



ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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UN Secretary-General Reaffirms Support to the ICTR



Mr. & Mrs Ban Ki-moon with ICTR Staff

The United Nations Secretary-General Ban Ki-moon called for the international community to never forget and never stop working to prevent genocide and pledged continuous support to the International Criminal Tribunal for Rwanda. The Secretary-General said that the achievements of the Tribunal will greatly contribute to the process of national reconciliation in Rwanda

and to the ending of impunity in Africa and beyond. The Secretary-General arrived at the International Criminal Tribunal for Rwanda in the company of his wife Yoo Soon-Taek and several of his advisers in the afternoon of Friday 27 February 2009.

Soon after his arrival, the Secretary-General addressed ICTR staff at a town hall meeting in Simba Hall after introductory remarks of the Registrar, the Prosecutor and the President of the Tribunal. He made a short speech praising the work of the Tribunal and stressing the need for

staff to continue sustaining their strong commitment to it. The Secretary-General answered a few questions from staff members. The questions revolved around the conditions of services and employment termination benefits once the work of the ICTR is completed.

The Secretary-General and his delegation thereafter attended a special court session showcasing some of the ICTR key achievements. Before leaving the Tribunal, the Secretary-General had photo sessions with the ICTR Judges, Prosecutor, Registrar and staff. He also held a brief press conference during which he lauded the remarkable contributions to the development of a credible international justice system and the fight against impunity.

Commenting on the visit the ICTR Registrar, Adama Dieng, stated that *“the Secretary-General visit has immensely raised the morale of the staff at this critical time.”*

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Mr. Ban Ki-moon with the Judges, the Registrar and the Prosecutor



ICTR Judicial Activities

Judicial Calendar

Case	Bench	Prosecution	Defence	Party presenting his/here case
Kalimanzira	Judges Byron (Pres.), Kam, Joensen	C. Graham V. Wright K. Murukutla O. Jammeh	A. Vercken A. Guisse	Defence
Karemera	Judges Byron (Pres.), Kam, Joensen	D. Webster A. Frankson-Wallace I. Morley G. Visser S. N'Dow	P. Robinson P. Ngimbi D. Mbaye F. Sow C. Hounkpatin F. Weyl	Status Conference
Nshogoza	Judges Khan (Pres.), Muthoga, Akay	P. Ng'aura A. Seye D. Mabura M. Ka	A. Turner	Status Conference / Prosecution
Ngirabatware	Judges Sekule (Pres.), Ramarossion, Bossa	W. Kapaya P. Gabaake B. Wallace I. Ismail	D. Thomas	Status Conference/ Further appearance of the Accused

Work of the Trial Chambers and the Appeals Chamber

1. Trial Chamber I

Ongoing trials

Setako

The case is scheduled to resume on 16 February 2009. It is expected that the Prosecution case will require a session of no longer than three weeks to complete.

Nsengimana

The last Defence witness was heard on 17 September 2008. The Prosecution and Defence closing briefs were filed on 5 December 2008. The Chamber will hear oral closing arguments on Thursday 12 February and Friday 13 February 2009.

Hategekimana

The trial in the matter of the Prosecutor v. Hategekimana, which was scheduled to commence on 26 January 2009, was adjourned following the revelation of disclosure and translation problems discussed at a Status Conference on 28 January 2009, and pending the formulation of a new Trial Bench following the recusal of the Presiding Judge, Florence Rita Arrey, of Cameroon.

Cases where judgement delivery is awaited

Renzaho

Deliberations in this case are ongoing. The Chamber will announce the date of judgment in due course.

2. Trial Chamber II

Ongoing trials

Nyiramasuhuko et al. (Butare)

The Chamber is currently deliberating on nine motions. The closing briefs of the parties are expected to be filed by 17 February 2009.

Nshogoza

The trial commenced as scheduled on 9 February 2009 with the presentation of the Prosecution case. The Chamber issued three decisions and two orders at the beginning of February 2009. This included an order to the Prosecution regarding disclosure issues and decisions denying two Defence motions for certification to appeal.

Military II

The trial will resume on 16 February for the recall of some witnesses. Closing Briefs are to be filed by 31 March 2009.

Cases where judgement delivery is awaited

Rukundo

The Chamber is currently engaged in the judgement drafting. The judgement will be rendered on 27 February 2009.

Bizimungu et al.

After having heard closing arguments from 1 to 5 December 2008, the Chamber is currently considering pending interlocutory motions and is engaged in the judgement drafting.

Trials about to commence shortly

Ngirabatware,

The Chamber issued one decision partially granting the amendment of the indictment. Following this

decision, the Chamber held a further appearance of the accused and a status conference on 9 February 2009.

3. Trial Chamber III

Ongoing trials

Kalimanzira

The trial resumed the second and final trial session for the presentation of the Defence case on 26 January 2009 and is scheduled to close on 13 February. In that regard the Accused was heard on 10 and 11 February 2009. Five decisions have been rendered since the beginning of the year.

Karemera et al.

Since the beginning of 2009, the Chamber has rendered various decisions, including a decision on 6 February 2009 denying provisional release for Mathieu Ngirumpatse. A status conference was held on Monday 9 February 2009. Mr. Ngirumpatse indicated on that occasion that he was not anymore willing to let the trial continue in his absence while being hospitalised and with the facilities he has been provided with to be able to participate in his defence. Therefore, on Monday 16 February 2009, the Chamber will hear the Parties submissions on both the issues of stay of proceedings and severance.

Muvunyi

The trial was scheduled to commence on 12 January 2009. However, the Defence Counsel failed to appear on that date, and the Chamber adjourned the proceedings until 14 January. On that day, the Presiding Judge rendered various oral decisions, including a denial of the request for a hearing on the motion for provisional release and on the scope of the retrial limiting the admissible evidence to the evidence previously adduced during the initial trial. The Chamber currently has three motions pending. The Chamber will address the issue of rescheduling the commencement of the trial in due course.

4. Appeals Chamber

The Appeals Chamber is seized of four cases involving appeals from judgement.

In the *Bikindi* case, both parties filed notices of appeal from the Trial Judgement rendered on 2 December 2008 and the briefing is in progress.

On 2 February 2009, the Appeals Chamber rendered its Judgement in the *Karera* case, affirming his sentence of imprisonment for the remainder of his life.

In the *Zigiranyirazo* case, where the Trial Judgement was rendered on 18 December 2008, both parties filed notices of appeal. The Appeals Chamber granted an extension of time to Protais Zigiranyirazo to file his appellant's brief within 40 days of the filing of the French translation of the judgement.

In the *Nchamihigo* case, the Appeals Chamber granted a 30-day extension of time to Simeon Nchamihigo to file his notice of appeal upon the filing of the French

translation of the Trial Judgement.

In connection with the *Bagosora et al.* Trial Chamber Judgement pronounced on 18 December 2008, the Appeals Chamber decided that the notices of appeal from the prosecution, Anatole Nsengiyumva, and Aloys Ntabakuze are to be filed within 30 days of the filing of the written Trial Judgement. The Judgement was filed on 9 February. The Appeals Chamber also decided that Theoneste Bagosora's notice of appeal is to be filed no later than 30 days from the date of the filing of the French translation of the Trial Judgement; his appellant's brief no later than 75 days from the date of the filing of his notice of appeal; and his brief in reply, if any, no later than 15 days from the date of the filing of the French translation of the prosecution's respondent's brief.

In addition to these appeals, the Appeals Chamber is seized of a request for review relating to the *Media* case Appeal Judgement, filed by Jean-Bosco Barayagwiza; a request for review filed by Eliezer Niyitegeka; as well as applications from Georges Rutaganda, Emmanuel Ndindabahizi, and Alfred Musema concerning post appeal matters.

On 30 January 2008, the Appeals Chamber dismissed an interlocutory appeal in the *Karemera et al.* case concerning Matthieu Ngirumpatse's witness list.

From the beginning of 2009, the Appeals Chamber has rendered one Judgement, in the *Karera* case, two decisions on interlocutory appeals, one decision concerning post appeal matters, and twenty-four preliminary decisions or orders.

To date, the Appeals Chamber has delivered twenty-one Appeal Judgements, concluding the appellate proceedings in respect of twenty-seven persons.

Rukundo Sentenced To 25 Years Imprisonment

Trial Chamber II on 27 February 2009 sentenced Emmanuel Rukundo former Military Captain in the Rwandan Armed Forces (FAR) to twenty five years imprisonment. Credit shall be given to him for time spent in prison. The Trial Chamber II composed of Judges Joseph Asoka Nihal de Silva Presiding; Taghrid Hikmet and Seon Ki Park found Rukundo guilty of genocide, murder as a crime against humanity and extermination as a crime.



The conviction of the Chamber is based on the participation of the accused in the killings of Tutsi civilians in the Gitarama prefecture. In mid-April 1994, Rukundo, with soldiers of the Rwandan army abducted and killed Madame Rudahunga and severely beat and injured her two children. The Trial Chamber found that the Prosecution proved beyond reasonable doubt that Rukundo was present during the commission of the crime and the soldiers acted under his authority. Between mid-April and the end of May

1994, on at least four occasions Rukundo was found to have played an integral role in the abduction and subsequent killing of Tutsi refugees from the St. Leon Minor Seminary. Rukundo was also found to have sexually assaulted a young Tutsi woman.

In sentencing Rukundo for his role in the above crimes, the Trial Chamber considered his stature as a well known priest in the community to be an aggravating factor. The fact that the accused is an educated person was also considered by the Chamber as an aggravating factor. The accused was found to have abused his moral authority and influence to promote the abduction and killing of Tutsi refugees.

Rukundo was a parish priest in the Kanyanza Parish in Gitarama prefecture. In 1993 he became a military chaplain in the Rwandan Armed Forces. Emmanuel Rukundo was arrested in Geneva on the 12 July 2001 and transferred to the UN Detention Facility on 20 September 2001. The accused was assisted by Aicha Conde lead counsel and Allison Turner. The Prosecution was composed of Prosecutor Hassan Bubacar Jallow and Senior Trial Attorney William Egbe.

Appeals Chamber Confirms François Karera's Sentence



The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) on 2 February 2009 confirmed François Karera's sentence of imprisonment for the remainder of his life.

On 7 December 2007, Trial Chamber I found Karera guilty of genocide and extermination and murder as crimes against humanity, for his participation in the killing of Tutsis in Nyamirambo sector (Kigali-Ville prefecture), at Ntarama Church, and in Rushashi commune (Kigali prefecture).

The Appeals Chamber composed of Judges Fausto Pocar, presiding, Mohamed Shahabuddeen, Mehmet Güney, Liu Daqun, and Theodor Meron allowed Karera's appeal in part.

The Appeals Chamber reversed Karera's conviction for aiding and abetting genocide and extermination as a crime against humanity, based on the alleged weapons distribution in Rushashi commune; for ordering genocide and extermination and murder as crimes against humanity, based on the alleged murders of Joseph Kahabaye, Jean Bosco Ndingutse, and Palatin Nyagatare; for ordering genocide and extermination as a crime against humanity, based on the killing of Murekezi; and for instigating murder as a crime against humanity, based on the murder of Gakuru. It dismissed the appeal in all other respects.

The Appeals Chamber affirmed Karera's convictions

for instigating and committing genocide, and for extermination and murder as crimes against humanity, based on the attack against, and killings of, Tutsi refugees at Ntarama Church on 15 April 1994; for ordering murder as a crime against humanity based on the killing of Murekezi; for aiding and abetting murder as a crime against humanity based on the killing of Gakuru; and for instigating genocide and extermination as a crime against humanity, based on his alleged conduct at meetings held in Rushashi commune between April and June 1994.

Karera is to remain in the UN Detention Facility in Arusha, Tanzania, pending his transfer to the country in which he will serve his sentence.

Trial of Nshogoza Commences

The trial of Léonidas Nshogoza, who is charged with contempt of the Tribunal and attempt to commit acts punishable as contempt of the Tribunal began on 9 February 2009 before Trial Chamber III composed of Judges Khalida R. Khan, Presiding, Lee G. Muthoga



and Judge Aydin Akay. Nshogoza was former investigator for the Defence during the trial of *Prosecutor v. Jean de Dieu Kamuhanda*.

In its opening statement, the Prosecution told the Trial Chamber that much as the case was simple but the charges were very serious because it involves an attempt to pervert justice in a genocide case and interfering in the administration of justice.

The Prosecution added that it would bring forth evidence showing that the accused 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. The Defence will make its opening statement at a later date.

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. He was born in 1961 in Rukeri, Kiyumba Muhanga province in Rwanda.

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.

The accused is assisted by Defence Counsel Ms. Allison Turner while Mr. Paul Ng'arua is leading the Prosecution team composed of Mr. Abdoulaye Seye Appeals Counsel, Dennis Mabura and Mrs. Marie Ka both Case Managers.



Judicial Decisions of the ICTR from 1-28 February 2009

Date	Record Number	Title	TC
03/02/2009	ICTR-99-50-2079	BIZIMUNGU ET AL - DECISION ON BICAMUPAKA'S MOTION FOR JUDICIAL NOTICE OF AN APPEALS CHAMBER FACTUAL FINDING (RULES 73 AND 94 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
03/02/2009	ICTR-07-91-0145	NSHOGOZA - DECISION ON DEFENCE MOTION FOR CLARIFICATION AND REQUEST FOR AN EXTENSION OF TIME	TC 3
03/02/2009	ICTR-07-91-0146	NSHOGOZA - DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION OF 2 JANUARY 2009	TC 3
04/02/2009	ICTR-99-50-2080	BIZIMUNGU ET AL - DECISION ON BICAMUPAKA'S URGENT MOTION FOR DISCLOSURE OF EXCULPATORY MATERIAL RULE 68 (A) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
04/02/2009	ICTR-07-91-0148	NSHOGOZA - DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION OF 17 DECEMBER 2008 ON DEFENCE PRELIMINARY CHALLENGES	TC 3
04/02/2009	ICTR-04-81-0104/1	SETAKO - DECISION ON PROSECUTION MOTION FOR SPECIAL PROTECTIVE MEASURES FOR WITNESS 006	TC 1
06/02/2009	ICTR-98-44-1564/1	KAREMERA ET AL - DECISION SUR LES DIVERSES REQUETES RELATIVES A L'ETAT DE SANTE DE MATHIEU NGIRUMPATSE	TC 3
06/02/2009	ICTR-98-44-1560	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION OF MUBERUKA DECISION	TC 3
06/02/2009	ICTR-05-82-0012	NTAWUKULILYAYO - DECISION ON PROSECUTOR'S MOTION FOR PROTECTIVE MEASURES	TC 3
09/02/2009	ICTR-99-50-2083	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUPAKA'S URGENT MOTION FOR DISCLOSURE OF EXCULPATORY MATERIAL	TC 2
09/02/2009	ICTR-00-56-1035	NDINDILYIMANA ET AL - PROPRIO MOTU ORDER FOR TRANSFER OF A DETAINED WITNESS AND FOR CERTAIN WITNESSES TO TESTIFY VIA VIDEO-LINK PURSUANT TO RULES 54, 90BIS AND 75 OF THE RULES	TC 2
09/02/2009	ICTR-98-44-1566	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S 19TH NOTICE OF VIOLATION OF RULE 66 AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES: JEAN-MARIE VIANNEY MUDAHINYUKA	TC 3
10/02/2009	ICTR-07-91-0167	NSHOGOZA - DECISION ON DEFENCE MOTION FOR ORDER TO PROSECUTOR TO COMPLY WITH HIS DISCLOSURE OBLIGATIONS AND MOTION FOR STAY OF PROCEEDINGS DUE TO THE ON-GOING VIOLATION OF THE PROSECUTOR'S DISCLOSURE OBLIGATIONS	TC 3
10/02/2009	ICTR-98-44-1689	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTIONS TO SUBPOENA WITNESSES G AND AWD FOR INTERVIEW	TC 3
10/02/2009	ICTR-98-44-1691	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR PUBLIC FILING OF DECISION	TC 3
10/02/2009	ICTR-04-81-0106	SETAKO - ORDER FOR TRANSFER OF DETAINED WITNESSES	TC 1
10/02/2009	ICTR-99-50-2084	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S THIRD MOTION TO DISMISS INDICTMENT FOR VIOLATION OF HIS RIGHT TO A TRIAL WITHOUT UNDUE DELAY - ARTICLE 20 (4)(C) OF THE STATUTE OF THE TRIBUNAL	TC 2
11/02/2009	ICTR-07-91-0168	NSHOGOZA - DECISION ON THE DEFENCE'S URGENT MOTION FOR A SUBPOENA TO MS. LORETTA LYNCH	TC 3
11/02/2009	ICTR-98-44-2257	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR DISCLOSURE OF LETTER OF RECOMMENDATION	TC 3
11/02/2009	ICTR-05-88-0141	KALIMANZIRA - DECISION RELATIVE A LA REQUETE DU PROCUREUR INTITULEE "PROSECUTION MOTION CONCERNING DEFENCE COMPLIANCE WITH RULE 73TER AND THE TRIAL CHAMBER'S ORDERS" ET AUX REQUETES DE LA DEFENSE TENDANT A LA MODIFICATION DE SA LISTE DE TEMOINS	TC 3
11/02/2009	ICTR-07-91-0166	NSHOGOZA - DECISION RELATIVE A LA REQUETE DE LA DEFENSE INTITULEE "DEFENCE MOTION TO EXAMINE ON AFFIDAVIT"	TC 3
12/02/2009	ICTR-07-91-0170	NSHOGOZA - DECISION ON THE DEFENCE MOTION FOR URGENT TRANSLATION OF OFFICIAL FILINGS INTO FRENCH	TC 3
12/02/2009	ICTR-07-91-0169	NSHOGOZA - DECISION ON MOTION FOR RECONSIDERATION OF THE TRIAL CHAMBER'S DECISION ON PROVISIONAL RELEASE	TC 3



Date	Record Number	Title	TC
12/02/2009	ICTR-98-44-2711	KAREMERA ET AL - CORRIGENDUM TO DECISION ON JOSEPH NZIRORERA'S MOTION FOR PUBLIC FILING OF DECISION	TC 3
13/02/2009	ICTR-98-44-2717	KAREMERA ET AL - DECISION ON MATHIEU NGIRUMPATSE'S MOTION FOR POSTPONEMENT OF 12 FEBRUARY 2009 ORAL HEARING	TC 3
13/02/2009	ICTR-98-44-3057	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S 22 ND NOTICE OF RULE 66 VIOLATION AND MOTION FOR REMEDIAL MEASURES: PAUL BISENGIMANA	TC 3
13/02/2009	ICTR-98-44-3336	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO ADMIT DOCUMENTS OBTAINED FROM THE RPF ARCHIVES IN KIGALI	TC 3
13/02/2009	ICTR-00-55A-0395	MUVUNYI - ACCUSED THARCISSE MUVUNYI'S RESPONSE TO PROSECUTOR'S APPEAL OF THE DECISION OF THE TC III LIMITING THE SCOPE OF THE EVIDENCE THE PROSECUTOR IS ENTITLED TO ADDUCE IN A RETRIAL PURSUANT TO RULE 118 (C)	TC 3
13/02/2009	ICTR-98-42-1558	NYIRAMASUHUKO ET AL - DECISION ON NYIRAMASUHUKO'S URGENT MOTIONS FOR VARIANCE IN PAGE LIMIT OF CLOSING BRIEF, NTEZIRYAYO'S, NDAYAMBAJE'S, NTAHOBALI URGENT MOTIONS FOR VARIANCE IN PAGE LIMITS AND DEAD LINE FOR THE CLOSING BRIEFS AND KANYABASHI'S MOTION F	TC 2
16/02/2009	ICTR-96-3-1354	RUTAGANDA - DECISION ON GEORGES A. N. RUTAGANDA'S MOTION FOR LEAVE TO FILE AN APPEAL AGAINST THE TRIAL CHAMBER'S DECISION OF 3 APRIL 2008 AND AN EXTENSION OF TIME	Trial Team IV
16/02/2009	ICTR-00-56-1036	[MILITARY II] NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S MOTION FOR RECONSIDERATION.	TC 2
17/02/2009	ICTR-05-82-0016	NTAWUKULILYAYO - DECISION ON DEFENCE EXTREMELY URGENT APPLICATION FOR EXTENSION OF TIME FOR FILING RESPONSE TO PROSECUTION MOTION FOR PROTECTIVE MEASURES	TC 3
17/02/2009	ICTR-98-44-3764	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S FIFTH MOTION FOR INSPECTION OF DEFENCE WITNESS INFORMATION	TC 3
17/02/2009	ICTR-98-44-3761	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S NOTICE OF DEFICIENCIES IN JOSEPH NZIRORERA'S RULE 73 TER FILINGS AND MOTION FOR REMEDIAL MEASURES	TC 3
17/02/2009	ICTR-98-44-3762	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR CERTIFICATE OF SAFE CONDUCT	TC 3
18/02/2009	ICTR-98-44-3767	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON MUDAHINYUKA DISCLOSURE	TC 3
18/02/2009	ICTR-98-44-3769	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL: DECISION ON MOTION FOR DISCLOSURE OF LETTER OF RECOMMENDATION	TC 3
18/02/2009	ICTR-07-91-0183	NSHOGOZA - DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE CHAMBER'S ORAL DECISION OF 9 FEBRUARY 2009 DENYING AN ADJOURNMENT OF THE PROCEEDINGS	TC 3
18/02/2009	ICTR-98-44-3765	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S 13TH, 14TH, AND 15TH NOTICES OF RULE 68 VIOLATION AND MOTIONS FOR REMEDIAL AND PUNITIVE MEASURES: ZF, MICHEL BAKUZAKUNDI, AND THARCISSE RENZAHO	TC 3
18/02/2009	ICTR-98-44-3768	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR DISCLOSURE OF EX PARTE FILINGS	TC 3
18/02/2009	ICTR-00-56-1037	NDINDILYIMANA ET AL - DECISION ON BIZIMUNGU'S MOTION FOR REPARATION FOLLOWING THE PROSECUTION'S FAILURE TO DISCLOSE DOCUMENTS AFFECTING THE CREDIBILITY OF PROSECUTION WITNESS AOE (Rule 68 of the RPE)	TC 2
18/02/2009	ICTR-98-44-3770	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO: REQUETE EN APPEL DE M. NGIRUMPATSE CONTRE LA "DECISION SUR LES DIVERSES REQUETES RELATIVES A L'ETAT DE SANTE DE MATHIEU NGIRUMPATSE" RENDU LE 6 FEVRIER 2009"	A C
19/02/2009	ICTR-98-44-3772	KAREMERA ET AL - JOSEPH NZIRORERA'S RESPONSE TO INVITATION TO SUBMIT STATEMENTS PURSUANT TO DECISION ON 13TH, 14TH, AND 15TH RULE 68 VIOLATIONS	TC 3



Date	Record Number	Title	TC
19/02/2009	ICTR-01-71-0125/1	NDINDABAHIZI - DECISION ON EMMANUEL NDINDABAHIZI'S MOTION FOR LEAVE TO FILE AN APPEAL AGAINST THE TRIAL CHAMBER'S DECISION OF 13 NOVEMBER 2008 AND AN EXTENSION OF TIME	Trial Team IV
19/02/2009	ICTR-98-44-3773	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SIXTH MOTION FOR INSPECTION OF DEFENCE WITNESS INFORMATION	TC 3
19/02/2009	ICTR-07-91-0185	NSHOGOZA - DECISION ON DEFENCE MOTION FOR CERTIFICATION OF THE TRIAL CHAMBER'S " DECISION ON THE DEFENCE'S URGENT MOTION FOR A SUBPOENA TO MS. LORETTA LYNCH "	TC 3
19/02/2009	ICTR-07-91-0186	NSHOGOZA - DECISION ON DEFENCE MOTION FOR RECONSIDERATION OF CERTIFICATION TO APPEAL THE CHAMBER'S DECISION OF 22 DECEMBER 2008 ON DISCLOSURE	TC 3
20/02/2009	ICTR-98-44-3780	KAREMERA ET AL - WITHDRAWAL OF PROSECUTOR'S REPONSE TO: REPLIQUE DE M. NGIRUMPATSE SUR SON APPEL CONTRE LA "DECISION SUR LES DIVERSES REQUETES RELATIVES A L'ETAT DE SANTE DE MATHIEU NGIRUMPATSE RENDUE LE 6 FEVRIER 2009"	A C
20/02/2009	ICTR-98-44-3778	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR DISQUALIFICATION OF JUDGE BYRON AND STAY OF PROCEEDINGS	TC 3
20/02/2009	ICTR-00-56-1038	NDINDILYIMANA ET AL - DECISION ON THE PROSECUTION MOTION TO CALL REBUTTAL EVIDENCE	TC 2
20/02/2009	ICTR-98-44-3775	KAREMERA ET AL - REPLIQUE DE M. NGIRUMPATSE SUR SON APPEL CONTRE LA "DECISION SUR LES DIVERSES REQUETES RELATIVES A L'ETAT DE SANTE DE MATHIEU NGIRUMPATSE RENDUE LE 6 FEVRIER 2009"	A C
20/02/2009	ICTR-07-91-0187	NSHOGOZA - DECISION ON PROSECUTOR'S MOTION TO ADMIT EVIDENCE OF A CONSISTENT PATTERN OF CONDUCT	TC 3
25/02/2009	ICTR-98-42-1561	NYIRAMASUHUKO ET AL - DECISION ON THE PROSECUTOR'S MOTION FOR SITE VISITS IN THE REPUBLIC OF RWANDA (Rules 4 and 73 of the RPE)	TC 2
25/02/2009	ICTR-00-56-1040	NDINDILYIMANA ET AL -DECISION ON NDINDILYIMANA'S 2nd MOTION FOR DISCLOSURE VIOLATIONS (Rule 68 of the PPE)	TC 2
25/02/2009	ICTR-04-81-0110	SETAKO - DECISIONON DEFENCE MOTION FOR PROTECTIVE MEASURES	TC 1
25/02/2009	ICTR-96-15-0925	KANYABASHI - DECISION ON KANYABASHI'S MOTION FOR DISCLOSURE PURSUANT TO RULE 68	TC 2
25/02/2009	ICTR-98-42-1560	NYIRAMASUHUKO - DECISION ON ALPHONSE NTEZIRYAYO'S MOTION FOR EXCLUSION OF EVIDENCE	TC 2
25/02/2009	ICTR-99-50-2088	BIZIMUNGU ET AL - DECISION ON THE WITHDRAWAL OF THE ASSIGNMENT OF MR. PHILIPPE LAROCHELLE, CO-COUNSEL FOR THE ACCUSED JEROME BICAMUMPAKA	TC 2
26/02/2009	ICTR-07-91-0195	NSHOGOZA - DECISION ON DEFENCE MOTION FOR RECONSIDERATION OF THE DEFENCE TO REDUCE ITS WITNESS LIST	TC 3
26/02/2009	ICTR-07-91-0194	NSHOGOZA - DECISION ON DEFENCE MOTION FOR POSTPONEMENT OF DEFENCE CASE	TC 3
27/02/2009	ICTR-98-44-3785	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL: DISCLOSURE OF LETTER OF RECOMMENDATION	TC 3
27/02/2009	ICTR-96-13-0704	MUSEMA - DECISION ON REQUEST FOR ASSIGNMENT OF COUNSEL	Trial Team IV
27/02/2009	ICTR-98-44-3784	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION OF 2 DECEMBER 2008 DECISION	TC 3
27/02/2009	ICTR-99-50-2089	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUMPAKA'S SEEKING PERMANENT STAY OF PROCEEDINGS	TC 2
02/03/2009	ICTR-05-82-0021	NTAWUKULILYAYO - DECISION ON DEFENCE 'REQUETE EN URGENCE DE LA DEFENSE CONCERNANT LES MANQUEMENTS DU PROCUREUR A SES OBLIGATIONS DE COMMUNIQUER LES PIECES ET SES EFFETS SUR LE CALENDRIER DU PROCES'	TC 3
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ICTR Opens Two More Information Centres in Rwanda

The Prosecutor of the International Criminal Tribunal for Rwanda (ICTR), Justice Hassan Bubacar Jallow, accompanied by the Head of the European Commission Delegation to Rwanda, Ambassador David Macrae on Tuesday 18 February and Friday 20 February 2009, inaugurated two more information centres in Nyamagabe and Muhanga Districts in the Southern Province. The first one to be inaugurated was that of Gasabo in Gasabo District of Kigali City, that was officially opened by the Registrar of ICTR, Mr. Adama Dieng, on 14 November 2008.



The two centers are among the ten Documentation Centers that the ICTR has established throughout the country. Located at the offices of the Intermediate Courts of Instance, the facilities were set up within the framework of the cooperation between the ICTR and the Government of Rwanda.



In his inaugural speech, the ICTR Prosecutor said that the launching of these two centers was a testimony of the strong cooperation between Rwanda, the European Commission and the ICTR.

“As we inaugurate these Centres, we have a strong hope that the knowledge base of lawyers in provincial courts will be expanded and strengthened through their easy access to and use of the tools and technologies they are provided with, and for which they have been effectively trained to ensure their efficient use”, Mr. Jallow, said at one of the launching ceremonies.

He expressed ICTR's gratitude to the European Union for its support in the establishment of the centers and the Government of Rwanda for its generous and

graceful contribution in making available the facilities for the ICTR centers in all ten locations in the country. The Prosecutor also pointed out that the centers will play a crucial role in providing continued genocide-related education which will encourage genocide prevention and promote peace and security in Rwanda and the Great Lakes Region.



Speaking on behalf of the Government of Rwanda, the Presidents of the Intermediate Courts of Nyamagabe and Muhanga pointed out that the Government of Rwanda acknowledges the maximum support the European Union and ICTR have been providing in rehabilitating and developing the Justice Sector in the Country.

“It is not the first time the ICTR and the European Union have been at the forefront in supporting Rwanda's judiciary. These centres are important for our judicial professionals, to maximize the resources available hence reinforcing the capacities of the justice sector in Rwanda”, said both government officials during the ceremonies.

At the same functions, the Head of the European Commission Delegation in Rwanda, Ambassador David Macrae expressed his appreciation for the work being done by the ICTR in the promotion of Justice in Rwanda. He pointed out that the European Union has been financing ICTR activities and the Justice Sector in Rwanda as means of supporting a well functioning justice system in the country. The European Commission diplomat emphasized his organization's commitment to help Rwanda achieve its goal of strengthening the country's Judiciary.

In his addresses, the Master of Ceremonies Mr. Roland Amoussouga, Spokesman of the ICTR and Chief of the External Relations and Strategic Planning Section said that the establishment of the provincial centres is instrumental in the dissemination of the Tribunal Information to the Rwandan Population and will also enable researchers to have easy access to Legal Documents. The Project of Information and Documentation Centres dates back to September 2000, when the first *Umusanzu mu Bwiyunge* Center was inaugurated in Kigali City in an attempt to bridge the information gap. Every Centre is furnished with reserved space for the screening of documentaries, DVDs, VHS Tapes, TV shows; modern library rooms with common domains which include Human Rights Law in general, Common Law, the Great Lakes Region, Rwanda, ICTR and other countries, etc. All these facilities are also provided with computers and related equipment as well as internet connections for online research and other usages.



The other centers expected to be opened soon are all located at the Intermediate Courts of Instance in seven locations; namely Nyagatare, Rusizi, Karongi, Ngoma, Musanze, Rubavu and Gicumbi.

The ceremonies were attended by the President of the High Court of the Republic in Nyanza, the Presidents of both Intermediate Courts of Instance, Prosecutors, Districts' Mayors, Senior Districts' Civilians and Administrative Officers and ICTR senior staff from Kigali.

Iain Morley to "take silk"

Iain Morley, Trial Attorney in the Office of the Prosecutor at the ICTR was on 18 February 2009 informed by the Lord Chancellor of Great Britain that Her Majesty, the Queen, has graciously called him for

appointment as one of her Counsel. He will swear the oath of allegiance on 30 March 2009 before the Lord Chancellor at the Palace of Westminster, London, and then be called by the Lord Chief Justice to the Inner Bar at the Royal Courts of Justice.



This is the first appointment to QC of a member of the Bar of England and Wales in purely international practice on appointment to the UN, dealing with genocide and Crimes against Humanity, and is recognition by Her Majesty and the Lord Chancellor of the importance and high standards of our work at the ICTR. It is a considerable honour, not simply for Mr Morley, but for the ICTR as a whole.

Photo Gallery of the Secretary-General's Visit



Hommage à Alison Des Forges

Nous écrivions il y a quelques temps au sujet d'Alison Des Forges : « elle s'en est allée de ses petits pas alertes, le dos légèrement courbé, et s'est retournée, une dernière fois pour saluer la Cour ». Quand nous disions que c'était la dernière fois, c'était juste un exercice de style. Depuis, elle est revenue témoigner dans plusieurs autres affaires. Et ses témoignages ont toujours été appréciés des parties et de la cour notamment dans l'affaire Ruggiu, des « Médias » etc. Hélas aujourd'hui, elle s'en est allée pour de bon au soir du 12 février 2009 dans le crash de l'avion qui reliait New York à Buffalo. Nous publions à nouveau ici sous forme d'hommage l'article qui lui avait été consacré lors de son témoignage au début du procès des militaires en 2002.



Un témoin comme les autres

C'est bien un témoin comme les autres qui comparaît devant la Chambre de première instance III dans l'affaire le *Procureur c les militaires* / comme aiment à le rappeler les avocats de la Défense. Pourtant ce petit bout de femme qui témoigne aujourd'hui est loin d'être un témoin ordinaire, ne serait-ce que par la qualité et la durée de son témoignage : trois mois. Parmi les témoins dits experts, c'est la plus assidue, la plus régulière, la plus fréquente à la barre. Visage angélique, œil vif, tête toujours penchée sur ses notes, elle lit, note, explique, s'explique, revient sur les explications, précise si cela n'avait pas été clairement exprimé, décortique. Bref Alison Des Forges, puisqu'il s'agit d'elle, fait de l'exégèse. Et sans jamais se départir de son calme, elle répond inlassable aux questions des parties.

Réputée pour la qualité de ses travaux, historienne de renom, militante au sein de *Human Right Watch*, Alison Des Forges est considérée à l'heure actuelle comme l'un des témoins clefs de la tragédie qui s'est déroulée au Rwanda en 1994. Professeur, Docteur, Maître, Mme la spécialiste : Alison Des Forges aura eu droit à tous les titres, tous les qualificatifs pendant sa déposition. Tantôt déferent, tantôt agacé, tantôt lasse des réponses toujours précises du témoin, la Défense comme la poursuite, y ont été chacune de sa marque de considération et son signe de respect pour Alison.

Durant ces semaines de témoignage qui viennent de s'écouler, Mme Des Forges aura évoqué ses amitiés, ses rencontres, dit ses certitudes, affirmé ses convictions. Elle aura même laissé couler quelques larmes à l'évocation de l'assassinat de son ami Seth Sendashonga à Nairobi en 1999. Mais ne vous y trompez pas, elle a vite recouvré son calme, sa sérénité, fixé son interlocuteur à travers ses petites lunettes cerclées d'or pour répondre encore une fois aux questions. Autant à l'aise dans la langue de Shakespeare que dans celle de Molière, elle aura «fait» et «défait» les nombreuses alliances politiques du Rwanda depuis l'indépendance. On se souvient encore d'elle lors du procès de Jean-Paul Akayesu, l'ancien bourgmestre de Taba, condamné à l'emprisonnement à vie. Elle fut l'un des témoins clefs cités par le Procureur. Elle a été aussi l'un des témoins experts toujours cités par le Procureur dans le procès dit des Médias. Décidément la petite dame est incontournable.

Face à cette femme dynamique, à la voix monocorde, au perpétuel sourire en coin, une kyrielle d'hommes et de femmes en noir: conseils, co-conseils, assistantes d'un côté et de l'autre un avocat général entouré d'adjoints, de conseillers et de stagiaires noyés au milieu de classeurs bleus en tout genre. L'audition de Mme Des Forges, malgré quelques semaines d'interruption, aura été de loin la plus longue. Entouré de ses deux collègues de la Chambre de première instance III, Pavel Dolenc et Andréia Vaz, le président Lloyd Williams élève le ton de temps à autre pour circonscrire les débats et les maintenir dans une certaine tonalité. Pas souvent, il faut dire. Les débats demeurent généralement très courtois.

Ce n'est certainement pas la dernière apparition de la petite dame aux cheveux gris et au visage d'ange, auteur d'«Aucun témoin ne doit survivre» : ouvrage consacré à la période du génocide et qui fait référence auprès des juristes et des historiens. Alison Des Forges s'en est allée de ses petits pas alertes, le dos légèrement courbé, et s'est retournée, une dernière fois pour saluer la Cour.