



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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## SECURITY COUNCIL AMENDS ICTR STATUTE ON PRESIDENCY VOTING

The United Nations Security Council has responded positively to the request by the International Criminal Tribunal for Rwanda (ICTR) to amend the Tribunal's statute, allowing a non-permanent judge to vote for and be elected as president of the court.

"Acting on the request of the President of the International Criminal Tribunal for Rwanda, the Security Council decides that notwithstanding the relevant articles of the Court's Statute, *ad litem* judges may be eligible to stand for, and vote in, elections for its presidency," an UN resolution passed on Wednesday states.

Presenting a six-month report on completion strategy before the Security Council on June 6, 2011, President of ICTR Judge Khalida

Rachid Khan had noted that "under the present rules, once all the permanent judges had left critical positions of the President and Vice-President could not be filled."

Judge Khan said, therefore, that she had made a request to remove the requirement that the president be a trial judge resident in Arusha, the seat of the Tribunal and "make provision for an *ad litem* judge to be elected Vice-President, to act as President in the absence of that post."

The Security Council further decided that a non-permanent or *ad litem* judge elected as President of the Tribunal "may exercise the same powers as a permanent judge without altering his or her status, or affecting his or her terms and conditions of

service."

According to the resolution, the Council has decided that non-permanent judge elected Vice-President may act as President when required to do so under the Statute or by Rules of Procedure and Evidence.

ICTR is required to close its first instance trials by the end of 2011.



A UN security council session

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## COURT SESSIONS RESUME AFTER A ONE MONTH

The case involving former Rwandan Planning Minister, Augustin Ndirabatware, at the International Criminal Tribunal for Rwanda (ICTR) resumed on August 15, 2011 after a one month mid-year judicial recess. The trial involving the most wanted genocide fugitive, Félicien Kabuga resumes on September 6, 2011. The two cases were postponed on July 15.

In the ex-Planning minister's case, the defence has so far called 14 witnesses out of 58 expected to testify to disprove charges against Ndirabatware.

Before the postponement, the presiding judge William Sekule had, however, asked the defence to "reduce significantly" the number of its witnesses.

For Kabuga, who is considered the financier of the 1994 genocide, the number of witnesses already called by prosecution was not disclosed since the case is being conducted in camera.

Prosecution has already indicated that it would call at least 44 witnesses during the proceedings conducted by Judge Vagn Joensen.



## ICTR DETAINEES ANNOUNCE HUNGER STRIKE



### ***The United Nations Detention Facility in Arusha***

Thirty one detainees out of 36 at the International Criminal Tribunal for Rwanda (ICTR) announced commencing hunger strike in support of their inmate, Jean Uwinkindi who appealed against decision made by the Tribunal to transfer his case to Rwanda for prosecution.

On June 28, the Tribunal referred for the first time the case of Uwinkindi, Pentecostal Church Pastor in the eastern part of the country to the Rwandan judiciary for prosecution. According to the communiqué signed by the detainees, their colleague appealed against the decision on July 12, 2011.

The communiqué further states that Uwinkindi informed the United Nations Detention Facility Commanding Officer on July 12, of his intention to start hunger strike to support his appeal.

"By way of this communiqué, the signing detainees draw the attention of ICTR authorities and of public opinion on this arbitrary and highly preoccupying situation and our co-detainee, Jean Uwinkindi (being isolated). [Detainees] have also decided to start a hunger strike on 13 July, 2011 at 18.00 hours," reads part of the communiqué.

The detainees have also written a letter to the President of the Tribunal raising their concerns on the matter.

"This situation is comparable to that of Hissene Habre, former President of Chad. It caught the attention of the former ICTR President and current UN High Commissioner for Human Rights, Navanethem Pillay, who expressed her worry fearing that Habre may face death if sent back to Chad. Her intervention led the Senegalese President to review his decision to hand over Habre to Chadian government," says the letter.

It adds that "justice and human rights situation in Paul Kagame's Rwanda is worse than that prevailing in Idriss Deby's Chad."

In the decision to transfer Uwinkindi's case, the Chamber stated that 'it was satisfied that the government of Rwanda was prepared to receive its first referral from the ICTR.'

"Given that the accused ...Uwinkindi has appealed the decision rendered on 28 June 2011, we hope that in the interest and credibility of the ICTR, the Appeal Chamber will courageously and fairly take control of the situation and, as it was done previously, rule that the conditions of transfer of an accused to Rwanda by the ICTR have not been met at all," the letter states as it concludes its arguments.

## DUTCH INVESTIGATE TWENTY GENOCIDE SUSPECTS CASES IN RWANDA

A Dutch rogatory commission (sent at the Prosecutor's request) was in Kigali for a week last month investigating the cases of twenty genocide suspects currently living in the Netherlands.

According to John-Bosco Siboyintore, the acting head of the Rwandan Genocide Fugitive Tracking Unit (GFTU), "a team of five investigators, all of them Dutch policemen, are on the ground to hear witnesses in about twenty cases".

In an interview with Hirondele News Agency, he explained that Rwanda referred to Dutch authorities in 2008 the files of 20 genocide suspects, including one woman, Yvonne Basebya, the spouse of a former parliamentarian before 1994. She is charged with genocide, incitement to commit genocide, complicity of genocide notably for establishing a list of Tutsis to be killed in Gikondo, her neighborhood in Kigali.

Yvonne Basebya was sentenced in 2007 to life in jail in absentia by a gacaca court.



## ICTR SIX MONTHS ACHIEVEMENTS

The International Criminal Tribunal for Rwanda (ICTR), which goes for a mid-year judicial recess commencing July 15, has delivered three judgments involving 11 accused - including two generals and one former Rwandan minister - in the past six months.

In the same period the Tribunal also heard four cases involving six genocide-accused, including that of top former leaders of the then ruling MRND party; President Matthieu Ndirumpatse and his Deputy, Edouard Karemera. Closing argument is scheduled on September 22.

The Appeals Chamber had its share of work that was implemented for the past six months. On April 1, 2011 the Chamber affirmed two convictions and sentences; a 15-year jail term for former Commander of the Non-Commissioned Officers School (ESO), Tharcisse Muvunyi and life imprisonment for the ex-Kigali-Ville prefect, Tharcisse Renzaho.

### **Gatete gets life imprisonment**



The first judgment in the past six months was that of former high ranking civil servant, Jean-Baptiste Gatete handed down on March 29, 2011. He was convicted and sentenced to life imprisonment for genocide and extermination as crimes against humanity.

During the 1994 Rwandan killing spree, Gatete was Director in the Ministry of Family and Women Affairs, then under Minister Pauline Nyiramasuhuko, herself genocide-convict.

The Chamber presided by Judge Khalida Khan found beyond reasonable doubt that Gatete was responsible for deaths of hundreds, and possibly thousands of Tutsis at three different massacre sites in Eastern Rwanda between April 7 and 12, 1994.

### **Conviction of two generals**

In less than two months the Tribunal delivered yet another judgment but this time around was a joint case of four ex-Rwandan military officers popularly known as "Military II Trial" which included two generals. The judgments were handed down on May 17, 2011.

The Generals convicted of genocide, crimes against humanity and war crimes are, Augustin Bizimungu, former Chief of Staff of the Rwandan Army, who would remain behind bars for 30 years and that of Gendarmerie Nationale, Augustin Ndindiliyimana, who was released immediately after being sentenced to the time served since his arrest on January 29, 2000.

The Chamber found the generals guilty as superiors for failing to prevent or punish those who participated in the killings at St. Andre College, Josephite Brothers compound, Musambira commune office and dispensary, ESI and TRAFIPRO between April and May 1994.

The judgment also saw two co-accused, Major Francois-Xavier Nzuwonemeye, Commander of Reconnaissance Battalion (RECC) and Captain Innocent Sagahutu, a member of the unity, both convicted of crimes against humanity and war crimes.

The duo was convicted for their role in the death of the then Rwandan Prime Minister, Agathe Uwilingiyimana and her ten Belgian body guards and United Nations Peacekeepers in Rwanda on April 7, 1994. Both were sentenced to 20 years imprisonment each.

### **PROSECUTION CALLS FOR LIFE TERM IN FORMER PRESIDENT'S ADVISER CASE**

A lower court in Huye (South of Rwanda) requested in June a life term sentence against Runyinya Barabwiriza, a former diplomatic adviser of late President Juvénal Habyarimana, for his alleged commitment in planning and preparing the 1994 genocide.

The accused has already been in jail for 16 years.

Before the genocide, Runyinya Barabwiriza was teaching Botanical at the National University of Butare. He was also, since June 1993, head of the presidential party MRND for Butare prefecture.

According to one of his lawyers Protais Mutembe, "Hearings ended on Wednesday. We have called for an acquittal as there is no evidence of any kind against the accused".



In a recent report, Rwandan National Committee for Human Rights had called for Barabwiriza's immediate release. [PROSECUTION LINES UP 30 WITNESSES FOR MPIRANYA SPECIAL DEPOSITION PROCEEDINGS](#)

As a member of Habyarimana's delegation, Barabwiriza was stuck in Dar es-Salaam from April 6 to July 5 1994. However, the Prosecution claims that he had planned the genocide before April 6 and that the massacres were a consequence of this campaign.

The prosecution is expecting to call about 30 witnesses for special deposition proceedings in the case of former Rwandan Commander of Presidential Guard, Major Protais Mpiranya, before the International Criminal Tribunal for Rwanda (ICTR).

### [TALKS BETWEEN ICTR AND ZIMBAWE ON FUGITIVES](#)

Registrar of the International Criminal Tribunal for Rwanda (ICTR), Adama Dieng met with the Prime Minister of Zimbabwe Morgan Tsvangirai in Barcelona, Spain to discuss issues related to fugitives who may be hiding in that Southern Africa country.

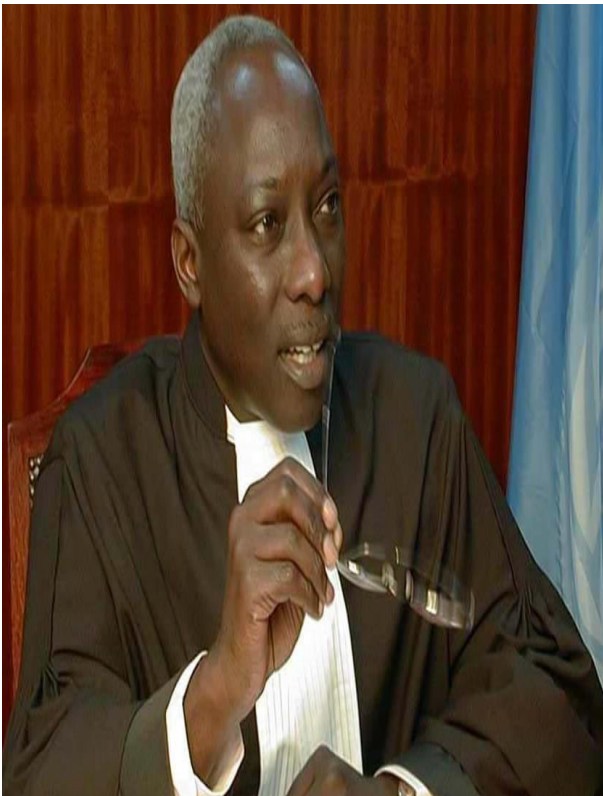
This is according to the Chief of Prosecution Richard Karegyesa.

The statement by the prosecution comes few days after Judge Florence Rita Arrey, who has been assigned to conduct the proceedings, gave an order scheduling disclosure of evidence and granting protective measures to the prospective prosecution witnesses.

"The discussion mainly focused on the cooperation between Zimbabwe and the ICTR in relation to the arrest and transfer of fugitives," the ICTR latest newsletter reports. The two officials met on the edges of the third World Justice Forum that was held in Spain between June 20 and 23.

In her order dated June 28, 2011, the presiding judge noted that "the special deposition proceedings are scheduled to start in the beginning of October 2011."

The judge, therefore, ordered the prosecution to disclose to the Duty Counsel for the accused, Francis Musei, the supporting material that accompanied the indictment and statement of intended witnesses in non-redacted form within ten days of the order and also granted protective measures to all potential witnesses.



ICTR Prosecutor Hassan Bubacar Jallow initiated the proceedings to safeguard evidence against Mpiranya, Kabuga, the alleged financier of the 1994 Rwandan genocide and Augustin Bizimana, who was Minister of Defense.

Jallow considers the three figures as key suspected perpetrators of the 1994 genocide among the nine accused still on the run.

According to sources at ICTR, Kabuga is said to be carrying out his commercial activities in Kenya, while Mpiranya is allegedly being protected by senior officials in Zimbabwe, whereas the ex-Rwandan defense minister may be hiding in Democratic Republic of Congo (DRC).

*The Registrar of the ICTR Adama Dieng*



## NEW LAW CREATING A SPECIAL INVESTIGATIVE UNIT ADOPTED BY FRENCH DEPUTIES

French *National Assembly* adopted in early July a new law creating “a special investigative unit specialized in dealing with crimes against humanity, crimes of war and acts of torture” , which will be located within the lower court of Paris (TGI).

This special investigating unit, composed of dedicated lawyers and investigators, will first be focused on twenty Rwandan cases pending before Paris tribunal.

In the short term, it should deal with all cases opened in France related to crimes against humanity including genocide, crimes of war and acts of torture.

According to the new law, examining magistrates from the Special Unit will now be able “within the frame of an international rogatory letter sent to a foreign country [...] and with the agreement of local authorities, to proceed to hearings on their territory”.

Fabienne Pous, one of the examining magistrate who has been working for eight years on Rwandan cases told Hirondele News Agency that it was “excellent news. At last, we are officially allowed to go to Rwanda to question witnesses”.

She has already done seven trips to Rwanda since January 2010 to investigate Wenceslas Munyeshyaka and Laurent Bucyibaruta’s cases.

“Rwanda justice is searching for its independence and doesn’t have enough means to help us beside all their good will”, she added. “We are going to be able to work using our own judiciary system and our own standards”.

“We will now need more human resources so this new Special Unit doesn’t stay an empty shell”, she concluded.

The needs are estimated to a total of ten investigators, six full time magistrates, six registrars and four assistants.

## PROSECUTION CALLS FOR LIFE TERM IN FORMER PRESIDENT’S ADVISOR CASE

A group of French nationals, who visited Rwanda, at the beginning of July, said they intended to implement a development package worth Rfw80 million meant to support genocide survivors in Bisesero, Karongi District in Western Province.

According to a Rwandan daily newspaper, the support includes a fully functional nursery and primary school with extra classrooms to cater for the nine-year basic education programme and 170 cows as a support to the Government’s Girinka initiative in the area.

Dr. Anne Marie Truc, the head of the delegation from Southern French town of Dieulefit, is quoted in an interview as expressing the group’s commitment to ensure that the survivors lead a decent life.

“We will do everything possible to help Rwandans to recover from the effects of the horrible massacres of 1994,” Truc is quoted as saying.

The donation comes at the back of widespread accusations that France, under former president Francois Mitterand, aided the Rwandan extremist government as it killed its own people during the genocide.

In Bisesero, French troops, under Operation Turquoise, are accused of assisting militias in killing of Tutsis who had managed to resist earlier attacks from Interahamwe militia

Meanwhile, lawyers, under the auspices of Kigali Bar Association, visited genocide survivors in Rwabicuma and Nyabisozi sectors of Nyanza District in Southern Province and donated 10 exotic cows to them.

The New Times quotes Bar’s representatives saying the cows are expected to improve the living conditions of many needy survivors in the area.



**King of the Ashanti Kingdom visits the ICTR**



***The King meets with the ICTR President***

His Majesty King Otumfuo Osei Tutu the second (II) of the Ashanti Kingdom in Ghana paid a one day visit to United Nations International Criminal Tribunal for Rwanda, Arusha Tanzania in mid July during which he met with the president of the tribunal Judge Khalida Rachid Khan, the Chief of Division of Administration Dr. Sarah Kilemi among other senior officials. The President cited the accomplishments made by the Tribunal over the last 17 years including several landmark judgments that have been delivered.

She said the Tribunal had rendered a total of 49 first-instance judgments with respect to 72 accused persons, nine of whom pleaded guilty, and referred three cases to national jurisdictions for trial. She said this represented the completion of over 90 percent of the case work. The president said four more judgments were expected to be delivered by the end of this year.

She further noted that following the achievements recorded so far, the ICTR had set a rich legacy in the fight against impunity and helped to establish justice as an indispensable element of international peace, security and stability. The Tribunal, through its outreach activities, had also educated the Region regarding the fight against impunity and respect for human rights. In addition, she said it had contributed to national reconciliation, peace and stability, not only in Rwanda but in the Great Lakes Region.

She pointed out that the fight against impunity cannot be won without the involvement of all stakeholders and thus invited the King, to join the fight against impunity and, more precisely, the fight against all forms of discrimination against women.



***The King and his entourage with the Chief of DASS***

The chief of DASS said the Tribunal encouraged leaders, especially from Africa to visit the Tribunal and learn from the land mark judgments that have come from this great institution and try to apply whatever is relevant.

Those who accompanied the king during the tour included former president Benjamin Mkapa and his wife, the regional commissioner for Arusha Isidore Shirima among others.

**Surprise Birthday party for ICTR Seniors**

The department of ERSPS [External Relations and Strategic Planning Section] and DCDMS [Defense Counsel and Detention Management Section] , last month held a joint surprise birthday party for the OIC, deputy registrar Pascal Besnier and Roland Amoussouga, Senior Legal Adviser, and ICTR Spokesman at the Corridor Springs Hotel in Arusha. The party was made a reality by the staff members of the section with support from the interns.

The two senior ICTR officials who were pleasantly surprised expressed deep gratitude for the gesture. They wished luck to all present and a bright future to the interns in their endeavours to advance their careers.

The senior officers together with those in attendance were treated to a sumptuous lunch-buffet and to cap it all, a birthday cake adorned with two candles for the “twins”.

Leontine Mabika the protocol and external relations officer conducted the ceremony.



*King Otumfuo Osei Tutu meets with the OIC Deputy registrar Pascal Besnier*



*The King's address*

