



The Registrar's New Year Message to Staff



Mr. Adama Dieng, Registrar, ICTR

On 16 January 2004, the Registrar, Mr. Adama Dieng talked to staff members of the UN International Tribunal for Rwanda, in Arusha as part of his New Year message. The speech, which for the first time was video linked with the Tribunal office in Kigali, Rwanda thus enabling the staff there to effectively participate, is partly reproduced below:

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Dear Colleagues,

I am delighted to meet with you at the beginning of this New Year. I would therefore like to seize this opportunity to express to each of you and your families my best and sincere wishes for a very healthy, prosperous and successful year. May all of you continue to enjoy happiness in providing your invaluable assistance to the Tribunal.

On your behalf, I would also like to acknowledge the presence of the President, Judge Erik Møse, and to officially introduce to you the new Prosecutor, Mr. Hassan Bubacar Jallow who is probably not yet known to some of you.

Allow me to underline the importance of their presence, which is a sign of their strong support, solidarity and recognition of your noble contribution, which makes their daily work more bearable.

Before yielding the floor to them, I wish to express to Judge Møse our highest appreciation for the leadership, vision and commitment he has displayed since his election as President of the Tribunal.

President Møse has turned things around regarding the work of the Trial Chambers. We are pleased to note that the Tribunal can confidently move towards achieving its mandate.

On your behalf, I wish him every success in his daunting and challenging assignment for which we are committed to continue providing him with our best supporting efforts.

As for Mr. Jallow, it is a particular honour for me to introduce him officially to you. Mr. Jallow is a

person I have known for almost 25 years during our joint struggle in the defence and promotion of Human Rights values throughout the African Continent. Mr. Jallow is a true champion of the noble cause of justice, to which he dedicated his life in fighting impunity resulting from grave violation of human rights.

Mr. Jallow is a human symbol of the embodiment of the core human principles that mark the greatness of human life. After a rich career in the judiciary of his country, The Gambia, Mr. Jallow became Minister of Justice in the Government of his home country. He went on to make available his expertise to the Organization African Unity in the area of human rights. He was also a member of the Experts Group which was established by the United Nations to assess the performance of the two ad-hoc Tribunals (ICTY and ICTR) and to make recommendations on how to improve the operational, managerial and organizational efficiency of the two Tribunals. Since then, the Tribunal has gradually implemented the recommendations of the Experts Group, which have tremendously enhanced its efficiency.

Needless to say that Mr. Jallow carried out this sensitive assignment with utmost commitment. Before his appointment, Mr. Jallow was Judge of the Appeals Chamber at the Special Court for Sierra Leone.

Over the next years, we will be privileged to work with Mr. Jallow and his Office in order to ensure that he is provided with the necessary support in carrying out his mandate.

(continued on pg. 7)

Three Media Leaders convicted of Genocide



Nahimana, Ngeze & Barayagwiza

On 3 December 2003, *Ferdinand Nahimana*, founder and ideologist of *The Radio Télévision des Mille Collines (RTLM)*, *Jean-Bosco Barayagwiza*, high ranking board member of the *Comité d'initiative* of the RTLM and founding member of the Coalition for the Defence of Republic (CDR), and *Hassan Ngeze*, Chief Editor of *Kangura* newspaper, were convicted of genocide, incitement to genocide, conspiracy, and crimes against humanity, extermination and persecution. *Ferdinand Nahimana*, and *Hassan Ngeze* were sentenced to life imprisonment and *Jean Bosco Barayagwiza* was sentenced to 35 years imprisonment.

The judgement was delivered by former Trial Chamber I composed of Judges Navanethem Pillay, presiding, Erik Møse and Asoka de Zoysa Gunawardana. This case dubbed “the Media Case” examined the role of the radio station RTLM and the newspaper *Kangura* in the 1994 genocide in Rwanda. It also reviewed the role of the CDR, a party found by the Chamber to have spearheaded the Hutu Power movement, which created a political framework for the genocide.

In a radio interview broadcast at the height of the genocide on 25 April 1994, *Ferdinand Nahimana*, talked of the “war of media, words, newspapers and radio stations”, which he described as a complement to bullets. In sentencing him, Judge Pillay, told *Nahimana*, “You were fully aware of the power of words, and you used the radio – the medium of communication with the widest public reach – to disseminate hatred and violence... Without a firearm, machete or any physical weapon, you caused the death of thousands of innocent civilians.” Called “Radio Machete” by some, RTLM told listeners on 4 June 1994 that the Tutsi would be exterminated. “Look at the person’s height and his physical appearance,” RTLM journalist Kantano Habimana said, “Just look at his small nose and then break it”.

Jean-Bosco Barayagwiza, found to be the “number two” man in RTLM, was also convicted for his role in RTLM, as well as for individual acts of genocide and extermination, and his leadership role in the CDR. Tried in absentia, *Barayagwiza* refused to attend his trial after the Appeals Chamber reversed a decision ordering his release before trial for violation of his rights prior to his transfer to the Tribunal from Cameroon. The Chamber

found that *Barayagwiza*, a lawyer by training, should also have been sentenced to life imprisonment, noting that although in his book he professed a commitment to international human rights standards, he had deviated from these standards and violated the most fundamental human right, the right to life. By order of the Appeal Chamber, the Trial Chamber granted *Barayagwiza* a reduction in sentence. He was sentenced to 35 years’ imprisonment for his role in RTLM and CDR, and for his role in distributing weapons that were used to kill Tutsi civilians in Gisenyi.

Hassan Ngeze, also a founding member of CDR, was convicted for his activities in ordering, instigating and aiding and abetting acts of genocide, as well as for writings in his publication *Kangura*. The cover of *Kangura* No. 26 answered the question “What weapons shall we use to conquer the *Inyenzi* once and for all?” with the depiction of a machete. By *Inyenzi*, *Kangura* meant the Tutsi, who were stereotyped in the newspaper as being wicked, having the inherent characteristics of liars, thieves and killers. The Chamber found in its judgement that Tutsi women, in particular, were targeted for persecution through the portrayal of the Tutsi woman as a *femme fatale*, and the message that Tutsi women were seductive agents of the enemy. The Ten Commandments of the Hutu, published by *Kangura* in December 1990, warned Hutu men of the dangers of Tutsi women and deemed as a traitor any Hutu man who married a Tutsi woman. In sentencing *Hassan Ngeze* to life imprisonment, Judge Pillay told him that while the Court accepted that he had rescued several Tutsi in 1994 in Rwanda: “Your power to save was more than matched by your power to kill. You poisoned the minds of your readers, and by words and deeds caused the death of thousands of innocent civilians.”

In the judgement delivered that day, the Court affirmed: “The power of the media to create and destroy fundamental human values comes with great responsibility. Those who control such media are accountable for its consequences”. The Court also convicted *Nahimana*, *Barayagwiza* and *Ngeze* of conspiracy to commit genocide, finding that the three men used the institutions they controlled and coordinated their efforts towards the common goal: the destruction of the Tutsi population.

In its judgement, the Chamber recalled the important protections of international law on the right to freedom of expression and noted that some of the communications cited by the Prosecution were protected by this right, citing as an example, an interview of *Barayagwiza* broadcast on RTLM, which it described as “a moving personal account of his experience of discrimination as a Hutu”. The judgement held that it was “critical to distinguish between the discussion of ethnic consciousness and the promotion of ethnic hatred” and that the broadcast by *Barayagwiza*



fell squarely within the scope of speech that is protected by the right to freedom of expression.

For the first time since the conviction of *Julius Streicher* at Nuremberg, this case addressed the role of the media in the context of international criminal justice. *Streicher* was executed after World War II for his anti-semitic publication *Der Stürmer*.

The trial opened on 23 October 2000 and ended on 22 August 2003 after 230 trial days.

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Former Bourgmestre of Mukingo Convicted of Genocide

On 1 December 2003, *Juvénal Kajelijeli*, former bourgmestre of Mukingo, was convicted for crimes committed in Rwanda in 1994 and sentenced to serve in prison for the remainder of his life. He was sentenced as follows: for genocide and extermination as a crime against humanity: imprisonment for the remainder of his life; and for direct and public incitement to commit genocide: 15 years imprisonment. The sentences will be served concurrently. He was given credit of five years, five months and 25 days for time spent in custody while awaiting the disposition of his case.

The Judgment was delivered by Judges William Sekule (Presiding), Winston Maqutu and Arlette Ramarason, sitting as Trial Chamber II. In their verdict on the 11-count Indictment on which *Kajelijeli* was tried, the Tribunal found him guilty on three counts: genocide (count 2); direct and public incitement to commit genocide (count 4); and, extermination as a crime against humanity (count 6).

Three of the counts were dismissed as follows: the count of complicity in genocide (count 3) which was an alternative count to the count of genocide. In accordance with the Tribunal's practice, an accused cannot be convicted on both. The Tribunal also dismissed the count of murder as a crime against humanity (count 5) because the facts on which it was based are the same as the facts presented in the count of extermination as a crime against humanity. The count of persecution as a crime against humanity (count 8) was also dismissed because the Prosecution withdrew the count at the end of the trial.

In their judgment, the Trial Chamber found *Kajelijeli* not guilty on the following three counts: conspiracy to commit genocide (count 1); rape as a crime against humanity (count 7); and, other inhumane acts of crimes against humanity (count 9). Earlier on 13 September 2002, following a Motion of no case to answer made by the Defence at the close of the case for the Prosecution, the Tribunal partially granted the Defence Motion and found consequently on that occasion that he was not guilty of the two counts of war crimes—i.e. the charge of violence to life, health and physical or mental well-being of persons (count 10); and causing outrages upon personal dignity (count 11). This brings to a total of five the number of

counts in the Indictment upon which *Kajelijeli* was found not guilty.

Judge Ramarason dissented with her two colleagues on the verdict in respect of rape. In her judgment, *Kajelijeli* is also guilty of rape as a crime against humanity, according to the evidence led by the Prosecution. These charges arose out of *Kajelijeli's* role in the attacks against Tutsis in Mukingo, Nkuli, Kinigi and Kigombe communes, in Ruhengeri Prefecture, during the month of April 1994. The Tribunal heard testimony from witnesses that during that month, and specifically between 7 April 1994 and 8 April 1994, large numbers of Tutsi civilians were massacred in their homes, such as at Kinyababa cellule in Nkuli commune, and at places of refuge, such as Busogo Hill in Mukingo commune, at a residential compound in Mukingo Commune, and at the Convent of Busogo Parish. The Tribunal also heard testimony that around 14 April 1994 the Tutsis who had sought refuge at the Ruhengeri Court of Appeal, in Kigombe commune, were massacred.

During the trial, there was also evidence presented regarding specific killings, rapes and assaults upon Tutsis in various locations in Ruhengeri Prefecture in April 1994. The Prosecutor called 14 witnesses and the Defence called 28 witnesses in a combined total of 78 trial days. From 14 to 16 July 2003, the parties presented their oral closing arguments. For the Prosecution the presentation was made by Ms Ifeoma Ojemeni (Nigeria); and for the Defence by Mr Lennox Hinds (USA) and Mr Nkeyi Bompaka, (The Democratic Republic of Congo). On 16 July 2003, the proceedings were adjourned *sine die*, for deliberations.

Kajelijeli was born on 26 December 1951 in Mukingo commune, Ruhengeri Prefecture, and served as a *bourgmestre* of Mukingo commune from 1988 to 1993. He was re-appointed *bourgmestre* of Mukingo commune in June 1994 and remained in that position until mid July 1994. *Kajelijeli* was arrested in Benin on 5 June 1998. He was transferred to the Tribunal's Detention Facility on 9 September 1998. He pleaded not guilty to all counts contained in the Indictment. The Trial started on 13 March 2001. However, due to the death of Judge Laïty Kama, at that time Presiding Judge of Trial Chamber II, the Trial was postponed. The trial commenced *de novo* on 4 July 2001 with a reconstituted Trial Chamber.

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Trial of four Senior Government Officials Starts

The trial of four former senior officials in the interim government of Rwanda in 1994, the *Karemera et al*, formerly known as the *Government I* case, began on 27 November 2003 with the prosecution saying that it was going to prove that the accused bore individual criminal responsibility for the genocide and related crimes committed in Rwanda. The trial is before Trial Chamber III composed of Judges Andréia Vaz (Senegal) presiding, Judge Florence Rita Arrey (Cameroon), and Judge Flavia Lattanzi (Italy).



The accused are *Edouard Karemera*, former Minister of the Interior and Vice Chairman of the *Mouvement Révolutionnaire National pour le Développement (MRND)* party, *André Rwamakuba* former Minister of Primary and Secondary Education and member of the *Mouvement Démocratique Républicain (MDR)*, *Mathieu Ngirumpatse* former Director General for Foreign Affairs and Chairman of the *MRND* party, and *Joseph Nzirorera* former Secretary-General of the *MRND* party, Speaker of the Rwandan parliament and former Minister of Industry, Mines and Handcraft.

They are faced with seven counts charging them with conspiracy to commit genocide, genocide, complicity in genocide, direct and public incitement to commit genocide, and violations of the Geneva conventions and additional protocol II.

Tribunal Organises Press Briefing in Nairobi

On 3 February 2004, Mr. Roland Amoussouga, Senior Legal Adviser and Chief, External Relations and Strategic Planning Section of the Tribunal, held a press briefing in Nairobi, Kenya, where he, among other issues, talked about recent developments at the ICTR.



Mr. Amoussouga

Below are some of the issues he talked about.

1] Thematic Development

During period beginning October 2004 to January 2004 several new developments were registered by the United National International Criminal Tribunal for Rwanda. These include the completion of three trials involving five accused and the commencement of two new trials involving eight accused. Also during period the UN Security Council increased the number of *Ad litem* Judges of the ICTR from four to nine. A new Judge of the Tribunal's Appeals Chamber was sworn in and a star witness, Lt. Gen Romeo Dallaire, the Canadian who commanded the United Nations Assistance Mission in Rwanda (UNAMIR) from October 1993 to August 1994, testified before the Tribunal in the *Bagosora et al* trial. But then the Tribunal also experienced the unprecedented strike by Defence Counsel.

2] Defence Counsel Strike Action (28–30 January 2004)

In an unprecedented move, the Association of Defence Counsel of the ICTR (ADAD) announced a strike which began on Wednesday 28 January, and which was expected to run to Friday 30 January 2004.

This strike appears to result from a firmer stance taken by the Registry in administering the Legal Aid Program which funds the defence of most of the accused appearing before the Tribunal. This stance has seen defence investigators being denied a permanent presence in Arusha during the presentation of the prosecution case, and has also resulted in the implementation of a regressive daily subsistence allowance following a grace period in Arusha. Defence Counsel are therefore concerned that these changes are harming their ability to present their case.

However, it is clear that the changes made by the Registry are not unilateral, but have resulted from proceedings in the UN General Assembly which called for managing, monitoring and controlling the expenses of the Legal Aid Program. Following Resolution 57/289 of 12 February 2003, an expert from the United Kingdom was appointed to review the Legal Aid Program. On 13 May 2003, the expert met with representatives from ADAD to exchange views on the Program. Any changes that have been made to the Legal Aid Program have therefore taken into consideration both the concerns of ADAD and the rules governing the Legal Aid Program.

It should be noted that the allocation of a zero growth budget for the Tribunal for 2004-2005 has considerably limited the resources available to the ICTR, making it necessary for the Registry to control expenditure at all levels in the Tribunal.

Prior to this strike action, there had been several meetings between ADAD and the Tribunal. These meetings resulted in the concerns raised by Defence Counsel being brought to light. On 05 December 2003, an agreement between representatives of ADAD and officials from the Tribunal was reached. This agreement called for further dialogue. Further meetings had been scheduled to take place at the end of January and the beginning of February to resolve the concerns raised by Defence Counsel.

3] General Dallaire testifies in the Trial of *Col. Bagosora et al*.

From 19 January to 27 January 2004, Retired Lieutenant General Romeo Dallaire, the Canadian who commanded the United Nations Assistance Mission in Rwanda (UNAMIR) from October 1993 to August 1994, testified before Trial Chamber I in the *Bagosora et al* case, otherwise known as the 'Military Trial I'. UNAMIR's mandate was to oversee the application of a 1993 peace accord signed by the then government and the Rwandan Patriotic Front (RPF). He was the 37th Prosecution witness in the trial which began on 2 April 2002. This was Lt. General Dallaire's second appearance before the International Criminal Tribunal for Rwanda. In 1998 he gave evidence in the trial of a former mayor, Jean-Paul Akayesu who was later convicted and sentenced to life in prison.



4] The President of the UN Human Rights Commission Visits ICTR

The President of the Geneva-based United Nations Human Rights Commission H.E. Mrs. Najat Al-Hajjaji completed a one-week visit to the United Nations International Criminal Tribunal for Rwanda (ICTR) at the invitation of the ICTR. The purpose of the visit, the first of its kind, was to provide her with an opportunity to familiarize herself with the Tribunal's work and achievements and to also explore ways and means to enhance the cooperation between the two institutions.

5] Trials Completed

During the period a total of three trials involving five accused were completed. All accused were convicted for crimes they committed in Rwanda in 1994 – four were sentenced to life imprisonment and one was sentenced to a prison term of 35 years.

Life sentence handed down for Jean de Dieu Kamuhanda

On 22 January 2004, Trial Chamber II convicted *Jean de Dieu Kamuhanda*, former Minister of Higher Education and Scientific Research and sentenced him to life imprisonment. In reaching its guilty verdict on two counts, the Trial Chamber found that *Kamuhanda* harboured the intent to destroy the Tutsi ethnic group in whole or part and is individually criminally responsible for instigating, ordering, aiding and abetting genocide against Tutsi by virtue of his role in the killing of members of the Tutsi ethnic group in the Gikomero Parish Compound where he ordered Interahamwe militia, soldiers, and policemen to kill the Tutsis. The judges also found that a large number of Tutsi were exterminated as a direct result of Mr. Kamuhanda's participation by ordering, instigating, aiding and abetting the attack of the Gikomero Parish Compound.

Three Media Leaders convicted for Genocide

On 3 December 2003, *Ferdinand Nahimana*, founder and ideologist of *The Radio Télévision des Mille Collines (RTLM)*, *Jean-Bosco Barayagwiza*, high ranking board member of the *Comité d'initiative* of the RTLM and founding member of the Coalition for the Defence of Republic (CDR), and *Hassan Ngeze*, Chief editor of Kangura newspaper, were convicted for genocide, incitement to genocide, conspiracy, and crimes against humanity, extermination and persecution. *Ferdinand Nahimana* and *Hassan Ngeze* were sentenced to life imprisonment and *Jean Bosco Barayagwiza* was sentenced to 35 years imprisonment.

Life sentence handed down for Juvénal Kajelijeli

On 1 December 2003, *Juvénal Kajelijeli*, former bourgmestre of Mukingo, was convicted for crimes committed in Rwanda in 1994 and sentenced to serve in prison for the remainder of his life. He was sentenced as follows: for genocide and extermination

as a crime against humanity: imprisonment for the remainder of his life; and for direct and public incitement to commit genocide: 15 years imprisonment. The sentences will be served concurrently. He was given credit of five years, five months and 25 days for time spent in custody while awaiting the disposition of his case.

6] Trials Commenced

During the period two new trials involving eight accused began in what was formerly called the "Government I" and "Government II" cases.

Karemera et al. case (former Government I) begins

On 27 November 2003, the trial of four former senior officials in the interim government of Rwanda in 1994, the *Karemera et al.*, formerly known as the *Government I* case, began with the prosecution saying that it was going to prove that the accused bore individual criminal responsibility for the genocide and related crimes committed in Rwanda. The accused in case are; the former President the National Republican Movement for Democracy and Development (MRND), *Mathieu Ndirumutse*, his Vice-President, former Minister of Interior, *Edouard Karemera*, the Secretary General of MRND, *Joseph Nzirorera* who was also Speaker of the Transitional National Assembly, and *Andre Rwamakuba*, former Minister of Primary and Secondary Education. The trial is before Trial Chamber III composed of Judges Andréia Vaz (Senegal) presiding, Judge Florence Rita Arrey (Cameroon), and Judge Flavia Lattanzi (Italy).

Bizimungu et al. case (former Government II) begins

On 6 November 2003, the trial of *Bizimungu et al* formerly referred to as "Government II" opened before Trial Chamber II, composed of Judges Asoka de Zoysa Gunawardana (Presiding), Khalida Rachid Khan, and Lee Gacuiga Muthoga. The trial involves four Rwandan former ministers in the Interim Government of Rwanda from April to July 1994, *Casimir Bizimungu* (Health); *Justin Mugenzi* (Trade and Industries); *Jerôme Bicamumpaka* (Foreign Affairs and Cooperation) and *Prosper Mugiraneza* (Civil Service). They are jointly accused of genocide and crimes against humanity.

7] New Judges

Judge Mumba Sworn in as Judge of the ICTR's Appeals Chamber

On 19 November 2003, Judge Florence Ndepele Mwachande Mumba (Zambia) was sworn in through a video link connecting Arusha, Tanzania to The Hague. The ceremony was administered by the President of the Appeals Chamber, Judge Theodor Meron (USA), at The Hague, and witnessed by the Registrar of the Tribunal, Mr. Adama Dieng, in



Arusha, on behalf of the UN Secretary-General. After the ceremony, Judge Mumba said she felt greatly honoured and humbled by her new appointment and promised to serve the Appeal's Chamber with integrity and impartiality.

Ad litem judges at the Tribunal Increased from Four to Nine

On Monday 27 October 2003, the United Nations Security Council adopted Resolution 1512 and increased the number of *ad litem* judges who may serve on the Tribunal at any one time, from four to nine. It also authorized *ad litem* judges to adjudicate in pre-trial proceedings. These statutory amendments were requested by the Tribunal in September this year.

8] New Prosecutor takes up his mandate

The newly appointed Prosecutor of the United Nations International Criminal Tribunal for Rwanda Mr. Hassan Bubacar Jallow from The Gambia took up his new duties at the headquarters of the Tribunal in Arusha, Tanzania on Friday 3 October 2003. On 28 August 2003, the Security Council by its Resolution 1503 amended Article 15 of the Statute of the ICTR so that as of 15 September 2003 the International Criminal Tribunal would have its own Prosecutor.

Accredited Ambassadors and Heads of Mission visit the ICTR

On the 15th of January, 2004, the International Criminal Tribunal for Rwanda (ICTR) had the honour to receive 19 Accredited Ambassadors and Heads of Mission who arrived in Arusha for a full day of indepth introduction to the work, achievements and challenges to the Tribunal. A first visit of its kind in the history of the Tribunal, the dignitaries were briefed by the H.E. the President of the Tribunal Judge Erik Mose, H.E. The Prosecutor Mr. Hassan Boubacar Jallow and the Registrar, Mr. Adama Dieng on the current situation facing the Tribunal particularly the speed of ongoing Trials and the Completion Strategy. Other matters that were discussed in a warm and cordial atmosphere included political and financial support for the Tribunal with particular reference to the building of the Fourth Courtroom within the premises of the ICTR. The accredited dignitaries were hosted for Lunch in the ICTR Cafeteria by the Staff Association and latter for Dinner by the Registrar at his premises.



The accredited Ambassadors and Heads of Mission from Dar-es-Salaam included Her Excellency Ms. Chipso Zindonga, Republic of Zimbabwe, Mr. Rachmat Mumi, Charge d' affairs, Republic of Indonesia, His Excellency, Torvald Akesson, Ambassador, Embassy of Sweden, His Excellency, Joheon Jeong, Ambassador, Republic of Korea, Ms. Jennifer Peterson, Political Officer, United States of America, His Excellency, Kazumi Dekiba, Ambassador, Embassy of Japan, Mr. Hiroki Fukumoto, Third Secretary, Embassy of Japan, Mr. B.A. Banjoko, Ag High Commissioner, Federal Republic of Nigeria, Mr. Keith Lewis, Second Secretary, Canada (Nairobi Mission), His Excellency, Fariz Mehdawi, Ambassador, State of Palestine, Dean of Diplomatic Corps, His Excellency, Mnsemba J. Sinuyandi, High Commissioner, Republic of Rwanda, Her Excellency, Ms. Jorunn Maehlum, Ambassador, Norway, Mr. Juvenal Hatungimana, Charge' d'affairs, Burundi, His Excellency, Abdel Nasir Belaid, Ambassador, Algeria, Her Excellency, Theresa Solomon, High Commissioner, Republic of South Africa, Mr. Cecil Sols, High Commission, Republic of South Africa, Mr. Raimuneu Quimuma, Counsellor, Angola, Ms. Pip Smith, Political Officer, British High Commission, His Excellency, Ambassador Sadrudin Sharriff, Embassy of Bangladesh. Other participants included Mr. Chrysantus Ache representing the United Nations High Commission for Refugees (UNHCR) Dar es Salaam.

New Appointments/Promotions

Elsie Effange-Mbella, Gender Adviser, Office of the Registrar



Elsie Effange-Mbella

Elsie Effange-Mbella started at the ICTR as its Protocol Officer.

Ms. Effange-Mbella has a B.A Honours Degree in French and English and a Masters Degree in International Relations. She is a Career Diplomat of the Government of Cameroon on secondment to the ICTR.



Moustapha E. S. Hassouna, Protocol and External Relations Officer, ERSPS



Moustapha Hassouna

Moustapha Hassouna took up his position as the Protocol and External Relations Officer of the ICTR on 20 November 2003. Prior to that, Mr. Hassouna was a Professor in International Relations attached to the Institute of Diplomacy and International Studies, at the University of Nairobi where

he specialised in Protocol Studies and Urban Safety and Security.

Timothy Gallimore, Information Officer, ERSPS



Timothy Gallimore

Tim Gallimore earned a Ph.D. in mass communication from Indiana University in 1992. He worked as a professional journalist and taught journalism and mass communication courses for 11 years at several universities. He

researches and writes on conflict resolution, trauma healing and reconciliation and violence prevention. He has served as an international communication consultant and mass media trainer for several organizations including the United Nations Development Program for Women (UNIFEM), the U.S. Agency for International Development, and the Voice of America.

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Mr. Dieng's New Year message to the ICTR Staff

(...continued from pg. 1)

I am confident that this close collaboration will offer us a window of opportunity to learn to know and appreciate your energy, motivation, iron courage, dedication and commitment that you have always devoted in fulfilling any challenging assignment given to you by the International community.

On behalf of all the ICTR Staff members and its management, I wish him every success in his future endeavours.

Dear Colleagues,

It is my sincere pleasure to acknowledge your hard work and dedication in the discharge of the mandate given to us by the International Community. Despite the daunting challenges, facing us in our daily work, you have shown full commitment to the ideals of the United

Nations by ensuring that ICTR make a steady progress towards achieving its mandate.

2004 is the beginning of a special era during which we are called upon to lay down the foundation to our completion strategy. This will require an increase in our collective efforts in all areas. We must therefore work in unity and harmony in order to achieve the main objectives of the completion strategy and accept to endure the sacrifices required.

We can be proud of what we have so far achieved. 2003 will be remembered as the year of tremendous achievements in all respects.

Currently, the Tribunal has a human resource capacity of 879 staff members distributed as follows; 641 in Arusha, 224 in Kigali, 12 at The Hague and 2 in New York.

In terms of geographical representation, a total of 86 countries are represented. ICTR indeed has one of the highest diversity ratios in the UN Secretariat.

During the years 2002 to 2003, 458 posts were filled as follows: - 254 through external recruitment of new staff members, 119 through internal promotions following vacancy announcements, 14 internal promotion through classification, 71 through lateral movement.

At the same time, 139 separations of staff occurred while 13 Special Post Allowances were granted to staff members performing functions at higher level.

As a result of a vigorous and pro-active recruitment policy despite some major objective constraints, at the beginning of this new biennium (2004-2005) the vacancy rate of the Tribunal has dropped to 10%. It is important to note that the vacancy rate was about 21% at the beginning of last biennium (2002-2003), which represented 196 posts.

The management of the Tribunal continues to put emphasis on filling vacancies through internal movements and wherever possible through promotion aiming at recognising achievements, raising staff morale and motivation. I have communicated through an information circular, this decision to all Programme Managers, Human Resources and Planning Section and the Central Review Bodies and Panels. This policy is in support of the spirit in the new staff selection system and the Secretary-General's Human Resources reform initiatives.

Regarding gender representation, currently only 35% of ICTR staff is female. In the spirit of the new staff selection system, and the Secretary-General's administrative instruction on Special measures on the achievement of gender equality, I therefore call upon all Program Managers to improve gender representation at the Tribunal while recommending candidates for recruitment and/or promotion.



With regard to career development and training, upgrading of substantive and technical Skills, during the years 2002 to 2003, over 150 staff members have enrolled once or more in the various training programs.

Staff development continues to be a strongly supported area of Human Resources management. A key ICTR training strategy is to give priority to training courses benefiting a large number of staff. This strategy is paying off and is clearly reflected in the statistics which show that 75% of all training programs sponsored by the ICTR were courses involving on average 20 staff members per course. In addition, since the total number of staff in the ICTR Arusha and Kigali duty stations (excluding staff in New York and The Hague) is approximately 865, the fact that there have been 2508 participants indicates that the ICTR was able to provide an average of about 3 training sessions per staff member in the past two years.

In terms of staff development strategy for 2002-2003 the primary focus has been on the continuing development of the ICTR's managerial and supervisory competencies, particularly competency-based interviewing skills, and on the upgrading of our information technology knowledge and skills.

Moreover, we were particularly pleased to be able to work with the Transport Section staff in the development of strategies and a long term program to assist the drivers in upgrading their skills and competencies.

The highlight of this training however, was the implementation of two new Human Resources Management Programs across all of the ICTR staff, namely the e-Pas and the new staff selection system. In particular we are proud of our success with the implementation of the e-PAS for all ICTR staff both national and international. It is a reflection of the energy and commitment of the staff and management of the ICTR as an organization. During the course of this implementation a number of problem areas requiring further enhancement were clearly identified and earmarked for future improvement.

In addition to the implementation of the e-PAS, the Tribunal, as part of its direct effort to reduce the vacancy rate, introduced the new Staff Selection System with its Galaxy software program using a phased-in implementation approach.

Future goals for staff development include the production of a strategic overall training plan aligned with the organizational vision and mission strategy and objectives and targeting identified competency gaps and needs. It is envisaged that the development of such a broad, strategic approach to training and staff development will aid the organization in identifying and meeting its human resources needs in an effective and efficient manner.

Similarly, with regard to the implementation of the initial classification, correction of entry levels, I am pleased to note that some achievements have been registered in these areas. I have already instructed the Administration through its Human Resources and Planning Section to continue ensuring that all pending cases are settled as feasibly as possible.

On the working and living conditions of ICTR staff members, the management of the Tribunal is keen in improving those conditions. The Administration has put forward several recommendations to UNHQ aimed at improving those conditions particularly with regard to the status of ICTR-ICTY staff *vis-à-vis* the staff members of the Secretariat under the new staff selection system. We were informed recently by the Assistant Secretary-General for Human Resources Management in New York that an exception to the normal eligibility rule under the new staff selection system will be granted to ICTR staff member in assisting ICTR to implement its Completion Strategy. Specifically, ICTR staff members who were recruited under the established procedures would become eligible to be considered for any vacancies in the UN Secretariat at the 30-day mark, i.e. as internal candidates, six months before their separation from ICTR and retain that eligibility a further six months after separation if they had not been successful in finding alternative employment with the UN during that period. In addition, the Administration and the Host Government are working on certain modalities that will improve the diplomatic privileges extended to all Tribunal staff members.

A notable improvement in our conditions of service was the recent increase of the Post Adjustment for both KIGALI and ARUSHA duty stations from 21,7% to 24,7% and from 21,7% to 25,2% respectively. You have also noted that there was an upward revision of the Daily Subsistence Allowance for Local Staff undertaking official travel within Tanzania effective 1 May 2002. They are now entitled to receive the equivalent of 100% international DSA. A new Cafeteria sponsored by the AICC Management is expected to open in February 2004. The Administration is also in the process of streamlining internal procedures in order to improve its services to staff members at large.

Let me stress that staff members should always remember that we are guests of the Tanzanian Government.

As a result, we all shall endeavour to respect the laws of our hosting land. You should ensure that both your personal and professional behaviour as well as that of your dependents are beyond reproach and that our daily attitude *vis-à-vis* the laws of the country, is proper in order to ensure continuous positive perception of the Tribunal.

I wish here to underline the need for all staff members to fully read the ICTR security Advisories and to fully comply with whatever security requirements are in



place, particularly in a timely provision and updating of your residential addresses in light of potential terrorist threats that exist in our sub-region.

Staff members should, at all times, adhere to all security and precautionary measures as advised by the Security and Safety Section. It is my pleasure to congratulate those of you who have, in a very short notice, successfully completed the electronic test on basic security in the field. You should always keep in mind the correct answers that you provided showing your full awareness of the security environment in which we operate.

In the same line, I wish to commend your outstanding participation in the two security and fire drill exercises organized lately by the Administration in which you showed discipline and cooperation.

Due to the current insecurity in the residential areas of Arusha, staff members are reminded to provide addresses to their residences in order for Security to be able to reach their locations without delay in times of distress calls.

The current threat on terrorism remains a major concern for all of us. It is mandatory that for the purpose of Malicious Act Insurance Policy, all staff members traveling outside Arusha must obtain security clearance from the UN Resident Coordinator for the country of destination, through Security & Safety Section and provide detailed itinerary.

Staff members are encouraged to read and to comply with security advisories circulated to them through e-mail. These advisories are beneficial to every individual on matters related to personal security and to update all on the current security situation.

There have been several accidents involving staff members during the year 2003. These accidents occurred during official trips and others were private. Staff members are advised to drive carefully and to comply with traffic regulations and the Tanzanian law.

In terms of the management reform which I have set out following my initial Administrative Circular No. 20 dated 25 September 2002, concerning organizational changes and movement of personnel introduced in the Immediate Office of the Registrar, the Judicial and Legal Services Division and the Division of Administrative Support Services, I have issued a new Administrative Circular on 18 December 2003 in which I introduced further new organizational changes and movement of personnel in some key sections of the two Divisions of the Registry and in my Immediate Office as part of the gradual process of an overall organizational reform in the Registry. These changes are designed to enhance the Registry's operational efficiency in view of the completion strategy of the Tribunal while maximizing the use of the limited human resources available to the Registry.

I count on each and everyone to ensure a successful implementation of this reform. The Chief of the Division of Administrative Support Services and the Deputy Registrar will soon take the appropriate internal measures for actual implementation of the reform. All concerned staff members will be required to assist constructively in this implementation process.

I would like to take this opportunity to salute with great sense of honor and pride the Deputy Registrar, Mr. Lovemore Munlo and the Chief of the Division of Administrative and Support Services, Ms. Michelle Lee for their incommensurable services to the Tribunal. I am delighted to inform you that since the entry on duty of Ms. Lee, the Administration has been revamped with a sense of purpose and competency. Ms. Lee brought with her to the Tribunal excellent leadership skills and great humane qualities that have made a very positive impact on the Division and its staff.

Along with Mr. Munlo, who has continuously maintained the highest professional standards made of hardworking, loyalty and dedication to the ideals of the United Nations and that of the Tribunal, the Registry is now in excellent and capable hands and can now overcome future challenges.

This leads me to report to you that for the first time in the history of our Tribunal, the General Assembly, in its draft December 2003 Resolution on Financing of the Tribunal, welcomed the positive development and improvements in the management and the activities of the Tribunal so far achieved during the biennium 2002-2003.

This commendable achievement is not only to be attributed to the ICTR Management, but also to the high sense of responsibility and great performance of each and every staff member of the Tribunal.

With respect to the ICTR new biennium Budget for 2004-2005, I am pleased to inform you that the General Assembly approved \$235.32 millions gross (or \$213.28 millions net) budget for ICTR, based on decisions to approve only the 2004 post and non-post resources of the Investigations Division of the Office of the Prosecutor and to defer consideration of 2005 resource requirements for the same Investigations Division to its 59th session while maintaining the current funding level for consultants/experts.

These decisions translated into an overall reduction of \$16.06 millions gross (or \$14.19 millions net). The human resources approved for 2004-2005 include the 7 new posts for the Immediate Office of the Prosecutor, additional net 6 new posts for separate Appeals Unit, and 45 support staff for the additional 5 *ad litem* judges. In this regard, the President indicated to me that "From 13-15 January, three status conferences were scheduled to look into which cases are ready for trial and that more *ad litem* judges will be arriving as soon as they are permanent judges available as well as courtrooms"...



The General Assembly likewise requested the Secretary-General to resubmit, in the 1st Performance Report for biennium 2004-2005, proposals for resource requirements for the OTP Investigations Division for 2005 and to ensure that proposals are adequate for an effective implementation of the completion strategy.

Based on revised estimated appropriations for 2004-2005, the Budget Division in New York issued only an allotment for the first 6 months of biennium 2004-2005. Meanwhile, the General Assembly has noted with concern the levels of unpaid assessed contributions and urged Member States to pay their assessed contributions on time in full and without conditions. The ICTR had faced financial difficulties in 2002-2003 due to staggered or piece-meal issuance of allotments due to unavailability of cash resources resulting from substantial unpaid assessed contributions in 2003 amounting to over \$40 millions.

In the area of cooperation with the Government of Rwanda, I am delighted to inform you that the Tribunal is enjoying very good support from the Rwandan Government. The new momentum of the cooperation will be enhanced. ICTR, through the good work of the newly established External Relations and Strategic Planning Section, is working hard to build up and sustain a positive image of the Tribunal; to harness political support and to mobilize financial resources through well organized advocacy and fundraising campaigns, which are increasing the public awareness of the work of the Tribunal; as well as for the replenishment of the ICTR Voluntary Contribution Trust Fund.

One can say that the image of the Tribunal has very much improved. The path-breaking precedents set by the ICTR judgments and the relevance of its pioneering

experience continue to impact on trends marking the development of international and regional criminal justice institutions. The ICTR is now making available its expertise and lessons learned to many constituencies. It is also contributing to peace and reconciliation processes in Rwanda through the quality of its judicial output and to the development of the International Criminal justice system as a whole.

Finally, it is important to know that the President, the Prosecutor and myself have worked and continue to do so very closely in order to articulate a common vision regarding the implementation of the Tribunal's completion strategy including all necessary reforms that ought to be developed to expedite the work of the Tribunal and to improve its efficiency. It goes without saying that tough decisions will be made regarding redeployment of human resources and assets of the Tribunal in order to carry out its completion strategy and meet its assigned objectives.

I remain committed to ensure that fairness, due process and transparency prevail in the course of this necessary and forthcoming exercise.

Once again, I would like to thank you very much for your dedication and commitment, which will be necessary in bringing, when the time comes, the work of the Tribunal to a successful closure. Once the details the implementation phase of the completion strategy are defined, I will ensure that you are fully informed so as to enable you to carry them out in the best, humane manner. On this note, I would like to renew to all of you my best wishes for a very Happy, Prosperous and Successful New Year 2004.

Thank you.

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