



ICTR NEWSLETTER

January 2005



Published by the External Relations and Strategic Planning Section – Immediate Office of the Registrar
United Nations International Criminal Tribunal for Rwanda

Generous Contributions Towards the Construction of the Fourth Courtroom



Ambassador of Norway, Ms. Jorunn Maehlum

Through the good offices of both the Ambassador of Norway and the United Kingdom High Commissioner for Tanzania in Dar es Salaam, the Norwegian and British Governments have signed an agreement with the International Criminal Tribunal (ICTR) worth US\$300,000 and \$120, 000 respectively. The funds will be used to build the fourth courtroom, which will help expedite the ICTR's workload and meet the deadline of 2008 for completing trials and 2010 for Appeals set out in the Security Council's Resolution 1503 of August 2003.



British High Commissioner to Tanzania, Dr. Andrew Pocock

et al. (four accused), and the *Military II Case* (four accused). In addition to these multi-accused cases, there are also single-accused cases being adjudicated in the three existing courtrooms.

The fourth courtroom is being constructed at a time when the ICTR is involved in a heavy workload, which is likely to increase as the deadline gets closer. To date, the Tribunal is adjudicating many voluminous and multi-accused cases. These are: the *Butare Case* (six accused), the *Military I Case* (four accused), the *Government II Case* (four accused), the *Karempera*

The fourth courtroom will guarantee the steady progress of several remaining trials and ensure the right balance between the progress of the joint trials and the slotting in of single accused cases.

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The ICTR is grateful to the Governments of Norway and the United Kingdom and Northern Ireland for their generous funding of the fourth courtroom, which is to be inaugurated on 1 March 2005 by the President of the Tribunal, Judge Erik Møse



Trials in Progress (January 2005)

Bagosora et al. ICTR-98-41-T "Military I"
Adjourned until 28 February 2005

Bizimungu et al. ICTR-99-50T "Government II"
Adjourned until 1 February 2005

Muhimana, M. ICTR-95-1B-T
Closing Arguments 18-20 January 2005.

Ndindiliyimana et al. ICTR-00-56-T "Military II"
Between 10 and 31 January, Trial Chamber II held 13 days of trial with testimony from 4 prosecution witnesses and cross-examination by defence counsel.

Nyiramasuhuko et al. ICTR-98-42-T "Butare"
One trial day on 31 January in Trial Chamber II for the continuation of the defence case with the prosecution re-examining 1 defense witness.

Rutaganira, V. ICTR-95-1C-T
One trial day on 17 January in Trial Chamber II with testimony from 3 defence witnesses. The Prosecution asked the Chamber to dismiss charges against the accused that appeared in 6 counts of the indictment. The accused had already pleaded guilty to Count 16: Extermination as a Crime against Humanity. The Accused asked to be forgiven by the Chamber and the victims. The proceedings were closed and the Chamber went into deliberation and preparation of the judgment.

Seromba, Athanase; ICTR-01-66-T
Between 19 and 25 January, Trial Chamber III heard testimony from three prosecution witnesses in 4 days of trial with cross examination by defence counsel and re-examination by the prosecution. A status conference was held on 25 January with defence counsel ordered to file its list of witnesses with the Witness and Victim Support Section and the start date of the defence case set for 1 March 2005.

Simba, A. ICTR-01-76-T
Adjourned until 14 February 2005.

Closing Arguments Presented in Rutaganira's Trial

The Prosecution and the Defence in the trial of Vincent Rutaganira, former Councillor in Mubuga, Kibuye prefecture, presented their closing arguments on 17 January 2005. The Prosecution called for Trial Chamber III to sentence the accused to between six and eight years in prison while the Defence prayed for a lenient sentence of not more than six years.

Rutaganira had pleaded guilty to a charge of extermination as a crime against humanity as contained in the plea agreement between the Prosecutor and the accused. The Prosecutor also requested for the dismissal of all other charges. In a 6 May 1996 amended indictment, the accused was charged with seven counts including genocide, conspiracy to commit genocide,

murder, extermination and other inhuman acts, serious violations of the Article 3 Common to the Geneva Conventions and serious violations of Additional Protocol II.

The Trial Chamber III composed of Presiding Judge Andresia Vaz (Senegal), Judge Flavia Lattanzi (Italy) and Judge Florence Rita Arrey (Cameroon), will sentence the accused at the end of February or early March 2005.

In its closing arguments, the Prosecution argued that the sentence requested was commensurate with the crime the accused had pleaded guilty to and requested that Mr. Rutaganira be allowed to serve his sentence in Europe or in Swaziland.

During the hearing of today, Counsel for Defence Mr. Françoise Roux from France presented three morality witnesses including Rutaganira's wife, Immaculée Nyiramasimbi, presently a Deputy Mayor of Gishyita Commune in Rwanda , who extolled her husband's role in saving several Tutsis during the 1994 genocide. She said as far as the family was concerned there was no segregating between Tutsis and Hutus. The two other witnesses included a lady who told the court that she was among the Tutsis who were saved by the accused. The accused himself expressed remorse for the 1994 genocide in Rwanda and for his role in it.

In his closing, Mr. Roux prayed the Trial Chamber to take into account the poor health conditions of the accused.

Prosecution Asks Life Imprisonment for Muhimana

Trial Chamber III of the International Criminal Tribunal for Rwanda heard closing arguments on 20 January 2005 in the trial of Mika Muhimana, former Councillor of Gishyita in Kibuye prefecture. Muhimana is charged with four counts of genocide, complicity in genocide and crimes against humanity for rape and murder. The Prosecution called for the Tribunal to sentence the accused to imprisonment for remainder of his natural life, while the Defence urged the Chamber to acquit the accused.

The Prosecution, represented by Charles Adeogun-Phillips and Wallace Kapaya, which concluded its case on Wednesday 19 January 2005 asked the Trial Chamber to impose the life sentence in light of the gravity of the offences with which the accused is charged, the aggravating circumstances and lack of mitigating factors. The Prosecution addressed the Chamber on Murder as a Crime against Humanity, as charged in the Indictment and also addressed the issue of sentencing, and urged the Chamber to bear in mind the principles of justice, retribution, and reconstruction when sentencing the Accused.

In their closing argument, Professor Nyabirungu Mwene Songa and Richard Kazadi Kabimba, Defence Counsel for the accused, while urging the Chamber to acquit the accused, argued that the evidence brought against his client was not convincing. Songa also argued that rape



charges against the accused should be dismissed because they were not properly pleaded in the indictment.

The Prosecution told the Trial Chamber that evidence presented showed that the accused participated in killing thousands of Tutsi civilians and widespread rape of Tutsi women at several locations in Kibuye prefecture and that Muhimana also encouraged others to kill and rape women. *"Muhimana was second to none in raping women during the entire Rwandan genocide in April, May and June 1994,"* the Prosecution emphasized.

The Prosecution also said that Muhimana has shown no remorse for the crimes he is charged with. The Prosecution added that he has neither apologized to the victims nor cooperated with the Prosecution. Judgment in the case will be delivered later this year.

Trial Chamber III is composed of judges Khalida Rachid Khan (Pakistan) presiding, Lee Gacuiga Muthoga (Kenya) and Emile Francis Short (Ghana).

ICTR Cooperation with UN Member States

Cooperation with Rwanda

o Registrar's Visit to Kigali



Adama Dieng

On 28 January, a delegation from the ICTR led by Registrar Adama Dieng met with senior Rwandan judicial officials in Kigali to strengthen cooperation between the Tribunal and the Government of Rwanda. The Registrar was accompanied by his Special Assistant, Mr. Mandiaye Niang, the Chief of ERSPS

and ICTR Spokesperson, Mr. Roland Amoussouga and Mr. Mamoudou Touré, Head of ICTR Administration in Rwanda.

The Rwandan delegation included the Minister of Justice and Institutional Affairs, Mrs. Edda Mukabagwiza, the State Minister for Foreign Affairs and Regional Cooperation, Mr. Mitali Protais, the Prosecutor General, Mr. Jean de Dieu Mucyo, the Deputy Prosecutor, Mr. Martin Ngoga, and the Special Representative to the ICTR, Mt. Alloys Mutabingwa.

Among the items on the agenda were the issue relating to the signing of an agreement between the Rwandan Government and the UN to have ICTR convicts serve their sentences in Rwanda; improvement on the existing Cooperation Framework; the handling of requests by Defence Teams; the security and protection of witnesses, particularly Prosecution witnesses; capacity building in line with the GA Resolution 603 of December 2004; transfer of convicts and how to improve lines of communication between ICTR and the

Government of Rwanda. A draft Agreement will be finalized and submitted to the UN Department of Legal Affairs in New York for clearance.

Once the agreement is approved, the ICTR would assist Rwanda in upgrading its Mpanga prison facility to the required standards. Mpanga has been identified as the possible location for the enforcement of sentences of ICTR convicts.

o ICTR Spokesperson Attends Premier of Genocide Movie

On 23 January 2005, ICTR Spokesperson Roland Amoussouga represented the Tribunal at the premier showing of the genocide movie, "Sometimes in April." Filmmaker Raoul Peck insisted that the first showing of the movie should be in Rwanda so that as many Rwandans as possible could see it. Many senior Rwandan government officials attended the premier, including President Paul Kagame.



Roland Amoussouga



Raoul Peck

Peck invited senior officials of the Tribunal to the premier in Kigali. It is worth noting that the Tribunal provided substantial assistance to Peck while he was filming the movie which includes scenes shot at the ICTR facility in Kigali.

The movie follows a Hutu family as it is torn apart by the realities of the genocide and the main character's desperate struggle to survive when separated from his family. It also explores the response of the western world to the atrocities and the reconciliation efforts that followed ten years later. The movie also depicts the ICTR trial of journalists for their role in the genocide.

The HBO movie, shot on location in Rwanda, Paris and Washington, D.C. used many Rwandan extras, some of whom were survivors of the 1994 genocide.

Mr. Peck has accepted the invitation to organize the screening of the movie in Arusha in the near future.

Strengthening of Communication between ICTR and the Government of Rwanda

As part of their effort to ensure a better communication so as to strengthen the level of cooperation between the ICTR and the Government of Rwanda, weekly meetings are now held in Arusha between Mr. Roland Amoussouga, Chief of ERSPS and Mr. Alloys Mutabingwa, Special Representative of the Rwanda Government to ICTR.



This initiative of the Registrar of ensuring continuous dialogue and consultations will save time and further enhance the existing cooperation between the ICTR and the Government of Rwanda.

ICTR Cooperation with Donor States

o The Friends of ICTR

The Friends of ICTR is a Focus Group established towards the end of 2004 in Dar es Salaam by some of the donor states. It is chaired by the British High Commissioner for Tanzania and the members are: the Canadian High Commissioner, the Ambassador of the Netherlands, the Ambassador of Norway, the Ambassador of Belgium, the Ambassador of Germany the Ambassador of France and the US Chargé d'Affaires.

This Group supported ICTR extensively during its financial difficulties. The objective of the Focus Group is mainly to sensitize other members, including their respective capital cities about the work and challenges facing ICTR. It also aims at bringing all member states to honor their financial pledges and obligations towards the ICTR. The Friends of ICTR help in raising the profile of ICTR among key donor states and assist strategically the ICTR to discharge its mandate as part of its completion strategy.

o Belgian Ambassador Visits Tribunal

On 25 January 2005, officials of the ICTR met with the Ambassador of Belgium, Mr. Peter Maddens, to discuss pending cooperation matters between the Tribunal and Belgium and possible funding for ICTR projects and other assistance.

Among the ICTR projects needing funding is the publication of a volume on ICTR jurisprudence currently being published with the Université Libre de Bruxelles. The project has been sponsored up to April 2005.

Visitors to the ICTR during the month of January 2005

1. MS. SUN LEE of the University of California, Berkeley Human Rights Centre on Monday the 10th of January, 2005.
2. MS. LAURE DE VULPIAN of the REDACTION DE FRANCE CULTURE on Monday the 17th of January, 2005.
3. Group of American Students (4 PAX) accompanied by Ms. LINDA STOLZ of Oak Park, U.S.A. on Tuesday the 18th of January, 2005.
4. THE UNIVERSITY OF DAR ES SALAAM (85 PAX) International Law Students Association on Monday and Tuesday the 24/25th of January, 2005





United Nations

A/59/L.45



General Assembly

Distr.: Limited
7 December 2004

Original: English

Fifty-ninth session

Agenda item 39 (a)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

Algeria, Armenia, Belgium, Burkina Faso, Burundi, Cape Verde, China, Egypt, Ethiopia, Ghana, Italy, Japan, Kenya, Malawi, Mozambique, Netherlands, Nigeria, Rwanda, Somalia, South Africa, Tunisia, Uganda, Zambia:
draft resolution

Assistance to survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the findings and recommendations of the independent inquiry commissioned by the Secretary-General, with the approval of the Security Council, into the actions of the United Nations during the 1994 genocide in Rwanda,

Recalling also the report containing the findings and recommendations of the International Panel of Eminent Personalities commissioned by the Organization of African Unity to investigate the genocide in Rwanda and the surrounding events, entitled "Rwanda: The Preventable Genocide",

Recalling further its resolution 58/234 of 23 December 2003, in which it declared 7 April 2004 the International Day of Reflection on the Genocide in Rwanda,

Noting decision EX.CL/Dec.154(V) on the report of the Chairperson on the commemoration of the tenth anniversary of the Rwanda genocide, adopted by the Executive Council of the African Union at its fifth ordinary session, held in Addis Ababa from 30 June to 3 July 2004,

Recognizing the numerous difficulties faced by survivors of the 1994 genocide in Rwanda, particularly the orphans, widows and victims of sexual



violence, who are poorer and more vulnerable as a result of the genocide, especially the many victims of sexual violence who have contracted HIV and have since either died or become seriously ill with AIDS,

Firmly convinced of the necessity to restore the dignity of the survivors of the 1994 genocide in Rwanda, which would help to promote reconciliation and healing in Rwanda,

Commending the tremendous efforts of the Government and people of Rwanda and civil society organizations, as well as international efforts, to provide support for restoring the dignity of the survivors, including the allocation by the Government of Rwanda of 5 per cent of its national budget every year to support genocide survivors,

1. *Requests* the Secretary-General to encourage the relevant agencies, funds and programmes of the United Nations system to continue to work with the Government of Rwanda in developing and implementing programmes aimed at supporting vulnerable groups that continue to suffer from the effects of the genocide of 1994, in alleviating poverty, disease and suffering and in promoting development in Rwanda;

2. *Invites* the relevant agencies, funds and programmes of the United Nations system to continue to develop and implement those programmes, utilizing existing resources and encouraging the mobilization of additional voluntary contributions;

3. *Also invites* agencies, funds and programmes of the United Nations system to ensure that assistance is provided in the specific areas identified as priorities by the Government of Rwanda, notably education for orphans, medical care and treatment for victims of sexual violence, including HIV-positive victims, trauma and psychological counselling for genocide survivors and skills training and microcredit programmes aimed at promoting self-sufficiency and alleviating poverty;

4. *Encourages* all Member States to seriously consider promoting the implementation of the recommendations contained in the report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda,² and also encourages all Member States to provide assistance to genocide survivors and other vulnerable groups in Rwanda in support of the present resolution;

5. *Expresses its appreciation* for development assistance and support for the reconstruction and rehabilitation of Rwanda after the 1994 genocide, and calls upon Member States to continue to support the development of Rwanda, inter alia, through programmes under the poverty reduction strategy;

6. *Requests* the Secretary-General, in view of the critical situation of the survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence, to take all necessary and practicable measures for the implementation of the present resolution, and to report thereon to the General Assembly at its sixtieth session.



United Nations

A/59/L.45/Add.1



General Assembly

Distr.: Limited
13 December 2004

Original: English

Fifty-ninth session

Agenda item 39 (a)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

Algeria, Armenia, Belgium, Burkina Faso, Burundi, Cape Verde, China, Egypt, Ethiopia, Ghana, Italy, Japan, Kenya, Malawi, Mozambique, Netherlands, Nigeria, Rwanda, Somalia, South Africa, Tunisia, Uganda, Zambia: draft resolution

Assistance to survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Austria, Canada, Cuba, Denmark, Eritrea, Ireland, Luxembourg, Norway, Romania, Singapore, Sudan, Sweden, Tajikistan, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America