium 2008-2009, the General Assembly approved an initial appropriation of \$280.4 million gross (or \$261.0 million net) for ICTR which includes resources for records management and archives in the amount of \$8.3 million. However, the proposal on the review of the conditions of service and compensation for the Judges was deferred to the resumed 62nd session of GA. The Assembly also deferred the consideration of the requested resources for After Service Health Insurance (ASHI) to the 63rd session in the context of the overall review of UN-wide requirements. We are following up on the development and we will keep you informed.

On the issue of the budget, I would like to recall that it was prepared on the basis of the completion of the trials schedule as envisaged at the time, whereby it was expected that all trials will be completed by the end of 2008 and that all appeals will be finalized by 2010. Thus resources (both staff and money) requested for in the budget have taken into account the level of the tribunal activities in 2008-2009. We also know that many new developments have since taken place that warrant a review of the adequacy of the available resources, which might entail submission of supplementary budget.

Staffing Levels in 2008-2009

In biennium 2006-2007 we had authorized staffing level of 1,042 posts. The GA approved to retain of 693 posts for biennium 2008-2009, representing a decrease and abolition of 349 posts (134 Professional and 215 General Service posts).



Extension of Contracts

Currently almost all contracts are being extended through 31 December 2008 for authorized posts except for some Investigators whose functions were no longer required by the Office of The Prosecutor and their contracts were extended through 31 January 2007. There may be some staff who have been given shorter duration due unsatisfactory performance in order to monitor their performance.

With regard to the extension of all contracts beyond December 2008, following the development of the staff retention criteria by the Staff Retention Task Force (SRTF), all Programme Managers are currently undertaking a comprehensive review of the staff requirements in their respective Sections and Units. The review will enable the identification of those functions that will not be required beyond December 2008. This process will also identify the staff members to be downsized corresponding to the 349 posts that are to be abolished by the end of this year in line with the GA resolution.

Thereafter the Administration will inform the affected staff members at least six months before the abolishment of the said posts. It is hoped that this early notification of the affected staff members will allow for smoother and easier transition of the ICTR within the deadlines as stipulated.

Regarding General Temporary Assistance (GTA) personnel, they will continue to be extended quarterly based on the current budgetary allocation.

Retreat on Completion Strategy

I would like to inform you that Registry is in the process of organizing an out- of-house retreat for all managers and supervisors on 7, 8 and 9 March 2008. The objective of the retreat is to come up with a comprehensive drawdown plan for up to 31 December 2009 which must be finalized before 30 June 2008, and provide training and information on change management and related strategic planning. A Task Force comprising of representatives from all arms of the Tribunal is already finalising the programme for this retreat.

Career Resources Centre and Staff Welfare

During this final phase of the completion strategy, one of the issue that has come up quite frequently during our continuing consultations with staff members is the need for the Tribunal's management to address the psycho-social, career development, succession planning and other welfare matters of staff members and that of their families as they plan for their future " after the ICTR". I am happy to note that so far a number of training workshops have been conducted and efforts are on going to ensure that many more are held in the course of this year to equip the staff with relevant skills for future jobs.

In February 2007, I promised you that we would establish a Career Resource Center. This center was officially inaugurated by the President, Prosecutor and myself on 21 January, 2008 and is now fully operational. The Career Resource Center will coordinate, on a regular basis, compilation of job

vacancies which will be available to all staff, ensure regular update and submission of roster to DPKO and other agencies. This center will also provide support to staff members in developing their personal history profiles (PHP), CVs, job application letters, and the interviewing process. Staff are encouraged to make use of it. The Centre is equipped, with audio and video conference facilities for use by staff during interviewing, training programmes, tests and examinations. This facility may also be extended to staff for private video conferencing with their families. You are all encouraged to make use of the facilities of the centre.

In addition, we had promised to introduce of Arabic Language Classes for purposes of career development and I would like to inform you that the classes are already on going and the feedback we have is that the class is very popular.

All staff whose posts will be identified for abolition during the various stages of downsizing shall receive career coaching and psycho-social support programmes. This support will include the provision of programmes mentioned above, including assistance to find jobs in the job market. Furthermore the management of the Tribunal recognizes that loss of employment, periods in-between jobs and mandatory separations as a result of retirement could be stressful to staff members and their family members. For this reason, a Staff Counselor has already been recruited and will be on board as of the 11 March, 2008.

In addition, a staff recreation center is in the process of being completed. Originally the center was to provide keep fit facilities for security staff but given the increasing need for both mental and physical fitness, facilities are now being extended to include space for aerobic exercises for all staff. In a week's time staff will be officially informed of the usage timetable, which should not interfere with the normal operations of the Tribunal. Process is underway to identify reliable trainers who will be financed partially by contributions from those who may wish to use the facilities.

Improvement on Service delivery in DASS

I am sure you will agree with me that some of the delays that were being experienced in the area of recruitments and settling of staff entitlements, especially those related to education grant and travel, processing payments to vendors and overtime for staff have substantially decreased. It is good to note that the Chief, DASS is continuing with the process of initiating measures that are aimed at enhancing efficiency and effectiveness in DASS. The latest being the launching of the client satisfaction survey aimed at collecting your views on the services being rendered by DASS. We therefore encourage you to have your say in this process by completing the survey questionnaire.

In order to inform staff and respond to the most commonly asked questions, DASS has also developed an "intranet" site accessible to UN-ICTR staff from our office only, with information relevant to both staff members and their dependents. The site can be accessed by typing the following in your browser by typing <http://ictfaq>



Progress on the Enforcement of sentences

We, currently, have 20 convicted persons in the UNDF waiting for a place to serve their sentences. Agreements have been signed with several states that will facilitate convicted persons serving sentences in due course. Facilities have been built in cooperation with ICTR so that we can guarantee places where the convicted persons can serve their sentences. Information has been collected on the family circumstances and the health of the prisoners and the facilities available in different countries have been evaluated. At the conclusion of the process, the President will be seized of all this information soon so that he can designate the state where the imprisonment will be served.

Archiving and conservation Issues

In anticipation of the completion of our mandate, a joint strategy for the records and archives of the ad-hoc tribunals was developed by ICTR and ICTY in close collaboration with relevant offices at the headquarters. This strategy entails, for the ICTR, a major project for the digitization and redaction of our huge audio-visual collection of court proceedings to be implemented in the course of this biennium.

In consultation with the Registrar of the ICTY, We have also established an Advisory Committee on Archives, chaired by Richard Goldstone, the first Prosecutor of ICTR and ICTY. The expert committee is currently undertaking a study that will provide the Tribunals with an independent analysis on how best to ensure future accessibility of the archives and will review different locations that may be appropriate for housing the materials. In this framework, the Committee has been consulting all stakeholders, especially the communities and authorities in Rwanda.

Role of Staff Association in the Completion Strategy

I also wish to take this opportunity to urge the staff association to play a more proactive role in assisting the management deal with cases of non performance, lack of discipline and general disregard for rules and regulations among the staff. Defending non-performers is a way of sending very wrong signals especially now that we are in the final stages of the tribunal. Similarly, I want to remind all managers to be fair and supportive to all staff. I have heard cases of discriminative approach in handling staff issues and I want to emphasize that the management will not tolerate this behavior and as such there is need for everybody to act in a responsible manner when dealing with other colleagues.

Reminder on Conduct, Behavior, Discipline

Let me stress that conduct, behavior and level of discipline, for all of us should be beyond reproach. Negligence and unethical behavior, that has the potential of compromising the integrity and image of the UN and that of the Tribunal in specific, will not be tolerated. Individuals, no matter their categories or levels, who do not conform to the UN standards and established ICTR policies and code of conduct, will be dealt with accordingly. The Chief of DASS is under strict instructions to monitor and report such incidences to me for immediate action. This measure

has been taken, especially during this last phase of our operations, when some of us have the misconception that they can get away with wrong doings. At this juncture I would like to remind everybody that laxity and incompetence will not be tolerated at this crucial phase of the tribunal. Prompt and appropriate action will be taken on all those who do not undertake their responsibilities in a serious manner. And I would like to call upon the staff association to collaborate with the management is ensuring that these values are upheld by all staff irrespective of their grades or levels.

There has been an ongoing concern on the misuse of ICTR diplomatic license plates by unauthorized individuals. Some of these license plates belong to staff that have already left the Tribunal. I would like to recall my previous call for all us to ensure that Tribunal's image and integrity is not compromised in any way. I am glad to hear that the Chief of DASS has put mechanism in place to ensure that departing staff return their license plates before their final payment is effected. Security Section should also be actively involved in tracking cases of illegal use of the ICTR License plates.

Once again, I would like to stress the fact that we are guests of the Tanzanian Government. We may not be getting the level of support and collaboration we would have expected but we continue our efforts of seeking their active support especially during this final phase of the completion strategy. However, I would like to remind you that your private conduct should always reflect the respect for the laws and customs of the host country..."

I would also like to address issues of Security. Last year we experienced a number of emergencies as result of the seismic activities around the Arusha area. From these experiences we noticed that many of us do not read the security advisories that are frequently circulated to all. The management will continue to ensure adequate provision of security to both staff and property of the Tribunal. However, I want to remind you that security is an individual responsibility and if you are aware of the security updates then you will be in a better position to secure yourself and your families..."

Representatives of the Rwandan National Gacaca Service Visit ICTR

With more than 12,000 courts throughout Rwanda, the National Service of Gacaca Courts faces a daunting task in collecting, digitising and preserving documentation from the Gacaca jurisdiction. As part of ICTR capacity building initiatives for Rwanda, three representatives from the National Gacaca Service



undertook training in information management between 6-13 February 2008.

Training covered both theoretical and practical aspects of records and document management, including sessions on risk management, preservation of audio-visual records and evidence management practices. The Gacaca staff also met the ICTR Prosecutor and senior staff of the OTP. Training sessions were developed and presented by staff from the Judicial Records Management Unit of the ICTR Registry and the Information and Evidence Section of the Office of the Prosecutor. The Gacaca representatives toured the Judicial Archives and OTP facilities and took a behind the scenes view of courtroom information and communication technology. They also gained some hands on experience with content management systems in both the Evidence and Archives Units.

The Gacaca courts were established in Rwanda in 2001 to conduct trials of persons accused of genocide related crimes under categories 2 and 3.

ICTR Staff attend Training on Fundamentals of UN Procurement

From 28 January to 1 February, 2008 the Procurement Section, requisitioners from all other sections across the Tribunal and members of the LCC (Local Committee on Contracts) attended a training course on the 'Fundamentals of UN Procurement'. The training was conducted by representatives from the Headquarters Procurement Division, the HCC (Headquarters Committee on Contracts) and the OLA (Office of Legal Affairs). The course covered key areas deemed to be essential for best procurement practice including UN Procurement Principles and Process, Procurement Strategy and Risk Management, Best Value for Money, Contract Management, Vendor Relations, Ethics and Integrity as well as the role and function of the LCC and HCC.



The training was extremely enlightening for both procurement staff and requisitioners and was made all the more interesting by the many discussions and lively debates that took place. It enabled both parties to gain a better understanding of the challenges each faces. In addition it presented an invaluable opportunity for sharing of ideas and finding common solutions to some of these challenges.

The training concluded with a lively graduation ceremony officiated by the Registrar and the Chief of Administration.

News from The Hague

Activity of the Appeals Chamber

During February, the Appeals Chamber deliberated on an appeal from judgement in the Seromba case. The Judgement will be delivered in Arusha on 12 March 2008. The Appeals Chamber also prepared for a hearing of the appeals in the Muvunyi case to be held in Arusha on 13 March 2008. Additionally, the Appeals Chamber is seized of an appeal from judgement in the Karera case where the briefing is currently under way.

The Appeals Chamber also issued three pre-appeal orders and a post-appeal decision in the Ngeze case on a request for assignment of counsel in connection with review.

Hearing of a testimony of a Witness by Video-Conference Link

Following the Order of 23 January 2008 issued by Trial Chamber II, composed of Judges Khalida Rachid Khan (Presiding), Lee Gaguiga Muthoga and Emile Francis Short, the Other Registry Services Sub-Unit (ORSS-U) of the ICTR/ACSU in The Hague has organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, the hearing of a testimony by video-conference link of a witness in February 2008.

Appointment of Chief of Appeals and Legal Advisory Division, Office of the Prosecutor



On 6 February, Mr. Alex Obote-Odora was appointed Chief of the Appeals and Legal Advisory Division (ALAD) in the Office of the Prosecutor by the Registrar, Mr. Adama Dieng on the recommendation of the Prosecutor Mr. Justice Hassan Bubacar Jallow.

Mr. Obote-Odora joined the Office of the Prosecutor as Legal Advisor in June 2000 and was appointed Head of the Legal Advisory Section in May 2002. In November the following year, Mr. Obote-Odora was appointed Special Assistant to the Prosecutor and served in that capacity until his recent promotion.

Alex Obote-Odora holds a Doctor of Laws Degree (LLD) in International Criminal Law (1997) and a Master of Laws Degree (LLM) in International Humanitarian Law (1990) from the University of Stockholm in Sweden. Dr Obote-Odora also holds a post graduate diploma in legal practice from the Law



Development Centre in Uganda (1976) and a Bachelor of Laws Degree with honours (LLB) (Hons) from Makerere University in Kampala, Uganda (1974).

Dr. Obote-Odora was called to the Bar in Uganda in 1977 and has practiced law before the High Court and Supreme Court of Zambia (1977-1980) and Uganda (1981-1987).

Dr. Obote-Odora has taught at, and has been a visiting scholar in many institutions and universities, including the Law Development Centre in Uganda (1975-1977); Aristotle University, Thessaloniki in Greece (1993); Max Planck Institute of Foreign and International Criminal Law, Freiberg in Germany (1994), Stockholm University in Sweden (1994-1998) and the University of Swaziland (1999-2000).

Ambassador Tim Clarke Visits the Tribunal

The Head of the Delegation of the European Commission, H.E. Ambassador Tim Clarke, recently posted in Dar Es Salaam, visited the Tribunal on 19 February 2008. His Excellency was accompanied by two officials of his office.



During the visit, Ambassador Clarke had fruitful discussions with ICTR Senior officials, including the

President, the Prosecutor, the Registrar, the Chief of Administration, the Chief and staff of the External Relations and Strategic Planning Section of the Tribunal. He was given an in-depth briefing on the work of the Tribunal, especially its accomplishments, and challenges under the ICTR Completion Strategy as well as the impact of the EU-funded projects as part of the ICTR Outreach Programmes. The discussions also focused on the one hand on the effect of high staff departure rate on ICTR Completion Strategy and on the other hand on ways and means to enhance the existing collaboration between ICTR and the Delegation of the European Commission in the areas of judicial capacity building and human rights promotion at regional level.

Ambassador Clarke also explored a few areas of common interest where joint projects, within the implementation framework of the African Union and European Union Joint Strategy and Action Plan adopted during the 2007 Lisbon Summit, could be developed.

The European Commission (EC) is one of the main donors of the ICTR. Since 2004, the European Commission has disbursed approximately \$ 1,900,000 to support the managerial, operational and outreach sectors of the ICTR. The Commission's financial support improved management of ICTR witnesses matters, information security and efficiency in the Office of the Prosecutor, and enabled the Tribunal to produce transcripts of judicial proceedings on a daily basis. It also made it possible to implement various ICTR's outreach projects, including capacity building activities which are aimed at strengthening the capacity of the Rwandan Judiciary.