



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

June 2008



United Nations Security Council in session

## Judge Dennis Byron, President, Addresses the United Nations Security Council, 4 June 2008

Mr. President, Your Excellencies,  
Ladies and Gentlemen,

I too am greatly honoured to present to the distinguished members of the Security Council the ninth report on

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Judge Byron Addressing the SC while Judge Fausto Pocar, President of ICTY looks on

the Completion Strategy of the International Criminal Tribunal for Rwanda.

In 2003, the Security Council called on the Tribunal to “take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010.” Since then, the Tribunal has substantially complied with its Completion Strategy, while upholding trial fairness and the rights of the accused.

Of the 92 Indictments issued by the Prosecutor, 41 have been disposed of. Of the remaining 51, four have

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## Statement by Justice Hassan B. Jallow Prosecutor to the UN Security Council, 4 June 2008

Mr. President, Your Excellencies,

This year is an important landmark in the Completion Strategy of the ICTR having regard to resolution 1503 (2003) of 28 th August 2003 by which this Council called upon the ICTR, and indeed the ICTY, “to take all possible measures to complete all trial activities at first instance by the end of 2008 ...”

Although a significant number of accused persons – indeed totalling 86 would have been brought to account before the ICTR by the end of this year for their leading role in the commission of serious violations of international humanitarian law in Rwanda in 1994, and that many of the cases currently on trial will have been concluded, it is now evident that there will still be pending trial activity at the ICTR by the end of 2008.



Justice Jallow Addressing the SC; Mr. Brammertz, Prosecutor of the ICTY is on his right

This situation has arisen essentially because of the three new arrests of Callixte Nsabonimana, Dominique Ntawukulilyayo and Augustin Ndirabatware respectively effected in the DRC, France and Germany. All these three accused are considered of such a high level as to require trial at the ICTR rather than transfer to a national jurisdiction. The OTP is

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## ICTR Requests One Year Extension of its Mandate

Mr. Hassan Jallow, Chief Prosecutor of the ICTR held a press briefing on Thursday 12 June 2008 to discuss a range of issues effecting the Tribunal.



Mr. Jallow announced that an application to extend the work of the ICTR beyond the previous deadline of 30 December 2008 had been lodged with the UN Security Council. He stated that this was because not all trials will be completed by the end of this year and that 13 fugitives wanted on UNICTR indictments have yet to be detained.



The proposed new date for completion is 30 December 2009. Mr Jallow and Judge Charles Byron, President of the Tribunal, travelled to the UN HQ in New York to discuss the matter with the Security Council and are confident that an extension will be agreed.

He also stated that the trial of four senior Rwanda Patriotic Front (RPF) military officers, who are alleged to have been involved in the murder of 13 clergymen during the genocide, will be held in Rwanda rather than at the ICTR. The case will be made public and will be subject to monitoring by representatives from Mr. Jallow's Office of the Prosecution in Arusha. He went on to say that he hoped the trial of the RPF officers would "contribute towards reconciliation within that country if the government is seen to be taking some action against its own".

Also discussed at the press briefing were the continuing efforts of ICTR investigators to bring fugitives in Kenya and the Democratic Republic of Congo to justice. Mr Jallow specifically mentioned the case of Félicien Kabuga. Kabuga is known to be resident in Kenya and UN prosecutors are liaising with Kenyan government officials in an attempt to have his assets in Kenya frozen and expedite his extradition to Arusha to face trial at the ICTR. There are currently eight fugitives from the Rwandan genocide known to be living in the DRC.

In response to a question about staffing issues, Mr. Jallow took the opportunity to praise ICTR staff's "continuing commitment to justice". Members of the international press also took the opportunity to quiz Mr Jallow on issues such as the level of cooperation that the ICTR enjoys with the Kenyan government, unfounded reports of ICTR fugitives living in Norway and continuing efforts of the office of the prosecutor to transfer forthcoming cases to Rwandan courts.

## ICTR Judicial Activities

### Judicial Calendar— 5 to 18 June 2008

Case	Bench	Prosecution	Defence (Lead Counsel only)	Party presenting his/ here case	Courtroom
<b>Callixte Kalimanzira</b>	Judges Byron (pres.), Kam & Joensen	C. Graham O. Jammeh S. Agaba K. Murukutla	A. Vercken A. Guissé	Prosecution case (continued)	Laity Kama
<b>Nyiramasuhuko et al.</b> E. Ndayambaje J. Kanyabashi P. Nyiramasuhuko A. Ntahobali S. Nsabimana A. Nteziryayo	Judges Sekule (Pres.), Ramaroson, Bossa	A. Whest H. Makwaia, A. Alexis-Windsor	P. Boulé M. Marchand N. Bergevin N. Marquis J. Kadji F. Pacere	Defence for Kanyabashi (continued)	CR II
<b>Bizimungu et al.</b> C. Bizimungu J. Mugenzi J-C. Bicamumpaka P. Mugiraneza	Judges Khan (Pres.), Muthoga and Short	P. Ng'arua I. Babajide J. Bwonwonga E. Bazawule S. Rajapaksa O. De Schutter W. Mubiru	M. St. Laurent B. Gumpert M. Croteau T. Moran	Defence for Mugiraneza (until 13 June 08)	CR I and III
<b>Ndindiliyimana et al</b> A. Ndindiliyimana F.-X. Nzuwonemeye I. Sagahutu A. Bizimungu	Judges De Silva (Pres.), Hikmet, Park	S. Jegede, TA M. Sefon, LA A. Tambadou, ATA F. Mushi, ATA	C. Black C. Taku F. Segatwa G. Saint-Laurent	Defence for Nzuwonemeye (from 26 May 08)	CR III
<b>Nsengimana</b>	Judges Møse (Pres.), Egorov, Arrey	Wallace Kapaya Sylvester Ntukamazina Charity Kagwi-Ndungu Brian Wallace Iskandar Ismail Jane Mukangira	Emmanuel Altit David Hooper	Defence case	CR IV



## Other Landmark Facts

Details as to each Trial Chamber and Appeals Chamber activity are provided hereinafter.

### *Trial Chamber I*

#### Ongoing case

The Trial Chamber resumed for the trial of Hormisdas Nsengimana on 2 June 2008, with the Defence case. Between 5 and 17 June 2008, the Chamber heard nine Defence witnesses, including three of them by video-link. The session will end on 11 July 2008.

#### Cases where judgement delivery is awaited

##### ***Bagosora et al.***

Trial Chamber I is currently engaged in judgment drafting.

##### ***Renzaho***

The Chamber is engaged in the judgement drafting.

#### Cases where referral to a domestic jurisdiction is pending

##### ***Kanyarukiga***

On 6 June 2008, the Chamber denied the Prosecutor's request to refer the case of Gaspard Kanyarukiga (businessman) to Rwanda.

The Chamber found that the Republic of Rwanda has made notable progress in improving its judicial system. Its legal framework contains satisfactory provisions concerning jurisdiction and criminalises Kanyarukiga's alleged conduct. The death penalty has been abolished.

However, the Chamber was not satisfied that Kanyarukiga will receive a fair trial if transferred. First, it was concerned that he will not be able to call witnesses residing outside Rwanda to the extent and in a manner which will ensure a fair trial. Second, it accepted that the Defence will face problems in obtaining witnesses residing in Rwanda because they will be afraid to testify. Third, there is a risk that Kanyarukiga, if convicted to life imprisonment there, may risk solitary confinement due to unclear legal provisions in Rwanda.

##### ***Gatete***

The Chamber is deliberating on the Prosecutor's request to refer his case to Rwanda.

### *Trial Chamber II*

#### Ongoing trials

##### ***Nyiramasuhuko et al.***

Since 5 June 2008, the Chamber has heard the testimonies of six witnesses for the Defence of Elie Ndayambaje who intends to call thirty witnesses in total. The Chamber is currently hearing the 8th witness for Ndayambaje. The Chamber issued one substantive oral decision and is currently deliberating on two motions by Joseph Kanyabashi including one for

reopening of his case. This trial session is scheduled to end on 11 July 2008 for judicial recess and resume on 18 August 2008.

##### ***Bizimungu et al.***

The proceedings continued before the Chamber between 5 and 12 June 2008, during which period the Chamber heard 3 witnesses for the 4th and final co-accused (Prosper Mugiraneza), including the completion of the cross-examination of the Accused himself. The Chamber also heard the final witness for the 3rd co-Accused (Jerome-Clement Bicamumpaka). Following a Status conference held on 13 June 2008, the Chamber considered that at this stage, the evidence had been completed. The Chamber is however seized of a number of Defence motions filed on the same day for the reconsideration of certain witness-related issues. The Chamber scheduled the closing submissions in the case for the week commencing 1 December 2008. The Chamber also rescheduled its visit of certain sites in Rwanda to the week commencing 5 October 2008. Between 5 and 18 June 2008, the Chamber rendered five written decisions, including a confidential written decision concerning a Mugiraneza Defence motion for the admission of the testimonies of 29 witnesses in written form in lieu of those witnesses testifying orally before the Chamber.

##### ***Military II***

The Trial Chamber resumed in this case on 26 May 2008 for the continuation of Ndindiliyimana case. Between 4 and 18 June 2008, Xx Ndindiliyimana Defence witnesses testified. The accused commenced his testimony on 16 June 2008. The third co-accused (F.-X. Nzuwonemeye) is scheduled to commence the presentation of his case on 23 June 2008.

The Chamber is currently deliberating on various motions. In connection with the Defence motions claiming a violation by the Prosecutor of his obligation to disclose exculpatory material, the Chamber issued an interim decision ordering the Prosecutor to disclose to the Chamber only the alleged exculpatory material. Consequently, the Prosecutor provided to the Chamber about 400 pages.

##### ***Rukundo***

The Chamber is currently engaged in the judgement drafting.

### *Trial Chamber III*

#### Ongoing trials

##### ***Kalimanzira***

The trial session resumed on 16 June 2008 with the continuation of the Prosecution case. Over three trial days, the Chamber heard five Prosecution witnesses.

##### ***Karemera et al.***

The trial is scheduled to resume on 7 July 2008 and will continue until 18 July 2008, at which time the Chamber will adjourn for the summer recess. Edouard Karemera will continue the presentation of his defence case by calling further witnesses, four of whom will testify via video link.





The Chamber has recently issued a number of decisions related to the presentation of the defence case. Most notably, a decision permitting the Defence for Edouard Karemera to amend its witness list to enable it call further witnesses, and a further decision ordering the defence for Edouard Karemera to provide the Prosecution with its witnesses sequencing list, a decision denying of Mathieu Ndirumpatse's second motion for judgement of acquittal, and a decision denying Joseph Nzirorera's second motion for no case to answer. The Chamber also rendered a decision in which it varied a prior ruling on the scope of the Prosecution's authority to cross-examine a witness for one accused on matters which incriminate his co-accused. Finally, the Chamber is also seized of motions by Mathieu Ndirumpatse and Joseph Nzirorera which concern the management of their defence cases.

Cases where referral to a domestic jurisdiction is pending

**Hategekimana**

The Chamber is deliberating on the motion for the referral of the case to Rwanda. The Chamber originally granted the Kigali Bar Association's request to be heard as *Amicus Curiae* on the motion for referral, but since it did not file submissions within the set time-limit, the Chamber rule, on 2 May 2008, that the submissions were time-barred.

**Kayishema**

Fulgence Kayishema is an accused at large. The Chamber is currently seized a Prosecution motion for the referral of his case to Rwanda. On 2 May 2008, the Chamber instructed the Registrar to immediately appoint Defence Counsel to represent the interests of the Accused in his absence.

Cases where judgement delivery is awaited

**Bikindi**

The Chamber heard the closing arguments on 26 May

2008. The Chamber is now engaged in the judgement drafting.

**Nchamihigo**

The Chamber is currently engaged in the judgement drafting.

**Zigiranyirazo**

The Chamber heard the closing arguments on 28 and 29 May 2008. The Chamber is now engaged in the judgement drafting.

*Appeals Chamber*

The Appeals Chamber is seized of appeals from judgement in two cases. The appeals in the *Muvunyi* case, which were heard in Arusha on 13 March 2008, are under deliberation. The appeal from judgement in the *Karera* case is now fully briefed and is being prepared for a hearing. The Appeals Chamber is also seized of the Prosecutor's appeal against a decision of Trial Chamber III denying his motion to refer the case of Yussuf Munyakazi to Rwanda. The briefing in this appeal is proceeding. In addition to these appeals, the Appeals Chamber is seized of a request for clarification in the *Niyitegeka* case, one motion arising from the *Nahimana et al* Appeal Judgement, as well as a request from Andre Ntagerura concerning State cooperation.

Since the beginning of this year, the Appeals Chamber has delivered one Judgement, in the *Seromba* case, three interlocutory appeal decisions, and eleven decisions on requests for review, reconsideration or other matters. It has also issued twenty-seven preliminary decisions or orders.

To date, the Appeals Chamber has delivered 19 Appeal Judgements.

**Judicial Decisions of the ICTR from 1-30 June 2008**

Date	Record Number	Title	TC
02/06/2008	ICTR-98-44-3561	KAREMERA ET AL - DECISION RELATIVE AUX REQUETES D'EDOUARD KAREMERA EN MODIFICATION DE LA LISTE DE SES TEMOINS AINSI QU'EN EXTENSION DES MESURES DE PROTECTION	TC 3
02/06/2008	ICTR-98-44-3454/2	KAREMERA ET AL - DECISION ON EDOUARD KAREMERA'S MOTION TO ALLOW DEFENCE WITNESSES TO TESTIFY VIA VIDEO-LINK	TC 3
02/06/2008	ICTR-99-50-1927	BIZIMUNGU ET AL - DECISION ON DEFENCE MOTIONS TO ADMIT CHURCH RECORDS AND SCHOOL RECORDS PURSUANT TO RULE 89 (C)	TC 2
03/06/2008	ICTR-98-44-3562	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SECOND MOTION FOR FINDING OF "NO CASE TO ANSWER" AND MOTION FOR RECONSIDERATION	TC 3
03/06/2008	ICTR-98-44-3563	KAREMERA ET AL - DECISION ON THE PROSECUTION'S APPLICATION FOR CERTIFICATION TO APPEAL THE ORDER OF 17 APRIL 2008 IN THE DEFENCE CASE	TC 3
03/06/2008	ICTR-99-50-1930	BIZIMUNGU ET AL - DECISION ON DEFENCE MOTION TO ADMIT BBC DOCUMENTS PURSUANT TO RULE 89 (C)	TC 2
03/06/2008	ICTR-99-50-1929/2	BIZIMUNGU ET AL - DEUXIEME DECISION RELATIVE A LA REQUETE DE JEROME-CLEMENT BICAMUMPAKA AUX FINS DE DELIVRANCE D'UNE INJONCTION DE COMPARAITRE - ARTICLE 54 DU REGELEMENT DE PROCEDURE ET DE PREUVE	TC 2
03/06/2008	ICTR-99-50-1929/1	BIZIMUNGU ET AL - SECOND DECISION ON JEROME-CLEMENT BICAMUMPAKA REQUEST FOR A SUBPOENA - RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2



Date	Record Number	Title	TC
04/06/2008	ICTR-98-44-3566	KAREMERA ET AL - ORDONNANCE PORTANT SURSIS A L'EXECUTION DE LA DECISION RELATIVE AUX REQUETES D'EDOUARD KAREMERA EN MODIFICATION DE LA LISTE DE SES TEMOINS AINSI QU'EN EXTENSION DES MESURES DE PROTECTION DU 2 JUIN 2008	TC 3
04/06/2008	ICTR-96-8-0480	ELIE NDAYAMBAJE - DECISION ON NDAYAMBAJE'S MOTION TO VARY HIS LIST OF WITNESSES	TC 2
05/06/2008	ICTR-99-50-1935	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S EMERGENCY MOTION TO RECALL WITNESSES FOR FURTHER TESTIMONY	TC 2
05/06/2008	ICTR-99-50-1933	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION TO VARY HIS WITNESS LIST; AND DECISION ON MOTION TO DROP ONE WITNESS AND REQUIRE ON 92 BIS WITNESS TO TESTIFY IN PERSON - RULE 73 AND 73 TER (E) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
06/06/2008	ICTR-02-78-0110	KANYARUKIGA - DECISION ON PROSECUTOR'S REQUEST FOR REFERRAL TO THE REPUBLIC OF RWANDA	TC 1
09/06/2008	ICTR-00-56-0957/2	NDINDILYIMANA ET AL - DECISION RELATIVE A LA REQUETE EXTREMEMENT URGENTE ET CONFIDENTIELLE DE NZUWONEMEYE EN VUE DE FAIRE DEPOSER LES TEMOINS Y1, S2, Y3, F10 ETPAR VOIE DE VIDEOCONFERENCE	TC 2
09/06/2008	ICTR-00-56-0957/1	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S EXTREMELY URGENT AND CONFIDENTIAL REQUEST FOR VIDEO-LINK TESTIMONY OF WITNESSES Y1, S2, Y3, F10 AND F11	TC 2
10/06/2008	ICTR-99-50-1945	BIZIMUNGU ET AL - DECISION ON JEROME BICAMUMPAKA'S CONFIDENTIAL AND AMENDED MOTION TO ADMIT RWANDAN JUDICIAL RECORDS INTO EVIDENCE - RULE 89 (C) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
10/06/2008	ICTR-99-50-1946	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S MOTION FOR FURTHER CERTIFIED DISCLOSURE AND LEAVE TO REOPEN HIS DEFENCE - RULE 68 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
10/06/2008	ICTR-00-56-0958	NDINDILYIMANA ET AL - PROSECUTOR'S RESPONSE TO << SUPPLEMENTAL MOTION TO NZUWONEMEYE DEFENCE MOTION ON DEFECTS IN THE FORM OF THE INDICTMENT IN LIGHT OF THE CHAMBER'S DECISION IN RESPECT TO THE DEFENCE RULE 98BIS MOTIONS AND PURSUANT TO RULE 72(F) IN ..	TC 2
10/06/2008	ICTR-01-69-0134	NSENGIMANA - DECISION ON DEFENCE REQUEST FOR VIDEO - LINK TESTIMONY	TC 1
12/06/2008	ICTR-99-50-1952	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S EMERGENCY MOTION TO VARY WITNESS LIST - RULE 73 AND 73 ter (E) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
12/06/2008	ICTR-01-69-0138	NSENGIMANA - DECISION ON DEFENCE MOTION TO TRANSFER DETAINED WITNESS FMR92	TC 1
16/06/2008	ICTR-98-44-3581	KAREMERA ET AL - RECTIFICATIF A LA DECISION RELATIVE AUX REQUETES D'EDOUARD KAREMERA EN MODIFICATION DE LA LISTE DE SES TEMOINS AINSI QU'EN EXTENSION DES MESURES DE PROTECTION DU 2 JUIN 2008	TC 3
16/06/2008	ICTR-99-52-2288	NAHIMANA ET AL: NGEZE - DECISION ON HASSAN NGEZE'S MOTIONS OF 21 MAY 2008	TC 2
16/06/2008	ICTR-98-44-3583	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE DE METHIEU NGIRUMBATSE EN ACQUITTEMENT	TC 3
16/06/2008	ICTR-05-88-0054	KALIMANZIRA - DECISION ON THE PROSECUTION MOTION FOR THE EXTENSION OF THE TRIAL CHAMBER'S "DECISION ON TRANSFER OF DETAINED WITNESSES" OF 4 APRIL 2008	TC 3
16/06/2008	ICTR-01-69-0139	NSENGIMANA - DECISION ON DEFENCE MOTION TO PRESENT AN ADDITIONAL WITNESS	TC 1
17/06/2008	ICTR-97-36A-0069	MUNYAKAZI - DEFENCE NOTICE OF INTENTION TO FILE RESPONSE TO THE PROSECUTOR'S APPEAL BRIEF IN THE PROSECUTOR'S APPEAL AGAINST THE DECISION OF TC III IN THE MOTION FOR REFERRAL OF THE CASE OF YUSSUF MUNYAKAZI TO RWANDA PURSUANT TO RULE 11 BIS	AC
17/06/2008	ICTR-04-81-0068	SETAKO - DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION OF 3 MARCH 2008 ON DEFECTS IN THE INDICTMENT	TC 1
17/06/2008	ICTR-04-81-0069	SETAKO - DECISION ON DEFENCE MOTION CONCERNING DEFECTS IN THE AMENDED INDICTMENT	TC 1
17/06/2008	ICTR-04-81-0070	SETAKO - DECISION ON DEFENCE MOTION FOR RECONSIDERATION OR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION ON DEFENCE REQUESTS TO LIFT CONFIDENTIALITY OF FILINGS	TC 1

Date	Record Number	Title	TC
18/06/2008	ICTR-00-55A-0351	MUVUNYI - DECISION ON MUVUNYI'S REQUEST FOR CONSIDERATION OF POST-HEARING SUBMISSIONS	AC
18/06/2008	ICTR-98-44-3587	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'EDOUARD KAREMERA AFIN DE NE PAS COMMUNIQUER LES ELEMENTS D'IDENTIFICATION DE SES TEMOINS PROTEGES DANS L'IMMEDIAT AINSI QU'A LA REQUETE DU PROCUREUR EN COMMUNICATION DE L'ORDRE DE COMPARUTION DES TEMOIN	TC 3
19/06/2008	ICTR-98-44-3590/1	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE CONFIDENTIELLE D'EDOUARD KAREMERA AUX FINS DE L'AUDITION PAR VIDEOCONFERENCE DES TEMOINS LOL ET KBL & CONFIDENTIAL ANNEX	TC 3
19/06/2008	ICTR-00-55B-0059	HATEGEKIMANA - DECISION ON PROSECUTOR'S REQUEST FOR THE REFERRAL OF THE CASE OF ILDEPHONSE HATEGEKIMANA TO RWANDA	TC 3
19/06/2008	ICTR-02-78-0111	KANYARUKIGA - DECISION ON DEFENCE MOTION TO ADMIT ADDITIONAL EVIDENCE	TC 1
20/06/2008	ICTR-02-78-0112	KANYARUKIGA - DECISION ON DEFENCE REQUEST FOR TRANSLATION	TC 1
23/06/2008	ICTR-04-81-0071	SETAKO - AMENDED INDICTMENT ( Pursuant to the trial chamber's decision on defence motion concerning defects in indictment delivered on 17 june 2008)	TC 1
23/06/2008	ICTR-04-81-0072	SETAKO - ACTE D'ACCUSATION MODIFIE (suivant la decision de la chamre de 1ere instance du 17 juin 2008 sur la requete de la defence concernant des vices de l'acte d'accusation)	TC 1
24/06/2008	ICTR-05-88-0057	KALIMANZIRA - DECISION ON DEFENCE MOTION TO EXCLUDE PROSECUTION WITNESSES BWM, BWN, BXB, BXC, BXD AND BXL	TC 3
25/06/2008	ICTR-98-44-3601	KAREMERA ET AL - DECISION ON PROSECUTOR'S APPLICATION TO CERTIFY AN APPEAL AND NZIRORERA'S APPLICATION TO CERTIFY AN APPEAL AND/OR RECONSIDER "DECISION ON THE PROSECUTION MOTION TO REOPEN ITS CASE AND ON THE DEFENCE MOTION TO FILE ANOTHER RULE 98 B	TC 3
25/06/2008	ICTR-98-44-3602	KAREMERA ET AL - DECISION ENJOIGNANT A LA DEFENSE EDOUARD KAREMERA DE DEPOSER IMMEDIATEMENT L'ORDRE DE COMPARUTION DE SES TEMOINS	TC 3
25/06/2008	ICTR-98-44-3603	KAREMERA ET AL - ORDONNANCE RELATIVE AU MEMOIRE DE MATHIEU NGIRUMPATSE SUITE A LA DECISION DU 17 AVRIL 2008 RELATIVE A L'ADMINISTRATION DE LA PREUVE DE LA DEFENSE	TC 3
25/06/2008	ICTR-01-69-0141	NSENGIMANA - DECISION ON DEFENCE MOTION TO PRESENT A SECOND ADDITIONAL WITNESS	TC 1
27/06/2008	ICTR-00-61-0058	GATETE - DECISION ON DEFENCE MOTION FOR ORAL HEARING	TC 1
30/06/2008	ICTR-00-61-0059	GATETE - DECISION ON AMICUS CURIAE REQUESTS (IBUKA, AVEGA AND ICDA) RULE 74 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 1

### Request to Transfer Kanyarukiga's Case to Rwanda Denied



On 6 June 2008, Trial Chamber I denied the Prosecution's request to transfer the case of Gaspard Kanyarukiga to Rwanda. Born in 1945, he was a businessman in the Kigali and Kibuye prefectures in 1994 .

The Chamber found that the Republic of Rwanda has made notable progress in improving its judicial system. Its legal framework contains satisfactory provisions concerning jurisdiction and criminalises Kanyarukiga's alleged conduct. The death penalty has been abolished.

However, the Chamber was not satisfied that Kanyarukiga will receive a fair trial if transferred. First, it

was concerned that he will not be able to call witnesses residing outside Rwanda to the extent and in a manner which will ensure a fair trial. Second, it accepted that the Defence will face problems in obtaining witnesses residing in Rwanda because they will be afraid to testify. Third, there is a risk that Kanyarukiga, if convicted to life imprisonment there, may risk solitary confinement due to unclear legal provisions in Rwanda.

The Trial Chamber was composed of Judges Erik Møse, presiding, Sergei Alekseevich Egorov and Florence Rita Arrey. In addition to submissions by the Prosecution and the Defence it considered briefs from the Republic of Rwanda, the Kigali Bar Association, Human Rights Watch and the International Criminal Defence Attorneys Association, which had been given *amicus curiae* status. Gaspard Kanyarukiga was arrested in South-Africa in July 2004. On the basis of acts allegedly committed in 1994 in Kivumu commune, Kibuye prefecture, the

indictment charges him with genocide, or in the alternative complicity in genocide, and extermination as a crime against humanity. Kanyarukiga has pleaded not guilty to the charges against him.

### **Hategekimana's Case Transfer to Rwanda Denied**

On 19 June 2008 a Trial Chamber of the ICTR denied a request from the Prosecutor to transfer a case to Rwanda for trial. The Chamber was composed of Judges Khalida Rachid Khan, presiding, Asoka de Silva and Emile Francis Short.



The decision concerns the case of Hategekimana a former Lieutenant and commander of Ngoma Military Camp in Butare Prefecture during the genocide in 1994. He is charged with genocide, complicity in genocide as well as murder and rape as crimes against humanity, including crimes committed by his subordinates. In collaboration with others holding political and military authority Ildephonse Hategekimana is said to have planned the elimination of the civilian Tutsi population and members of the opposition in order to hold on to power. Hategekimana is alleged to have ordered, instigated, or otherwise aided subordinate soldiers to attack civilian Tutsi at various locations in Butare Town. This was reportedly done by furnishing material, in particular hand grenades and transportation for these troops.

On 16 February 2003, Ildephonse Hategekimana was arrested in Brazzaville- Congo and transferred to the ICTR Detention Centre in Arusha two days later. During his initial court appearance before Judge Pavel Dolenc on 28 February 2003, he pleaded not guilty to each of the charges brought against him

Pursuant to Rule 11 *bis* and the jurisprudence of the Appeals Chamber, a Chamber may order referral to a State that has jurisdiction over the crimes of the accused, and is willing and adequately prepared to accept the case. Prior to ordering referral, a Chamber must be satisfied that the accused will receive a fair trial in the courts of the referral state, and the death penalty will not be imposed or carried out. However, the Chamber was not satisfied that Hategekimana will receive a fair trial if transferred.

The Trial Chamber ruled that although Rwanda had made a significant progress in rebuilding its criminal justice system, some obstacles to the referral of Hategekimana's case remained. Furthermore Hategekimana's right to obtain the attendance and examination of witnesses on his behalf under the same conditions as the witnesses against him could not be ensured.

The Chamber found that it was possible, pursuant to Rwandan law, that Hategekimana could face a life imprisonment in isolation without adequate safeguards in violation of his right not to be subjected to cruel, inhuman or degrading punishment. The death penalty has been abolished in Rwanda.

Given this conclusion, the Chamber did not consider it necessary to further discuss the role of monitoring and

revocation, and on 19 June 2008 rejected the Prosecutor's request to refer Ildephonse Hategekimana's case to the Rwandan authorities for adjudication before a Rwandan court. The Chamber did not fix the date for the opening of the trial.

Ildephonse Hategekimana is the third suspect whose referral request has been rejected by the ICTR. Earlier this month the tribunal also refused to return Gaspard Kanyarukiga, a former businessman, to Rwanda, again arguing it was not satisfied he would receive a fair trial. A similar decision was reached in the case of another suspect, Yussuf Munyakazi.

### **Dominique Ntawukuliyayo Pleads Not Guilty**

Dominique Ntawukuliyayo, a former Sub-Prefect of Gisagara in Butare, was on 5 June 2008 transferred from Paris, France to the ICTR Detention Facility in Arusha, Tanzania. Ntawukuliyayo made his initial appearance before Judge Khalida Rachid Khan on 10 June 2008. Ntawukuliyayo pleaded not guilty to three counts, genocide, complicity in genocide, and direct and public incitement to commit genocide.



Ntawukuliyayo is alleged to have planned the killing of up to 25,000 Tutsis at Kabuye Hill between 6 April and 17 July 1994.

The indictment alleges that Ntawukuliyayo had *de facto* control over local and regional leaders, administrative personnel, communal police as well as *Interahamwe* and other militias in Butare during the genocide. Ntawukuliyayo was allegedly responsible for inciting the general public to participate in genocide by promising money, lands and houses to those who were responsible for killing the greatest number of Tutsi.

Ntawukuliyayo was arrested in the French town of Carcassonne on 17 October 2007 following an indictment issued by the Tribunal on 26 May 2005. On 21 September 2006 a warrant of his arrest was served to the French Government. After his arrest the accused contested his extradition to Arusha in the French courts and in May 2008 France's Court of Appeal turned down his request. The accused then appealed to the European Human Rights Court in Strasbourg which also refused to block his transfer.

Ntawukuliyayo is alleged to have planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of crimes of genocide against Tutsis in Butare prefecture. Specifically he is alleged to have aided and abetted killings at Kabuye hill where as many as 25,000 Tutsi refugees were killed between 6 April and 17 July 1994. In April and May 1994, Ntawukuliyayo is also said to have addressed several meetings in Gikoro, Mudabori and Nyaruhengeri where he, among others, promised to reward those who would kill the greatest number of Tutsis with houses, land and money.



## Final Statistics of Government II Case

Friday 13 June 2008 marked the thirteenth Status Conference of the *Bizimungu et al.* trial and the end of the Defence case. The thirteenth status conference brought the time spent on status conferences to 13 hours and 13 minutes.

- **Brief trial statistics of Government II**

	Number of days in Chamber	Duration increments of hours and minutes	Number of Witnesses
Prosecution	178 days	928 hours, 13 minutes	57 witnesses
Justin Mugenzi	56 days	242 hours, 43 minutes	19 witnesses
Casimir Bizimungu	73 days	323 hours, 35 minutes	24 witnesses
Jerôme Bicomumpaka	42 days	190 hours	25 witnesses
Prosper Mugiraneza	47 days	241 hours, 40 minutes	46 witnesses
Status Conferences	<b>13</b>	<b>13 hours 13 minutes</b>	<b>None.</b>
TOTAL	<b>409 days</b>	<b>1,939 hours, 41 minutes</b>	<b>171 witnesses</b>
Motions	<b>652</b>	<b>Responses 652</b>	<b>Decisions 652</b>
Transcripts	<b>27,300 pages</b>		

## New Interns Attend ICTR Orientation Seminar

On 16 June an Interns' Orientation Seminar took place in the Conference Room of the Serengeti Building. It was attended by 85 interns currently participating in the Internship Programme of the ICTR.



*Mr. Everard O'Donnell addressing the interns*

The seminar was organized by the Legal Services and Internship Programme Unit (LSIPU), directed by Mr. Ahmed Sow, who opened the Seminar.

The first speaker was the Deputy Registrar, Mr. Everard O'Donnell who welcomed the interns and thanked them for their considerable contribution to the Tribunal's work in the present significant phase of its activity. He emphasized the importance of the ICTR as the first tribunal ever to have brought an entire Government –almost all the members of the 1994 Rwandan Government – to justice and stressed how that represents a major achievement against the culture of impunity.

The second speaker was Mr. Roland Amoussouga, Spokesperson to the ICTR and Chief of ERSPTS. He offered an interesting overview of the activities and the structure of his section. Mr. Bocar Sy, Senior Information Officer, Communication Cluster, ERSPTS, illustrated some of the projects carried out by them, in particular the production of videos on ICTR cases that aim at creating part of the legacy of the Tribunal and its important contribution to international criminal justice.

Other staff members who endeavoured to paint a complete picture of the activities of the different organs of the ICTR are Mr. Matthew Carlson, legal officer from the Chambers; Mr. Morley, Trial Attorney from the OTP, Mr. Dunstain Mwaungulu, from the DCDMS and representatives of the Training, Staff Welfare and Counselling Unit, EDP, CMS and the Legal Library.

## News from Kigali

- **ICTR Hosts South African Students in Rwanda**

Thirteen law students from the Human Rights Centre of the University of Pretoria, facilitated by the ICTR, visited Rwanda from 1-8 June 2008. This is an ongoing programme since 2002. Other students have also been undergoing internship programmes at the ICTR headquarters in Arusha.

The students were undertaking research on human rights and conflict management. Their study focused mainly on the work of ICTR, the causes of genocide, the operation of the Rwandan judiciary, the human rights situation in Rwanda and the achievements made in the country as regards unity and reconciliation.





The Journalists were attending a workshop on International Justice, sponsored by Institut Panos Paris, at La Palisse Hotel in Kigali, that started on 22 June 2008.

The group visited Gisozi Genocide Memorial site and met with different officials including the Prosecutor General, Mr. Martin Ngoga and the President of IBUKA, Mr. Simburudari Theodore. They will also visit the Tribunal's headquarters in Arusha.

## News from The Hague

During their study in Rwanda, they received briefings from the Coordinator of the ERSPS Kigali Sub Office, Mr. Innocent Kamanzi, the Vice President of the Rwandan Supreme Court, Mr. Sam Rugege, the Gacaca Secretariat on operation of traditional justice, officials of the Law Faculty of the National University of Rwanda and the Deputy Prosecutor General, Mr Alphonse Hitiyaremye.

The students visited major genocide memorial sites in the country such as Murambi, Nyamata, Ntarama and Gisozi in the Southern, Eastern and Kigali City Provinces respectively. They were accompanied by the ICTR's Public Information Assistant in Kigali.

- **OTP Staff Train UNILAK University Law Students**

Officials from the Office of the Prosecutor in Arusha, from 16-23 June 2008 conducted a training course on advocacy techniques used in the judiciary in reference to International Justice for students from the Law Faculty of the Kigali Adventist University (UNILAK). The training was conducted by Mr. Nsazuwera Francois and Renifa Madenga.

This training is part of the Outreach Programme of the ICTR aimed at the Capacity Building of the Rwandan Legal Professionals. Similar sessions are periodically undertaken at other Institutions of Higher Learning in Rwanda like the National University of Rwanda and Kigali Independent University.

- **Regional Journalists Visit Umusanzu Centre**

Fifteen journalists from Burundi, Rwanda and the Democratic Republic of Congo on Tuesday 24 June 2008 visited and toured the Umusanzu Information Centre in Kigali where they were briefed on the work of the Tribunal and the functions of the Centre. They were also shown the 15-minute documentary on the Media case.



- **Activity of the Appeals Chamber**

The appeals in the *Muvunyi* case which were heard in Arusha on 13 March 2008 are under deliberation. Additionally, the Appeals Chamber is seized of an appeal from judgement in the *Karera* case where the briefing is now completed and the appeal is being prepared for a hearing.

The Appeals Chamber is also seized of two appeals by the Prosecutor against decisions denying his motions to refer the cases of Yussuf Munyakazi and Gaspard Kanyarukiga to Rwanda. The briefing in these appeals is proceeding.

In addition to these appeals, the Appeals Chamber is seized of three motions arising from the *Nahimana et al.* Appeal Judgement, as well as a request from Andre Ntagerura concerning State cooperation.

During June, the Appeals Chamber delivered post-appeal decisions in the *Niyitegeka* and *Ngeze* cases as well as five other decisions or orders, including a decision on a request for consideration of post-hearing submissions in the *Muvunyi* case.

- **Testimonies of witnesses by video-link**

Following the Order of 10 June 2008 issued by Trial Chamber I, composed of Judges Erik Mose (Presiding), Sergei Alekseevich Egorov and Florence Rita Arrey, the Other Registry Services Sub-Unit (ORSS-U) of the ICTR Office in The Hague has organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, the hearing of testimonies by video-conference link of three witnesses in June 2008.

- **Inter-Tribunals/Courts Co-operation, ICTR-Internal Co-operation**

Ms. Angeline Djampou, Chief, Legal Library and References of the ICTR was on mission in The Hague from Sunday, 22 to Wednesday, 25 June 2008.

Ms. Djampou made a presentation of the newly released DVD of ICTR Basic Documents and Case Law (1995-2006) to the colleagues of ICTR and ICTY in the presence of Mr. Hans Holthuis, ICTY Registrar. Ms. Djampou also presented the DVD to the colleagues of the International Criminal Court (ICC) and the International Court of Justice (ICJ). The exercise aimed at promoting the DVD and familiarizing



users with the most efficient ways to exploit the research treasure which it offers. Questions asked during the various presentations and comments made by participants of various professional backgrounds such as Lawyers, Information Technologies Experts, Librarians, etc., show indisputably that the DVD, a high quality product and research tool on ICTR jurisprudence, is a landmark in the ICTR Legacy Policy.

Furthermore, Ms Djampou held working sessions with her counterparts of ICTY, ICC and ICJ during which they identified common practices and issues of common interest and also exchanged views and experience on the role of information technologies as well as on databases for improving accessibility of legal references to users.

### Judge Byron Addresses UN Security Council

*Continued from p. 1*

been earmarked for referral and 13 accused are still at large. Despite the recent additional workload in connection with five accused, the evidence phase of all remaining cases, but four, will be completed by the end of 2008, with judgements expected at the latest in 2009.

The recent additional workload in connection with five accused includes: an indictment for contempt of court, an accused whose referral to the Netherlands was revoked, and three accused who were recently arrested.

Both the contempt and the case for which referral was revoked have been scheduled for trial and judgement delivery during 2008. Because the three newly arrested are considered as high-level accused, their trials ought to take place at the Tribunal. In view of the current workload and the occupancy rate of courtrooms the scheduling of these three new single-accused cases will necessarily extend into next year. As a result, the evidence phase in four cases, *Karemera et al.* and the three recently arrested fugitives, will spill over into 2009.

We have projected that seven permanent and eight *ad litem* judges could progressively dispose of those remaining cases during 2009. Two permanent and one *ad litem* judges will complete their assigned cases and resign by November 2008. No arrangements for their replacement are considered necessary due to the current and anticipated workload.

Mr. President, Excellencies, as you can see, these

new developments will require some adjustment to the terms of service of the judges. It is my intention to very soon submit to the Presidents of your distinguished Council and the General Assembly a request for consideration of this matter and necessary action.

In a few minutes, the distinguished Prosecutor of the ICTR will address this Honourable Council and request it to urge the States to secure the arrest of the 13 remaining fugitives as soon as possible. The speed and efficiency with which this request will be executed will have an impact on the Tribunal's work. Another element that may have an impact on our work is the outcome of the five pending requests for referral that have not been put on our judicial calendar. Although a Trial Chamber has rendered a decision on one of them last week, if an appeal is lodged, it will take three to four months before the Appeals Chamber will issue its ruling.

Maintaining high performance standards while achieving the goals set by the Completion Strategy does not come easily. There is a high turnover of staff which requires constant training and re-organisation. Decisions from the UN relevant organs in support of the management and maintenance of our resources are instrumental to the Tribunal's Completion Strategy. Once again, I ask this Council to authorize the Secretary-General to take all reasonable measures to ensure that the Tribunal is able to retain its experienced staff in order to achieve its mandate.

While on this subject, it would be remiss of me, not to pay special tribute to the judges. Their commitment to the ideals of the Tribunal and their dedicated service have been exemplary and are essential to the attainment of our mandate. In particular, I would like to acknowledge the *ad litem* judges who, despite the differences in their terms of engagement, have wholeheartedly undertaken the same workload and served for similar duration as permanent judges.

During the reporting period, the Tribunal has benefited from the cooperation of many States. Rwanda, in particular, has continued to provide support in facilitating the presence of witnesses in Arusha and providing other essential services for the effective and expeditious management of the trials. The Republic of Tanzania provided assistance in securing the arrest of Callixte Nzabonimana earlier this year. It must, however, be reported that the relocation of two acquitted persons has not yet been resolved despite the strenuous efforts deployed by the Registrar to find a country of residence for them. This issue, as well as that of the relocation of those convicted persons who will complete the service of sentence, is increasingly becoming crucial as the Tribunal moves towards its completion. On behalf of the Tribunal, I call upon the Member States respectfully to provide support and assistance in finding and imposing sustainable solutions.

The Tribunal has continued to work with the ICTY on the development of arrangements for the performance of essential activities after closure of the Tribunals. It has conducted internal and external consultations with various stakeholders. The work of the Committee on Archives is progressing and is expected to produce recommendations shortly.



The Tribunal has also continued to actively contribute to capacity-building in Rwanda and has delivered programs that have benefited the judicial sector, the civil society and academic institutions.

On behalf of the Tribunal, Mr. President, Excellencies, I would like to thank the Security Council, the Secretariat and the Member States for their steadfast support to the work of the Tribunal. The continued assistance of all Member States is necessary for the Tribunal to accomplish its mandate to bring justice and restore peace and security in Rwanda and the Great Lake Region. Its results will set an example and demonstrate that States are determined to fight against impunity of the most serious international crimes.

Thank you.

### **Justice Jallow Addresses UN Security Council**

*Continued from p. 1*

earnestly preparing their cases for trial. I join the President of the ICTR in assuring the Council that the Tribunal has indeed spared no effort in "taking all possible measures" to meet the target date set by it in Resolution 1503(2003) and that due to these new circumstances an extension of the trial mandate of the ICTR should now be granted to 2009.

Much has been accomplished in the past decade in combating impunity by bringing to account before the tribunals those persons suspected of committing serious violations of international humanitarian law. The gains of the past and the need for a proper completion would be best sustained by permitting the ICTR to continue with trial activity beyond the end of 2008 in order to conclude pending cases.

Although the Trial Chamber has recently rejected one of the five requests by the Prosecutor for the referral of the case of an indictee to Rwanda for trial i.e. in Prosecutor vs Yusuf Muniyaki, the final decision on these requests may well come only later in the year following the decision of the Prosecutor to appeal against this ruling. In the event that referral of cases to Rwanda turns out to be impossible, these five cases would constitute additional work in 2009 for the ICTR, given that so far no country, other than Rwanda has indicated a desire to receive any of these cases.

The cases of the fugitive indictees would pose a special problem as our rules do not permit trials in absentia. On the other hand an acceptable national jurisdiction cannot so far be found to receive those cases for referral.

The Tracking Team of the OTP continues to prioritise its activities and intensify its efforts to secure the arrests of more fugitives. The number of fugitives currently stands at 13, including Felicien Kabuga and a number of other persons who because of their status or level of involvement in the genocide have been earmarked for trial in the ICTR. We hope to be able to effect more arrests of such figures with the cooperation of member states in the months that lie ahead.

The case of Felicien Kabuga has been a constant issue in this Council. Indeed in Resolution 1503(2003) and 1534 (2004) the Council called on all states but especially Kenya, the Democratic Republic of the Congo and the Congo to intensify cooperation with and render all necessary assistance to the ICTR on efforts to bring Felicien Kabuga and all other such indictees to the ICTR.

For the past three years my office has been engaged with the government of Kenya largely through the Joint Kenya-ICTR Task Force in the Kabuga case. The Task Force has now submitted three reports to the ICTR and to the government of Kenya. These reports indicate that there is documentary evidence of Kabuga's entry into Kenya in 1994 and the grant of a resident visa to him as well as a business permit in 1995. There have been several reported sightings of him in Kenya and on two specific occasions in 1997 and 2005 efforts to arrest him in Kenya were thwarted. There is no record or other indication of Kabuga's departure from the territory of Kenya.

Kabuga is also reported, according to the Task Force, to have interests in property and businesses in Kenya either in his own name or jointly with family members or with business associates. There is evidence that Kabuga holds, or has held accounts with banks in Kenya. Kabuga's involvement and activities in Kenya are well documented. Although in May 2008 following my request to the government of Kenya, for the implementation of the recommendations of the Task Force, the government obtained a High Court order freezing one such property belonging to Kabuga, nothing else appears to have been done for the implementation of the recommendations of the Task Force and for the discharge of Kenya's responsibility in this case.

Kenya must now proceed to maintain an active search for the fugitive within its territory with a view to arresting him and transferring him to the ICTR or establishing his departure from its territory; Kenya should take steps just as other member states have done, to freeze the bank accounts of the fugitive that may still be operational and provide a report on all such accounts and others which may have been closed; Kenya should undertake serious and conclusive investigations into the reported interests of Kabuga in the businesses specified in the report and if confirmed take the necessary measures to freeze those interests. In short Kenya has legal obligations of cooperation which the Security Council should request it to fulfil urgently. Much of the past three years has been devoted to investigations. The implementation of the recommendations of the Joint Task Force is overdue.

A number of fugitives, including some of these high level indictees earmarked for trial at the ICTR, have been located in the DRC by the OTP Tracking Team. The ICTR generally and its Tracking Team in particular have not had the benefit of much cooperation from the authorities in the DRC in effecting the arrest of these fugitives. Last week however the government has indicated its readiness to participate in a tripartite meeting with the MONUC and the ICTR to discuss this





matter. We welcome this development and look forward to the meeting proposed for later this month. Nonetheless I consider it necessary for the Security Council to reiterate to the DRC its call for cooperation with the ICTR.

The OTP continues to receive and respond to requests for mutual legal assistance from member states which are investigating, prosecuting or handling extradition requests for fugitives wanted for international crimes committed in Rwanda in 1994. Many states are now actively engaged in locating and investigating fugitives resident in their respective countries with a view to extraditing them to Rwanda or prosecuting them nationally. Some of these fugitives were suspects, initially investigated by the OTP, but not indicted by the Tribunal in light of its completion strategy. The OTP has the largest electronic data base of evidence on the international crimes committed in Rwanda, which will remain an invaluable tool to national investigating and prosecuting authorities of member states after the closure of the Tribunal, for as long as such fugitives remain at large.

Consistent with its mandate and its obligation to fight the culture of impunity the OTP will be hosting a forum, later this year, for selected national prosecuting authorities to discuss ways of enhancing cooperation with them and ensuring the preservation of the OTP's evidentiary assets and modalities for continued access thereto by member states in need of mutual legal assistance after the closure of the Tribunal. As part of the continuing consultative process the OTP will also be hosting early next year the 5<sup>th</sup> annual colloquium for international prosecutors, which will focus on the challenges of completion and an orderly and proper closure of the ad hoc Tribunals.

The OTP has also been actively involved over the last year in capacity building initiatives at the request of the National Prosecution Service in Rwanda. With generous funding from the European Union and the World Bank the OTP has held a series of training seminars and workshops for Rwandan prosecutors, investigators and information managers on best practices in the investigation and prosecution of international crimes, as well as information and evidence management.

In my last report to the Council I indicated that there had been some progress in the investigation of allegations against the members of the RPF. Rwanda has collaborated with us in this process as requested by the Council in its Resolution 1503 (2003). We have together been able to establish a prima facie case that on 5th June 1994 RPF soldiers killed some thirteen clergymen, including five Bishops and two other civilians at the Kabgayi Parish in Gitarama. Some of the perpetrators of this crime are reported to have died whilst others are now serving within the Rwanda Army. Following inquiries the Rwanda Prosecutor General has communicated to me his decision to shortly indict and prosecute four serving senior military officers of the Rwandan Army with murder and complicity to murder as war crimes in connection with this incident. Rwanda as you know shares concurrent jurisdiction with the ICTR over such offences. I have decided to

hold in abeyance further action on my part on the clear understanding that any such prosecutions in and by Rwanda should be effective, expeditious, fair and open to the public. My office will also monitor these proceedings. The prosecutions in Rwanda will of course be without prejudice to the primacy of the ICTR jurisdiction over these crimes. I hope that these prosecutions will be conducted by Rwanda in a manner that will effectively contribute to reconciliation in that country.

The anticipated reduction in the workload of the Tribunal by the end of 2008 is reflected in the process of downsizing through the reduction of resources, both human and material. This process started within the OTP towards the end of 2007 with the abolition of a number of posts within the Investigations Division in Kigali. The process will continue and intensify for the rest of the year. This process of abolition of posts and reduction of personnel is likely to be a difficult one both for the staff concerned and for the ICTR, emotionally and in other respects. We shall do our utmost to manage the process fairly and compassionately. The closure of the tribunals will create a large pool of well tried and experienced staff in the investigation and prosecution of international crimes who I believe the United Nations Organisation should do its utmost to retain and utilise in other activities.

Mr. President I wish to thank the members of the Security Council, the Secretary General and the Secretariat as well as member states for their support to and cooperation with the ICTR.

### Visitors to the ICTR during June 2008

- 2 June** H.E Ambassador Andrew Young, Co-Chairman of Leon Sullivan Summit
- 5 June** Rt. Honorable P.J. Patterson, ON, PC, QC, MP and Former Prime Minister of Jamaica; H.E. Ambassador Nagla El-Hussainy, Assistant Secretary General of Common Market for Eastern and Southern Africa - COMESA
- 9 June** The School of St Jude (42 participants from Tanzania)
- 12 June** Stony Brook University (33 participants from United States)
- 16-21 June** 12 Journalists from Burundi, Rwanda & France; 18 Journalists from DRC, Burundi, Rwanda & Belgium
- 16 June** Loyola Academy College Prep in Wilmette (7 participants from United States)
- 17 June** East African Law Society (4 participants from Kenya, Tanzania and United Kingdom)
- 18 June** Cross Cultural Solutions Volunteers (30 participants from United States)
- 19 June** Ngarenaro Secondary School (10 participants from Tanzania)
- 23 June** Sherry Levin, Program Manager, Arcadia University, PA
- 24 June** UCU- University College Utrecht (25 participants from Netherlands)
- 25 June-1July** Institut Panos Paris
- 25 June** Leopards Tours LTD (20 participants from Venezuela)
- 26 June** Cross Cultural Solutions Volunteers (20 participants from Canada, Austria and Britain)
- ST-Constantine School (45 participants from Tanzania)
- 27 June** Fredrich Ebert Stiftung (27 participants from Kenya)
- 30 June** Mr. Mohammad Bani Faris, Director of UNHQ/DSS