



ICTR NEWSLETTER

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The Registrar of the United Nations International Criminal Tribunal, Mr. Adama Dieng, on 1 July 2005 told members of the press in New York that the work of the Tribunal was at an all-time high with an unprecedented number of trials in progress.

Speaking at a UN Headquarters press briefing, Mr. Dieng said the high level of activity was thanks to the full use of the Tribunal's nine ad litem judges, the nine permanent judges and the addition of a fourth courtroom, which was funded by the governments of Norway and the United Kingdom.

Dieng said judgements had been handed down in the cases of 25 accused and 25 others were on trial. The defence was presenting its case in two of those trials, which involved 10 accused. The prosecution had already called all its witnesses in another trial concerning four accused. Sixteen detainees were awaiting trial and their cases would begin as soon as trial chamber capacity permitted.

He also said the Appeals Chamber recently delivered three judgements involving four accused, as well as numerous interlocutory decisions.

Mr. Dieng said there were 57 accused at the United Nations Detention Facility in Arusha and 16 indictees at large. He said he hopes that 10 of those fugitives would be apprehended soon. The Tribunal enjoyed considerable success in terms of arrests, thanks to the contribution of Member States which provided assistance, he said.

He said there are indications that other fugitives are hiding in the eastern part of the Democratic Republic of the Congo. He added that it has been extremely difficult to apprehend them, considering the situation in that area. The tracking team from the Office of the Prosecutor was recently reorganized so that it could

focus on making arrests.

The ICTR Prosecutor has been in contact with authorities in the Democratic Republic of the Congo, Central African Republic and Kenya. Shortly before Mwai Kibaki's succession to the Kenyan presidency, the tracking team was able to trace Félicien Kabuga, a fugitive whose name had been mentioned in the Security Council. There have been reports in the Kenyan media that he might have returned to Kenya and efforts to apprehend him are continuing.

Mr. Dieng said the Prosecutor has also started the process of referring cases to national jurisdictions and handed over 15 dossiers to the Rwandan Government in February. However, those did not include cases of accused who have already been indicted. The Registry continues to give its steadfast support to the judicial process through its daily servicing of the chambers, the prosecution and the defence.

Mr. Dieng said the Tribunal has already begun reflecting on its legacy issues. It is extremely important, particularly for Africa, that academics, journalists and researchers be able to access the Tribunal's documentation, which are an important contribution to the fight against impunity in the region.

Regarding cooperation with the International Criminal Court, Mr. Dieng said that the Prosecutor and Registrar had been in touch with the Tribunal and they were trying to avoid any mistakes that may have been made by the ICTR and the International Criminal Tribunal for the Former Yugoslavia (ICTY). The Tribunal was also helping the ICC Registrar to set up witness-protection mechanisms, having had experience in that area since 1997 and having brought to Arusha 1,350 witnesses from 41 countries.

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Prosecutor Appoints Special Counsel



The Prosecutor of the ICTR, Hassan Bubacar Jallow on 11 July 2005 appointed Loretta Lynch, a partner in the New York law firm of Hogan & Hartson, L.L.P., as Special Counsel to the Prosecutor, to conduct investigations that the Appeals Chamber has directed the Prosecutor to carry out. On Sunday, 10 July 2005, the Special Counsel arrived in Arusha with her assistant, Vincent Cohen, Jr., who is a member of the Washington, D.C., office of Hogan & Hartson, to begin her work on site.

The Appeals Chamber directed the Prosecutor, on 19 May 2005, to investigate allegations of interference with a witness and possible false testimony under solemn declaration, as the result of evidence it received during the course of a hearing in the Kamuhanda appeal. Ms. Lynch will report to the Prosecutor on the advisability of bringing contempt of court or false testimony charges, or charges for other offences relating to the due administration of justice.

Ms. Lynch is a member of her law firm's litigation group, focusing on commercial litigation, white collar criminal defence and corporate compliance issues. Before joining Hogan & Hartson, Ms. Lynch was the United States Attorney for the Eastern District of New York, where she oversaw an office of more than 150 attorneys, who represented the government in civil and criminal matters. As a prosecuting attorney, Ms. Lynch has long experience with cases of public corruption, organized crime, and violent crime. She is also an experienced trial advocacy trainer and has participated in trial advocacy training programs at ICTR on several occasions.

In addition to the allegations in the Kamuhanda case, the Prosecutor has also referred certain matters that have arisen, in relation to the Hassan Ngeze appeal, to the Special Counsel for review, investigation, and recommendation.

ICTR Judicial Activities

Closing Arguments Presented in Simba Trial



On 8 July 2005 the Prosecution and the Defence presented their closing arguments in the trial of Aloys Simba, a retired Rwandan Army Lt. Colonel and former Member of Parliament. The accused is charged with genocide and crimes against humanity based on his alleged role in the massacres of thousands of Tutsis in Gikongoro and Butare Prefectures.

The Prosecution called for Trial Chamber I to convict and sentence the Accused to imprisonment for the remainder of his life.

According to the Prosecution, Simba was responsible for the massacre of Tutsis in Kibeho Parish, Murambi Technical School, Cyanika Parish and Kaduha Parish in Gikongoro as well as in Ruhashya Commune in Butare.

The Defence called for the acquittal of the Accused arguing that the trial was based on a defective indictment and that the allegations in the indictment were "grossly deficient." In addition, the Defence said that the Prosecution had not established Simba's participation in the alleged crimes and that it had also failed to prove beyond reasonable doubt that a joint criminal enterprise existed.

The trial opened on 30 August 2004 before Trial Chamber I, composed of judges Erik Møse of Norway (presiding), Sergei Alekseevich Egorov of Russia, and Dennis Charles Michael Byron of St. Kitts and Nevis. The Prosecution closed its case on 10 November 2004. The Defence case commenced on 13 December 2004 and closed on 29 March 2005. Closing arguments were heard from 7-8 July 2005.

Aloys Simba was arrested in Senegal on 27 November 2001 and transferred to the United Nations Detention Facility in Arusha on 11 March 2002. He is represented by Mr. Sadikou Alao of Benin and Ms. Beth Lyons of the United States. The Prosecution is led by Mr. Richard Karegyesa of Uganda.

Military I Trial Adjourned to 12 October 2005

The Military I trial which is before Trial Chamber I was on 28 July 2005 adjourned to 12 October 2005.



Bagosora, Ntabakuze, Kabiligi & Nsengiyumwa

The trial brings together the former cabinet director in the Rwanda Ministry of Defence, Colonel Theoneste Bagosora, Brigadier General Gratien Kabiligi, former head of Rwandan military operations, Lieutenant Colonel Anatole Nsengiyumva, former military commander in Gisenyi Prefecture and Major Aloys Ntabakuze, the former commander of Kanombe paramilitary commando battalion.

The accused are jointly charged with genocide, crimes against humanity and war crimes. The accused have pled not guilty to all the charges.

At the time of adjournment, the Trial Chamber had already heard the testimony of 38 Defence witnesses, most of them having testified in defence of Col. Bagosora.



Defence teams are expected to call a total of 203 witnesses. When the trial resumes, the defence for Bagosora will continue questioning its witnesses.

The Prosecution closed its case on October 15, 2004 after calling 82 witnesses. The trial started on April 2, 2004.

News from Kigali

Prosecutor Visits Rwanda

The Prosecutor, Mr. Hassan Bubacar Jallow, accompanied by Special Assistant Mr. Wallace Kapaya visited Rwanda from 25 July 2005 to 1 August 2005.

The Prosecutor handed over the files of 10 genocide suspects to the Rwandan Government. The Prosecutor held a briefing session with OTP staff where they discussed issues relating to cooperation between the OTP and the Rwandan Government as well as matters relating to the work of the Investigations Division.

The Prosecutor also held a consultative meeting with Senior Rwanda Justice officials, including Mr. Jean de Dieu Mucyo, Rwandan Prosecutor-General and the Rwanda Representative to the ICTR, Mr. Aloys Mutabingwa. The discussion covered transfer of cases and security of witnesses. The Prosecutor stated that the OTP was concerned with witness security matters and he appointed a Special Investigator to look into charges that ICTR staff influenced witness testimony.



Mr. Aloys Mutabingwa, Mr. Jean de Dieu Mucyo, Mr. Hassan B. Jallow and Mr. Wallace Kapaya

Speaking at the ceremony, the Prosecutor reiterated the position that the handing over of suspects' files was an important part of the completion strategy of the ICTR. He said that the 10 files he was handing over bring the total to 25 he has so far handed to the Rwandan Government. The Prosecutor stated that he has filed the last 8 indictments, 7 of which have been confirmed, and he expected the 8th file to be confirmed very shortly.

The Prosecutor thanked the Rwandan Government for its continued support and cooperation adding that ICTR would continue to support the Rwandan judicial sector and its reforms as part of the move to strengthen the country's judiciary. He explained that the completion strategy is on schedule, investigations having been completed in 2004 and expects all appeals to be completed by 2010. The Prosecutor

urged Member States to cooperate with him in apprehending and bringing to justice the last 14 fugitives on the ICTR wanted list.

Speaking on behalf the Government of Rwanda, Mr. Jean De Dieu Mucyo, said he was honored to receive the genocide case files and that judging from the level of cooperation between the Tribunal and his Government he is assured that everything possible would be done to bring the suspects to justice.

The Prosecutor General pointed out that the Government of Rwanda was working on the additional guarantees of due process and upgrading Mpanga Prison where the transferred indictees will be kept. The Prosecutor-General stated that the Rwandan Government was looking into the issue regarding the abolition or suspension of the death penalty as part of the agreement with OTP to send the indictees to Rwanda.

On 28 July, the Prosecutor addressed a general staff meeting at the ICTR office in Kigali. He assured staff that his plan is to phase out the office gradually by 2010 and not to shut it down now. The services of investigators will continue to be required for trial preparation of new cases, trial support of on-going cases, appeal support, tracking and arrest of fugitives as well as the management of sources and sensitive witnesses, the Prosecutor stated.

He thanked staff for their support in ensuring that the first two bench marks of the completion strategy, i.e. conclusion of the investigations into genocide and the filing of the last indictments have been accomplished on time and in the case of the latter, well ahead of time.

On 29 July the Prosecutor attended a Gacaca court session in Nyarugunga sector Kanombe district, along with Hon. Eda Mukabagwiza, the Rwandan Minister of Justice; Mr. Aloys Mutabingwa, Rwandan Representative to the ICTR; Mr. Martin Ngoga, Rwanda Deputy-Prosecutor; Mr. Maxwell Nkole, ICTR Acting Chief of Investigations and Commander of Investigations; Mr. Mamadou Toure, Deputy Chief of Administration; Mr. Mohammed Ayat, Liaison Officer





between the Rwanda Government and the ICTR; Mr. Kenrick Cato, the Chief of Security at ICTR Kigali, and Mr. Wallace Kapaya.

The Prosecutor told journalists that he was happy to attend the Gacaca proceedings and that what he learned and discovered was that justice is being respected. He explained that African traditional justice system has an important role to play in this process in addition to having capacity to deliver justice in communities especially when it comes to genocide crimes that involve a large part of the Rwandan people.

The Prosecutor said that the international judicial process in Arusha must work in partnership with national jurisdictions in order to ensure that a successful judicial process is carried out.

Following the Gacaca court visit, the Prosecutor visited the ICTR Information and Documentation Centre in Kigali. The purpose of the visit was to meet the center's staff and to get acquainted with the main activities of the Centre.

News from the ICTR, The Hague

Following a decision of Trial Chamber II on 20 June 2005, in *The Prosecutor v. Tharcisse Muvunyi*, on the Prosecutor's Extremely Urgent Motion Pursuant to Trial Chamber II's Directive of 23 May 2005, for Preliminary Measures to Facilitate the Use of Closed Video-Link Facilities, the Other Registry Services Sub-Unit of the ICTR Appeals Chamber Support Unit in The Hague facilitated the implementation of this decision between July 18 and 21, 2005.

With the cooperation of the ICTY Witness & Victim Support Section, witness NN was moved from his country of residence to The Hague where he gave testimony from July 18 to 21. Representatives of the Office of the Prosecutor and the Defence team also participated in the video link.

Visitors to the ICTR during July 2005

11 July: Mr. Hoffmann, Head of ICRC Tanzania and Mr. Leonard Blazeby, Co-ordinator, Nairobi ICRC Office. Their main agenda was to consult with senior Tribunal officials and discuss the Moot Court Competition to be held in November.

13 July: Delegation from the MS-TCDC Training Centre for Development Cooperation, USA River.

14 July: Burundi National Football team.

14 July: Munich International School, led by Mr. James Wittevrongel.

14-15 July: United Nations Association-Norway, (UNA-N)

14-18 July: Witness Protection Unit of the South African Government. Their purpose was to provide the WVSS with a training session on Witness Protection at Ngurudoto mountain lodge. They also had an opportunity to meet with senior officials of the Tribunal. Mr. Lovemore Munlo, Deputy Registrar, was their main host.

18 July: Students from the USA-Putney Student Travel; Students from the Netherlands; Students from the University of Michigan.

19 July: New Rwandan Ambassador met the ICTR President, Prosecutor and the Registrar.

19 July: Caren Smith family touring Arusha.

20 July: TCCIA delegation from the Fulbright-Hayes Program, Ohio, USA.

21 July: Courtesy call by the Nigerian High Commissioner to Tanzania, H.E. Mr. Abdulmumini Abubakar; 18 university students from the School of International Training, (SIT).

26 July: Edwin Bolster, Canadian Medical Student. Courtesy of Serengeti Select Safaris

29 July: Research lawyer from the Georgetown University Law School, Ms. Lisa Babcock.

HRPS Training



Galaxy training for the staff of Human Resources & Planning Section on the new staff selection system was held in July 2005



Judicial Decisions of the ICTR Between 1 and 31 July 2005

Date Created	Case Name	Record Number	Chamber	Title
01/07/2005	Ndindiliyimana, et al	ICTR-00-56-0482	TC2	DECISION ON REQUEST FOR CERTIFICATION OF APPEAL FROM THE NDINDILIYIMANA, ET AL DECISION OF TC DATED JUNE 13, 2004 (sic) DISMISSING APPLICANT'S REQUEST FOR A CITATION FOR CONTEMPT OF THE JOURNALIST GATARE OF RADIO RWANDA FOR PUBLISHING
01/07/2005	Karemera et al	ICTR-98-44-1815	TC3	DECISION GRANTING EXTENSION OF TIME TO FILE DEFENCE PRE-TRIAL BRIEF
04/07/2005	Nyiramasuhuko et al	ICTR-98-42-0078	TC2	DECISION ON PAULINE NYIRAMASUHUKO'S EX-PARTE EXTREMELY URGENT MOTION FOR RECONSIDERATION OF TCII'S DECISION ON NYIRAMASUHUKO'S STRICTLY CONFIDENTIAL EX-PARTE UNDER SEAL MOTION FOR ADDITIONAL PROTECTIVE MEASURES ...
05/07/2005	Military I] Bagosora et al	ICTR-98-41-0247	TC1	[DECISION ON SUFFICIENCY OF DEFENCE WITNESS SUMMARIES
05/07/2005	Ndindiliyimana et al	ICTR-00-56-0485	TC2	DECISION ON EXTREMELY URGENT DEFENCE MOTION TO AUTHORISE THE REGISTRY TO TRANSMIT THE OFFICIAL TRANSCRIPTS OF WITNESS TESTIMONY IN THE CASE OF THE PROSECUTOR V. NDINDILIYIMANA ET AL No ICTR-00-56-I (a.k.a. MILITARY II CASE) PUR
05/07/2005	Karemera et al	ICTR-98-44-1829	TC3	DECISION ON JOSEPH NZRORERA'S MOTION TO COMPEL INSPECTION AND DISCLOSURE
07/07/2005	Bizimungu et al	ICTR-99-50-0940	TC2	DECISION ON PROSECUTOR'S CONSOLIDATED CORRIGENDUM TO PROSECUTOR'S RESPONSE TO DEFENCE MOTIONS FOR PROTECTION OF DEFENCE WITNESSES AND REQUEST FOR RECONSIDERATION OF DECISION ON PROSPER MUGIRANEZA'S MOTION FOR PROTECTION OF DEFENCE WIT
07/07/2005	Bizimungu et al	ICTR-99-50-0939	TC2	DECISION ON PROSPER MUGIRANEZA'S MOTION FOR CERTIFICATION
07/07/2005	Bizimungu et al	ICTR-99-50-0938	TC2	DECISION ON JEROME BICAMUMPAKA'S NOTICE OF ALIBI
07/07/2005	Simba	ICTR-01-76-0354	TC1	DECISION ON THE ADMISSION OF CERTAIN EXHIBITS - CORRIGENDUM
07/07/2005	Seromba	ICTR-01-66-0196	TC3	DECISION RELATIVE A LA FIXATION D'UNE DATE DE REPRISE DU PROCES
08/07/2005	Bizimungu et al	ICTR-99-50-0941	TC2	DECISION ON THE ADMISSIBILITY OF THE EXPERT TESTIMONY OF DR. BINAIFER NOWROJEE
11/07/2005	Nsengimana	ICTR-01-69-0038	TC2	DECISION ON NSENGIMANA'S MOTION FOR THE SETTING OF A DATE FOR A PRE-TRIAL CONFERENCE, A DATE FOR THE COMMENCEMENT OF TRIAL, AND FOR PROVISIONAL RELEASE
12/07/2005	Karemera et al	ICTR-98-44-1838	TC3	DECISION GRANTING EXTENSION OF TIME TO RESPOND TO THE PROSECUTION MOTION FOR JUDICIAL NOTICE
12/07/2005	Karemera et al	ICTR-98-44-1839	TC3	DECISION SUR LES REQUETES DE EDOUARD KAREMERA ET DE MATHIEU NGIRUMPATSE AUX FINS DE PROROGATION DES DELAIS POUR LE DEPOT DE LEURS MEMOIRES PREALABLES AU PROCES
12/07/2005	Karemera et al	ICTR-98-44-1840	TC3	DECISION ON PROSECUTION'S MOTION FOR RETURN OF EXHIBITS FROM ANNULLED TRIAL SESSIONS
13/07/2005	Karemera et al	ICTR-98-44-1843	TC3	DECISION ON JOSEPH NZIRORERA'S MOTION FOR ORDER ALLOWING MEETING WITH DEFENCE WITNESS
14/07/2005	Seromba	ICTR-01-66-0197	TC3	DECISION RELATIVE A LA REQUETE DU PROCUREUR AUX FINS DE CONSTAT JUDICIAIRE



Date Created	Case Name	Record Number	Chamber	Title
15/07/2005	Muvunyi	ICTR-00-55A-0109	TC2	REASONS FOR THE CHAMBER'S DECISION ON THE ACCUSED'S MOTION TO EXCLUDE WITNESS TQ
15/07/2005	Muvunyi	ICTR-00-55A-0108	TC2	DECISION ON MUVUNYI'S MOTION FOR EXTENSION OF TIME TO FILE RULE 98 BIS MOTION
19/07/2005	Karempera et al	ICTR-98-44-1144/2	TC3	DECISION ON NZIRORERA'S PRELIMINARY MOTION TO DISMISS THE INDICTMENT FOR LACK OF JURISDICTION: CHAPTER VII OF THE UNITED NATIONS CHARTER
26/07/2005	Zigiranyirazo	ICTR-01-73-0134	TC3	THIRD REQUEST FOR THE COOPERATION OF THE GOVERNMENT OF RWANDA, ARTICLE 28 OF THE STATUTE AND RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE
26/07/2005	Ndindiliyimana, et al	ICTR-00-56-0346/2	TC2	DECISION RELATIVE AUX REQUETES DE LA DEFENSE TENDANT A LA SUSPENSION DE L'INSTANCE ET AU REPORT DE LA DATE D'OUVERTURE DU PROCES ASSORTIE DE L'EXPOSE DES MOTIFS DE LA DECISION ORALE RENDUE PAR LA CHAMBRE LE LUNDI 20 SEPTEMBRE 2004
28/07/2005	Karempera et al	ICTR-98-44-1884	TC3	DECISION RELATIVE A LA REQUETE EN EXTENSION DE DELAI DE REPONSE A LA REQUETE DU PROCUREUR AUX FINS DE PRESCRIPTION DE MESURES DE PROTECTION SPECIALES POUR LES TEMOINS G ET T
29/07/2005	Media] Nahimana et al	ICTR-99-52-1401	TC1	[REQUEST FOR REVERSAL OF PROHIBITION OF CONTACT
29/07/2005	Military I] Bagosora et al	ICTR-98-41-0805	TC1	[CERIFICATION OF APPEAL CONCERNING ACCESS TO PROTECTED DEFENCE WITNESS INFORMATION