



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

March 2010

## Appeals Chamber Affirms Bikindi's Conviction and Sentence, Reduces Nchamihigo's Sentence

The Appeals Chamber of the United Nations International Criminal Tribunal for Rwanda on 18 March 2010 rendered two judgements; affirming Simon Bikindi's conviction and sentence of 15 years in prison and reversing a number of convictions of Siméon Nchamihigo and reducing his sentence to 40 years instead of imprisonment for the remainder of his life.

On 2 December 2008 Trial



Simon Bikindi

Chamber III found Bikindi a former singer, composer and leader of a ballet troupe called the "Iringiro" guilty of single count of direct and public incitement to commit genocide based on public exhortations to kill Tutsis, which he made on the Kivumu-Kayove road in Gisenyi prefecture in late June 1994.

The Appeals Chamber composed of Judges Patrick Robinson, presiding, Mehmet Güney, Fausto Pocar, Liu Daqun, and Theodor Meron, dismissed the appeals of both Bikindi and the Prosecution in their entirety. He is to remain in the UN Detention Facility in Arusha, Tanzania, pending his transfer to the country in which he will serve his sentence. Bikindi was arrested in The Netherlands on 12 July 2001 and transferred to the Tribunal on 27 March 2002.

In the Nchamihigo case, the Appeals Chamber composed of Judges Patrick Robinson, presiding, Fausto Pocar, Liu Daqun, Theodor Meron, and Carmel Agius allowed Mr. Nchamihigo's appeal in part. Judges Fausto Pocar and Liu Daqun appended partially dissenting opinions. Nchamihigo was Deputy Prosecutor in



Siméon Nchamihigo

Cyangugu prefecture in 1994.

The Appeals Chamber reversed Nchamihigo's convictions rendered by Trial Chamber III on 24 September 2008 for genocide and murder as a crime against humanity for aiding and abetting the killing of Joséphine Mukashema, Hélène and Marie. It also reversed his conviction for genocide in relation to instigating the killings of refugees taken from Kamarampaka stadium on 16 April 1994 and for instigating the killings at Shangi parish and Hanika parish. It further reversed his convictions for genocide and extermination as a crime against humanity in relation to instigating the massacre at Mibilizi parish and hospital and the massacre at Nyakanyinya school.

The Appeals Chamber then affirmed Nchamihigo's convictions for genocide and extermination as a crime against humanity for instigating killings, including those of Karangwa, Dr. Nagafizi and Ndayisaba's family on or about 7 April 1994 and for instigating the massacre in Gihundwe sector on 14 or 15 April 1994. It also affirmed his conviction for other inhumane acts as a crime against humanity for ordering the attack on Jean de Dieu Gakwandi. Finally, it affirmed his convictions for genocide and murder as a crime against humanity for instigating the killing of Father Boneza.

Nchamihigo is to remain in the UN Detention Facility in Arusha, Tanzania, pending his transfer to the country in which he will serve his sentence. Nchamihigo was arrested in Arusha by Tanzanian authorities on 19 May 2001 at the request of the ICTR Prosecutor. He was transferred to the Tribunal's Detention Facility on 25 May 2001.

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## ICTR Judicial Activities

### • Work of the Trial Chambers and the Appeals Chamber in March 2010

#### 1. Trial Chamber I

##### Cases in Judgement Drafting Phase

###### *Munyakazi*

The Chamber is now drafting the judgement. The Chamber issued one decision granting a Defence motion for a site visit which will take place from 30 May to 2 June 2010.

#### 2. Trial Chamber II

##### Ongoing trials

###### *Ngirabatware*

The Prosecution continued presenting its case, which it had resumed on 25 January 2010. During the month of March, the Trial Chamber heard six witnesses and rendered five written and one formal oral decision. On 18 March 2010, the Chamber adjourned the proceedings until 21 June 2010, when the Prosecution is scheduled to present its final witness. There are six pending motions on which the Chamber expects to rule shortly.

##### Cases awaiting Closing Arguments

###### *Hategekimana*

On 16 March 2010, the Chamber ordered the rescheduling of the Parties' Closing Arguments until Monday, 26 April 2010, because of significant delays in the translation of the Parties' Closing Briefs. The Chamber issued two Orders in March 2010

###### *Kanyarukiga*

The Defence closed its case on 12 February 2010 after calling 23 witnesses over fourteen trial days.

During March 2010, the Chamber issued one written decision regarding preparations for the site visit, which is to take place from 19 April 2010 to 21 April 2010 in Rwanda. The Parties are to submit their closing briefs by 7 May 2010 and the Chamber will hear closing arguments on 20 May 2010.

The Chamber also received a decision from the Appeals Chamber regarding an interlocutory appeal it had certified regarding exclusion of evidence.

##### Trials in Judgement Drafting Phase

###### *Nyiramasuhuko et al. ("Butare")*

The Chamber is involved in deliberations and judgement drafting.

###### *Nidiliyimana et al. ("Military II")*

Judgement drafting is in progress.

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

Judgement drafting in the case is ongoing.

#### 3. Trial Chamber III

##### Ongoing trials

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

The Chamber sat from 1 to 4 March and heard two witnesses in the defence of Joseph Nzirorera.

###### *Gatete*

This trial commenced on 20 October 2009. The evidence phase continued over 29 trial days, 12 for the Prosecution and 17 for the Defence. The Defence closed its case on 29 March 2010 after calling 27 witnesses. The Chamber held a Status Conference immediately afterwards to discuss procedural matters. It ordered that Closing Briefs be filed by close of business on 25 June 2010, while closing arguments would be heard on 13 July, and if necessary, 14 July 2010. The Chamber also issued one decision.

##### Cases awaiting Closing Arguments

###### *Ntawukuliyayo*

The case is currently under deliberations as the evidence phase of the trial has been completed and both parties have submitted their closing briefs. The Chamber has scheduled oral closing arguments for 3 June 2010

###### *Nzabonimana*

The Prosecution case adjourned on 17 December 2009 to allow Judges of the bench to sit in another trial. The Trial Chamber held a Pre-Defence conference on 5 March 2010. The Prosecution case is scheduled to close in mid-April 2010 after hearing a final witness, and the Defence case will begin immediately thereafter. The Chamber issued four decisions in March on procedural issues.

##### Trial to commence in 2010

###### *Ndahimana:*

The Prosecution filed its Pre-Trial Brief on 15 March 2010.

###### *Nizeyimana:*

Following the decision of the Chamber to grant (in-part) the Prosecution leave to amend the Indictment, a further appearance of the Accused took place on 5 March 2010 where the Accused pled not guilty to all counts. During a status conference on 5 March 2010, the Chamber ordered that the Prosecution's motion for protection of witnesses be filed by 31 March 2010 and that the Prosecution's Pre-Trial Brief be filed by 1 June 2010.

##### Appeals Chamber

In March, the Appeals Chamber delivered three Judgements, in the *Nshogoza* (contempt), *Bikindi*, and *Nchamihigo* cases, one interlocutory appeal decision, three decisions concerning review or other post appeal requests, and 7 preliminary decisions or orders.

In the *Bikindi* Appeal Judgement, rendered on 18 March 2010, the Appeals Chamber affirmed Simon Bikindi's conviction for direct and public incitement to



commit genocide and the sentence of fifteen years' imprisonment imposed for this conviction by the Trial Chamber.

On the same day, the Appeals Chamber rendered its Judgement in the *Nchamihigo* case, reversing a number of convictions of Siméon Nchamihigo and reducing his sentence to 40 years of imprisonment.

On 16 March 2010, the Appeals Chamber rendered its Judgement in the *Nshogoza* case. The Appeals Chamber affirmed Léonidas Nshogoza's conviction for contempt of the Tribunal and sentence of 10 months in prison imposed by the Trial Chamber.

The Appeals Chamber is currently seized of 9 matters, including 6 cases involving appeals from judgement.

The *Bagosora et al.* Trial Judgement was pronounced on 18 December 2008 and issued in writing on 9 February 2009. Following an extension of time pending receipt of the French translation of the Trial Judgement, on 9 December 2009, Theoneste Bagosora filed his notice of appeal on 8 January 2010. Aloys Ntabakuze and Anatole Nsengiumva filed their notices of appeal in March 2009. The briefing in respect of Aloys Ntabakuze's appeal is completed. Anatole Nsengiumva and Theoneste Bagosora filed their appeal briefs on 1 February 2010 and 24 March 2010, respectively.

In the *Rukundo* case, in which the Trial Judgement was rendered on 27 February 2009 and issued in writing on 13 March 2009, the prosecution filed its notice of appeal on 14 April 2009 and, following an extension of time pending receipt of the French translation of the Trial Judgement, Emmanuel Rukundo filed his notice of appeal on 6 November 2009. He filed his appeal brief on 19 January 2010. The briefing in respect of the prosecution's appeal is completed.

In the *Kalimanzira* case, in which the Trial Judgement was rendered on 22 June 2009, both Callixte Kalimanzira and the prosecution filed notices of appeal in July 2009. Following an extension of time pending receipt of the French translation of the Trial Judgement, Callixte Kalimanzira filed his appeal brief on 1 February 2010. The briefing in respect of the prosecution's appeal is completed.

In the *Renzaho* case, in which the Trial Judgement was rendered on 14 July 2009, Tharcisse Renzaho filed his notice of appeal on 2 October 2009. Following an extension of time pending receipt of the French translation of the Trial Judgement, he filed his appeal brief on 2 March 2010.

The Trial Judgement in the *Muvunyi* case was rendered on 11 February 2010. On 15 March 2010, both Tharcisse Muvunyi and the prosecution filed their notices of appeal and the briefing is in progress.

The Trial Judgement in the *Setako* case was rendered on 25 February 2010 and issued in writing on 1 March 2010. On 29 March 2010, the prosecution filed its notice of appeal and the briefing is in progress.

The Trial Judgement in the *Nsengimana* case was pronounced on 17 November 2009 and issued in writing on 18 January 2010. On 17 February 2010, the prosecution indicated that it did not intend to appeal Nsengimana's acquittal. The prosecution is, however, appealing against a decision of the Trial Chamber not to prosecute certain members of the defence team for contempt.

In addition to these appeals, the Appeals Chamber is seized of an interlocutory appeal in the *Karemura et al.* case as well as a post-appeal request in the *Nshogoza* case.

#### • **Nshogoza's Appeal Dismissed**

The Appeals Chamber of the United Nations International Criminal Tribunal for Rwanda on 15 March 2010, with Judges Patrick Robinson and Mehmet Güney dissenting, affirmed Léonidas Nshogoza's conviction for contempt of the Tribunal and sentence of 10 months in prison imposed by Trial Chamber III of the Tribunal on 2 July 2009.



The Appeals Chamber composed of Judges Robinson, presiding, Güney, Fausto Pocar, Liu Daqun and Andrézia Vaz made the ruling following an appeal by Nshogoza filed on 22 July 2009 requesting that the Appeals Chamber reverse his conviction and enter a complete acquittal, or in the alternative, review and reduce his sentence.

The Appeals Chamber, however found that the accused failed to demonstrate any error in the Trial Chamber's assessment of the aggravating factors surrounding his offence.

Nshogoza, former defence investigator during the trial of Jean de Dieu Kamuhanda, was convicted by the Trial Chamber on one count; for committing contempt of the Tribunal by repeatedly meeting with and disclosing the protected information of Witnesses in knowing violation of, or with reckless indifference to the protective measures ordered by the Kamuhanda Trial Chamber on 7 July 2000.

He was sentenced to 10 months imprisonment. The chamber however gave him credit for time served, having been in custody of the Tribunal since 8 February 2008 and thus ordered his immediate release.

Nshogoza voluntarily surrendered to the International Criminal Tribunal for Rwanda (ICTR) at its seat in Arusha, Tanzania on 8 February 2008 and was immediately placed under ICTR custody.

#### • **Nizeyimana Pleads Not Guilty During Further Appearance**

Idelphonse Nizeyimana, former second in command in charge of intelligence and military operations at ESO (*Ecole des Sous Officiers*) in Butare prefecture on 5



March 2010 pleaded not guilty to an amended indictment during his further appearance before Judge Dennis Byron, President of the Tribunal.

In the new indictment dated 1 March 2010, the accused is charged with six counts of genocide; crimes against humanity for extermination, murder and rape; and rape and murder again as violations of Article 3 common to the Geneva Conventions and Additional Protocol II. During his initial appearance, on 14 October 2009, Nizeyimana was charged with four counts of genocide; or in the alternative complicity in genocide; crimes against humanity (rape); and crimes against humanity (other inhumane acts). He pleaded not guilty to all the counts.

The accused, who was initially jointly charged with two others, Tharcisse Muvunyi (sentenced to 15 years

after retrial) and Idelphonse Hategekimana (trial in progress), is alleged, through the chain of command, to have exercised authority over soldiers and personnel at the camp and was perceived as a member of the elite inner circle (Akazu) of the late President Habyarimana. He is accused among other things, of having sent a section of soldiers to the home of the former Queen of Rwanda, Rosalie Gicanda, a symbolic figure for all Tutsis and ordered her execution, which was subsequently carried out.

The accused is said to have known or had reason to know that many Tutsis women were being raped before they were killed. The indictment alleges that Nizeyimana dispatched soldiers to attack the orphans at the Groupe Scolaire, who had been evacuated from the Red Cross Centre at Kacyiru.

Nizeyimana was arrested in Kampala, Uganda on 5 October 2009 and was transferred to UN Detention Facility in Arusha on 6 October 2009. The date for commencement of his trial will be set later.

### Decisions of the ICTR Between 1-31 March 2010

Date	Record Number	Title	TC
01/03/2010	ICTR-04-81-0150	SETAKO - DECISION ON RUTAGANDA'S REQUEST FOR ACCESS TO CONFIDENTIAL MATERIALS	TC 1
03/03/2010	ICTR-00-55C-0014	NIZEYIMANA - DECISION ON PROSECUTOR'S MOTION FOR JUDICIAL NOTICE OF FACTS OF COMMON KNOWLEDGE	TC 3
04/03/2010	ICTR-99-54A-0118	KAMUHANDA - DECISION ON MOTION FOR DISCLOSURE	Trial Team IV
04/03/2010	ICTR-01-68-0034	NDAHIMANA - DECISION ON THE PROSECUTION'S MOTION FOR PROTECTIVE MEASURES FOR ITS WITNESSES - ARTICLES 19, 20 AND 21 OF THE STATUTE AND RULES 54, 69, 73 AND 75 OF THE RULES OF PROCEDURE AND EVIDENCE	Trial Team IV
04/03/2010	ICTR-98-42-2126	NYIRAMASUHUKO ET AL - DECISION REGARDING NTAHOBALI, NYIRAMASUHUKO, AND KANYABASHI'S MOTION TO TRANSMIT THE AMICUS CURIAE REPORT	TC 2
04/03/2010	ICTR-98-42-2127	NYIRAMASUHUKO ET AL - DECISION REGARDING NTAHOBALI, NYIRAMASUHUKO, AND KANYABASHI'S MOTION TO TRANSMIT THE AMICUS CURIAE REPORT	TC 2
05/03/2010	ICTR-01-63-0343	NCHAMIHIGO - DECISION ON REQUEST FOR CORRECTION OF THE APPEAL HEARING TRANSCRIPTS	AC
05/03/2010	ICTR-05-88-0185	KALIMANZIRA - DECISION ON THE PROSECUTION'S REQUESTS MADE IN RELATION TO KALIMANZIRA'S "OBSERVATIONS ON THE PROSECUTOR'S APPELLANT'S BRIEF DATED 5 OCTOBER 2009"	AC
05/03/2010	ICTR-05-88-0186	KALIMANZIRA - DECISION ON CALLIXTE KALIMANZIRA'S MOTION FOR LEAVE TO AMEND HIS NOTICE OF APPEAL	AC
05/03/2010	ICTR-05-88-0187	KALIMANZIRA - DECISION ON THE PROSECUTION'S MOTION REQUESTING A PUBLIC FILING OF CALLIXTE KALIMANZIRA'S APPELLANT'S BRIEF	AC
12/03/2010	ICTR-99-54-0311	NGIRABATWARE - DECISION ON DEFENCE URGENT MOTION TO POSTPONE THE TESTIMONY OF WITNESS ANAC	TC 2
12/03/2010	ICTR-99-54-0312	NGIRABATWARE - DECISION ON ALLEGATION OF CONTEMPT	TC 2
16/03/2010	ICTR-97-31-0278	RENZAHO - DECISION ON THARCISSE RENZAHO'S APPELLANT'S BRIEF	AC
18/03/2010	ICTR-97-36A-0139	MUNYAKAZI - DECISION ON YUSSUF MUNYAKAZI'S MOTION FOR JUDICIAL VIEW OF THE LOCUS IN QUO	TC 1
19/03/2010	ICTR-98-44D-0188	NZABONIMANA - DECISION ON NZABONIMANA'S SECOND URGENT MOTION REQUESTING COOPERATION AND ASSISTANCE FROM FRANCE (Article 28 of statute of the tribunal)	TC 3
23/03/2010	ICTR-99-54-0319	NGIRABATWARE - DECISION ON THE PROSECUTION MOTION FOR A SITE VISIT	TC 2
23/03/2010	ICTR-02-78-0305	KANYARUKIGA - DECISION ON GASPARD KANYARUKIGA'S INTERLOCUTORY APPEAL OF A DECISION ON THE EXCLUSION OF EVIDENCE	TC 2
26/03/2010	ICTR-98-44D-0194	NZABONIMANA - DECISION ON NZABONIMANA'S URGENT MOTION FOR THE TRANSFER OF DETAINED DEFENCE WITNESSES FROM RWANDA	TC 3
26/03/2010	ICTR-98-44D-0195	NZABONIMANA - CONSOLIDATED DECISION ON PROSECUTOR'S SECOND AND THIRD MOTIONS TO COMPEL DEFENCE TO COMPLY WITH TC DECISION OF 3 FEBRUARY 2010	TC 3





## News from Kigali

- **ICTR Launches Youth Sensitization Project in Rwanda**

The implementation of the ICTR Youth Sensitization Project in Five East African States that is currently in its second phase took place in Rwanda, at Huye District Main conference hall in Huye town from 16-18 March, 2010.

The activity was characterized by exhibitions, which apart from highlighting the status of the work of the Tribunal since its establishment in 1994, its achievements and Legacy, also explained issues related to the painting and essay competition project for students aged between 8-16 years from 10 secondary and primary schools. Apart from the briefings and viewing the ICTR exhibition, the participants were handed booklets, pamphlets and leaflets.

Conducting the exhibition were senior officials from the Tribunal led by Mr. Roland Amoussouga, the Chief of External Relations and Strategic Planning Section, Mr. Bocar Sy, the Chief of the Communication Cluster, Mr. Innocent Kamanzi, the Head of the ICTR Information Center in Kigali and Mr. Charles Kamuru, the ICTR Public Information Assistant. The participating secondary schools included; Kiruhura, Ecole Notre Dame de la Providence, Petit Seminaire Virgo Fideris, Groupe Scolaire Officielle de Butare and Ecole Regina Pacis while the primary schools were; Le Pigeonnier, Kiruhura PS, Mwirire PS, Ngoma PS and Butare Catholic School.

This function was also attended by Mr. Frank Maier, the Deputy Chief of Mission at the Embassy of the Federal Republic of Germany.

The Programme, financed by the German Government involves the participation of pupils and students from Kenya, Uganda, Burundi, Rwanda and Tanzania in a painting (primary) and essay (Secondary) competition. The Project aims at sensitizing the youth in the Region on the "role of the Tribunal in promoting international justice".

This follows similar events that were held in Nairobi, Kenya, Kampala, Uganda, Bujumbura, Burundi and Huye, Rwanda. The next event is expected to take place in Dar-es-salaam Tanzania.

- **American Students Visit Umusanzu Center**

A group of fourteen American Students from different Institutions of Higher Learning in the United States, visited the Tribunal's Information and Documentation Center in Kigali on Thursday 25 March 2010. The purpose of their visit was to get acquainted with the current status of the work of the Tribunal, more particularly the work of the information center and to be briefed on matters concerning the legacy of the Tribunal when winds up its activities.

Upon arrival, the visitors were taken around and



*Innocent Kamanzi briefing the students*

briefed by Mr. Innocent Kamanzi, the Head of the Center and Mr. Charles Kamuru, Public Information Assistant.

A power point presentation highlighting the history of the Tribunal, its achievements, challenges and legacy issues was shown to the students, followed by a question and answer session. They were also given information material on the ICTR.

The students who are mainly undertaking political and Human Rights studies, are in Rwanda on a Research study.

The ICTR Umusanzu Information Center is regularly visited by Legal Professionals, Researchers (Both foreign and Local), Journalists, NGO representatives, Government officials.

- **ICTR Holds One-day Training at ILPD**

At the request of the Academic Senior Managers of the Institute of Legal Practice and Development (ILPD), the ICTR Legal Library and Reference Section, Kigali conducted a one-day training workshop on the use of online legal materials on 5 march 2010.

The ILPD was setup by the government of Rwanda with the objective of strengthening the Judicial Sector through continuous practical legal training.



*Some of the participants at the training*

A total of 35 participants, including judges, prosecutors and lawyers who are registered for this fourth session of ILPD, attended the training. They were briefed on Research Methodology, search tools available on the internet, and specific legal resources and databases.

At the end of the session, the trainees were able to access the ICTR jurisprudence (DVD and on-line electronic material), and other legal information from the internet.

The training session was conducted by Jonas Mutwaza (Associate Librarian), assisted by Charles Kamuru (Public information Assistant).



## News from The Hague

### • The Appeals Chamber Support Unit, The Hague

The Registrar of the ICTR, Mr. Adama Dieng, visited The Hague on Friday, 29 March 2010 and held a meeting with the staff members of the ICTR Appeals Chamber Support Unit (ICTR/ACSU).

He commended the excellent working atmosphere prevailing in the Unit in The Hague and encouraged the staff to maintain the healthy environment.



*Mr. Dieng with some of the Staff*

He briefed the staff on the efforts made by the Tribunal to secure openings for ICTR staff members in other UN Agencies, on a case-by-case basis, subject to eligibility and qualification, and also to get ICTR staff included in the Management Evaluation Unit.

He addressed several other issues, among them the budget constraints in relation to the situation of the fugitives at large. He also informed staff of the progress made in the judicial activities and the management of the Tribunal's caseload, and talked about future Rule 11 *bis* requests. The Registrar highlighted the urgent need to increase the staffing capacity of the Unit in order to cope with the heavy caseload shifting from the Trial Chambers in Arusha to the Appeals Chamber in The Hague, bearing in mind the possible increase of the number of Appeal Judges in The Hague.

The Registrar was in turn briefed on the excellent cooperation with ICTY in a number of areas including the provision of office space, training, and inter-Tribunal support.

### Judge Taghrid Hikmet Receives Medal of Honor, Newark, NJ

In recognition of her achievements as Judge of the International Criminal Tribunal for Rwanda, (ICTR), and the High Criminal Court of Jordan, the Seton Hall Law Women's Law Forum honored Taghrid Hikmet with the 13th Annual Sandra Day O'Connor Medal of Honor on Tuesday, 23 March 2010 at Seton Hall University School of Law.

Named after Sandra Day O'Connor, Associate Justice of the United States Supreme Court, the bestowal of this award celebrates the success of all women and

acknowledges those who have most highly distinguished themselves in the fields of law and public service. Other recipients who have come to the law school to receive the award include Hillary Rodham Clinton, Former Governor Christine Todd Whitman, TV Host Greta Van Susteren, Judge Judith Kaye, Chief Judge of the Court of Appeals for the State of NY, and Judge Maryanne Trump Barry, US Court of Appeals for the Third Circuit.

Judge Hikmet spoke on her work with the ICTR as well as her work on human rights initiatives and fielded questions from the audience. The first female judge in Jordan, and the first Arab, Muslim woman to serve as a judge for the ICTR, Judge Hikmet was honored for her national and international leadership in advocating for human rights and combating violence against women and children.



*Judge Hikmet addressing the audience*

Judge Hikmet has received numerous awards for her application of domestic and international law to staunch the continuation of war and domestic violence. Judge Hikmet was awarded a United Nations Human Rights prize in 2003, in recognition of her work on the Family Protection Project, an initiative advocating for the rights of women and children. She was also a 2007 recipient of the American Society of International Law's "Prominent Women in International Law Award."

The award presentation was sponsored by the Women's Law Forum, Seton Hall Law Review, Seton Hall Legislative Journal, Criminal Law Society, International Law Society, Family Law Society, Courtroom Advocates Project and the Muslim Law Students Association.

### ICTR Holds Advocacy Training Workshop

The ICTR Committee for Continuing Legal Education (CLE) hosted a dynamic advocacy training programme from Thursday, 18 March, through Sunday, 21 March 2010, for fifty attorneys drawn from the ICTR Prosecution and Defence. Fourteen independent advocacy experts from multiple jurisdictions, including six judges from Uganda and the United States of America, served as *pro bono* trainers. The programme was orchestrated by Mr. Fred Davis, Partner at Debevoise & Plimpton, Paris, Hon. Mary McGowan Davis, who is a retired New York State Supreme Court Judge, President Dennis Byron, Judge Lee Muthoga,



Ms. Suzanne Chenault, who chairs the CLE Committee, Mr. Drew White from the Office of the Prosecutor, Training Officer Mr. Jovenales Mwicigi, Ms. Olinda de Souza from Chambers, and Assistant Training Officer Ms. Juliana Tarimo.



*Some of the participants and guests at the opening of the Training*

President Dennis Bryon, the Registrar Mr. Adama Dieng, Appeals Chamber Judge Fausto Pocar and Judge Lee Muthoga opened the Advocacy Training at a Thursday evening welcoming reception held at the Arusha Hotel. Over two and a half days, in a simulated courtroom environment, each of the participants practiced fundamental case presentation skills, unifying evidence presentation and analysis of case-specific relevant facts and legal issues. Through the use of video-taped recordings of the exercises, the faculty provided immediate visual feedback to the participants and provided one-on-one mentoring in relation to strategic choices in formulating questions and in improving the persuasiveness of oral submissions.

Following the final session on Sunday afternoon, a luncheon meeting was held at the Serena Mountain Village Lodge. The Chief of Prosecutions Mr. Hassan Bubacar Jallow, Hon. Eldad Mwangasya of the High Court of Uganda, Judge Lee Muthoga and Mr. Fred Davis addressed the participants, to whom certificates were awarded. Judge Muthoga, while observing the programme's benefit to the Prosecution and Defence participants, emphasized that the net effect of the training will further the goal of bringing greater clarity of factual and legal issues to the Chambers. He noted the potentially broad impact of this particular training, which marks a shift in focus from past section-specific trainings, selectively addressed only to the lawyers of the Chambers, the Prosecution or the Defence. He said that an advocacy training film may be produced from selected film footage taken during the three-day programme. Several participants expressed their appreciation for the training, which, according to one, "infused new life" into their work as advocates.

### **Workshop on Archives Management**

A three-day Workshop on Archives Management—Context, Principles and Practice—organised by the Information and Evidence Support Section (IESS) of the Office of The Prosecutor (OTP), was held at the Ngurdoto Mountain Lodge in Arusha, from 19 to 21 March 2010.

In declaring open the workshop, the ICTR Deputy Prosecutor, Mr. Majola Bongani, highlighted the important function of IESS as the manager and

custodian of OTP information and evidence. With the ICTR nearing the end of its mandate, he pointed out that National Prosecuting Authorities (NPAs) would take over the continued prosecution of genocide suspects or fugitives scattered all over the world. These NPAs would need access to these volumes of information in order to prosecute future genocide cases.

Mr. Majola emphasized the need to archive the information in such a way that it can be used meaningfully when the ICTR is no longer around. He further stated that following the closure of the ICTR, the good news is that there would be a structure in place, in the form of the Residual Mechanism (RM), to manage and administer the archives of the Tribunal.



*Participants at the Workshop*

The Chief of IESS, Mrs Ayodeji Fadugba, in her overview of the workshop objectives, stressed that there is a lot of work to be done in this regard, which requires the best efforts of all IESS staff so that the ICTR leave behind a good legacy. Archives, she said, form a very important part of that legacy.

Presentations on topics covered during the training by Mr. Richard Karegyesa, Acting Chief of Prosecutions and Dr. George Mugwanya, Senior Appeals Counsel, Mr. Takeh Senze and other staff of IESS, included the ICTR Mandate, OTP Structure and Key Milestones, Case Preparation and Management, IESS Tools and Services, Organisation of the Appeals Division, Archiving General Principles and OTP, and the Context of OTP Archives. Ms Martha Hunt of the Judicial Records and Archives Unit (JRAU) of the Registry did a presentation on the Audio Visual Project currently under way in JRAU as part of efforts aimed at preservation and access of the court proceedings of the ICTR while Ms. Beshuu Nassor gave us an update on the work of her unit with regards to the administrative archives.

In closing the workshop, the Prosecutor of the ICTR, Justice Hassan Bubacarr Jallow, similarly dwelt on legacy and post closure issues. He also maintained that the management of records and evidence becomes a very important part of the RM on investigations and prosecutions to be carried out by NPAs. With 30 targets under current investigations in different jurisdictions, he said our records will respond to the needs of the wider world and even those who have already been sentenced whenever they want to file for review of their cases. For a critical evaluation of our tenure, he said archives will be the key. Furthermore, the Prosecutor noted that the UNSC decisions are pending for the Residual Mechanism and the destination of our archives. He concluded that



there would be a single mechanism with two branches and ICTR archives will remain within the African continent. Prosecutor Jallow also presented certificates to the participants.

### DASS Family Day

The Division of Administrative Support Services (DASS) under the leadership of Ms. Sarah Kilemi (Chief of Division) organized a family fun day for its staff members on Saturday, 6 March 2010 at the Gymkhana Playground and the Albero Italian Restaurant, respectively.

The sporting activities were held between 11:00 and 14:30 hrs at the Gymkhana Playground and included a



Ms. Kilemi encouraging the competitors

men's football match between Security and Transport Sections (won by Security & Safety Section), a women's football match between DASS and other Divisions (won by the other Divisions). Mr. George Kabore served as the central referee for all the matches and



Mr. Dieng presents the trophy to the winners (right); (below) Mr. Kabore



could be seen running all over the field. It was the unanimous feeling of all those present that he officiated with due diligence.

The female football match saw budding stars like Ms. Sarah Kilemi, Stellah Jepkemoi, Evelyn James, Caroline Gathecha, Saida Kessy, Bahati Shrima, Jamileh Zourob, Beatrice Akatch, Marystella Mariki, Dotto Kayugwa, Dayness Sawe, Hariette Teffe, Anne Gitarda and Leyla Hussein enthusiastically displaying

their talents. The tug of war (adults) between finance and HRPS was won by HRPS and the tug of war (children) between OTP and Chambers was won by Chambers. Other activities included a men's 100m race won by Mr. Shaffi Mkiti; a women's 100m race won by Comfort Nkoma; and two rounds of sack races for kids won by Saloum Jawara and Jacquiline Allen, respectively.



Face painting, tug-of-war, sack race and much more fun ...

Despite the heavy downpour of rain between 2:00 and 2:30, even this was not able to dampen the spirits of the participants. Lunch was served at the Albero Italian Restaurant where the remainder of the activities were continued. The highlight of this part of the day was a Kareoke competition moderated by Mr. Juan Carlos Berroa. Mr. Danilo thrilled the gathering with his singing of a golden oldie in his unique baritone voice which earned him the top score of 86 out of 100. Ms. Kilemi came second with her beautiful rendition of Heal The World by Michael Jackson which earned her a score of 81 out of 100. Other staff members who entertained the gathering with songs were Saida Kessy, Juan Carlos Berroa, Nabila Ali, Marystella Mariki, Ronald Lumsden and Ben Gitarda. There was also a needle and thread competition which was won by Siegfried Asseri. The young ones were kept busy with face painting and jumping castles.

The event was very well attended by most of the Chiefs of Section in DASS, staff members and their families. It achieved its goal of bringing together staff members in an informal atmosphere in order to promote teamwork and communication among them. We were honored and delighted with the presence of the Registrar, Mr. Adama Dieng, who came just in time to preside over the award of gifts to the winners. Vice President Judge Khalida Rachid Khan and Judge Solomy Bossa also graced the occasion.

The day ended around 18:30. It was a very memorable occasion and there is already a request to have an *encore* before the end of the year. The overall winner of this year's competition was the Security Section which was enthusiastically supported by their Chief, Mr. Ousseini Ouedraogo.

The organizing committee would like to express its appreciation for the support received from Zain, Vodacom and Tigo.





## Interns' Corner

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- **Advocacy Training – Interns's Point of View**  
*by Fritz Streiff*

I would like to take this chance to describe the Advocacy Training weekend held from 18-21 March 2010 from an intern's point of view. First of all, I speak on behalf of all the interns when I say that we are extremely grateful for this opportunity, which we surely did not take for granted.

It was very heartening to mingle so freely and informally with the visiting Appeals Judges and other senior personalities. Indeed this atmosphere of practical interaction between students and trainers during the workshops and sessions made this

advocacy training weekend very special. The learning-by-doing approach of the training was awe inspiring at times and we were all often sweating nervously when preparation time for a session was again limited to 15 minutes. However, to be thrown in at the deep end or, as we say in my native language, "to be thrown into cold water" made for an intense but very valuable learning experience.

On behalf of all interns who participated I would like to thank the organizing committee, both at the ICTR and the Training Faculty, for granting us this opportunity, which I am sure we not only all practically learned from but which also allowed us to meet so many interesting, knowledgeable and skillful individuals from various different regions of international justice.